

監察投訴處理

Monitoring the Handling of Complaints

2



調查報告及指控數字 Number of Investigation Reports and Allegations

接獲及通過的須匯報投訴個案數字 Number of Reportable Complaint cases received and endorsed

	2020/21	2019/20
接獲的須匯報投訴個案 Reportable Complaint cases received	1,363	1,478
通過的須匯報投訴個案 Reportable Complaint cases endorsed	1,390	1,293

在本報告期內(2020年4月1日至2021年3月31日)，監警會共接獲投訴警察課1,363宗新的須匯報投訴個案的調查報告，按年下降7.8%。

同期，監警會通過了1,390宗須匯報投訴個案的調查結果(包括47宗覆檢個案)，按年增加7.5%。除了覆檢個案外，涉及的指控有2,311項，按年上升4.6%，其中主要的三項指控依次序為「行為不當／態度欠佳／粗言穢語」、「疏忽職守」及「毆打」。

During the reporting period (1 April 2020 to 31 March 2021), the IPCC received reports from CAPO on the investigation of 1,363 new Reportable Complaint cases, representing a decrease of 7.8% compared to the previous year.

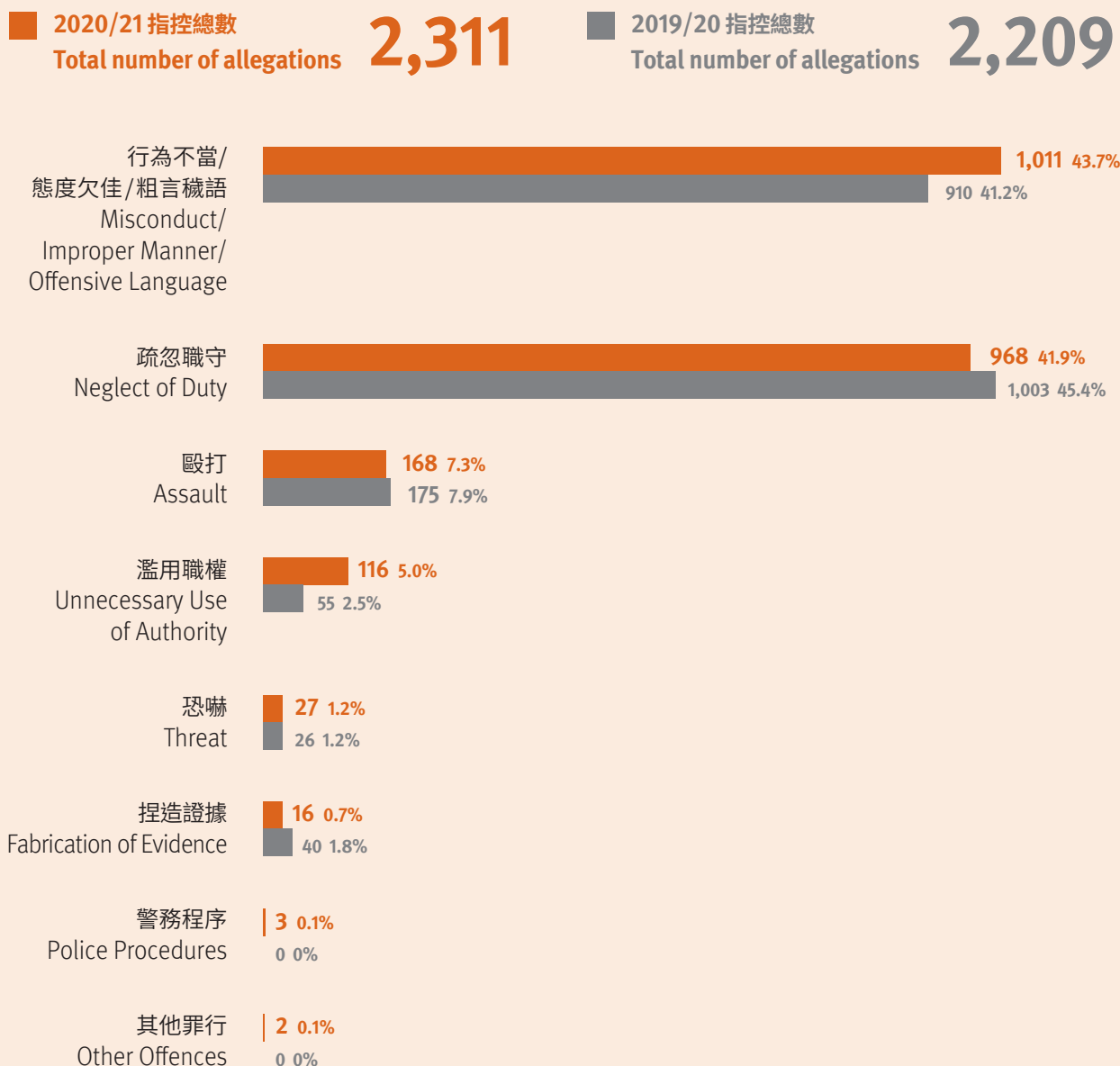
In the same period, the IPCC endorsed the results of investigation for 1,390 Reportable Complaint cases (including 47 reviewed cases), representing an increase of 7.5% compared to the previous year. There were a total of 2,311 allegations excluding the reviewed cases, representing an increase of 4.6% compared to the previous year. The three major allegations in descending order were “Misconduct/Improper Manner/Offensive Language”, “Neglect of Duty” and “Assault”.

