

監警會 通訊

IPCC NEWSLETTER

投訴人的權與責 Complainants' Rights and Responsibilities



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

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投訴人的權與責

Complainants' Rights and Responsibilities



公共投訴機制不僅為市民提供排解不滿的渠道，對被投訴的人員或機構而言，每個真實作出的投訴也是改善服務質素的機會。一個良好的公共投訴機制必須公正持平地對待投訴人與被投訴人，讓每一個真實合理的投訴個案都得到公平和妥善的處理。

The public complaints system acts as a channel for citizens to address grievances. For those officers or organisations who are the subjects of complaints, every complaint lodged in good faith serves as a reminder for service improvement. A sound public complaints system must ensure that every genuine and justifiable complaint is handled in a fair and proper manner so that both the complainants and complainees receive equal and impartial treatment.

嚴肅對待 嚴謹審核

投訴乃嚴肅之事，務必以誠實認真的態度對待，而對維護法紀的警務人員所作的投訴，更須審慎待之。《獨立監察警方處理投訴委員會條例》訂明，在本港的兩層架構投訴警察制度下，市民若對警隊服務或前線警務人員有投訴，可向投訴警察課反映，經該課調查後，調查報告須交由獨立監察警方處理投訴委員會（監警會）嚴謹審核。過程中，監警會秉持「以證據為依歸、以事實為基礎」的原則，確保投訴結果不偏不倚。如此既保障市民申訴的權利，亦保障被投訴的警務人員免遭惡意指控。

更重要的是，會方會仔細研究每一宗投訴個案和投訴趨勢，找出警隊工作常規或程序可改善之處，適時向警方提出切實可行的建議，藉以提升警隊服務質素，減少投訴，並鞏固公眾對投訴制度的信心。過去13年，監警會提出了超過200項服務質素改善建議（改善建議），涵蓋範疇廣泛，包括警務守則和常規、培訓和執勤工作、設備和資訊科技應用，而不少涉及警務的改善建議與本港市民的日常生活息息相關。警隊亦就會方的改善建議積極回應，並提出一系列改善措施，持續提升服務水平。

Complaints to be Treated Solemnly and Examined Stringently

While lodging a complaint is a solemn matter that must be taken in earnest, complaint against a police officer who maintains law and order must be handled with circumspection. The Independent Police Complaints Council Ordinance stipulates that, under the two-tier police complaints system in Hong Kong, the public can lodge their complaints against police officers or about their services to the Complaints Against Police Office (CAPO). CAPO conducts investigation into complaints and is required to submit the investigation reports to the Independent Police Complaints Council (IPCC) for stringent examination. During the process, the IPCC upholds the “evidence-based and fact-based” principle to ensure impartial conclusions. By doing so, the public’s right to complain is safeguarded, while the officers being complained against can be protected from malicious allegations.

More importantly, the IPCC examines every complaint case as well as the overall trend with a view to identifying room for improvement in police practices or procedures. By suggesting pragmatic and timely Service Quality Improvement Initiatives (SQIIs) to the police, the IPCC aims to enhance service quality of the force, reduce the number of complaints and help reinforce the public’s confidence in the complaints system. Over the past 13 years, the IPCC has raised more than 200 SQIIs which spanned police codes and practices, training and execution of duties, equipment and information technology, relating to police duties that affect daily lives of Hong Kong citizens. The police have responded positively to the IPCC’s SQIIs by introducing an array of improvement measures to enhance their service quality on an ongoing basis.

三方配合 善用資源

投訴制度要充分發揮效用，首先必須得到投訴人的全面配合，並提供所有相關資料，再由投訴警察課仔細調查和監警會嚴謹審核調查報告。

監警會注意到近年涉及「投訴撤回」和「無法追查」的指控，佔指控總數高達50%，情況值得關注。

在「投訴撤回」方面，投訴人撤回投訴的原因眾多，譬如是在進一步聽取投訴警察課解釋後，明白投訴是出於對警方行動的誤解，於是主動撤回投訴；又或投訴人決定只向警隊反映意見，以改善服務質素。

至於「無法追查」的投訴指控，逾90%是即使投訴警察課多番嘗試聯絡投訴人，但投訴人始終未有現身協助調查（詳情參閱圖表一）。這個情況非常不理想，不但浪費處理投訴的公共資源，亦對被投訴的警務人員不公平。

Tripartite Collaboration Yields Resource Optimisation

For the complaints system to be fully effective, it is imperative to have complainant's full cooperation by providing all relevant information. CAPO will then conduct meticulous investigation into the complaint and submit the investigation report to the IPCC for stringent examination.

