

監警會通訊

IPCC NEWSLETTER



有關證物處理的投訴個案

Complaint cases related to handling of exhibits



獨立監察警方處理投訴委員會
Independent Police Complaints Council

本通訊網上版可在監警會網頁下載

On-line version of this newsletter is available at

www.ipcc.gov.hk

查詢 Enquiries

電話 Tel : 2524 3841

傳真 Fax : 2524 1801 / 2525 8042

電郵 Email : enq@ipcc.gov.hk

地址 Address

香港灣仔港灣道26號華潤大廈10樓1006-10室

Rooms 1006-10, 10/F, China Resources Building,

No. 26 Harbour Road, Wan Chai, Hong Kong

監警會頻道 IPCC Channel

<http://www.youtube.com/user/ipccchannel>



監警會網頁
IPCC Website



監警會YouTube頻道
IPCC YouTube channel

p.2-8 封面故事 Cover story

專題 Special feature p.9-11

p.12-15 最新動態 Recent activities

監警會觀察員

IPCC Observers p.16

有關證物處理的投訴個案

Complaint cases related to handling of exhibits



照片來源 (封面及本頁): 星島日報 Photo Credit (cover and this page): Sing Tao Daily

根據《警察通例》，警務人員在搜證、存放及歸還證物時均須依循正確的程序。在監警會審核的投訴個案中，便有部分個案是關於投訴警務人員在處理證物時「疏忽職守」，例如錯誤歸還案件涉及之證物或沒有妥善存放。因此，本期的封面故事介紹三宗有關證物處理的投訴個案。

According to the Police General Order, police officers are required to follow the correct procedures when collecting, storing and returning the exhibits. Among the complaint cases examined by the IPCC, some of them were about police officers being alleged of “Neglect of Duty” during the handling of exhibits, such as incorrectly returned or failed to properly store the case exhibits. Hence, this cover story features three complaint cases related to handling of exhibits.

個案一：錯誤歸還案件涉及之證物

Case 1: Wrongful return of case exhibits

背景

在一宗盜竊案中，投訴人因偷取其前僱主店內的單車零件而被捕。警方從投訴人住所及迷你倉檢獲大量單車零件，經法庭審訊後，投訴人被定罪及判處入獄。投訴人出獄後，從友人口中得知警方已把案中檢取的所有單車零件交還該店主。投訴人指稱部份單車零件是其個人財

Background

In a “Theft” case, the Complainant was arrested for stealing bicycle parts from his former employer’s shop. The Police seized a large number of bicycle parts from the Complainant’s residence and his mini storage unit. The Complainant was convicted and sentenced to imprisonment by the Court. After being released from prison, he learned from his friend that all the bicycle parts seized by the Police had been returned to the shop owner. Claiming that some of the

封面故事

Cover story



投訴人指稱警方未有妥善處理案中證物，當中包括大量單車零件。

(照片來源：星島日報)

The Complainant alleged that the Police inappropriately handled the case exhibits which included a large number of bicycle parts.

(Photo Credit: Sing Tao Daily)

物，並不屬於前僱主。投訴人就此投訴案件主管警務人員（被投訴人一）未有妥善處理案中證物【指控：疏忽職守】。

投訴警察課的調查

被判入罪後，投訴人向法庭提出上訴。在等待上訴期間投訴人作出投訴，所以投訴警察課根據「有案尚在審理中」的程序，暫停投訴調查工作。投訴人其後沒有出席上訴聆訊，上訴被駁回。投訴警察課即重新展開調查並透過不同方式聯絡投訴人，但均不果。該課遂把指控分類為「無法追查」。

監警會的觀察

調查報告與質詢

監警會審閱該盜竊案的證物紀錄和法庭資料後，認為投訴指控相當可能獲證明屬實，故不同意「無法追查」分類。監警會發現，雖然刑事調查隊將全部檢獲之證物給單車店主辨認，及將認出的證物列入案情摘要以作呈堂之用，但由於在審訊期間，單車店主只能確認部分呈堂證物為他所擁有，因此法庭只頒令將該部分已呈堂證物歸還予單車店主，而未有就其餘證物的處理方法發出頒令。然而，調查隊伍在法庭審訊後等待上訴期間，便將所有從投訴人處所檢獲的單車零件(包括法庭命令未涵蓋的單車零件)交還單車店

bicycle parts were his personal property, and did not belong to his former employer, the Complainant lodged a complaint alleging that the officer in charge of the case (Complainee 1) failed to handle the case exhibits appropriately [Allegation: Neglect of Duty].

CAPO's investigation

After being convicted, the Complainant appealed to the court. As he lodged the complaint to CAPO while the appeal hearing was pending, CAPO suspended the complaint investigation according to "Sub-judice" procedure. Upon the dismissal of the appeal, due to the Complainant's absence from the appeal hearing, CAPO re-opened the complaint investigation and attempted to contact the Complainant by various means but all in vain. CAPO thus classified the allegation as "Not Pursuable".