通過的指控數字(按性質分類)可見下表：

The following chart shows details of the number of allegations endorsed (by nature):

監警會通過的指控

Allegations endorsed by the IPCC



註：由於進位原因，百分率的總和可能未必是100%。

年度數字截至該年度的3月31日。

Note: Percentage shares may not add up to exactly 100% due to rounding of figures.

Figures are as of 31 March of the respective reporting year.

調查結果 Investigation Results

在2020/21年度獲通過的2,311項指控中，經全面調查的指控有702項，當中72項被列為「獲證明屬實」，佔所有經全面調查指控的10.3%。18項被列為「未經舉報但證明屬實」（佔2.6%），4項被列為「無法完全證明屬實」（佔0.6%），208項被列為「無法證實」（佔29.6%），364項被列為「並無過錯」（佔51.9%），36項則被列為「虛假不確」，佔總數的5.1%。

在其餘的1,609項無需進行全面調查的指控中，239項「透過簡便方式解決」，佔無需進行全面調查指控中的14.9%。606項被列為「投訴撤回」（佔37.7%），764項被列為「無法追查」（佔47.5%）。沒有指控被列為「終止調查」。

Among the 2,311 allegations endorsed in 2020/21, 702 were fully investigated. 72 (10.3% of those fully investigated) were classified as “Substantiated”, 18 (2.6%) as “Substantiated Other Than Reported”, 4 (0.6%) as “Not Fully Substantiated”, 208 (29.6%) as “Unsubstantiated”, 364 (51.9%) as “No Fault”, and 36 (5.1%) as “False”.

Among the remaining 1,609 allegations which did not require full investigation, 239 (14.9% of those not fully investigated) were “Informally Resolved”, 606 (37.7%) were classified as “Withdrawn”, 764 (47.5%) as “Not Pursuable”. There was no allegation being classified as “Curtailed”.