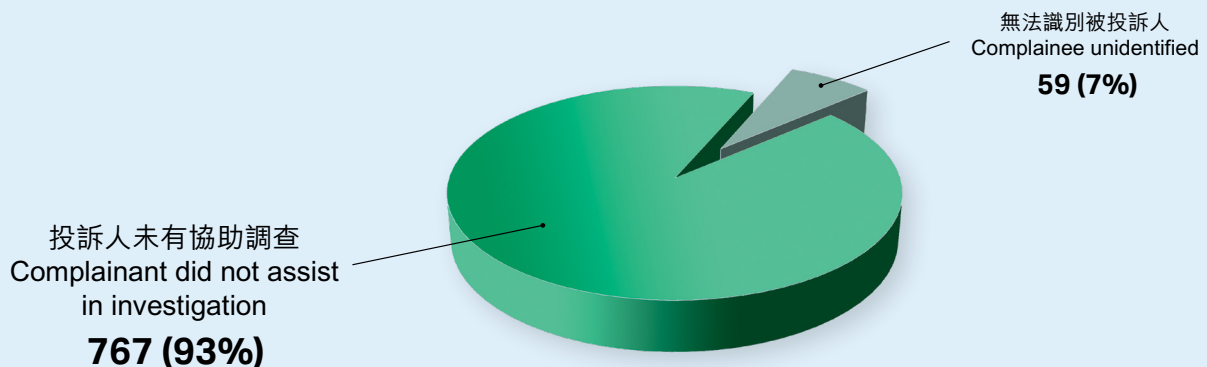
The IPCC noted with concern that allegations classified as "Withdrawn" and "Not Pursuable" accounted for approximately 50% of the total allegations in recent years.

There are many reasons for withdrawal of complaints. For instance, complainants may voluntarily withdraw their complaints after hearing CAPO's explanation and realising that their complaints arose from a misunderstanding of the police's actions; or the complainants eventually choose to reflect their opinions to enhance the force's service quality.

Among the "Not Pursuable" allegations, over 90% were due to the complainants' unwillingness to come forward to assist the investigation, despite CAPO making many attempts to contact them (please refer to Chart 1). This is a waste of public resources for complaints handling, and grossly unfair to the police officers being complained against.

圖表一：投訴指控分類為「無法追查」的原因

Chart 1: Reasons behind allegations classified as "Not Pursuable"



以2021/22年度為例，因無法取得投訴人的配合而導致個案「無法追查」的指控便多達767項，佔指控總數接近三成。在這767項指控

In 2021/22, there were 767 "Not Pursuable" allegations owing to the absence of cooperation from complainants, accounting for some 30% of the total allegations. Of these 767 allegations, 657 (86%) were minor in

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中，657項指控(86%)屬性質輕微，包括「行為不當」、「態度欠佳」、「粗言穢語」和「疏忽職守」。個案一是其中一例：

nature, including “Misconduct”, “Improper Manner”, “Offensive Language” and “Neglect of Duty”. Case 1 is an example:

個案一 Case 1



(照片來源:經濟日報)

(Photo Credit: Hong Kong Economic Times)

投訴人透過手機應用程式訂餐，付款後卻未有收到食物。他有感受騙，遂致電999緊急熱線，並由一名警察高級通訊員跟進。投訴人指餐廳未有送餐涉及商業罪案的成分，要求警方上門調查。該名高級通訊員向投訴人解釋由於事件不屬緊急性質，建議他聯絡有關應用程式服務公司或餐廳求助。投訴人指當時他感到非常飢餓，實乃緊急事件，故認為該名高級通訊員應派員上門調查。而他有感該名高級通訊員拒絕他的要求實在是處理不當，因此投訴該名高級通訊員「疏忽職守」。投訴警察課隨後屢次要求投訴人協助調查，均未獲回覆，故此該課把指控分類為「無法追查」。

The complainant (COM) ordered his meal through a food delivery mobile app, but did not receive anything after payment. Feeling deceived, COM called 999 for assistance. His call was handled by a Senior Police Communications Officer (SPCO). COM stated that the restaurant's failure to deliver food constituted a commercial crime and requested police to go to his flat. The SPCO explained to COM that the nature of this incident was not urgent hence advised him to contact the mobile app service company or the restaurant for help. COM believed his hunger at that moment was indeed an emergency and believed that the SPCO should deploy officer to his flat for investigation. COM considered that the SPCO was negligent in his duties when he declined his request, thus lodged a complaint against the SPCO. CAPO later contacted COM several times for his assistance in the investigation but in vain. In this light, CAPO classified the allegation as “Not Pursuable”.

