



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

獨立

INDEPENDENT

審核投訴警察調查工作

Review
Police Complaint
Investigations

協助提升警隊服務質素
Help Enhance the
Quality of
Police Service

MONITOR

監察

REPORT 2012/13 工作報告



**The Independent
Police Complaints Council
will do its utmost to ensure
that the Police carry out their
duties in accordance with the
law and safeguard the fine
traditions of our Police
Force to serve the people
of Hong Kong.**

**監警會必竭盡所能，
監察警隊依法
執行職務，確保香港
警隊優良傳統，
為市民服務。**

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監警會的抱負、使命及價值觀 Vision, Mission and Values of the IPCC

抱負 Our Vision

- 確保香港的投訴警察制度公平、有效率和具透明度，使每一宗須匯報投訴個案均得到公正、迅速、仔細和不偏不倚的調查。
- That Hong Kong has a fair, effective and transparent police complaints system which ensures that the investigation of each and every Reportable Complaint against the Police is conducted justly, promptly, thoroughly and without prejudice.

使命 Our Mission

- 以獨立、公正、透徹的精神，監察投訴警察課就須匯報投訴進行調查的結果。
- 找出及建議改善現行投訴警察制度的方法，使調查更加透徹、透明、公正和有效率。
- Independent, impartial and thorough monitoring of the results of investigation into Reportable Complaints against the Police conducted by the Complaints Against Police Office.
- Identification of and making recommendations on ways and means of improving the thoroughness, transparency, fairness and speed of the police complaint investigation process.

價值觀 Our Values

- 不偏不倚、堅持不懈地追尋事實的真相
- 審慎和徹底地審閱投訴個案的調查結果
- 作出合理、公正和迅速的判斷
- 提倡良好的程序、常規和價值觀，藉以減少投訴警察個案
- 有效地運用資源
- 嚴格遵守保密原則 -
- Unbiased and persistent pursuit of truth
- Thorough and attentive examination of investigation results
- Reasonable, fair and prompt in making judgements
- Promotion of good procedures, practices, and values which would minimise police complaints
- Efficient and effective use of resources
- Strict observance of the code of confidentiality

23
APRIL
4月



訪問新界南總區，聆聽警方代表簡介處理業主立案法團及村民糾紛的情況
Visited the New Territories South Region, where representatives of the region explained how disputes were handled between Owners' Corporations and villagers

3
MAY
5月

發表就副總理訪港而衍生的投訴個案審查中期報告並舉行傳媒發佈會

Released the Interim Report on complaint cases arising from the visit by the Vice Premier and hosted a media briefing



5
JUNE
6月

出席立法會保安事務委員會會議，回應議員有關就副總理訪港而衍生的投訴個案審查中期報告的問題

Attended the Legislative Council Security Panel Meeting to respond to Legislative Council members' questions on the Interim Report on complaint cases arising from the visit by the Vice Premier

21
JUNE
6月



舉行第六期監警會通訊的傳媒發佈會

A media briefing to release the IPCC Newsletter Issue No. 6

1
JULY
7月

現場觀察警方處理七一遊行安排

On-site observations of police handling of the 1 July procession



9
AUGUST
8月

迷你電視劇集《監警有道》傳媒試映會

A media preview session to launch the IPCC mini TV series, "IPCC Files"



6
SEPTEMBER
9月

監警會和投訴警察課聯席會議

Joint IPCC and CAPO Open Meeting

2012

與西澳洲國會的罪案和貪污委員會聯合常設委員會代表會面

Met with a delegation from the Joint Standing Committee on the Corruption and Crime Commission of the Parliament of Western Australia

8
MAY
5月



原文刊於爽報(V16) 2012年5月30日
Published in Sharp Daily (V16) on 30 May 2012

25
APRIL
4月

和免費報章合作，推出一連六期監警會專欄，講解多個警察投訴相關的議題

Partnered with free newspaper in a project to share with the public significant issues relating to the IPCC's work, by publishing columns for six consecutive weeks

26
JUNE
6月



與香港電台聯合製作的《監警有道》舉行傳媒探班活動

A media visit was organised for the production of IPCC mini TV series, "IPCC Files" which was jointly produced and presented by the IPCC and RTHK

8
JUNE
6月

監警會和投訴警察課聯席會議

Joint IPCC and CAPO Open Meeting



舉行第七期監警會通訊的傳媒發佈會

A media briefing to release the IPCC Newsletter Issue No. 7

6
SEPTEMBER
9月



與民間人權陣線、香港記者協會、香港攝影記者協會和香港人權監察代表會面，聆聽他們對七一遊行安排的意見

Meeting with Civil Human Rights Front, Hong Kong Journalists Association, Hong Kong Press Photographers Association and Hong Kong Human Rights Monitor to gather stakeholders' views on issues related to the police handling of the 1 July procession

4
OCTOBER
10月

訪問機動部隊粉嶺總部，了解部隊處理大型公眾活動的工作，並介紹部隊的裝備

Visited the Police Tactical Unit Headquarters in Fanling to understand the handling of public order events, and gear used by the Unit

6
DECEMBER
12月

舉辦傳媒工作坊
Organised a media workshop

23
DECEMBER
12月

參與香港電台節目《城市論壇》，討論副總理訪港而衍生的投訴個案審查最終報告

Participated in the "City Forum" organised by RTHK to discuss the IPCC's Final Report on complaint cases arising from the visit by the Vice Premier

1
JANUARY
1月

現場觀察警方處理元旦遊行

On-site observations of police handling of the 1 January procession



31
JANUARY
1月

監警會和投訴警察課聯席會議

Joint IPCC and CAPO Open Meeting

7
FEBRUARY
2月



舉行第八期監警會通訊的傳媒發佈會

A media briefing to release the IPCC Newsletter Issue No. 8

4
MARCH
3月

與民間人權陣線代表會面，聆聽他們對元旦遊行安排的意見

Meeting with Civil Human Rights Front to gather stakeholders' views on issues related to the police handling of the 1 January procession

18
MARCH
3月



與職業司機團體代表會面，了解警察在交通執法方面的情況

Meeting with professional drivers groups to understand police enforcement of traffic regulations