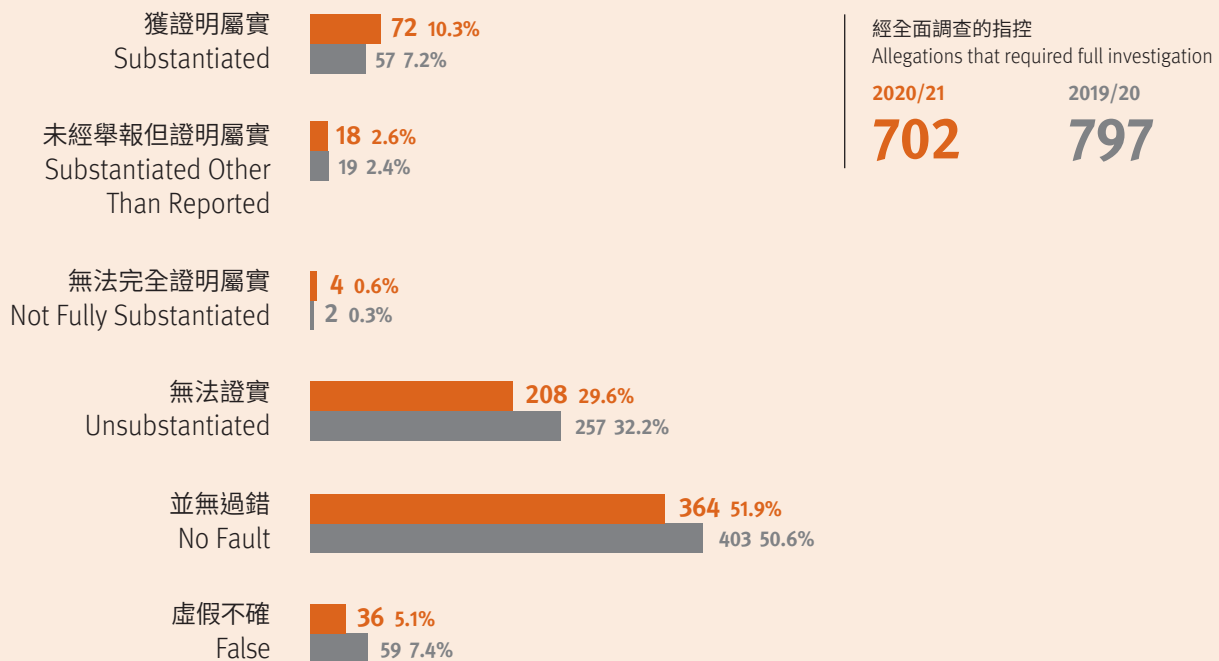
2019/20 和 2020/21 年度的調查結果數據比較可見下表：

The following table shows a comparison of figures regarding investigation results in 2019/20 and 2020/21:

監警會通過的調查結果 Investigation results endorsed by the IPCC

2020/21 指控總數
Total number of allegations **2,311**

2019/20 指控總數
Total number of allegations **2,209**



經全面調查的指控
Allegations that required full investigation

2020/21	2019/20
702	797

透過簡便方式解決
Informally Resolved

2020/21	2020/21 %	2019/20	2019/20 %
239	14.9%	202	14.3%

投訴撤回
Withdrawn

2020/21	2020/21 %	2019/20	2019/20 %
606	37.7%	462	32.7%

無法追查
Not Pursuable

2020/21	2020/21 %	2019/20	2019/20 %
764	47.5%	748	53.0%

註：由於進位原因，百分率的總和可能未必是100%。
年度數字截至該年度的3月31日。

Note: Percentage shares may not add up to exactly 100% due to rounding of figures.
Figures are as of 31 March of the respective reporting year.

無需進行全面調查的指控
Allegations that did not require full investigation

2020/21	2019/20
1,609	1,412

監警會通過的須匯報投訴個案的指控數字(根據性質和調查結果劃分)

Number of allegations involved in the Reportable Complaint cases endorsed by the IPCC (by nature and by results of investigations)

年份Year	行為不當/ 態度欠佳/粗言穢語 Misconduct/ Improper Manner/ Offensive Language		疏忽職守 Neglect of Duty		毆打 Assault		濫用職權 Unnecessary Use of Authority	
	2020/21	2019/20	2020/21	2019/20	2020/21	2019/20	2020/21	2019/20
經全面調查的指控 Allegations that required full investigation								
獲證明屬實 Substantiated	16	15	54	41	0	0	2	1
未經舉報 但證明屬實 Substantiated Other Than Reported	1	1	16	17	0	0	1	1
無法完全證明屬實 Not Fully Substantiated	2	0	2	1	0	1	0	0
無法證實 Unsubstantiated	106	147	79	76	9	19	9	9
並無過錯 No Fault	90	91	239	281	4	2	27	24
虛假不確 False	13	14	6	8	9	13	1	1
小計 Subtotal	228	268	396	424	22	35	40	36
無需進行全面調查的指控 Allegations that did not require full investigation								
透過簡便方式解決 Informally Resolved	137	123	102	79	0	0	0	0
投訴撤回 Withdrawn	271	201	243	216	43	29	37	6
無法追查 Not Pursuable	375	318	227	284	103	111	39	13
小計 Subtotal	783	642	572	579	146	140	76	19
總數 Total	1,011	910	968	1,003	168	175	116	55