經考慮相關999緊急熱線的錄音對話，監警會認為該名高級通訊員已向投訴人解釋不派員到場的原因，對個案的處理實屬公平恰當。一方面，投訴人或許出於誤解，以為訂餐後未能收到食物屬商業罪案，但這實為消費者糾紛，投訴人應向服務供應商反映，或向專責消費者權益的機構求助。另一方面，投訴人認為自己飢餓屬緊急情況而須警方派員上門調查，有濫用999緊急熱線及投訴制度之嫌。監警會遂建議投訴警察課重新考慮指控的分類。該課同意監警會的看法並把指控重新分類為「並無過錯」。

Upon reviewing the 999 audio recording of COM's conversation with the SPCO, the IPCC considered that the SPCO's handling of COM's report was fair and proper as she had clearly explained to COM the reason why no officers were deployed to COM's flat. On the one hand, although COM might have misunderstood that no delivery after food ordering was a commercial crime, this case was in fact a consumer dispute in which COM should notify the service provider or seek assistance from an organisation dedicated to protecting consumer rights. On the other hand, COM's view that his hunger was an emergency which required police to go to his flat for enquiry possibly involved an abuse of both the 999 emergency call service and the complaints system. In view of this, the IPCC recommended CAPO reconsidering the classification of the allegation. CAPO subscribed to the IPCC's observation and reclassified the allegation as “No Fault”.

從上述個案可見，投訴人作出投訴的部分原因，或許源於他對警方工作的誤解，但無庸置疑個案指控性質極為輕微。不論如何，投訴人在作出投

The complainant might have lodged the above complaint due to a misunderstanding about police work. Yet, it is indisputable that the allegation in this case was minor in nature. In any case, the complainant

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訴後應配合投訴警察課的調查，以免浪費處理投訴的資源。

除了性質輕微的指控，監警會注意到部分「無法追查」的個案涉及司法程序，而投訴人或許利用投訴作為法庭抗辯。案例如下：

should cooperate with CAPO for investigation after lodging the complaint so as to avoid wastage of resources for complaints handling.

Apart from allegations of a minor nature, the IPCC noted that in some “Not Pursuable” cases involving judicial proceedings, complainants might have lodged complaints as a line of defence in court. Below is an example:

個案二 Case 2



(照片來源:經濟日報)

(Photo Credit: Hong Kong Economic Times)

在機場上班的投訴人通過X光檢查時被發現藏有伸縮棍。投訴人在警誡下表示自己打算在下班後參與示威活動，故攜帶伸縮棍作自衛用途。警方遂以「管有攻擊性武器」罪拘捕投訴人。同日，一名偵緝警長、偵緝警員及女偵緝高級督察押送投訴人前往其寓所搜查。在搜查前，投訴人於該名偵緝警長的警察記事冊上簽署，同意警方搜查其寓所。警方其後以上述控罪起訴投訴人。

The complainant (COM), an airport worker, was found in possession of an extendable baton when he passed through the X-ray security screening. Under caution, COM told the police officers that the baton was for self-defence because he planned to attend a protest after work. COM was arrested for “Possession of Offensive Weapons” by the police. On the same day, a Detective Sergeant, a Detective Constable and a Woman Detective Senior Inspector of Police took COM back to his home for a house search. Before the search, COM signed on the Detective Sergeant’s police notebook entry, giving consent to the house search. Later, the police charged COM with the abovementioned offence.

在首次法庭聆訊時，投訴人指控該三名警務人員「行為不當」，在未有搜查令的情況下搜查他的寓所。投訴人其後在法庭承認控罪，被判處18個月感化令。

At his first appearance in court, COM accused the three police officers of misconduct as they had searched his residence without a search warrant. COM later pleaded guilty in court and was sentenced to an 18-month probation order.