2013

19
DECEMBER
12月

向立法會提交監警會2011/12工作報告，並於同日舉行傳媒簡報會

Submitted the IPCC Report 2011/12 to the Legislative Council and hosted a media briefing session for the launch on the same day

發表副總理訪港而衍生的投訴個案審查最終報告並舉行傳媒發佈會

Released the IPCC's Final Report on complaint cases arising from the visit by the Vice Premier and hosted a media briefing

5
FEBRUARY
2月

出席立法會保安事務委員會會議，回應議員有關副總理訪港而衍生的投訴個案審查最終報告的提問

Attended the Legislative Council Security Panel Meeting to respond to the Legislative Council members' questions to the IPCC's Final Report on complaint cases arising from the visit by the Vice Premier



15
JANUARY
1月

與民主倒梁力量代表會面，聆聽他們對元旦遊行安排的意見

Meeting with representatives from the Anti-CY Alliance, to gather stakeholders' views on issues related to the police handling of the 1 January procession

5-12
MARCH
3月

委託香港大學民意研究計劃，進行公眾意見調查電話訪問

Commissioned the University of Hong Kong Public Opinion Programme to conduct a public opinion survey by telephone interviews

26
FEBRUARY
2月

與香港人權監察代表會面，聆聽他們對元旦遊行安排的意見

Meeting with Hong Kong Human Rights Monitor, to gather stakeholders' views on issues related to the police handling of the 1 January procession



29
NOVEMBER
11月

參與香港大學學生會法律學會和民間法治關注組合辦的法治教育論壇

Participated in a legal forum organised by the Law Association of the Student Union of the University of Hong Kong and the Rule of Law Education Project

主席前言

Chairman's Foreword



我欣然向大家發表獨立監察警方處理投訴委員會（簡稱監警會）2012/13年的工作報告。

報告期內的一年，監警會面對各種挑戰，但同時亦取得滿意的工作成果。我們除了監察投訴警察課的投訴調查工作外，並致力就公眾關注的議題和警方及持份者加強聯繫。希望監警會可以作為雙方的橋樑，為彼此提供一個意見交流的平台，促進大家的了解。

我謹在此簡述報告期內監警會處理的部份重點工作。會方在去年完成副總理於2011年8月訪港而衍生的投訴個案審查工作，並於2012年12月發表了審查最終報告。此外，監警會委員出席七一遊行，以便了解警方如何處理大型公眾活動。我們還委託了香港大學民意研究計劃進行公眾意見調查，藉此了解市民大眾對我們工作的觀感，以及可以改善之處。調查結果令人欣慰，因為結果顯示市民不但認同監警會的工作，他們對監警會的認知度在過去兩年亦有顯著的上升。縱然如此，我們相信監警會仍可以繼續努力，在多方面作出改善。我們在報告期內的工作概覽，詳見於此工作報告。

香港大學的調查同時反映，公眾最關注警方可能濫用職權，以及他們處理大型公眾活動的手法。有關警方的中立性，以及市民不滿警方處理大型公眾活動安排的爭議，已成為近期市民大眾的熱門話題。事實上抗議和遊行活動越見頻繁，加上部份人以激進的方式表達對政策的不滿，均會增加警方維持公共秩序和社會安全的難度。監警會的其中一項法定職能，是為了預防衍生投訴，而找出警察的執勤方式或工作程序中，可能引致須匯報投訴的不足之處，並在適當時向警方和行政長官作出建議。

It is my pleasure to present the report of the Independent Police Complaints Council (IPCC) for the year 2012/13.

This has been a challenging but rewarding year for the IPCC. In addition to our usual work of monitoring complaint investigations carried out by the Complaints Against Police Office, we have strengthened our liaison with the Police and other stakeholders on issues of significant public interest. Our aim is to act as a bridge between the Police and all stakeholders, to provide a platform for the exchange of views and to foster better understanding between everyone concerned.

Here I would like to highlight some of the extensive range of work we have accomplished during the reporting year. We completed the review and monitoring of complaint cases arising from the Vice Premier's visit in August 2011 and presented our Final Report in December 2012. IPCC Members attended the 1 July procession to gain a better understanding of the police handling of large-scale public order events (POE). We also engaged the Public Opinion Programme of the University of Hong Kong (HKU) to conduct a survey so we could better understand how the public perceives our work and the areas in which we can improve. I am pleased to say the results inform us that our work is well recognised by the public and that public awareness of the IPCC has significantly increased in the past two years. Nevertheless, there are still many areas where we need to work harder. You will find a summary of our work during the past reporting year in this report.

The HKU survey also tells us that the public is most concerned about perceived abuse of power by the Police and the way some public order events are handled. Controversy regarding the neutrality of the Police has been a hot topic in public discussions, and dissatisfaction over police handling of major public order events is more widespread nowadays. There can be no doubt that the increasing number of protests and processions, as well as the increasingly radical methods adopted by some people to express their views on government policies, all pose significant challenges to the Police in maintaining public order and social safety. One of the IPCC's statutory functions is to identify areas of police work that are prone to give rise to Reportable Complaints and, where appropriate, to make recommendations to the Police and the Chief Executive for the purpose of preventing such complaints.