捏造證據 Fabrication of Evidence		恐嚇 Threat		警務程序 Police Procedures		其他罪行 Other Offences		總數 Total	
2020/21	2019/20	2020/21	2019/20	2020/21	2019/20	2020/21	2019/20	2020/21	2019/20
0	0	0	0	0	0	0	0	72	57
0	0	0	0	0	0	0	0	18	19
0	0	0	0	0	0	0	0	4	2
2	0	2	6	0	0	1	0	208	257
1	3	0	2	3	0	0	0	364	403
5	21	1	2	0	0	1	0	36	59
8	24	3	10	3	0	2	0	702	797
0	0	0	0	0	0	0	0	239	202
3	7	9	3	0	0	0	0	606	462
5	9	15	13	0	0	0	0	764	748
8	16	24	16	0	0	0	0	1,609	1,412
16	40	27	26	3	0	2	0	2,311	2,209

警方對違規人員採取的跟進行動 Police Actions Against Defaulting Officers

在本報告年度獲監警會通過的個案中，共有 87 名警務人員需接受紀律聆訊或其他內部行動，涉及 64 宗個案。分項數字見下表：

During the reporting year, disciplinary proceedings or internal actions were taken against 87 police officers regarding 64 cases endorsed by the IPCC. The following table shows the breakdown of figures:

警方於 2019/20 及 2020/21 年度就監警會通過的投訴個案 向違規的警務人員採取的行動 Police actions taken against defaulting officers regarding cases endorsed by the IPCC during 2019/20 and 2020/21

	人員數目 Number of officers	
	2020/21	2019/20
A 刑事訴訟 Criminal proceedings	0	0
B 紀律覆檢 Disciplinary review	7	2
C 其他內部行動 Other internal actions		
警告 Warnings	28	25
訓諭 Advice	52	53
總數 Total	87	80

註：2019/20 年度的數字已因應部分個案覆核後，予以調整。
Note: Figures for 2019/20 have been adjusted following case reviews.

向投訴警察課提出質詢 Queries Raised with CAPO

在2020/21年度，監警會向投訴警察課合共提出1,445項質詢，內容包括監警會向投訴警察課提出的各類要求，例如更改調查報告的內容，就報告內容提供更多資料及澄清，以及監警會就警方的工作常規或程序提供改善建議等。

根據《監警會條例》，投訴警察課必須回覆監警會的質詢。每當監警會收到投訴警察課的回覆，審核團隊會研究當中的資料、解釋及觀點，然後提交予委員組成的審核小組考慮是否接納其回覆。有需要時，監警會可以就同一事項向投訴警察課再提出質詢，或把事項提交到工作層面會議與投訴警察課商討，直至監警會滿意其解釋，才會通過該宗投訴個案。

報告期內，共有806項質詢需要再作跟進，其餘的質詢則經由監警會再質詢或雙方開會討論後，得到滿意解釋及解決。

The IPCC raised a total of 1,445 Queries with CAPO in 2020/21. These Queries included various requests to CAPO, for example, amending the content of investigation reports, providing more information and clarification regarding the reports, and the IPCC making improvement recommendations on the Police practices and procedures, etc.

Pursuant to the IPCCO, CAPO must reply to IPCC's Queries. When the IPCC receives responses from CAPO, the vetting teams will scrutinise the information, explanation and views before passing them to Members of vetting Sub-groups for consideration of accepting the reply. The IPCC may raise follow-up Queries regarding the same matters or bring up the matters to Working Level Meetings for further discussion with CAPO when necessary. Investigation reports will be endorsed only when the IPCC is satisfied with CAPO's explanation.

During the reporting period, there were 806 Queries requiring further actions. The remaining Queries were given satisfactory explanation and resolved after further Queries by the IPCC or discussion with CAPO at meetings.



監警會提出質詢的詳細數據請見下表：

The following table shows the breakdown of figures regarding Queries raised by the IPCC:

質詢總數
Total number of Queries

1,445

需要再作跟進的質詢
Number of Queries
requiring further actions

806

年份 Year	質詢總數 Total number of Queries		需要再作跟進的質詢 Number of Queries requiring further actions	
	2020/21	2019/20	2020/21	2019/20
質詢性質 Nature of Queries				
調查結果分類 Classification of investigation results	391	361	207	212
改善警隊常規和程序的建議 Recommended improvements to Police practices and procedures	22	17	21	16
遵從警務常規和程序 Compliance with Police practices and procedures	12	8	5	3
行使警權的理由 Reasons for exercising police power	10	2	0	1
對處理違規人員的行動提出意見 Comments on actions against defaulting officers	23	16	16	12
澄清調查報告資料 Clarification of information in investigation reports	736	628	439	398
調查透徹度 Investigation thoroughness	184	155	85	77
其他質詢 Other Queries	67	57	33	28
總數 Total	1,445	1,244	806	747