投訴警察課在刑事法律程序完結後，多次嘗試致電及去信投訴人，要求他提供資料協助調查，卻不獲對方理會。投訴警察課在詳細審視警察紀錄和法庭文件後，發現投訴人在搜查前已簽署確認同意警方搜查其寓所外，在搜查後亦有在警察記事冊上確認寓所內的財產完好無損。再者，投訴人在警方搜查其寓所期間亦沒有作出投訴。投訴警察課認為這足以證明搜查行動是得到投訴人同意，並有恰當紀錄作佐證，故三名警務人員並無不當之處，有關指控最終獲分類為「並無過錯」。監警會同意投訴警察課的調查結果。

Upon conclusion of the criminal proceedings, CAPO made numerous attempts by calls and letters to COM, requesting him to assist in the complaint investigation. COM, however, did not respond to CAPO. After a detailed review of police records and court documents, CAPO found that COM had not only signed on the Detective Sergeant’s police notebook to give his consent to the police for the house search, but also confirmed in the police notebook that all the property inside his residence was intact after the search. In addition, COM did not lodge any complaint when the police searched his residence. CAPO considered there was sufficient evidence to prove that the search was conducted with the consent of COM and proper records were made to support the search. As nothing improper was found in the action of the three police officers, the allegation was classified as “No Fault”. The IPCC agreed with CAPO’s findings.

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在2021/22年度，涉及司法程序的投訴指控中，有108項是投訴人拒絕配合調查。由於投訴人不肯現身協助，投訴警察課和監警會必須依靠持有的證據審視個案。在處理這類涉及司法程序的投訴時，投訴警察課常常需要詳細研究長達百頁的複雜法律文件和判案書，方能確認投訴指控的分類；而監警會亦須花上同等時間審閱相關文件，才可以確定投訴警察課的決定是否恰當，需要花費不少人力和時間。經過投訴警察課和會方多番努力，22項指控得到確切分類，分別為20項「虛假不確」和兩項「並無過錯」，但仍有86項指控最終被分類為「無法追查」。若然投訴人能夠在開始時提供協助和所需資料，釐清事件的來龍去脈，便可節省處理投訴的資源，亦可讓個案盡快真相大白。

在下面的個案三中，投訴人在法庭上就警務人員的行動提出性質嚴重的指控，惟經法庭判決後，證明投訴人的指控屬「虛假不確」。

Regarding allegations involving judicial proceedings in 2021/22, 108 allegations were made by complainants who did not come forward to assist in investigation. Due to the absence of complainants' assistance, CAPO and the IPCC had to rely on available evidence for case examination. When handling complaints involving judicial proceedings, it is commonplace for CAPO to go through hundreds of pages of complicated legal documents and judgments to determine the classifications of complaint allegations, while the IPCC has to spend equal amount of time reviewing all relevant documents to ascertain whether CAPO's findings are appropriate. A considerable amount of time and effort are spent on document processing. Through joint endeavours of CAPO and the IPCC, definite findings for 22 allegations were finally reached, including 20 counts of "False" and two counts of "No Fault". However, there were still 86 allegations remained "Not Pursuable". If the complainants can provide assistance and the required information at the beginning to clarify details, resources for handling complaints can be better utilised, and the truth can be ascertained in a more efficient manner.

In Case 3 below, the complainant raised in court a serious allegation against police officers' action. The allegation was proved to be "False" after the judicial proceeding.

個案三 Case 3

(照片來源:經濟日報)

(Photo Credit: Hong Kong Economic Times)



一名警員在街上截查投訴人時，在其背囊內發現一包危險藥物，遂拘捕及檢控投訴人「管有危險藥物」罪名。投訴人其後向投訴警察課作出投訴，指稱該包危險藥物其實是該名警員在地上拾獲，再放進其背囊內，企圖捏造證據。

A police officer stopped and searched the complainant (COM) on the street. Some dangerous drugs were found inside the rucksack that COM was carrying. As a result, COM was arrested and charged with the offence of "Possession of Dangerous Drugs". COM later lodged a complaint with CAPO, alleging that the police officer had picked up a packet of dangerous drugs on the ground and fabricated a story of it being found inside her rucksack.