IPCC's observation

Investigation Report and Queries

The IPCC, having examined the exhibit list and court case records, opined that the complaint allegation would likely be classified as "Substantiated", thus disagreed with the classification of "Not Pursuable". The IPCC also noticed that, although the crime team provided all seized exhibits to the bicycle shop owner for identification and listed those identified items in the brief facts to be presented to the Court, the bicycle shop owner could only confirm his ownership of some of the exhibits during the trial. Therefore, the Court merely ordered the identified exhibits to be returned to him and no disposal order was issued on the handling of the remaining bicycle parts. The crime team, however, returned all bicycle parts seized from the Complainant's premises, including those not covered by the court order, to the shop owner. The IPCC considered that the exhibits in this case comprised bicycle parts which were presented in court but without court disposal order as well as those not presented in court. The crime team should not have handed all exhibits to the shop owner, when the

主。監警會認為此案涉及的證物中，包括已呈堂但未涵蓋在法庭歸還命令的單車零件，以及未呈堂的單車零件。調查隊伍在仍未釐清證物擁有權前，不應將它們全部交還單車店主。再者，當時投訴人已經對定罪提出上訴，有可能在上訴中爭議有關單車零件的擁有權。按照警隊內部指引，調查隊應待上訴期結束後，才可歸還擁有權並無爭議的證物。因此監警會向投訴警察課提出質詢，要求該課進一步調查刑事調查隊伍人員在處理案件證物方面是否恰當。

投訴警察課回覆

經過監警會兩輪質詢後，投訴警察課將案件主管列為被投訴人一，負責調查案件並決定歸還證物的警務人員列為被投訴人二。

被投訴人一向投訴警察課表示當接手盜竊案時，法庭審訊經已完結，並正等待上訴。案件資料顯示，被投訴人二有向被投訴人一匯報已將涉案的所有單車零件交還單車店主。雖然被投訴人一在事後才知悉證物已全部歸還，但作為案件主管理應知悉警隊相關內部指引(即不可於上訴期內歸還案中證物)。然而，當被投訴人一得知證物錯誤地歸還後，並沒有盡快指示下屬修正問題，向單車店主安排取回相關單車零件。直至五個月後，被投訴人一才採取行動，指示下屬取回錯誤歸還的證物。有鑑於此，該課把其指控分類為「獲證明屬實」。

被投訴人二向投訴警察課解釋，單車店主曾向他表示單車零件會折舊，希望警方盡快歸還。被投訴人二亦考慮到有關證物有相當體積，認為上訴庭要求實物呈堂的可能性不大，因此決定把所有單車零件交還店主。他承認歸還該些證物前未有事先徵得案件主管同意及澄清擁有權事宜。該課認為被投訴人二應按照警隊內部指引謹慎處理所有證物，而非自行推測上訴庭會否要求將實物呈堂，及不應於上訴期內歸還案中證物。加上他未有確認各項證物的擁有權便草率決定歸還，故其指控亦分類為「獲證明屬實」。

由於投訴警察課接納監警會的觀點，將兩名被投訴人的指控分類為「獲證明屬實」，並向二人作出警告但無須記入分區報告檔案中，所以監警會通過本宗投訴個案的調查結果。

ownership was not clarified. Furthermore, the Complainant had already applied for an appeal against conviction, in which there might be dispute on ownership of the bicycle parts. As stipulated in the Police internal guidelines, the case exhibits should only be returned after the lapse of the appeal period and when there is no dispute in ownership. As a result, the IPCC raised Queries to CAPO, requesting further investigation into the appropriateness of the handling of case exhibits by the crime team.

CAPO's Reply

After two rounds of Queries, CAPO registered the officer in charge of the case as Complainee 1, and the investigation officer of the theft case who made the decision to return all exhibits as Complainee 2.

Complainee 1 stated to CAPO that she only took over the theft case after the Complainant had been convicted and when his appeal was pending. According to the case documents, Complainee 2 had reported to Complainee 1 that all bicycle parts had already been returned to the shop owner. Although Complainee 1 was only informed after the wrongful return of the exhibits, as the officer in charge of the case, she should be acquainted with the relevant Police internal guidelines (i.e. the case exhibits could only be disposed of after the determination of the appeal). Yet, when Complainee 1 was aware of the wrongful return of the exhibits, she did not instruct her subordinates to take remedial action as soon as practicable and retrieve the relevant bicycle parts from the shop owner. It was not until five months later that the Complainee 1 took action and instructed her subordinate to collect the exhibits that had been mistakenly returned. In view of the above, CAPO reclassified the allegation against the Complainee as "Substantiated".

Complainee 2 explained to CAPO that the shop owner asked him to return the bicycle parts as soon as possible, as their value would be depreciated. Having considered the sheer size of the exhibits, Complainee 2 reckoned that it was unlikely that the appeal court would request a physical examination of these bicycle parts. Hence, he decided to return all bicycle parts to the shop owner. He admitted that he failed to obtain prior consent from the officer in charge and clarify the ownership of the bicycle parts before making this decision. CAPO was of the opinion that Complainee 2 should act in line with the Police internal guidelines and take a cautious approach when dealing with case exhibits. Complainee 2 should not draw his own conclusions regarding whether the appeal court would opt to physically examine the exhibits, nor should he return the case exhibits during the appeal period. Coupled with the fact that he failed to ascertain the ownership of each exhibit, and made a hasty decision regarding their return, the allegation against him was therefore reclassified as "Substantiated".

As CAPO subscribed to the IPCC's view that the allegations against both Complainee 1 and Complainee 2 should be reclassified as "Substantiated", and they should receive warnings without Divisonal Record File (DRF) entry, the IPCC endorsed the findings of the instant complaint.

個案二：未有將證物妥善存放

Case 2: Failed to properly store exhibits



投訴人指控負責案件的警員沒有妥善保存電腦，導致其電腦被人干擾。

(照片來源：星島日報)

The Complainant alleged that the officer in charge of the case did not store his computers properly, leading to possible interference by others.