調查結果分類

監警會在2020/21年度就調查結果分類提出391項質詢，而投訴警察課需要再作跟進的質詢共有207項，因此予以修正調查結果的指控有197項，包括：

Classification of investigation results

A total of 391 Queries were raised by the IPCC in 2020/21 regarding the classification of findings, of which 207 required further actions by CAPO and consequently the investigation results of 197 allegations were reclassified, including:

10	項 reclassified from	「無法證實」 “Unsubstantiated”	改列為 → to	「獲證明屬實」 “Substantiated”
15	項 reclassified from	「並無過錯」 “No Fault”	改列為 → to	「獲證明屬實」 “Substantiated”
2	項 reclassified from	「無法追查」 “Not Pursuable”	改列為 → to	「獲證明屬實」 “Substantiated”
4	項 reclassified from	「投訴撤回」 “Withdrawn”	改列為 → to	「獲證明屬實」 “Substantiated”
22	項 reclassified from	「並無過錯」 “No Fault”	改列為 → to	「無法證實」 “Unsubstantiated”
36	項 reclassified from	「無法證實」 “Unsubstantiated”	改列為 → to	「並無過錯」 “No Fault”
2	項 reclassified from	「無法證實」 “Unsubstantiated”	改列為 → to	「虛假不確」 “False”
5	項 reclassified from	「無法追查」 “Not Pursuable”	改列為 → to	「虛假不確」 “False”

更改分類的詳細數據請參考下表：

The following table shows the breakdown of figures regarding changes of classification:

2020/21 年度監警會通過的再分類調查結果 Changes of classification endorsed by the IPCC in 2020/21

原來分類 Original classification	最後分類 Final classification							總數 Total
	獲證明屬實 Substantiated	無法完全 證明屬實 Not Fully Substantiated	無法證實 Unsubstantiated	並無過錯 No Fault	虛假不確 False	無法追查 Not Pursuable	投訴撤回 Withdrawn	
獲證明屬實 Substantiated	N/A	0	0	0	0	0	0	0
無法完全 證明屬實 Not Fully Substantiated	3	N/A	0	0	0	0	0	3
無法證實 Unsubstantiated	10	4	N/A	36	2	4	0	56
並無過錯 No Fault	15	0	22	N/A	1	17	14	69
虛假不確 False	0	0	1	3	N/A	3	1	8
無法追查 Not Pursuable	2	0	5	28	5	N/A	3	43
投訴撤回 Withdrawn	4	0	0	14	0	0	N/A	18
總數 Total	34	4	28	81	8	24	18	197

此外，監警會年內通過了18項「未經舉報但證明屬實」的指控，當中有九項是經監警會提出質詢後而增加的。另外有12宗事件記錄為「旁支事項」*。

Moreover, the IPCC endorsed 18 counts of “Substantiated Other Than Reported” allegations, nine of which were registered after the IPCC raised Queries. Another 12 incidents were recorded as “Outwith” matters*.

* 「旁支事項」是指任何違反紀律或警隊通令的事項。這些事項在調查過程中被披露，但與投訴內容並無密切關係。

* An “Outwith” matter refers to any breach of discipline or Police Force orders that has been disclosed in the course of complaint investigation but is not closely related to the complaint.

改善警隊常規和程序的建議

根據《監警會條例》第8條(1)(c)，監警會可就警隊常規或程序中引致或可能引致投訴的缺失或不足之處，向警務處處長和／或行政長官作出建議。報告期內，監警會就改善警隊常規和程序作出了22項建議。

Recommended improvements to Police practices and procedures

Under section 8(1)(c) of the IPCCO, the IPCC may make recommendations to the Commissioner of Police and/or the Chief Executive if it identifies any fault or deficiency in the Police practices or procedures that has led to or might lead to complaint. During the reporting period, the IPCC suggested 22 improvement measures to the Police.