觀乎現時的政治社會環境，我們當前面對的主要難題是如何在表達自由和維持公眾秩序之間取得平衡。與此同時，監警會同情前線警務人員在執勤時遇到的困難，並深切感受到他們面對的嚴峻挑戰。因此，監警會將在未來繼續致力與警方和其他持份者合作，找出改善措施，以確保大型公眾活動能暢順地進行。

我擔任了監警會的主席接近六年，任期將於2014年6月屆滿。在過去的日子裏，我有幸能在2009年領導監警會由政府的行政單位過渡成為法定機構，之後數年亦樂見監警會繼續成長。對於過去五年的工作成果，我深感滿意。特別是監警會在成為法定機構後，由一家在幕後默默耕耘的審查監管單位，蛻變為工作多樣化的獨立警察投訴監察機構。這一切全賴各委員的鼎力支持和秘書處職員的優異工作所達成。我謹在此向他們表達真誠的謝意。監警會當然還可以做得更好、做得更多，因此我們不會就此而滿足，而是會繼續努力，精益求精。

監警會現正擬訂一個五年計劃，為會方的主要工作訂定路線圖，望能在監警會慶祝十週年紀念時達成這些工作目標。當中包括積極與警方和其他持份者就公眾關注的議題保持緊密聯繫；和警方繼續聯繫，並適時就服務質素和預防須匯報投訴等事宜向警方提出建議；加強秘書處進行投訴相關研究的能力，讓我們可以向警方提出實質建議和解決方案，以協助警隊改善其服務質素。

凡此種種均對監警會現時的人手和資源構成重擔。故此，我們已向政府申請額外資源，以便有效履行我們的職能，並符合公眾的期望。在此我們希望可以爭取到持份者和廣大市民的支持。

最後，我謹在此再次感謝過去和現在的各監警會委員，以及秘書處職員。有幸在過去五年能和你們共事，讓我獲益良多。沒有你們的支持，監警會不會有今日的成就。就個人而言，出任監警會主席的經驗令我認識到自己的不足，但同時令人深感振奮，工作富有意義。我為擔任監警會主席而自豪，並祝願你們在未來的日子事事順利。



翟紹唐 資深大律師，JP
監警會主席

Given the current socio-political climate, balancing freedom of expression with maintaining public order will remain a major challenge to all of us in the immediate future. At the same time, the IPCC is acutely aware of and sympathetic to the challenges frontline police officers face when discharging their duties. To this end, the IPCC is committed to working together with the Police and other stakeholders to identify measures to improve the smooth handling of major public order events in the upcoming years.

I will step down in June 2014 after serving as Chairman for nearly six years. It has been a privilege for me to lead the IPCC through its transition into a statutory body in 2009 and into its initial years under that status. I look back with satisfaction on what we have achieved during the past five years. In particular, since the IPCC became a statutory body, we have transformed from a “back-seat” review and monitoring body to a multi-faceted independent police complaints oversight organisation. This would have been impossible without the unfailing support of the Council Members and the sterling work of the Secretariat. To them I must pay my most sincere tribute. At the same time, there are undoubtedly many areas where we could have done more. We will not be complacent, and will always strive to do better.

Moving ahead, the Council is in the course of formulating a five-year plan to provide a roadmap for what we hope to achieve in the major areas of our work by the time the Council celebrates its 10th anniversary. We will continue to engage proactively with the Police and other stakeholders on issues of public interest; to exchange views with and, where appropriate, make suggestions to the Police on issues that affect service quality and the prevention of Reportable Complaints; to strengthen the Secretariat's capacity to conduct complaint-related research to enable us to offer constructive suggestions and solutions to improve police services, to name a few.

All these tasks place a heavy burden on the IPCC's manpower and resources. We have accordingly sought additional resources from the Administration so we can discharge our functions properly and in line with public expectations. In this respect we appeal to our stakeholders and the public for support.

Last, but certainly not least, I wish to thank once again all Council Members past and present, and the Secretariat. It has been my privilege to work with you over the past five years, during which time I have learnt so much. As I said above, without your unfailing and professional support the IPCC would not be what it is today. It has been a humbling experience for me, although at the same time it has been tremendously exciting and rewarding. I am proud to have served as your Chairman. I wish you every success in the years to come.

JAT Sew-Tong, SC, JP
Chairman

1

第一章 CHAPTER 1

關於監警會

About the
IPCC

香港的投訴警察制度

Hong Kong Police Complaints System



投訴警察課調查投訴個案
CAPO investigates complaint



監警會審核調查報告
IPCC reviews investigation report

香港的投訴警察制度是一個兩層的架構。所有投訴警察的個案，不論來源，均交由香港警務處投訴警察課處理及調查。此為香港投訴警察制度的第一層。

待投訴警察課完成投訴調查後，便會把須匯報投訴的調查報告，連同所有調查的相關檔案、文件及材料，提交予獨立監察警方處理投訴委員會（簡稱監警會）審核。

監警會在審核調查報告及其他材料時，如察覺有疑點，將會要求投訴警察課澄清或提供更多資料；如發現有不足之處，更會要求該課重新調查。監警會在完全同意投訴個案處理得當後，才會通過調查結果。此為投訴警察制度的第二層。

Hong Kong has adopted a two-tier police complaints system. Regardless of their origin, all complaints against the Police are referred to the Complaints Against Police Office (CAPO) of the Hong Kong Police Force for handling and investigation. This is the first tier of the system.

When CAPO has completed the investigation of a Reportable Complaint, it will submit the investigation report, together with relevant files, documents and materials, to the Independent Police Complaints Council (IPCC) for scrutiny.

If any doubt arises during its review of the investigation report and other materials, the IPCC will ask CAPO for clarification or further information. If the IPCC finds the investigation inadequate, it will request that the case be further investigated. Only when the IPCC completely agrees that the complaint has been properly handled will it endorse the investigation report. This is the second tier of the police complaints system.

香港投訴警察制度的兩層架構 Hong Kong's two-tier police complaints system

投訴警察課調查投訴個案 CAPO investigates complaint



監警會審核調查報告 IPCC reviews investigation report



兩層架構的優點是確保投訴警察個案可以得到公平公正的處理。監警會作為獨立機構，可以客觀地觀察、監察和覆檢警務處處長對須匯報投訴的處理和調查，並向警務處處長和行政長官提供與須匯報投訴有關的意見和建議。

The advantage of the two-tier system is that it ensures the fair and just handling of complaints against the Police. As an independent body, the IPCC can objectively observe, monitor and review the handling and investigation of Reportable Complaints by the Commissioner of Police, and put forward opinions and recommendations regarding such complaints to the Commissioner of Police and the Chief Executive.