(Photo Credit: Sing Tao Daily)

背景

警方收到情報，懷疑投訴人在網上發布兒童色情物品。經調查後，負責案件的警員在投訴人的住所以「管有兒童色情物品」及「發布兒童色情物品」罪名拘捕投訴人，並檢取三部電腦。由於警員在現場初步檢查電腦時未有發現任何兒童色情物品，因此決定將電腦轉交科技罪案組作進一步檢查。該名警員在現場檢取電腦為證物及用防干擾標籤貼在電腦上，在未轉交科技罪案組之前，放置在自己的辦公桌上。

經科技罪案組檢查後，警方發現投訴人的電腦儲有約60,000張兒童色情相片和630段兒童色情影片，於是決定控告投訴人上述

Background

Based on intelligence, the Police suspected that the Complainant had published child pornography on the Internet. After investigation, a crime officer arrested the Complainant for “Possession of Child Pornography” and “Publishing Child Pornography” at his home, where three computers were seized. As no child pornography could be found in the computers upon preliminary examination at the scene, the crime officer decided to pass them to the Technology Crime Division (TCD) for forensic examination. Upon seizing the computers as exhibits at the scene, the officer attached “anti-tamper” tapes to them. Before sending the computers to TCD, he placed them under his desk in the office.

After examination by TCD, approximately 60,000 photos and 630 video clips of child pornography were found to have been saved in the computers. As a result, the Police charged the Complainant with the above two offences. During the trial, the Complainant denied committing the offences and indicated that the Police had mishandled

兩項罪名。審訊中，投訴人否認控罪，並指警員處理電腦的程序有問題。投訴人辯稱由於該警員沒有妥善保存電腦，因此有人可能栽贓，載入兒童色情相片和影片。法庭指雖然警員處理證物方法不理想，但幾乎不可能有人安放如此大量的兒童色情相片及影片到投訴人的電腦而無被人發現，因此判投訴人罪成。

其後投訴人向投訴警察課指控負責案件的警員(被投訴人)導致其電腦被人干擾【指控：疏忽職守】。

投訴警察課的調查

投訴警察課認為，被投訴人已採取合理程序保存證物，在帶走電腦時立即於現場貼上防干擾標籤。若有人在運送及存放期間開啟電腦，標籤便會在證物上留下痕跡。當被投訴人把電腦交到科技罪案組時，亦曾確認電腦上的標籤完好無缺。聆訊中，主審法官亦明確指出有關電腦不曾被干擾，同時排除了有人栽贓之可能。基於上述兩點，投訴警察課將指控分類為「並無過錯」。

監警會的觀察

監警會認為雖然法庭已表明證物並未因被投訴人的行為而受到干擾，但亦指出該名警員處理證物的方法不理想。根據《警察通例》，所有證物均須交予證物室保存。然而，被投訴人沒有依循正確程序妥善將證物交予證物室，反而將它們放置在自己的辦公桌下數天後才轉交科技罪案組。

監警會認同投訴警察課把「疏忽職守」的指控分類為「並無過錯」，但認為被投訴人在處理證物時未盡完善，有機會讓投訴人辯稱有人栽贓將兒童色情物品載入其電腦，因此建議對被投訴人多加一項「未經舉報但證明屬實」的「疏忽職守」指控。經過監警會提出質詢，投訴警察課最終接納建議，並對被投訴人作出訓諭而無須將事件記入其分區報告檔案中。

his computers. The Complainant argued that the seized computers were not stored properly so that someone might have planted the child pornography photos and video clips on them. The Court commented that though the handling of the exhibits by the Police was unsatisfactory, it would be improbable to plant such a large quantity of child pornography on the computers without being noticed. Hence, the Complainant was convicted.

Subsequently, the Complainant approached CAPO and alleged that the crime officer (Complainee) had led to his computers being tampered. [Allegation: Neglect of Duty].

CAPO's investigation

CAPO was of the view that the Complainee had taken reasonable steps to safeguard the exhibits by promptly sticking the "anti-tamper" tapes on them when they were seized at the scene. Should anyone tamper with the computers in the course of delivery and storage, the "anti-tamper" tapes would leave marks on these exhibits. When the Complainee handed the computers to TCD, he confirmed that the "anti-tamper" tapes remained intact. At the hearing, the Judge also clearly pointed out that the computers had not been tampered, and excluded the possibility that someone could have planted the pornography. Based on these two points, CAPO classified the allegation as "No Fault".

IPCC's observation

The IPCC considered that though the Court clearly indicated that the exhibits had not been tampered with, it did comment that the exhibit handling process was unsatisfactory. According to the Police General Order, all exhibits should be stored in the Property Office. However, the Complainee did not follow the correct procedures for storing the exhibits in the Property Office. Instead, the computers were placed under his desk for several days before they were sent to the TCD.

The IPCC agreed with CAPO in classifying the allegation of "Neglect of Duty" as "No Fault". However, the IPCC was of the view that the Complainee failed to handle the exhibits properly, offering the Complainant a chance to argue that someone had planted the child pornography in his computers. Therefore, the IPCC recommended that an additional "Substantiated Other Than Reported" count of "Neglect of Duty" be registered against the Complainee. After Queries, CAPO finally subscribed to IPCC's view, and the Complainee was given an advice without DRF entry.

個案三：不恰當處理證物

Case 3: Inappropriate handling of exhibits



投訴人不滿警員在檢取證物時，未有將會計賬簿與影印版本作詳細對照。

(照片來源：星島日報)

The Complainant was dissatisfied with police officer for not verifying the photocopies of the Accounting Records with the original document upon seizing the exhibit.