遵從警務常規和程序

監警會可向投訴警察課提出質詢，以確定投訴個案涉及的警務人員在行使職權時，是否已遵從有關警務常規和程序。報告期內，屬於這類的質詢共有12項。

Compliance with Police practices and procedures

The IPCC may raise Queries with CAPO to ascertain whether the police officers involved in a complaint case have complied with relevant Police practices and procedures in exercising their constabulary powers. During the reporting period, 12 Queries were raised under this category.

行使警權的理由

監警會亦關注警務人員在執勤時的警權運用。報告期內，監警會就警務人員在運用警權時的理據提出10項質詢。

Reasons for exercising police power

The use of police power by officers in the discharge of their duties is also a concern to the IPCC. During the reporting period, the IPCC raised 10 Queries in respect of reasons for the use of police power.

對處理違規人員的行動提出意見

雖然向警務人員發出訓諭或採取紀律行動屬警務處處長的職權，但監警會仍可就已經或將會採取的行動提出意見，例如行動是否能適當反映過失的嚴重性等。報告期內，監警會曾就有關事項提出23項質詢。

Comments on actions against defaulting officers

While the dispensing of advice or disciplinary action against police officers is a matter for the Commissioner of Police, the IPCC will examine the actions taken or to be taken to ascertain whether they commensurate with the seriousness of the offences. The IPCC raised 23 Queries on such actions during the reporting period.

澄清調查報告資料

報告期內，監警會就投訴調查報告內含糊不清的地方，共提出了736項質詢，例如要求投訴警察課就投訴的背景提供更多資料。

Clarification of information in investigation reports

During the reporting period, the IPCC raised 736 Queries regarding ambiguous points in the investigation reports. For example, CAPO was requested to provide more background information of the complaint cases.

調查透徹度

報告期內，監警會共提出184項有關調查透徹程度的質詢，即要求投訴警察課就調查採取更深入的行動，例如會見證人和收集更多證據等。

Investigation thoroughness

During the reporting period, the IPCC raised 184 Queries regarding the thoroughness of police investigations. These Queries included requests to CAPO for more in-depth investigation by conducting interviews with witnesses and collection of more evidence.

觀察員計劃 Observers Scheme

2020/21 觀察總數

Total number of observation

2,198

2019/20 觀察總數

Total number of observation

2,127

預先安排和未經預約觀察的分項數字

Number of scheduled observation and observation without prior appointment

	2020/21	2019/20
預先安排 Scheduled	2,158	2,117
未經預約 Without prior appointment	40	10
總數 Total	2,198	2,127

觀察會面和證據收集工作的分項數字

Number of observation of interviews and collection of evidence

	2020/21	2019/20
觀察會面 Interviews	1,760	1,496
證據收集 Collection of evidence	438	631
總數 Total	2,198	2,127

2020/21年度，監警會的委員及觀察員共進行了2,198次觀察，較去年上升3.3%，當中預先安排的有2,158次，未經預約的有40次。在2,198次觀察中，有1,760次是觀察會面，其餘438次是觀察證據收集的工作。

Under the Observers Scheme, 2,198 observations were conducted by Members and Observers of the IPCC in the year 2020/21, representing an increase of 3.3% compared to the previous year. Among them, 2,158 were scheduled observations and 40 were conducted without prior appointment. Out of the 2,198 observations, 1,760 involved the conduct of interviews and 438 involved the collection of evidence.

投訴警察課的通知

Notifications from CAPO

觀察員出席觀察及接獲通知的數字

Number of observations attended by IPCC Observers and notifications received

	2020/21	2019/20
出席觀察 Observations attended	2,198	2,127
接獲通知 Notifications received	2,228	2,204
出席比率(觀察/接獲通知) Attendance rate (Observations/Notifications received)	98.7%	96.5%

投訴警察課會盡量在可行的情況下，於進行會面或證據收集前，給予監警會不少於48小時的通知。在2020/21年度，監警會接獲投訴警察課2,228次通知。

在本報告期內，監警會觀察員出席了2,198次觀察，包括觀察會面和證據收集，佔整體通知的98.7%，出席比率較去年上升了2.2%。

CAPO has agreed that, insofar as practicable, the IPCC will be notified at least 48 hours in advance of any impending interview or collection of evidence. In 2020/21, 2,228 notifications were received from CAPO.

During the reporting period, IPCC Observers attended 2,198 observations, including interviews and collection of evidence, amounting to 98.7% of the notifications received. The attendance rate increased by 2.2% compared to the previous year.