監警會的角色和功能

The Role and Functions of the IPCC



監警會是根據《獨立監察警方處理投訴委員會條例》（《監警會條例》）（香港法例第604章）成立的獨立機構，其職能是觀察、監察和覆檢警務處處長就須匯報投訴的處理和調查工作。

監警會由一名主席、三名副主席和不少於八名委員組成。委員全部由行政長官委任，分別來自社會不同界別，包括法律界、醫學界、衛生服務界、教育界、社福界、傳播界、商界和立法會議員等。監警會借助委員多方面的專業知識，獨立、公正、透徹地監察投訴警察課的調查工作。截至2013年3月31日，監警會共有24名委員。

監警會於2009年6月1日成為法定機構。隨著《監警會條例》生效，警方有法定責任遵從監警會根據條例所提出的要求。條例進一步提高監警會的獨立性，以履行其監察職能。

The Independent Police Complaints Council (IPCC) is an independent body established under the Independent Police Complaints Council Ordinance (IPCCO) (Cap. 604, Laws of Hong Kong) to observe, monitor and review the handling and investigation of Reportable Complaints against the Police by the Commissioner of Police.

The IPCC comprises a Chairman, three Vice-Chairmen and no less than eight Members, all appointed by the Chief Executive. They are drawn from a wide spectrum of society including the legal, medical, health care, education, social welfare, communications and business sectors, and Legislative Council members. This composition enables the IPCC to draw upon the diverse expertise of its Members to monitor CAPO's investigation of complaints against the Police in an independent, impartial and thorough manner. As of 31 March 2013, the IPCC comprises 24 Members.

The IPCC became a statutory body when the IPCC Ordinance went into effect on 1 June 2009. The Police have a statutory duty to comply with the IPCC's requests. The Ordinance enhanced the independence of the IPCC in carrying out its monitoring functions.

《監警會條例》賦予監警會的主要職能如下：

The main functions of the IPCC as provided for under the IPCCO are:

1

- 觀察、監察和覆檢警務處處長處理和調查須匯報投訴的工作
To observe, monitor and review the handling and investigation of Reportable Complaints by the Commissioner of Police

2

- 監察警務處處長已經或將會向與須匯報投訴有關的警務人員採取的行動
To monitor actions taken or to be taken in respect of any police officers by the Commissioner of Police in connection with Reportable Complaints

3

- 找出警隊工作常規或程序中引致或可能引致須匯報投訴的缺失或不足之處
To identify any fault or deficiency in police practices or procedures that has led to or might lead to a Reportable Complaint

4

- 向警務處處長和/或行政長官提供與須匯報投訴有關的意見和/或建議
To advise the Commissioner of Police and/or the Chief Executive of its opinion and/or recommendation in connection with Reportable Complaints

5

- 加強公眾對監警會的角色認識
To promote public awareness of the role of the Council

監警會的監察程序

Monitoring Procedures of the IPCC



在投訴警察制度的兩層架構下，投訴警察課在完成投訴調查後，便會把須匯報投訴的調查報告提交予監警會秘書處審核，秘書處可就調查報告向投訴警察課提出質詢、要求該課澄清或提供更多資料。若秘書處對調查報告沒有質詢，便會將調查報告提交予監警會委員審核。

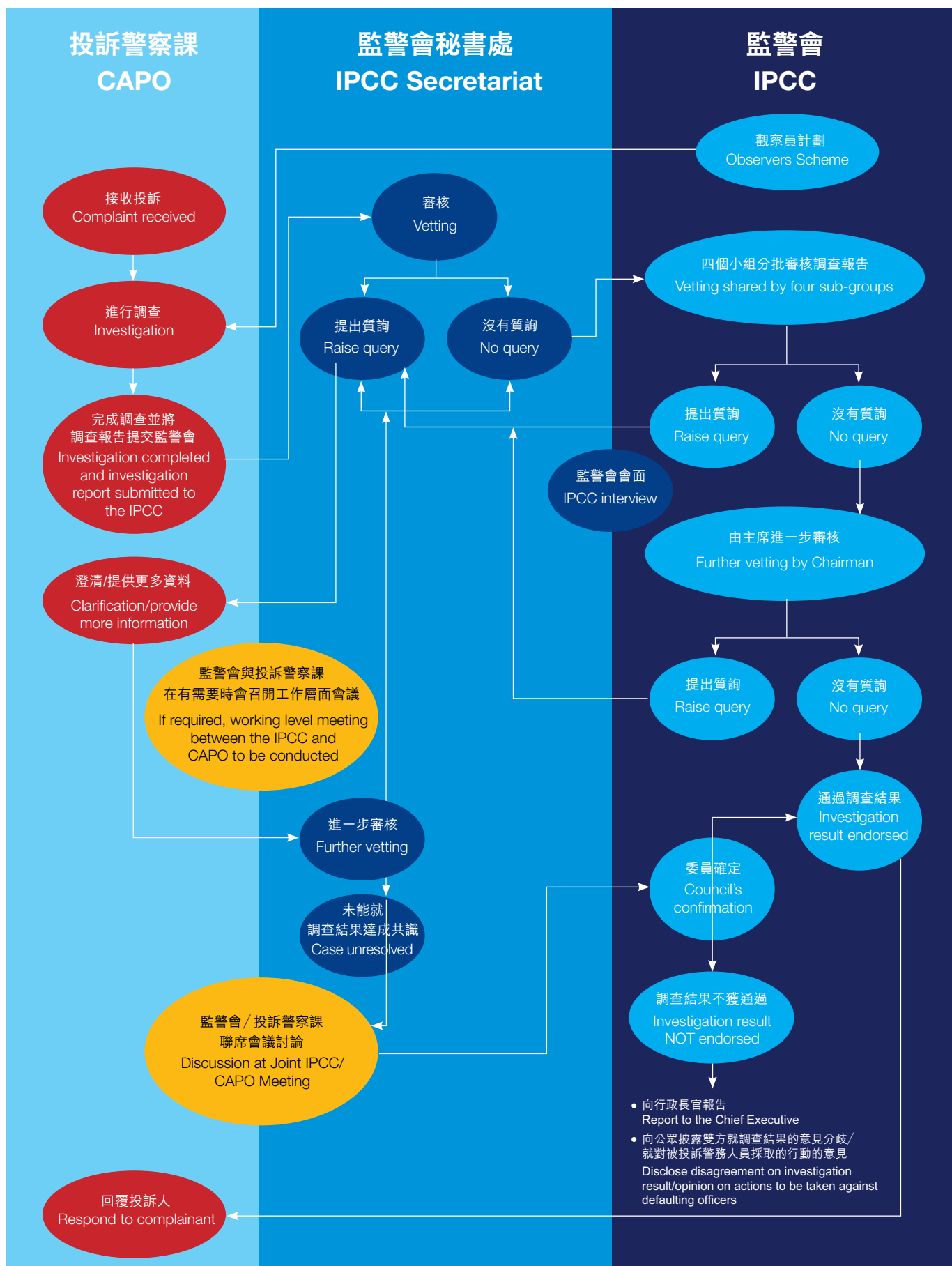
若監警會和投訴警察課未能就調查結果達成共識，雙方可在工作層面會議或聯席會議上討論。如監警會最後決定不通過某宗投訴個案的調查結果，可向行政長官報告或向公眾披露雙方對調查結果的意見分歧，包括向行政長官或警務處處長表達監警會對警務處處長就須匯報投訴向被投訴的警務人員採取行動的意見。