由於案件進入司法程序，投訴警察課把投訴個案列為「有案尚在審理中」並暫停調查。在法庭上，投訴人承認控罪並同意該包危險藥物是截查她的警務人員從其背囊內搜獲的。案件審結後，投訴警察課重啟調查並數度聯絡投訴人卻不獲回應。因此，投訴警察課把指控分類為「無法追查」。

As the case entered judicial proceedings, CAPO suspended the investigation into the complaint under "Sub-judice". In court, COM pleaded guilty and admitted that the packet of dangerous drugs was seized from her rucksack by the police officer who intercepted her. Upon the conclusion of the court case, CAPO re-opened the investigation, contacted COM several times but received no response. CAPO therefore classified the allegation as "Not Pursuable".

然而，監警會認為法庭的判決和投訴人承認的案情均充分證明投訴人對截查她的警務人員作出虛假不確的指控。投訴警察課同意監警會的觀點，將指控重新分類為「虛假不確」，並就投訴人蓄意作出虛假投訴向她發出警告信。

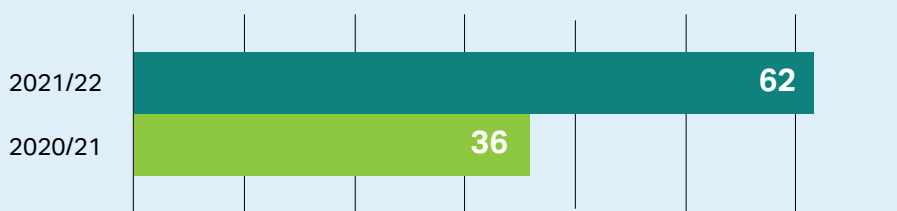
However, the IPCC considered that both the court ruling and COM's confession served as reliable proof that COM had made a false allegation against the police officer who intercepted her. CAPO agreed with the IPCC's observation and reclassified the allegation as "False". A warning letter was issued to COM for knowingly making a false complaint.

監警會和投訴警察課對於虛假投訴一律嚴肅處理。在2021/22年度，共有62項指控被分類為「虛假不確」，與上年度的36項相比，按年增加超過七成（詳情參閱圖表二）。根據《警隊條例》，提供虛假的資料以誤導警務人員即屬違法。若投訴人故意作出虛假的指控，投訴警察課經徵詢律政司的意見後，可能會控告投訴人誤導警務人員。為維護整個投訴制度，防止濫用情況出現，同時保障警務人員免遭恣意誣告，監警會建議警方加倍留意是否有表面成立的證據，以證明投訴人故意作出虛假不確的投訴，並適時向作出虛假投訴者提出檢控。

All false complaints are dealt with sternly by the IPCC and CAPO. In 2021/22, there were 62 allegations classified as "False", representing a year-on-year increase of more than 70% (please refer to Chart 2) over the 36 allegations in the previous year. In accordance with the Police Force Ordinance, any person who misleads a police officer by giving false information shall be guilty of an offence. If a complainant is found to have knowingly made a false allegation, CAPO may, in consultation with the Department of Justice, prosecute the complainant for misleading police officers. With a view to upholding the integrity of the complaints system, preventing the system from being abused, and protecting police officers from false allegations, the IPCC recommended the police to be more alert regarding whether the available evidence supports a prima facie case against a complainant for knowingly making a "False" complaint and if so, to make timely prosecution against him/her.

圖表二：「虛假不確」指控數目

Chart 2: Numbers of False allegations



上述三例中，投訴人皆在投訴後未有配合調查工作，故此投訴警察課必須花費更長時間搜集證據，令調查過程增添不必要的複雜性。不過，經投訴警察課詳細調查和監警會嚴謹審核所有證據後，最終也能釐清事實，並得出明確的指控分類結果。

Owing to the lack of complainants' cooperation in the above three complaint cases, CAPO had to spend extra time in collecting evidence and re-examining the cases so as to clarify all the details. This unnecessarily complicated the investigation process. Despite so, after detailed investigation by CAPO and rigorous examination of all evidence by the IPCC, the facts could be finally clarified and definite findings of the allegations were obtained.

