

主席前言

CHAIRMAN'S FOREWORD



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去年六月一日當我出任主席一職，我在此以三個「信」字（互信、誠信、信念）分享我對獨立監察警方處理投訴委員會（監警會）工作的期許。時隔逾12個月，我於今年八月底再度執筆，撰寫這篇前言。一年之間變化萬千。這段時間適逢監警會成為法定機構十周年，而香港則面對自2014年佔中事件以來最大規模的示威活動，監警會亦因此面臨前所未見的局面。

報告期內，我對委員會的工作有了更深入的認識，亦與一眾委員透過不同渠道用心聆聽社會各界的聲音。我留意到部分市民把監警會比喻為「無牙老虎」，認為會方沒有實質權力履行職能，無法達致社會大眾的期望。事實上，當年籌組監警會的一大目的，就是要確保由警隊投訴警察課管理的投訴警察制度，在警員自行調查同袍的情況下仍能保持公允。而監警會成立之際，世界各地包括英國在內的慣常做法亦是由警隊內部完成投訴調查的工作。而英國和某些司法管轄區更引入當時相對創新的監察制度，使之

When I assumed office as Chairman on June 1st last year, I shared my vision for the work of the Independent Police Complaints Council (IPCC) with other members, based on three elements, namely mutual trust, integrity and conviction. At the time of writing this Foreword, which is the end of August 2019, more than twelve months have since passed. During this time much has happened. The period coincided with the beginning of the 10th year of the establishment of the IPCC as a statutory body. It also coincided with the largest protests Hong Kong has seen since the 2014 Occupy Central Movement, propelling the IPCC into new, uncharted waters.

During the time covered by this Report, I have developed a deeper understanding of the work undertaken by the IPCC. Together with the Council Members, we have listened with great care to various voices from the community through an array of channels. I took note that some have described the IPCC as a “toothless tiger”, claiming that the Council has no substantial power and therefore cannot perform the role expected of by the community. When the IPCC was set out, it was designed as a body to ensure that the Police Complaints System, operated by the Complaints Against Police Office within the Police Force, was operated fairly and impartially by the police officers who have to investigate their own colleagues. At the time when the IPCC was set up, it was the norm in police forces around the world, including the United Kingdom, that the Police Forces undertake their own investigations of complaints against one of their

能在原有系統之上由第三方確保調查得以公平公正地進行。時移勢易，一些海外地區的民眾對制度的期望日漸提升，為進一步鞏固監察工作，除最初增設的權力外，一些監察警方操守的外部機構亦可在特殊情況下直接行使調查權力，尤其是與貪污相關的投訴個案。香港的廉政公署早已行之有效，但也許香港是時候研究其他地區的相關監管機構在歷年來的演變，從中借鏡，藉以應對社會的期望。

與此同時，我深信監警會一直按照現行法規，充分履行其法定職能。事實上，會方目前行使的監察職能，是各界多年來攜手努力的成果。而兩層架構投訴警察制度成功與否，則取決於公眾、警方和作為監管機構的監警會能否建立堅實的互信基礎。因此，在本報告期內，我希望用三道推動會方發展的「力」量，總結委員會在本年度的工作，同時回應市民對監警會的期望。

權力

權力來自法律基礎，是所有法定機構履行職能的依據。多年來，委員會盡力行使《監警會條例》所賦予的權力，竭力監察和覆檢警方就須匯報投訴的處理和調查工作，並依照證據以持平原則達致更明確的調查結果分類，讓投訴人和警務人員均得到公平公正的對待。在審核投訴個案時，我們的標準貫徹如一——以證據為依歸，以法律為準繩。

我留意到坊間有指監警會沒有調查權和懲處權。儘管會方沒有直接的調查權，但可於投訴警察課調查期間，派出由逾百人組成的監警會觀察員團隊，觀察警方的會面和搜證工作，確保初期的調查過程不偏不倚。報告期內，觀察員的出席比率高達95.2%，連續第三年有所攀升，進一步加強會方的監察職能。懲處方面，相關工作雖由警方負責執行，但監警會可就警方對違規人員採取的跟進行動提出質詢，確保有關行動適當反映過失的嚴重程度。報告期內，會方曾就此類事項提出14項質詢，共有81名警務人員需要接受警方的紀律聆訊或其他內部行動。

number and it was a relative innovation among some jurisdictions at that time, including the United Kingdom, that there was overlaid upon such a system, a system of external supervision, to ensure that the investigation was done fairly and impartially. But over time, community expectations have grown in a number of overseas jurisdictions and the initial overlay of supervision has been reinforced by powers of direct investigations by the external police conduct authority in certain special circumstances, particularly in relation to corruption complaints. Although Hong Kong has a very effective Independent Commission Against Corruption, it may be time to study how similar supervisory bodies in other jurisdictions have evolved over time and see how changing community expectations in Hong Kong may be met.