Under the two-tier police complaints system, after CAPO has investigated a Reportable Complaint, it will submit the investigation report to the IPCC Secretariat for examination. Based on the report, the Secretariat may pose questions and ask for clarification or further information. If the Secretariat has no query about the report, it will be submitted to the Council Members for scrutiny.

If the IPCC and CAPO cannot agree on the findings of an investigation, they can discuss the case at working level meetings or at the Joint IPCC/CAPO Meeting. If the IPCC's final decision is not to endorse the investigation results of a particular case, it may disclose the disagreement of both parties on the findings of the investigation to the Chief Executive or the public, including expressing its views to the Chief Executive and the Commissioner of Police on the actions to be taken by the Commissioner of Police regarding the police officer against whom the Reportable Complaint has been lodged.

監警會監察程序

IPCC Monitoring Procedures



監警會的會面

IPCC Interview



除了審核調查報告外，監警會亦可要求和個案相關人士會面，以澄清事項。會見計劃於1994年開始推行，在這計劃下，監警會為考慮投訴警察課的調查報告，可以會見任何能夠就調查報告向監警會提供資料或其他協助的人士。

如監警會認為有需要直接會見某些人士，便會邀請他們出席會面。這些人士可以是投訴人、被投訴人、證人或其他獨立人士。監警會的會面由不少於兩位監警會委員組成的小組主持，而秘書處則負責有關的安排及協助。

In addition to reviewing the investigation report, the IPCC may ask for interviews with persons related to the case to clarify matters. The IPCC interview was introduced in 1994, under which the IPCC may, for the purpose of considering CAPO's investigation reports, interview any persons who may provide relevant information or assistance.

If the IPCC deems it necessary to meet with certain individuals, it will invite them to interviews. These individuals may be complainants, complainees, witnesses, or other independent persons. The interviews are conducted by a panel of no less than two Council Members. The IPCC Secretariat is responsible for providing necessary arrangements and assistance.

觀察員計劃

Observers Scheme

觀察員計劃於1996年開始推行，旨在加強監警會的監察職能，協助監警會觀察投訴警察課處理和調查須匯報投訴的方式。在這計劃下，由保安局局長委任的觀察員，可出席投訴警察課就調查須匯報投訴而進行的會面和證據收集工作。監警會委員同樣亦可進行觀察。

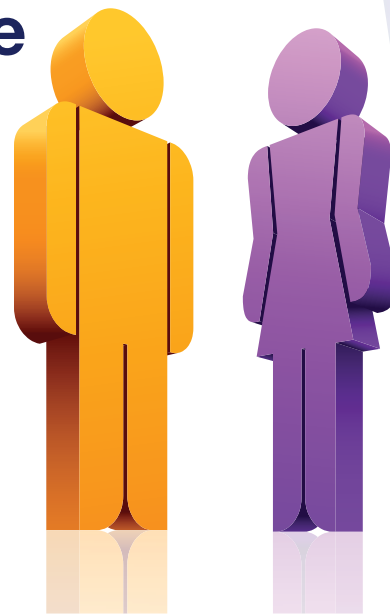
投訴警察課會盡量在會面或證據收集行動前至少48小時通知監警會。收到通知後，監警會秘書處便會知會觀察員有關安排。觀察員可觀察任何警方為了調查投訴而與投訴人、被投訴人或證人進行的會面，以及證據收集工作。除了預先安排的會面和證據收集工作外，觀察員亦可以在突擊的情況下，出席和觀察警方這些活動。

觀察員的角色是觀察和匯報，基於公平公正的原則，在觀察會面及證據收集工作期間，觀察員不會作出任何干預或發表個人意見，以防影響會面或證據收集的進行。

在觀察完畢後，觀察員須向監警會報告會面或證據收集工作是否公平公正地進行，以及有否察覺任何不當之處。若觀察員匯報有任何不當之處，監警會便會和投訴警察課跟進。

所有就須匯報投訴與投訴警察課會面的人士，均可要求觀察員出席有關會面。倘監警會接到這些要求，定當盡力安排。

截至2013年3月31日，監警會共有108名觀察員。



The Observers Scheme was introduced in 1996 to strengthen the IPCC's monitoring function. Under the Scheme, Observers appointed by the Secretary for Security may attend interviews and observe the collection of evidence in connection with CAPO's investigation of Reportable Complaints. The IPCC Members can likewise conduct such observations.

Insofar as practicable, CAPO will notify the IPCC at least 48 hours in advance of any impending interview or collection of evidence. The IPCC Secretariat will then inform Observers of the appointment. Observers can observe any interview with a complainant, complainee or witness, or any collection of evidence conducted in the course of a complaint investigation. Apart from prearranged observations, Observers can attend and observe investigations on a surprise basis.

The role of an Observer is primarily to observe and report. The Observer is to remain impartial without interfering or offering personal opinions while observing the conduct of interviews or collection of evidence.

After each observation, the Observer will submit to the IPCC a report stating whether the interview or collection of evidence was conducted in a fair and impartial manner, and if any irregularities were detected. Should any irregularities be reported, the IPCC will follow up with CAPO.