(Photo Credit: Sing Tao Daily)

背景

投訴人受僱於食品公司負責售賣海鮮，並可分得每日利潤一成作酬金。其後，僱主指經會計師點算，發現投訴人在扣除一成酬金後，未交出利潤港幣八萬餘元予公司，懷疑投訴人盜取公司資產，遂報警求助。在初步調查時，負責的警務人員(被投訴人)並未有檢取會計賬簿(賬簿)為證物，僅影印賬簿內涉案交易的六頁賬目作調查之用，並將賬簿歸還僱主。經警方深入調查後，投訴人最終被拘捕，並控以「盜竊」罪。

Background

The Complainant was hired by a food company to sell seafood and would enjoy a 10% share of daily profit as remuneration. The employer (shop owner) - with support from the accountant, alleged that the Complainant failed to return a profit of over HK\$80,000 to the company after deducting his remuneration. Suspecting the Complainant might have embezzled the company's property, the shop owner made a report to the Police. When conducting preliminary enquiries, the investigating officer (Complainee) did not collect the Accounting Records (Accounts) as an exhibit. He made copies of the six pages from the Accounts covering the company's revenue records for the period concerned, and returned the Accounts to the shop owner. After in-depth investigation, the Complainant was finally arrested and charged with "Theft".

投訴人被捕後，被投訴人為僱主錄口供，同時檢取賬簿作為證物。被投訴人只將賬簿封入證物袋，並鎖在自己的抽屜內，以備日後呈堂之用。然而，被投訴人在檢取證物時並未仔細翻閱賬簿中涉案的六頁賬目內容，因而忽略了其中一頁有被塗改痕跡。

審訊中，投訴人的辯護律師質疑，由警方提供的賬簿影印本與正本的內容有不一致地方(即正本賬簿當中有被塗改痕跡)。僱主雖為賬簿的唯一管有人，卻矢口否認知悉賬簿內容前後有差異。最後，法庭認為僱主的證供不可信，因此在疑點利益歸於被告的原則下，投訴人被判無罪，當庭釋放。

投訴人不滿被投訴人未能妥善處理案件的證物，且在檢取證物時，未能將該賬簿與最初的影印版本作詳細對照，因此向投訴警察課作出一項【疏忽職守】的指控。

投訴警察課的調查

經調查後，投訴警察課認為被投訴人在事件中未有將檢取作為呈堂證物的賬簿正本，與先前影印留底的版本比對核實。此外，在封存證物後，只將其放入自己的抽屜，並未交由證物室保管。因此，投訴警察課將指控分類為「獲證明屬實」，並建議對被投訴人作出訓諭，但無須將此事記入其分區報告檔案內。

監警會的觀察

監警會認同投訴警察課的指控分類。然而，監警會認為被投訴人資歷深且經驗豐富，但他未能妥善處理證物，僅對他作出訓諭而無須記入其分區報告檔案中的處分，未能充分反映事件的嚴重性。經商討後，投訴警察課對被投訴人作出警告，但無須記入其分區報告檔案中。

Upon arresting the Complainant, the Complainee took a further statement from the shop owner and seized the Accounts as an exhibit. After sealing the Accounts into an exhibit bag, he locked it inside his drawer in preparation for the trial. During this process, however, the Complainee did not carefully examine the six-page photocopy covering the company's revenue records and failed to notice the alteration made in one of the pages.

During the trial, the Complainant's defence counsel challenged that there were discrepancies between the photocopy of the Accounts provided by the Police and the original exhibit (i.e. some alternations were found in the original Accounts). Despite being the only one having access to the Accounts, the shop owner denied having any knowledge of the discrepancies in the documents. After the trial, the Court ruled that there was a case to answer and considered that the shop owner's statement was incredible. Due to the benefit of the doubt, the Court acquitted the Complainant.

The Complainant was dissatisfied with the Complainee's failure to appropriately handle the case exhibit and did not verify the photocopies of the Accounts with the original document upon seizing the exhibit. Therefore, he lodged an "Allegation – Neglect of Duty" to the CAPO.

CAPO's investigation

After investigation, CAPO considered that the Complainee failed to verify the exhibit against the photocopies of the Accounts he made earlier; and improperly kept the sealed exhibit in his locked drawer instead of depositing it in the Property Office. Therefore, CAPO classified this allegation as "Substantiated" and suggested a penalty of "Advice without DRF entry".

IPCC's observation

Whilst agreeing to CAPO's classification for the allegation, having taken into account the Complainee's long service and experience in the Force, IPCC considered that the penalty of "Advice without DRF entry" was insufficient in addressing the seriousness of the case. After deliberations, CAPO subscribed to IPCC's view and gave the Complainee a "Warning without DRF entry".

校園推廣計劃

School Programme



近年監警會公眾意見調查結果顯示，年輕受訪者對監警會職能的認識有較大的落差。因此監警會於2016年11月推出校園推廣計劃，加強青少年對監警會及兩層架構投訴警察制度的認識。

由計劃推出至今，監警會曾應邀出席香港樹仁大學新聞與傳播學系周會講座演講，以及在香港浸會大學新聞系主修科目課堂主講，介紹監警會的職能和角色，並與逾500名大學生和講師分享投訴個案，獲得與會者熱烈回應。會方更積極走訪了21間中、小學，透過逾30次探訪接觸超過2,700名師生。在早會、通識課和全校集會上，透過播放《監警有道》劇集、互動遊戲及個案討論，向師生深入淺出地說明監警會審核投訴調查報告的原則和程序。委員會成員和秘書處審核團隊代表亦現身說法，分享審核個案方面的經驗。

參與活動的師生提問踴躍，他們對於投訴性質、個案審核程序、調查結果分類、市民的權利和義務，以至如何加入監警會審核團隊也深感興趣。監警會講者每次完成簡介後亦派發問卷，了解師生對活動的看法，從而評估活動的成效。大部分學生認同活動有助增進他們對監警會的認識，逾八成學生能正確回答會方的職能及指出正確的投訴程序。

為推動校園推廣計劃，監警會在計劃初期已主動到訪各區的校長聯會，向校長們介紹會方的工作及簡介校園計劃，呼籲他們參與及支持。會方至今已到訪了14個地區校長聯會，有賴各區校長積極響應，秘書處已收到多間中、小學邀請派員到訪演講。監警會期望藉著課堂活動和分享，讓更多年輕一代了解監警會獨立、公正、誠信的價值觀，認識投訴的權利和責任。

In recent years, the results of IPCC's public opinion survey revealed that young respondents are less knowledgeable about the IPCC's functions. Hence, in November 2016 the IPCC launched a school programme to introduce the IPCC and Hong Kong's two-tier police complaints system to the younger generation.