Meanwhile, I am confident that the IPCC has been effectively performing its functions as defined by its existing statute. The IPCC's present supervisory function has been built up over many years by the hard work of all involved. The success of two-tier police complaints system depends on whether a solid foundation of mutual trust could be built amongst the public, the Police and the IPCC as supervisory authority. For the period covered by this Report, I would summarise the work undertaken by the Council during the reporting period as well as our responses to the public expectations of the IPCC, under the headings of the three "Forces", which drive our work.

Powers

It is the legal framework that confers powers to and lays foundation for a statutory body to carry out its functions. Over the years, the Council has been committed to exercising its powers as provided for under the IPCC Ordinance, doing its utmost to monitor and review work carried out by the Police in handling and investigating Reportable Complaints, and arrive at more definite classifications of investigation results impartially based on evidence, so that both Complainants and police officers involved are treated justly and fairly. The same standard has been upheld in the review of all complaint cases – every decision must be evidence-based and in accordance with applicable laws.

I noted some members of the public expressed that the IPCC has no investigation or disciplinary power. Despite its lack of direct investigation power, the Council can, however, deploy over 100 Observers to observe at the interviews and collection of evidences conducted by the Complaints Against Police Office (CAPO) with a view to ensuring impartiality even at the initial stage of investigation. During the reporting period, the attendance rate of Observers recorded an upward move for the third consecutive year to 95.2%, signifying further enhancement in the Council's monitoring function. In regard to disciplinary action, while relevant work is executed by the Police, the IPCC can raise Queries on Police actions against defaulting officers to ascertain that the actions commensurate with the seriousness of the offences. The Council raised 14 Queries on such actions during the reporting period, and disciplinary proceedings or internal actions were taken by the Force against 81 police officers.

在我看來，權力就是責任，而在現行法律框架下善用權力擔當起應有的社會責任，讓機構得以彰顯最大的成效，一直是會方的目標。因此，權力多寡並非衡量機構表現的唯一因素，更重要的是，會方能夠充分發揮現行條例賦予的權力，確保對警方的投訴能夠獨立、公平、透徹地處理，同時多走一步，以前瞻視野審視及建議有待改善的警例或守則，讓警隊的服務質素，力臻至善。

影響力

權力是法例賦予機構的固有能力，而影響力則是可超越機構延伸至整個社會的無形力量，其覆蓋面更廣，滲透力更深，帶來改變的潛力亦更大。相較權力，我認為影響力更值得大家考量。而要加強監警會的影響力，首要條件是建立會方、警方和市民三者之間的相互信任及溝通橋樑。故此，委員會積極開展宣傳教育的工作，到訪各大專院校、中小學校、專業機構和商會，讓廣大市民可以更直接地了解監警會的工作和理念，澄清常見誤解，同時聆聽他們對會方的意見，構建互信的橋樑。我們亦與海外監察機構保持聯繫，互相交流。

報告期內，監警會和投訴警察課召開了四次聯席會議，並與兩個警隊協會會晤，了解警方日常執法和處理大型公眾活動的考慮和常見問題。此外，會方與本港各地區及專業團體，以及來自內地、澳門、泰國、印尼等地的監察機關會面，在架構、機制、資源運用等方面汲取經驗，集思廣益。

青少年教育亦是委員會的工作重點之一。在本年度，監警會完成了二十餘次學校推廣計劃探訪活動，接觸逾4,000名大、中、小學的師生，並舉辦了「校園計劃標誌及標語設計比賽」和「少青同樂日」，以輕鬆及互動的形式，向青少年講解監警會的審核過程和原則。

這些活動的影響力並不限於加深社區及新一代對會方工作的認識，更有助他們提升對日常時事的獨立分析和批判的思考能力。我們亦藉著分享審核經驗，讓不同持份者明白監警會的工作信念，對所有個案

Powers come with responsibilities, and it has always been an objective of the IPCC to fulfil its rightful social responsibilities by making the best use of its powers under the current legal framework to discharge its statutory duties effectively. The extent of the Council's powers should not be the only factor based on which its performance is to be measured. What's more important, is that the Council should be able to fully exercise its powers conferred by the existing ordinance to ensure that all complaints against the Police are handled in an independent, impartial and thorough manner. By going the extra mile, the Council also examines police general orders and manuals from a forward-looking perspective, and make suggestions for improvement to help enhance the Police Force's service quality.