All persons who are to be interviewed by CAPO in connection with a Reportable Complaint can request an Observer to be present during the interview. Upon receipt of such a request, the IPCC will make an effort to arrange the observation accordingly.

As of 31 March 2013, there were a total of 108 IPCC Observers.

觀察員的委任

(監警會條例第33條)

監警會觀察員是由保安局局長委任。為確保觀察員的中立角色，以下人士均不會被委任為觀察員：

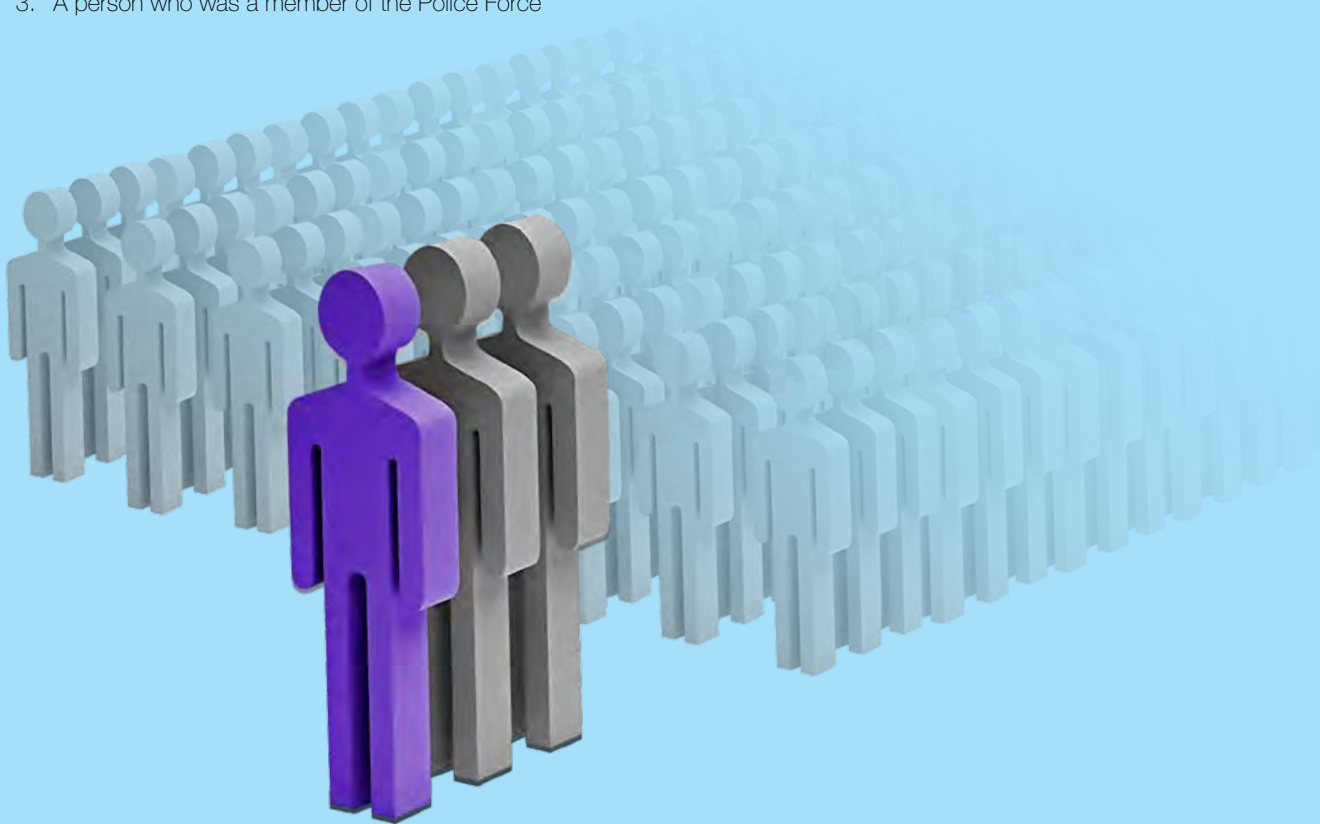
1. 在政府政策局或部門擔任受薪職位（不論屬長設或臨時性質）的人士
2. 秘書長、法律顧問或監警會任何其他僱員
3. 曾屬警隊成員的人士

Appointment of Observers

(Section 33 of IPCCO)

The IPCC Observers are appointed by the Secretary for Security. To ensure their impartiality, the following persons are not eligible for appointment as Observers:

1. A person who holds an office of emolument, whether permanent or temporary, in a Government bureau or department
2. The Secretary-General, the Legal Adviser or any other employee of the Council
3. A person who was a member of the Police Force



監警會和投訴警察課的聯席會議

Joint Meetings: IPCC and CAPO



監警會和投訴警察課一直保持緊密聯繫，除了工作層面會議外，監警會和投訴警察課每季會舉行一次聯席會議，討論投訴警察的相關事宜。

為了讓公眾更了解監警會的工作，聯席會議設有公開部份讓市民及傳媒旁聽。聯席會議的日期和議程會在開會前於監警會的網頁公佈，公開部份會議的會議紀錄亦會上載至監警會網頁（www.ipcc.gov.hk）。

The IPCC and CAPO maintain close contact. Apart from working level meetings, the IPCC and CAPO conduct a joint meeting every quarter to discuss matters relating to police complaints.

To enable the public to better understand the work of the IPCC, part of the joint meeting is open to the public and the media. The dates and agendas of the joint meetings are published on the IPCC's website before the meetings. Minutes of the open part of the meetings are also uploaded to the IPCC's website (www.ipcc.gov.hk).