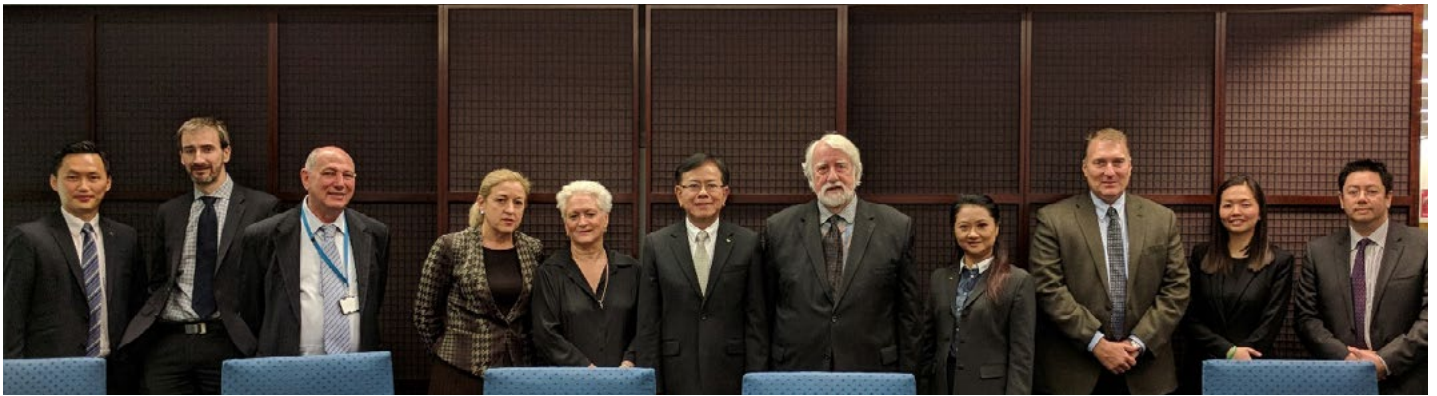
Since the programme commenced, the IPCC has been invited by the Department of Journalism & Communication of Hong Kong Shue Yan University and the Department of Journalism of Hong Kong Baptist University to speak in their General Assembly and a major course lecture respectively. During the talks, which were well received, the IPCC introduced the functions and roles of the IPCC and shared complaint cases with over 500 university students and lecturers,. Furthermore, the IPCC has already visited 21 secondary schools and primary schools, reaching out to over 2,700 teachers and students through more than 30 visits. During Liberal Studies classes and morning assemblies, the IPCC's principles and procedures for reviewing complaint investigation reports were illustrated through showing episodes from the *IPCC Files* series and games. On these occasions, IPCC Members and representatives from Secretariat vetting team also shared their experiences in reviewing cases.

The participating teachers and students were very enthusiastic. In particular, they were very interested in the nature of complaints, case investigation procedures, classification of investigation results, the rights and obligations of citizens, and how to become a member of the IPCC's vetting team. Questionnaires were distributed to all participants after every presentation to understand their views of the activities and to evaluate the effectiveness. The majority of students agreed that the activities enhanced their understanding of the IPCC, and over 80% of students could correctly indicate the functions and vetting procedures of the IPCC.

To promote the school programme, the IPCC took the initiative to visit the District Principals' Association (DPA) during the early stage of the programme, introducing IPCC work and school programme to the principals, to solicit their support and participation. The Council visited 14 DPAs, and thanks to the positive response from principals, the Secretariat received invitations from a number of primary and secondary schools. Through in-class activities and presentations, the IPCC aims to enhance students' understanding of the IPCC's values - i.e. independence, impartiality and integrity - while ensuring they recognise their rights and responsibilities when making a complaint.

秘書處代表團訪問澳洲監察機構

Secretariat delegation's visit to oversight bodies in Australia



監警會代表團與執法與行動委員會(新南威爾斯州)合照

Group photo of IPCC's delegation and the Law Enforcement Conduct Commission (New South Wales)

俞官興秘書長率領法律顧問陳敏儀女士、高級審核主任余嘉慶先生和審核主任胡佩欣女士，於2017年11月13日至21日間赴澳洲考察，走訪了包括聯邦申訴專員公署、執法與行動委員會(新南威爾斯州)、獨立反貪腐委員會(維多利亞州)和公共廉潔辦公室(南澳)四間監察機構。

訪問期間，監警會代表團向各組織管理團隊概述了香港的兩層架構投訴警察制度，分享該制度面對的挑戰及機遇。同時，代表團亦瞭解了澳洲各地區的投訴機制及成效，從宏觀角度探討兩地機制的同異，從中汲取經驗以作借鏡。

有別於澳洲監察機構單一由受薪員工全權負責，監警會除了聘有秘書處受薪職員支援日常運作外，更有來自社會不同界別、由行政長官委任的28名委員負責審核對警隊的投訴。這項優勢令監警會能夠借助委員多方面的專業知識、獨立思考和分析力，秉持會方獨立、公正、誠信的價值觀，確保投訴人和被投訴人都得到公平的對待。

Mr Richard Yu (Secretary-General) led a delegation comprising Ms Cherry Chan (Legal Adviser), Mr Anthony Ser (Senior Vetting Officer) and Miss Sofie Wu (Vetting Officer) to visit four oversight bodies in Australia from 13 to 21 November 2017, namely the Commonwealth Ombudsman, the Law Enforcement Conduct Commission (New South Wales), the Independent Broad-based Anti-Corruption Commission (Victoria) and the Office for Public Integrity (South Australia).