然而在部分個案中，即使監警會和投訴警察課竭盡全力，透過所有能及的途徑，尋找與案件相關

In some cases, even though the IPCC and CAPO had done their utmost to seek related information through all available means, the allegations

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Cover story

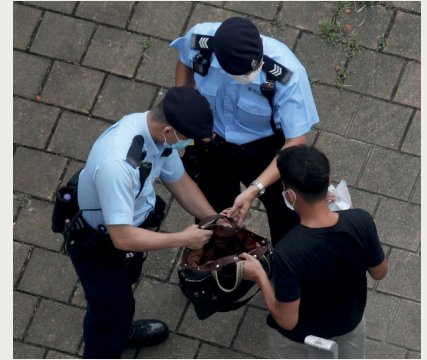
的資料，但由於投訴人不願配合調查個案，導致指控未能得出明確的指控分類，最終仍然列為「無法追查」。個案四和五是其中兩例：

remained “Not Pursuable”. No definite findings could be reached as the complainants were unwilling to cooperate in case investigation. Cases 4 and 5 are two such examples:

個案四 Case 4

(照片來源:南華早報)

(Photo Credit: South China Morning Post)



數名軍裝警務人員在巡邏時，發現投訴人在巴士站徘徊，且形跡可疑，於是截停他問話及搜身。過程中，投訴人情緒激動。由於在投訴人身上未有發現違法物品，於是將他放行。

While on patrol, a team of uniformed police officers found the complainant (COM) loitering at a bus stop and acting suspiciously. They stopped him for enquiry and conducted a search on him. During the process, COM suddenly turned emotional. Since no illegal items were found on COM, he was released on the spot.

投訴人其後致電999緊急熱線，投訴有警務人員在搜身時奪去他的手提電話及扔在地上，並偷走他腰包內的三千元港幣。投訴人在電話講述事件始末時數度改口，就警務人員的行動和搜身過程說出不同版本的口供，並聲稱不記得被投訴人的警員編號。即便如此，警方接獲投訴後即時安排一名高級警務人員向當日負責搜查投訴人的人員作出調查及搜身，但未有任何發現。

COM later called the 999 emergency hotline and complained that a police officer snatched his mobile phone and threw it on the ground during the stop-and-search action. He also claimed that a police officer had stolen HK\$3,000 from him. In the course of describing the incident over the phone, COM changed his version a few times and claimed that he could not recall the searching officer's UI number. Upon receiving the complaint, the police immediately arranged for a senior police officer to conduct an investigation and a search on the police officer involved on that day, with nil result.

投訴警察課隨後邀請投訴人錄取口供。雖然投訴人最初答應赴會，並稱會攜帶遭損毀的電話到場為佐證，但他最終卻未有出席會面。及後，投訴警察課多次致電聯絡投訴人協助調查，亦未獲回應。

CAPO invited COM to attend an interview to give a statement regarding his complaint. Although COM initially agreed to give a statement and bring his broken phone as evidence, in the event he did not attend the interview. Despite CAPO making several attempts to contact COM, he did not answer any of the calls.

與此同時，投訴警察課檢查當晚的輪更當值表，確認在場所有警務人員身分，並檢視其警察記事冊內就事件的紀錄。投訴警察課人員亦在監警會觀察員的陪同下到現場視察，並檢取附近多家店鋪、餐廳以及區議員辦事處的閉路電視片段，以便由多個途徑和角度審視投訴人的投訴指控，查找真相，釐清事件。

At the same time, CAPO checked the duty roster to ascertain the identities of all police officers present at the scene, and reviewed the records in their police notebooks. Accompanied by IPCC Observer, CAPO officers also attended the scene and seized CCTV footage from several nearby shops, restaurants and the office of a District Councillor in order to examine COM's allegations and clarify the incident from multiple sources and different angles.

投訴警察課檢視所有閉路電視片段後，發現有片段錄得投訴人在接受警務人員問話時曾經情緒激動，不斷揮動手腳；並無畫面顯示如投訴人

After reviewing all the CCTV footage collected, CAPO found that there were footage showing that COM suddenly became emotional waving his arms and lashing out with his feet while being questioned by police

聲稱，有警務人員搶走其電話並扔在地下。但由於閉路電視片段畫面質素較差，未能清楚拍攝到警務人員向投訴人搜身的全部完整過程，在欠缺投訴人進一步的協助下，投訴警察課認為未有足夠證據確定被投訴人的身分，同時亦未有證據顯示有警員曾經干犯任何不當行為。因此，投訴警察課把兩項指控分類為「無法追查」。監警會在檢視所有相關文件、紀錄和閉路電視片段後，同意該結果。

officers. However, the footage did not capture any officer ever trying to snatch anything away from COM as he claimed. Due to the poor quality of the CCTV footage, details of the entire search process could not be clearly viewed. In the absence of COM's further assistance, CAPO considered that there was insufficient evidence to establish the identity of the officer being complained against and there was no evidence that any police officer had committed any wrongdoing. Therefore, CAPO classified both allegations as "Not Pursuable". After reviewing all relevant documents, records and CCTV footage, the IPCC agreed with CAPO's findings.