須匯報投訴和須知會投訴

Reportable Complaints and Notifiable Complaints

須匯報投訴

「須匯報投訴」是指市民就當值的警務人員或表明是警隊成員的休班人員的行為所作出的投訴。這些投訴必須由直接受影響的人士（或其代表）真誠地作出，而且並非瑣屑無聊或無理取鬧的投訴。

不過，下列投訴個案的調查報告和資料則毋須提交監警會：

- 純粹關乎發出傳票或施加定額罰款通知書是否有效而引致的投訴
- 投訴人以自己作為警務人員的身份作出的投訴
- 屬於其他法定機構調查範圍內的投訴

投訴警察課必須按條例規定，提交須匯報投訴的調查報告予監警會審核。

Reportable Complaints

"Reportable Complaints" refer to complaints, lodged by members of the public, that are not vexatious or frivolous and are made in good faith, relating to the conduct of police officers while on duty or who identify themselves as police officers while off duty. The complaint should be made by or on behalf of a person directly affected by the police misconduct.

CAPO must submit investigation reports to the IPCC for scrutiny as stated in the Ordinance. However, investigation reports and information on the following complaints need not be submitted to the IPCC:

- Complaints arising from the issue of a summons or imposition of a fixed penalty, which solely relate to the validity of the issue
- Complaints lodged by a person in his official capacity as a member of the Police Force
- Complaints that fall under the scope of investigation of other statutory bodies





須知會投訴

「須知會投訴」是指既不屬須匯報投訴，亦非前文所述毋須提交監警會的投訴，一律歸類為「須知會投訴」。例如：由匿名人士作出的投訴，或由並非直接受影響的人士作出的投訴。

投訴警察課需定期提交「須知會投訴」的個案撮要予監警會審核。若監警會認為某宗投訴應歸類為「須匯報投訴」，可向投訴警察課作出相應的建議，投訴警察課便須重新考慮該宗投訴的歸類。此外，監警會可要求投訴警察課提供支持將某宗投訴歸類的解釋及資料。

Notifiable Complaints

"Notifiable Complaints" are complaints not categorised as "Reportable Complaints", or complaints that need not be submitted to the IPCC as listed above. These include anonymous complaints or complaints lodged by persons who are not directly affected by the police misconduct.

CAPO must regularly submit a summary of "Notifiable Complaints" to the IPCC. If the IPCC considers any of these cases to be "Reportable Complaints", the IPCC may suggest that CAPO reconsider the categorisation of the complaint. Moreover, the IPCC may request CAPO to submit further supporting information or explanation regarding any particular complaint.

調查結果分類

Classification of Investigation Results

一宗投訴可涉及一項或多於一項的指控。指控經投訴警察課全面調查後，會根據調查結果分類為下列六項之一：

A complaint may consist of one or more allegations. After CAPO has conducted a full and thorough investigation into an allegation, it will be classified as one of the following six types according to the findings:

1

獲證明屬實

➤➤ 如投訴人提出的指控有足夠的可靠證據支持，指控會被列為「獲證明屬實」。

2

未經舉報但證明屬實

➤➤ 如在投訴人提出的原有指控以外，發現其他與投訴本身有密切關係和對調查有重要影響的事宜，並且證明屬實，則該事宜會被列為「未經舉報但證明屬實」。

3

無法完全證明屬實

➤➤ 如投訴人的指控有若干可靠的證據支持，但這些證據未能充份證明投訴屬實，指控會被列為「無法完全證明屬實」。

4

無法證實

➤➤ 如投訴人的指控沒有充份的證據支持，指控會被列為「無法證實」。

5

並無過錯

➤➤ 在下述兩種情況下，投訴通常會被列為「並無過錯」：第一，投訴人可能對事實有所誤解；第二，被投訴人是按照其上司的合法指示或警方的既定做法行事。

6

虛假不確

➤➤ 如有足夠的可靠證據顯示投訴人的指控並不真確，不論這些指控是懷有惡意的投訴，抑或不含惡意但亦非基於真確理由而提出的，指控會被列為「虛假不確」。

當一宗投訴被列為「虛假不確」時，投訴警察課會視乎情況，徵詢律政司的意見，考慮控告投訴人誤導警務人員。

Substantiated

- » An allegation is classified as “Substantiated” where there is sufficient reliable evidence to support the allegation made by the complainant.

Substantiated Other Than Reported

- » An allegation is classified as “Substantiated Other Than Reported” where matters other than the original allegations raised by the complainant, which are closely associated with the complaint and have a major impact on the investigation, have been discovered and are found to be substantiated.

Not Fully Substantiated

- » An allegation is classified as “Not Fully Substantiated” where there is some reliable evidence to support the allegation made by the complainant, but it is insufficient to fully substantiate the complaint.

Unsubstantiated

- » An allegation is classified as “Unsubstantiated” where there is insufficient evidence to support the allegation made by the complainant.

No Fault

- » Two common reasons for classifying a complaint as “No Fault” are, first, the complainant may have misunderstood the facts; and second, the complainee was acting under lawful instructions from his superior officer or in accordance with established police practice.

False

- » An allegation is classified as “False” where there is sufficient reliable evidence to indicate that the allegation made by the complainant is untrue, be it a complaint with clear malicious intent or a complaint which is not based upon genuine conviction or sincere belief but with no element of malice.

When a complaint is classified as “False”, CAPO will consider, in consultation with the Department of Justice as necessary, prosecuting the complainant for misleading a police officer.

其他投訴分類

Other Complaint Classifications

有些投訴是透過其他方法處理，無需進行全面調查。這些投訴的分類為：

Some complaints are handled by other means so that no full investigation is necessary. These complaints can be classified as:

1 投訴撤回

「投訴撤回」是指投訴人不打算追究。

即使投訴人撤回投訴，監警會仍會審視個案，確保投訴人沒有受到任何不恰當的影響而撤回投訴，以及警方能從合適的個案中汲取教訓，並確保投訴警察課採取相應的補救行動。

此外，投訴人如撤回投訴，其個案亦不一定被列為「投訴撤回」。監警會及投訴警察課會審閱所得證據，決定是否需要進行全面調查，並根據所得資料，考慮任何一項指控是否屬實。

2 無法追查

在下述情況下，指控會被列為「無法追查」：

- 不能確定被投訴的警務人員的身份
- 資料不足而未能繼續調查
- 未能取得投訴人的合作，以致無法繼續追查

上述定義並不表示若果投訴人未能確定被投訴人的身份，投訴警察課便不會採取進一步行動。投訴警察課會根據所得資料，盡量追查被投訴人的身份；只有追查不果時，才會作出未能確定被投訴人身份的結論。