During the visits, the IPCC delegation introduced the two-tier police complaints system in Hong Kong, as well as the challenges and opportunities of the system to the management teams of these organisations. The delegation in turn gained an understanding of complaint mechanisms applied by various States of Australia. Additionally, the delegation drew lessons from these counterparts through exploring the similarities and differences between the complaints systems in Hong Kong and Australia from a macro perspective.

Unlike the Australian oversight bodies the delegation visited, which are wholly operated by salaried employees, the IPCC in Hong Kong, apart from hiring salaried Secretariat staff to support its daily operations, also enjoys the support from 28 Members from a wide spectrum of society. Appointed by the Chief Executive, members are responsible for reviewing complaints against the Police Force. By drawing upon Members' professional knowledge, critical thinking and analytical skills, the IPCC can further uphold its values of independence, impartiality and integrity, and ensure Complainants and Complainees are treated fairly.



聯邦申訴專員公署
The Commonwealth Ombudsman



獨立反貪腐委員會(維多利亞州)
The Independent Broad-based Anti-Corruption Commission (Victoria)



公共廉潔辦公室(南澳)
The Office for Public Integrity (South Australia)

四個澳洲監察機構皆負責接收投訴，部分亦負責調查涉及貪污的投訴。他們通常以建議方式與警方尋求共識，鮮有需要啟動法定權力，以履行其職責。而在本港，雖然接收投訴和調查工作由投訴警察課負責，但監警會的觀察員計劃賦予觀察員獨立角色，觀察警方搜證的工作，在調查初期已發揮監察角色；至審核投訴調查報告時，監警會也可會見個案相關人士，以及運用法定權力，向投訴警察課提出質詢，要求提供資料甚至重新調查。

總結是次訪問，監察投訴警察工作並無萬全之策，各地區的機制也因應其歷史背景和社會需要而各有不同。自2009年成為獨立法定機構以來，監警會一直積極履行法定職能，兩層架構亦行之有效。展望未來，監警會將繼續留意世界各地監察組織的發展，集思廣益，提升警隊服務質素，竭力維持公平、公正的投訴警察制度，為本港廣大市民服務。

All these four Australian oversight bodies are responsible for receiving complaints, while some of them also investigate corruption related complaints. They usually communicate with the police by way of recommendations to try to reach consensus, and only on rare occasions, invoke statutory powers to perform their duties. In Hong Kong, although all complaints are received and handled by CAPO, the IPCC administers an Observers Scheme that endows Observers with independent role to observe the collection of evidence by the Police. As a result, the IPCC can play a monitoring role in the early stages of an investigation; while in the course of examining an investigation report, the IPCC may interview any person in relation to the complaint case and leverage its statutory power to raise queries, ask for further information or even request CAPO to re-investigate.

Through visiting the oversight bodies, it has revealed that there is no “one-size-fits-all” approach in monitoring complaints against the Police. The mechanisms vary from one place to another, depending on their distinctive historical backgrounds and social needs. Since its inception as an independent statutory body in 2009, the IPCC has been actively carrying out its statutory functions and the two-tier system has proven effective. Looking forward, the IPCC shall remain alert regarding the development of oversight bodies around the globe, in order to learn from others and enhance the service quality of the Police. The IPCC will also do its utmost to maintain an impartial police complaints system to serve Hong Kong’s general public.

2017年9月至2018年4月的活動

Activities from September 2017 to April 2018

1

9月 SEP

與泰國申訴專員公署代表團會面 Meeting with the delegation of the Office of the Ombudsman of Thailand

許宗盛先生、何錦榮先生和俞官興秘書長與訪港的泰國申訴專員公署申訴專員Boon Tapanadul先生及其隨行代表團會面，就兩地監察和處理公眾投訴交換意見。



Mr Herman Hui Chung-shing, Mr Richard Ho Kam-wing and Mr Richard Yu (Secretary-General) met with Mr Boon Tapanadul, the Ombudsman of Thailand, as well as the delegation from the Office of the Ombudsman of Thailand, during their visit to Hong Kong. Both parties exchanged views on monitoring and handling of public complaints.

11

9月 SEP

第二十二期《監警會通訊》 傳媒發布會 Media briefing for IPCC Newsletter issue no. 22

監警會推出第二十二期《監警會通訊》。郭琳廣主席在梅達明副秘書長（行動）陪同下，向傳媒闡述兩宗刑事調查所衍生的投訴個案和有關策略性投訴的統計資料。



The 22nd issue of the *IPCC Newsletter* was released. Mr Larry Kwok Lam-kwong (Chairman), accompanied by Mr Daniel Mui (Deputy Secretary-General, Operations), hosted a media briefing to present two complaint cases arising from criminal investigations, and statistics concerning tactical complaints.