Influence

While powers are defined rights conferred to a body by law, influence is an intangible force that may reach beyond a body corporate to the entire society – it spreads wider, runs deeper, and therefore has a greater potential for making a difference. Compared to powers, I believe influence shall be seriously considered. The establishment of mutual trust and communication channels among the Council, the Police and the public is essential for enhancing the IPCC's influence. As such, the Council has been taking a proactive role in its publicity and education efforts. Through visits to tertiary institutions, secondary and primary schools, professional organisations and business associations, the public will gain a more direct and better understanding about the IPCC's work and philosophy. The Council also strives to build a bridge of mutual trust by clarifying common misconceptions and listening to public opinions about the Council, as well as maintaining communication with overseas oversight bodies for experience sharing.

During the reporting period, the IPCC held four joint meetings with CAPO and met with two associations of the Force, through which Members learned about the Police's considerations and common issues associated with daily law enforcement and the handling of major public order events. In order to draw lessons from the wide community to improve its structure, mechanism and resource utilisation, the Council also talked to different local organisations and professional bodies in the territory, and met with monitoring authorities from Mainland China, Macao, Thailand and Indonesia.

Youth education is another key focus of the Council. During the current year, not only did the IPCC reach out via its School Programme to over 4,000 teachers and students from tertiary institutions as well as secondary and primary schools through more than 20 visits, it also organised "School Programme Logo and Slogan Design Competition" and "Youth Day", where its vetting process and principles were explained in a relaxed and interactive manner to the youth group.

The influence of these events does not stop at enriching public and younger generation's understanding about the Council's work, it also helps enhance their independent analysis and critical thinking about current affairs. By sharing our vetting experiences, we also aim to help stakeholders understand the IPCC's conviction and its

均實踐同一標準，從而增強各界對整個投訴制度的信心。

監警會除了審核投訴個案的調查報告，亦透過宏觀角度研究投訴趨勢，從而找出警隊服務有待改善的地方，並提供適切可行的建議。本年度會方合共提出了23項建議，不少建議與市民的日常生活息息相關，例如是（一）改善交通意外和解的記錄程序；（二）改善「電話騷擾」投訴調查的通訊紀錄申請程序；以及（三）加快失竊八達通卡的調查程序。這些建議有助會方進一步發揮其監察角色的影響力，避免同類型的投訴一再發生。由此可見，監警會的影響力並不止於投訴個案本身的調查結果，更延伸至警隊的內部指引和培訓，由根本提升其服務質素，與時並進，且與世界各地的最新發展和最佳做法接軌。在撰寫本文時，監警會已就警方處理由2019年6月9日起的大型公眾活動，展開一項審視工作。

公信力

監警會一直秉持審核程序的公平性和獨立性，並致力提升效率和透明度，以維持會方的公信力。效率方面，監警會在報告期內審核個案的平均日數為78天，較去年度縮短18.8%，更較2015/16年度的高峰期（144天）下跌超過四成半。本年度亦有100項指控經監警會質詢後修正為更加明確的調查分類。我們相信盡快作出清晰明確的審核結果，不但可加強市民及警隊對會方工作的信任度，亦可避免投訴人和被投訴的警務人員因時間延長而增加不必要的壓力和疑慮。至於提升透明度，則必須開誠布公。因此，監警會除了積極走出去與持份者溝通外，亦透過定期出版刊物、更新網站及舉行傳媒發布會，向公眾適時發放會方工作的最新動向。

根據最新的公眾意見調查結果，市民對監警會審核或處理投訴個案的四項指標，即公平性、獨立性、效率和透明度的評價均較去年度有所上升，受訪者對監警會的信心評分亦增至49個百分點，連續第三年錄得升幅。

事實上，權力、影響力與公信力三者相輔相承，唯有取得公信力，再配合法例賦予的權力，才能進一步發揮影響力，廣泛爭

application of uniform standard in vetting all complaint cases, thereby fostering stronger public confidence in the entire complaints system.