須知會投訴 Notifiable Complaints

須知會投訴個案數字 Number of Notifiable Complaint cases

	2020/21	2019/20
經監警會審核的須知會投訴個案 Notifiable Complaint cases examined by the IPCC	860	1,686
重新歸類為須匯報投訴 Cases re-categorised as Reportable Complaints	1	6

根據《監警會條例》第9條，投訴警察課須定期向監警會提交須知會投訴的個案撮要以供檢視，並解釋把該投訴歸類為須知會投訴的理由。若監警會認為某宗投訴應歸類為須匯報投訴，便會向投訴警察課作出相應的建議，投訴警察課亦需重新考慮該宗投訴的歸類。

在報告期內，監警會審核了860宗須知會投訴的個案撮要，較去年同期下降49%。經審核後，其中一宗投訴個案應監警會建議被重新歸類為須匯報投訴。

Under section 9 of the IPCCO, CAPO must regularly submit summary of Notifiable Complaints to the IPCC for examination and explain the reasons for categorising the complaints as Notifiable Complaints. If the IPCC considers that any of these cases should be classified as Reportable Complaints instead, the IPCC will give suggestions to CAPO accordingly, and CAPO will then need to reconsider the categorisation.

During the reporting period, summaries of 860 Notifiable Complaints were examined by the IPCC, representing a decrease of 49% compared to the previous year. After examination, one case was re-categorised as Reportable Complaint as per IPCC's recommendations.

表達不滿機制

Expression of Dissatisfaction Mechanism (EDM)

表達不滿機制的個案數字 Number of EDM cases

	2020/21	2019/20
經監警會審核的表達不滿機制個案 EDM cases examined by the IPCC	609	528
重新歸類為須匯報投訴 Cases re-categorised as Reportable Complaints	0	1
重新歸類為須知會投訴 Cases re-categorised as Notifiable Complaints	0	0

註：2019/20 年度的數字已因應部分個案經審視後，予以調整。
Note: Figures for 2019/20 have been adjusted following case examination.

為更有效處理性質輕微的投訴個案和善用資源，監警會和投訴警察課於2015年引入表達不滿機制，在正式投訴程序以外，為投訴人提供處理輕微投訴的另一項選擇。

在機制下，作出投訴的市民能透過投訴警察課把其不滿及意見直接向有關警區的指揮官反映。如投訴人不滿意表達不滿機制處理投訴的結果，亦可要求重新以正式投訴的方式處理投訴。為確保機制不被濫用及個案分類恰當，投訴警察課需定期提交有關表達不滿機制個案的列表予監警會審核。

在報告期內，監警會共檢視了609宗經由表達不滿機制處理的個案，較去年上升了15.3%。

To handle minor complaints more effectively and make optimal use of investigation resources, the IPCC and CAPO introduced the EDM in 2015 as an alternative to the formal complaint investigation process for handling minor complaints.

Through the EDM, a Complainant can directly reflect his/her dissatisfaction and views to the commander of the Formation concerned. If the Complainant is still unsatisfied with the results of the EDM, he/she may lodge a formal complaint. In order to maintain the integrity of the EDM and ensure appropriate categorisation, CAPO is required to regularly submit a gist of the EDM cases to the IPCC for vetting.

During the reporting period, the IPCC examined 609 EDM cases, representing an increase of 15.3% compared to the previous year.

公眾查詢 Public Enquiries

為提高透明度，監警會設立了不同途徑供市民向會方查詢或表達意見。在報告期內，監警會共收到14,901宗公眾透過電話、郵寄、電郵、傳真及親臨的查詢。除部分與監警會無直接關係的查詢外，其餘有關大型公眾活動、兩層架構投訴警察制度，包括投訴個案和觀察員計劃等查詢或意見，會方均已按服務承諾的時間回覆及適時跟進。

In order to enhance transparency, the IPCC has set up various channels for the public to make enquiry or express their opinions. During the reporting period, the IPCC received 14,901 public enquiries via telephone, post, email, fax and in person. Excluding enquiries that were not directly related to the IPCC, those enquiries concerning large-scale public order events, the two-tier police complaints system, including enquiries or suggestions relating to complaint cases and the Observers Scheme, were handled in accordance with the timeframe specified under the IPCC's performance pledge.