儘管個案四的指控在投訴人未有協助調查下最終分類為「無法追查」，但在調查過程中可見投訴警察課如何竭盡所能，向負責搜查投訴人的警務人員調查及搜身，並檢視所有相關證據，更安排監警會觀察員前往現場觀察取證，盡一切努力嘗試釐清事件始末。

In Case 4, although the allegation was classified as "Not Pursuable" due to the complainant's absence during the investigation process, it is evident that CAPO did its best by immediately conducting an investigation and a search on the police officers involved as well as examining all relevant evidence. CAPO also arranged for an IPCC Observer to observe the collection of evidence at the scene, making every possible effort to clarify the whole incident.

個案五的投訴人由作出投訴，至覆核階段均缺席投訴警察課的預約會面，整個個案處理過程耗費不少時間及資源，而個案最終亦因投訴人拒絕提供資料而無法追查下去。

In Case 5, the complainant did not show up after lodging his complaint, nor attend any of the interviews arranged by CAPO during the review stage. Considerable time and resources were expended on this case. Eventually, it was classified as "Not Pursuable" due to the complainant's refusal to provide any information.

個案五 Case 5



(設計圖片)
(Illustration)

投訴人透過電郵報案，表示最近經常遭受不明人士的來電滋擾。負責調查案件的警員確認來電來自一公營機構，目的是為跟進投訴人早前向該機構作出的投訴。該名警員及後致電投訴人跟進其案件時，投訴人表示沒有再收到任何滋擾來電，要求警方終止調查，惟投訴人拒絕錄取口供確認上述要求，並表明拒絕接收警方的來函。案件主管(一名督察)決定終止調查。

The complainant (COM) reported to the police that he had been frequently disturbed by nuisance calls from an unknown person. The police officer investigating the case confirmed that the calls came from a public organisation, which was following up on an earlier complaint COM had made to the organisation. When the police officer called COM to follow up on his case, COM requested the police to cease their investigation since no more nuisance calls were received. However, COM refused to give a statement to confirm his request to curtail the investigation. He also refused to acknowledge any written correspondence from the police. The officer-in-charge of the case (OC case) (an Inspector) decided to curtail the investigation accordingly.

一個月後，投訴人就其「電話滋擾」案件致電負責調查的警員，要求索取書面調查報告，案件主管於是去信通知投訴人調查結果。投訴人收到來信後，否認曾向兩名警員表示同意終止調查，並認為警員「疏忽職守」，未能準確記錄二人的電話對話內容。他亦認為案件主管向他發出的信件內容有誤。投訴人要求投訴警察課作出全面調查，惟投訴人其後拒絕向該課提供資料。由於投訴人提供的資料有限，投訴警察課把兩項指控分類為「無法追查」。

投訴人得悉調查結果後，同日向投訴警察課表示不滿，要求覆核，並聲稱有新證據可提供及願意錄取口供。惟投訴人最終沒有出席與投訴警察課的預約會面，經該課多次聯絡後，投訴人才表示沒有時間錄取口供，更要求該課不要再聯絡他。

由於投訴人未有提出新資料或證據支持他的覆核，監警會同意投訴警察課維持原來的調查結果分類為「無法追查」。

無疑投訴人有權利作出投訴及覆核要求，但同時亦理應尊重投訴機制，配合投訴警察課的調查，履行作為投訴人的公民責任。作出投訴後卻不配合調查，可能讓投訴事件不了了之，既未能查找事件真相，還投訴人或投訴警員公道，更白白浪費公共資源。

務實建議 提升效率

投訴人的積極配合對調查工作至關重要，有助投訴個案水落石出，避免調查因投訴人未有合作而受到不必要的拖延，浪費處理投訴的珍貴公共資源。

就「無法追查」的指控，監警會亦提出多項改善建議，包括建議警方：（一）審視投訴警察課處理

One month later, COM contacted the investigating officer regarding his “telephone nuisance” case and requested a written reply regarding the investigation result. The OC case then wrote to inform COM of the investigation result. Upon receiving the letter, COM denied that he had given the two police officers his consent to curtail the investigation. COM alleged that the investigating officer had neglected his duty and failed to record the contents of their telephone conversation accurately. COM also considered the content of the letter issued by the OC case was incorrect. COM requested CAPO to conduct a full investigation, but subsequently refused to provide any information to CAPO. CAPO therefore classified both allegations as “Not Pursuable”.