2017年9月13日至
2018年3月15日
13 SEP 2017 –
15 MAR 2018

到訪地區校長聯會 Visits to District Principals' Associations



宣傳及意見調查委員會劉文文主席、蘇麗珍女士、陳錦榮先生、歐楚筠女士，連同俞官興秘書長和陸小娟副秘書長（管理），於去年九月至今年三月期間，分別到訪八個地區校長聯會（包括：大埔區、北區、中西區、離島區、南區、荃灣及葵青區、東區和油尖旺區），向與會校長介紹兩層架構投訴警察制度和監警會的校園推廣計劃。由計劃推出至今，監警會已累積與14個學校聯絡委員會會面，爭取更多教育界人士的支持。



From September 2017 to March 2018, Miss Lisa Lau Man-man (Chairman of the Publicity and Survey Committee), Ms Ann So Lai-chun, Mr Clement Chan Kam-wing and Ms Ann Au Chor-kwan, together with Mr Richard Yu (Secretary-General) and Ms Rebecca Luk (Deputy Secretary-General, Management), paid visits to eight District Principals' Associations (including Tai Po District, North District, Central and Western District, Islands District, Southern District, Tsuen Wan and Kwai Tsing, Eastern District and Yau Tsim Mong District) to introduce the two-tier police complaints system and the IPCC School Programme to attending principals. Since the introduction of the programme, IPCC has met with a total of 14 District School Liaison Committees, to rally more support from the education sector.

最新動態

Recent activities

26
9月 SEP

監警會和投訴警察課聯席會議

Joint IPCC and CAPO open meeting



會議上，警方匯報最新投訴統計數據，並分享使用隨身攝錄機的程序、經驗和成效。監警會留意到部分投訴個案在事發後一段時間方提出，因此建議警方考慮延長隨身攝錄機的錄影片段保留期，方便日後蒐證。

During this meeting, the Police provided the latest complaint statistics and shared the procedures, experiences and effectiveness of using Body Worn Video Cameras for frontline operations. Noticing that a number of complaints had been lodged some time after the incidents were reported, the IPCC recommended that the Police consider extending the period for which they retain footage recorded by Body Worn Video Cameras to facilitate evidence collection.

3

10月 OCT

香港樹仁大學新聞與傳播學系周會講座

General assembly at the Department of Journalism and Communication of Hong Kong Shue Yan University

俞官與秘書長應邀出席香港樹仁大學新聞與傳播學系的周會講座，並擔任主講嘉賓，介紹監警會的角色和職能。秘書長亦接受了《樹仁新傳網》的訪問，講解監警會獨立、公正的審核程序。

Mr Richard Yu (Secretary-General) was invited by the Department of Journalism and Communication of Hong Kong Shue Yan University as their keynote speaker in the General Assembly, to introduce the role and functions of the IPCC. He was also interviewed by the Shue Yan Media Lab, to explain the IPCC's independent and impartial vetting procedures.



2017年10月18日
至2018年3月22日
18 OCT 2017 –
22 MAR 2018

監警會校園推廣計劃 IPCC School Programme

隨著新學年開始，會方再度實施新一輪校園推廣計劃，於去年十月至今年三月走訪14間學校，共進行18場演講。秘書處代表透過個案分享、小組討論和遊戲等環節，向學生簡介監警會的工作和法定職能。

A new round of school visits commenced with the start of the new academic year. From October 2017 to March 2018, 18 talks were delivered to 14 schools, during which representatives from the IPCC Secretariat introduced the work and statutory functions of the IPCC to students through case sharing, group discussions and games.



最新動態

Recent activities

2

11月 NOV

香港浸會大學新聞系課堂演講

Speech at the Department of Journalism of Hong Kong Baptist University

俞官興秘書長應香港浸會大學新聞系邀請擔任主修科目課堂演講嘉賓，介紹監警會的職能和角色，並與學生討論了數宗投訴個案，及警隊隨身攝錄機的應用。

Mr Richard Yu (Secretary-General) was invited by the Department of Journalism of Hong Kong Baptist University as their Guest Speaker for a major course lecture. In addition to introducing the functions and role of the IPCC, he discussed with students several complaint cases and the use of Body Worn Video Cameras by the Police.



13-21

11月 NOV

訪問澳洲監察組織

Visit to oversight bodies in Australia



俞官興秘書長率法律顧問陳敏儀女士、高級審核主任余嘉慶先生和審核主任胡佩欣女士，訪問了四個澳洲監察機構，包括聯邦申訴專員公署、執法與行動委員會（新南威爾斯州）、獨立反貪腐委員會（維多利亞州）和公共廉潔辦公室（南澳）。考察期間，秘書處代表深入了解當地的投訴機制，並與各個機構分享香港的兩層架構投訴警察制度。



Mr Richard Yu (Secretary-General) led a delegation comprising Ms Cherry Chan (Legal Adviser), Mr Anthony Ser (Senior Vetting Officer) and Miss Sofie Wu (Vetting Officer) to visit four oversight bodies in Australia, namely the Commonwealth Ombudsman, the Law Enforcement Conduct Commission (New South Wales), the Independent Broad-based Anti-Corruption Commission (Victoria) and the Office for Public Integrity (South Australia). During these visits, the Secretariat delegation gained an in-depth understanding of the complaint mechanisms of these Australian counterparts, and introduced the two-tier police complaints system in Hong Kong to them.

6

12月 DEC

《監警會2016/17工作報告》 新聞發布會

Media briefing for the IPCC Report 2016/17



副主席陳健波議員代表監警會向立法會提交《監警會2016/17工作報告》。其後，郭琳廣主席在俞官興秘書長及梅達明副秘書長（行動）陪同下主持傳媒發布會，回顧年內會方的工作及相關統計數字。多名委員出席是次活動，並於隨後的午餐會和傳媒代表交流。



The IPCC Report 2016/17 was submitted to the Legislative Council by Hon Chan Kin-por (Vice-Chairman) on behalf of the IPCC. On the same day, Mr Larry Kwok Lam-kwong (Chairman), accompanied by Mr Richard Yu (Secretary-General) and Mr Daniel Mui (Deputy Secretary-General, Operations), hosted a media briefing to present an overview of activities and statistics regarding the IPCC in the past financial year. Several Members attended this event, and exchanged views with the media representatives during a networking lunch that followed.