In addition to reviewing investigation reports of complaint cases, the IPCC also studies the trends of complaints from a macro perspective with a view to identifying areas of improvement in police service and offering appropriate and practicable suggestions. During the current year, the Council made a total of 23 recommendations, some of which are closely related to the daily life of all members of the public, such as (1) enhancement in the procedures in making records of traffic-related private settlements; (2) enhancement in checking phone call records relating to “telephone nuisance” complaint investigations; and (3) expediting the process of checks relating to lost Octopus cards. These recommendations can help the Council prevent the recurrence of similar complaints by better using its influence as an oversight body. In fact, the IPCC’s influence does not end once the complaint investigation results have been reached. It also impacts on the guidelines and training within the Force. Starting from the fundamentals, the IPCC aims to encourage the Police to deliver better services, to keep abreast with the times, and to stay up-to-date on the latest developments and best practices overseas. At the time of writing, the IPCC has embarked on a Thematic Study of Policing of Public Order Events, arising from the large-scale public order events from 9 June 2019 onwards.

Credibility

The IPCC upholds fair and independent principles in its vetting procedures, and it is committed to maintaining credibility with the public through improved efficiency and transparency. In terms of efficiency, the IPCC’s average time required for vetting cases was 78 days during the reporting period, representing an 18.8% decrease compared to last year, and a reduction of over 45% from the 144-day peak in 2015/16. In addition, 100 allegations were reclassified to more definite findings in the current year following Queries made by the IPCC. We believe that by offering clear and specific vetting results as soon as possible, not only can we reinforce trust placed in the Council’s work by public members and the Police, we can also avoid adding unnecessary stress and anxiety from prolonged investigations to Complainants and police officers being complained against. To increase transparency, we must adopt an open approach. Therefore, in addition to taking the initiative to engage stakeholders, the IPCC also communicates the Council’s latest work to the public through regular publications, updated information on its website and media briefings.

According to the latest results of the IPCC’s public opinion survey, public perception of the Council’s four attributes for reviewing or handling complaint cases, namely fairness, independence, efficiency and transparency, had all shown improvement. The respondents’ confidence in the IPCC also rose to 49 percentage points, marking increases for three consecutive years.

As a matter of fact, the three “forces” – powers, influence and credibility – are all interconnected and complementary to each other. With credibility and power conferred by applicable laws, we will be

取社會各界的支持，從而鞏固整個投訴機制。公信力從來易毀難建，監警會作為獨立法定機構，定必克盡厥職，在現有權力下充分發揮法定職能及影響力，藉此點滴累積公信力，竭誠為廣大香港市民服務。

建立互信 迎向未來

最後，我想藉此機會再次感謝本報告期內卸任的成員，包括陳健波議員（副主席）以及五名榮休委員杜國鎔先生、甄孟義資深大律師、陳建強醫生、何世傑教授和陸貽信資深大律師對監警會的貢獻，並感謝現任委員、觀察員和秘書處職員對會方的支持和協助。

監警會成為獨立法定機構已有十年光景，正好藉此歷史時刻回顧過去所得，堅守現時崗位，籌劃未來藍圖。一如前述，成功並非朝夕可得，會方將繼續致力履行監察職能，維護公平公正的兩層架構投訴警察制度。

able to make the best of our influence and to win support from all walks of life in our community to strengthen the entire complaints system. It is always easier to destroy than to build credibility. As an independent statutory body, the IPCC dedicates itself to serving the people of Hong Kong by fulfilling all its duties, by fully discharging its statutory functions and influencing within the scope of its existing powers, and by gradually building credibility in the society.

Building Confidence and Trust – Role of IPCC in the Evolving Future

Last but not least, I would like to take this opportunity to express my heartfelt gratitude again to outgoing Members during the period under Review, the Hon Chan Kin-por (Vice-Chairman), as well as five of our retired Members: Mr Clement Tao Kwok-lau, Mr John Yan Mang-yee, SC, Dr Eugene Chan Kin-keung, Ir Prof Vincent Ho and Mr Arthur Luk Yee-shun, SC for their contributions. I would also like to thank all of our current Members, Observers and Secretariat staff, for their support and assistance to the Council.

It has been a decade since the IPCC first became an independent statutory body. I can think of no better timing than this historical milestone to work on a plan for our future by looking back on what we have accomplished and renewing our commitment to current duties. As I said, our success cannot be obtained in a day, and the Council will remain steadfast in carrying out its monitoring function, and upholding a fair and impartial two-tier police complaints system.



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