Upon noting the investigation results, COM expressed his dissatisfaction with CAPO and requested a review on the same day. He also claimed that he had new evidence and was willing to provide a statement. Nevertheless, COM did not show up for his interview as scheduled. After receiving several follow up calls from CAPO, COM finally replied that he did not have time to give the statement and requested CAPO not to contact him again.

Since COM failed to provide any new information or evidence to support his request for a review, the IPCC agreed with CAPO’s conclusion that the classification of the allegations should remain unchanged as “Not Pursuable”.

There is no doubt that complainants have their right to lodge complaints and request reviews of their cases. At the same time, complainants should also respect the complaint mechanism by fulfilling their civic responsibilities and cooperating with CAPO in the investigation. If one failed to assist in the investigation after lodging a complaint, CAPO may not be able to pursue the case and no justice could be done to both the complainant and the officers being complained against. This would also lead to wastage of public resources.

Pragmatic SQIIs to Enhance Efficiency

Full cooperation from a complainant is of paramount importance to an investigation. This can help to facilitate the resolution of the complaint case at the earliest possible time, avoid any unnecessary delays in the investigation and thus, saving precious public resources for complaints handling.

Regarding the handling of “Not Pursuable” allegations, the IPCC has put forward a number of SQIIs. Such SQIIs included recommending

無理及辱罵等投訴的程序，以減少濫用警務資源的情況；(二)就故意作出虛假指控的投訴人提出檢控；以及(三)加強教育，讓公眾認識投訴時提供真實及準確資料的重要性，令公共資源可更有效用於性質較為嚴重或需要深入調查的個案，從而提升整體投訴處理的效率。

投訴權責 人人要知



the police to: (i) review CAPO's procedures for handling vexatious and abusive complaints in order to reduce unnecessary wastage of police resources; (ii) prosecute complainant for knowingly making a "False" complaint; and (iii) further promote public awareness of the importance of providing true and accurate information when lodging complaints. This will allow public resources to be directed to cases that are more serious in nature or requiring thorough investigation, hence raising the overall efficiency of handling complaints.

Promulgating Complainants' Rights and Responsibilities

監警會主席(中)、宣傳及社區關係委員會主席(右)和秘書長(左)曾多次公開呼籲，投訴人在運用投訴權利時，亦有義務和責任提供真實和全面的資料，以及有效的聯絡方法以協助警方的調查工作。

IPCC Chairman (centre), Chairman of Publicity and Community Relations Committee (right) and Secretary-General (left) appealed to the public that whenever complainants exercise their right to lodge a complaint, they must also fulfil their responsibilities by providing accurate and complete information as well as valid means of contact to facilitate the police's investigation.

監警會主席和委員曾多次公開呼籲，投訴人在享有投訴權利的同時，亦須負上公民責任：

- (一) 以誠實的態度提出正當合理的投訴；
- (二) 提供有效的聯絡方法，並配合投訴警察課的調查工作；以及
- (三) 提供真實、正確和全面的資料，清楚說明投訴事項。

兩層架構投訴警察制度讓公眾「投訴有門」，而監警會、投訴警察課和市民三方的通力合作，正是確保制度行之有效的「不二法門」。會方將持續透過不同渠道，向公眾強調投訴人的權與責，確保投訴制度有效發揮職能。

The IPCC Chairman and Members appealed to the public on many occasions that whenever complainants exercise their right to lodge a complaint, they should also assume their civic responsibilities by:

- (i) Lodging genuine and reasonable complaints in good faith;
- (ii) Providing valid means of contact and cooperating fully with CAPO's investigation; and
- (iii) Providing true, accurate and complete information with a clear account of the complaint cases.

The two-tier police complaints system serves as a platform for the public to lodge their complaints. The close collaboration between the IPCC, CAPO and the public is crucial for the effective operation of this system. The IPCC will, through various channels, continue to impress upon the public that complainants have rights and responsibilities, fulfilment of both ensures the effectiveness of the complaints system.