19

12月 DEC

監警會和投訴警察課聯席會議

Joint IPCC and CAPO Open meeting

聯席會議上，警方匯報最新投訴統計數據，並簡介新成立的反詐騙協調中心，以及其預防和打擊懷疑騙案的成效。

During the joint meeting, the Police updated all attendees on the latest complaint statistics, and introduced the newly established Anti-Deception Coordination Centre and its effectiveness in combating and preventing deception cases.



13

3月 MAR

到訪少年警訊永久活動中心暨青少年綜合訓練營

Visit to the Junior Police Call Permanent Activity Centre and Integrated Youth Training Camp ("JPC Camp")



郭琳廣主席聯同六名委員及秘書處代表一同參觀元朗八鄉少年警訊永久活動中心暨青少年綜合訓練營(「少訊中心」)，並聽取警方代表簡介少年警訊計劃的宗旨，以及少訊中心的背景、設施和訓練理念。

Mr Larry Kwok Lam-kwong (Chairman), 6 Members and representatives from the Secretariat visited the JPC Camp at Pat Heung, Yuen Long. They were briefed by the Force on the aim of setting up the Junior Police Call Scheme, as well as the background, facilities and training concepts of the JPC Camp.

20

3月 MAR

監警會和投訴警察課聯席會議

Joint IPCC and CAPO Open meeting



警方在是次聯席會議上匯報今年1月至2月間的投訴統計數據，並向監警會簡介警隊認證課程。雙方就有關課程在預防警察投訴的貢獻交換意見。

During the joint IPCC and CAPO meeting, the Police reported on the complaint statistics between January and February, and gave a presentation on the Force's accreditation of training programmes. Views on the contributions of these programmes in preventing complaints against the Police were exchanged.

監警會觀察員 IPCC Observers

監警會觀察員（更新截至2018年3月23日）
IPCC Observers (Updates as of 23 March 2018)

新任命的監警會觀察員 Newly appointed IPCC Observers:

1. 陳香蓮女士	Ms Jenny CHAN Heung-lin	8. 陸勁光先生	Mr LUK King-kwong
2. 鄭承峰先生，MH	Mr Baldwin CHENG Shing-fung, MH	9. 王真妮女士	Ms Jacqueline WONG
3. 周錦威博士，MH	Dr CHOW Kam-wai, MH	10. 甄懋強先生	Mr YAN Mou-keung
4. 符美玉博士	Dr Shirley FU	11. 楊偉康博士	Dr YEUNG Wai-hong
5. 何子綱先生	Mr James HO Tsz-kong	12. 姚寶雅女士	Ms Christina YIU Po-nga
6. 林建康先生，MH	Mr Matthew LAM Kin-hong, MH	13. 余雅芳女士	Ms Avon YUE Nga-fong
7. 李穎詩女士	Ms Vivian LEE Ying-shih		

(任期由2017年11月1日至2019年10月31日 Appointment period from 1 November 2017 to 31 October 2019)

再獲任命的監警會觀察員 Re-appointed IPCC Observers:

1. 湛家雄先生，BBS，MH，JP	Mr Daniel CHAM Ka-hung, BBS, MH, JP	11. 羅啟富先生	Mr Vincent LO Kai-fu
2. 周嘉弘先生	Mr Calvin CHAU	12. 呂志豪先生	Mr LUI Chi-ho
3. 鄭木林先生，MH	Mr Mathew CHENG Muk-lam, MH	13. 馬廬金華女士	Mrs Virginia MA LO Kam-wah
4. 張詩培女士，MH	Ms Joanne CHONG Sze-pui, MH	14. 吳玲玲女士，JP	Ms NG Ling-ling, JP
5. 范凱傑先生	Mr Alex FAN Hoi-kit	15. 顏少倫先生	Mr NGAN Siu-lun
6. 方文傑先生	Mr James Mathew FONG	16. 潘國華先生	Mr PUN Kwok-wah
7. 馮卓能先生	Mr Clement FUNG Cheuk-nang	17. 徐福樂醫生	Dr Michael TSUI Fuk-sun
8. 顧明仁博士，MH	Dr Charles KOO Ming-yan, MH	18. 任志浩博士	Dr Michael YAM Chi-ho
9. 劉文東先生	Mr Benjamin LAU Man-tung	19. 袁達堂先生	Mr YUEN Tat-tong
10. 劉偉光先生	Mr Billy LAU Wai-kwong		

(任期由2017年11月1日至2019年10月31日 Appointment period from 1 November 2017 to 31 October 2019)

任期已屆滿的監警會觀察員 Retired IPCC Observers:

1. 陳稼晉先生	Mr Patrick CHAN Ka-chun	8. 李三元博士，BBS	Dr John LEE Sam-yuen, BBS
2. 鄭發丁博士	Dr Gary CHENG Faat-ting	9. 譚兆炳先生	Mr George TAM Siu-ping
3. 趙令昌先生	Mr Anthony CHIU Ling-cheong	10. 丁健華先生	Mr TING Kin-wa
4. 鄧燦林先生，MH	Mr Charles CHOW Chan-lum, MH	11. 王嘉恩博士，MH	Dr Albert WONG, MH
5. 許慶得先生	Mr Simon HUI Hing-tak	12. 黃美斯女士	Ms Macy WONG Mei-sze
6. 許文傑先生	Mr HUI Man-kit	13. 胡楚南先生，JP	Mr WU Chor-nam, JP
7. 高明東先生	Mr Edward KO Ming-tung		

(任期於2017年10月31日屆滿 Terms of appointment ended on 31 October 2017)