假如投訴人拒絕合作以致投訴被列為「無法追查」，警方可在投訴人願意提供所需資料時，重新展開調查。

3 終止調查

「終止調查」是指有關投訴已由投訴警察課備案，但鑑於特殊情況（例如證實投訴人精神有問題）而獲投訴及內部調查科總警司授權終止調查。

4 透過簡便方式解決

「透過簡便方式解決投訴」旨在迅速解決一些性質輕微的投訴，例如態度欠佳或粗言穢語的指控。

適宜透過簡便方式解決的輕微投訴，不會有全面調查。投訴會由一名總督察或以上職級的人員處理，並擔任調解人員。調解人員會分別向投訴人及被投訴人了解實情。如果他認為事件適宜透過簡便方式解決而又得到投訴人同意，有關投訴便可循此途徑解決。

Withdrawn

A complaint is classified as “Withdrawn” where the complainant does not wish to pursue the complaint after making it.

Even when a complainant initiates the withdrawal of a complaint, the IPCC will ensure that no undue influence has been exerted on the complainant, and that the Police can learn from the complaint. The IPCC will also ensure that CAPO will take any appropriate remedial action.

A complainant’s withdrawal does not necessarily result in the case being classified as “Withdrawn”. The IPCC and CAPO will examine the available evidence to ascertain whether a full investigation is warranted despite the withdrawal and/or whether any of the allegations are substantiated on the basis of information available.

Not Pursuable

An allegation is classified as “Not Pursuable” when:

- The identity of the officer(s) in the complaint cannot be ascertained
- There is insufficient information to proceed with the investigation
- The cooperation of the complainant cannot be obtained to proceed with the investigation

The above definition does not mean that no further action will be taken when the complainant cannot identify the complainee. CAPO will make an effort to identify the complainee(s) on the basis of the information available. Only after such an effort has been made to no avail will the conclusion be reached that the identity of the complainee cannot be ascertained.

If a complaint has been classified as “Not Pursuable” due to the lack of cooperation from the complainant, it may be reactivated later when the complainant comes forward to provide the necessary information.

Curtailed

A complaint is classified as “Curtailed” where it has been registered with CAPO but on the authorisation of the Chief Superintendent (Complaints and Internal Investigations Branch), is curtailed, i.e. not to be investigated further, owing to special circumstances such as known mental condition of the complainant.

Informally Resolved

The Informal Resolution Scheme aims at a speedy resolution of minor complaints, such as allegations of impoliteness or use of offensive language, the nature of which is considered relatively minor.

A minor complaint suitable for Informal Resolution will not be subject to a full investigation. Instead, a senior officer, at least at the rank of Chief Inspector of Police, will act as the Conciliating Officer. He will make enquiries into the facts of a complaint with the complainant and the complainee separately. If he is satisfied that the matter is suitable for Informal Resolution, and with the agreement of the complainant, the complaint will be informally resolved.

監警會歷史

History of the IPCC

行政立法兩局非官守議員警方投訴事宜常務小組

監警會的成立，可以追溯至1974年，當時警務處處長成立投訴警察課，專責調查市民對警方的投訴。1977年，當局認為這些調查應由不屬警方的獨立機構介入，於是警務處處長便邀請當時處理警察及保安事務的行政立法兩局非官守議員常務小組，負責監察投訴警察課的調查工作，是兩層架構投訴警察制度的雛型。1978年，行政立法兩局非官守議員警方投訴事宜常務小組向當時的總督提交第一份報告（報告期為1977年9月1日至1978年4月30日），並在1978年8月16日呈交立法會審閱。此後，行政立法兩局非官守議員警方投訴事宜常務小組每年均會編製工作報告書。

行政立法兩局非官守議員警方投訴事宜常務小組自成立以來，所監察的投訴個案數目急劇上升。工作量的大幅增加，顯示有加強及擴展這個監察架構的需要。政府因此在1984年初成立工作小組，專責檢討行政立法兩局非官守議員警方投訴事宜常務小組，對投訴警察課所進行的監察工作。

投訴警方事宜監察委員會

1986年，政府在審慎研究過工作小組的建議後，由當時的總督將行政立法兩局非官守議員警方投訴事宜常務小組，改組為一個獨立的投訴警方事宜監察委員會。根據重組計劃，在委員會成員中加入太平紳士，以及成立一個輔助秘書處，並命名為投訴警方事宜監察委員會。

UMELCO Police Group

The establishment of the IPCC can be traced back to 1974 when the Commissioner of Police set up CAPO responsible for investigating police complaints from the public. In 1977, it was believed that the investigations should involve an independent body not under the Police. The Commissioner of Police thus invited a sub-committee of the Unofficial Members of the Executive and Legislative Councils (UMELCO), which was responsible for handling police and security matters, to monitor CAPO complaint investigations; this was the prototype of the two-tier police complaints system. In 1978, the UMELCO Police Group presented its first report to the Governor (reporting period from 1 September 1977 to 30 April 1978), which was then submitted to the Legislative Council to review on 16 August 1978. From then on, the UMELCO Police Group prepared a progress report annually.

After the set-up of the UMELCO Police Group, the number of police complaints it monitored rose dramatically. The high workload indicated there was a need to strengthen and broaden the monitoring system structure. Thus, in 1984 the Government set up a working group to review the UMELCO Police Group's monitoring of CAPO.

Police Complaints Committee

In 1986, after the Government meticulously reviewed the recommendations offered by the working group, the Governor restructured the UMELCO Police Group to become an independent police complaints monitoring council. According to the new organisational structure, the Council Members included Justices of the Peace and a supporting secretariat was set up. The group was renamed the Police Complaints Committee (PCC).

投訴警方獨立監察委員會 (警監會)

1994年12月，投訴警方事宜監察委員會改稱為投訴警方獨立監察委員會（警監會），以新名稱反映其獨立地位，並著手策劃將委員會轉為一個獨立的法定組織，以便更清楚訂明委員會的權力和職能。

1996年7月，將警監會轉變為法定組織的條例草案提交立法局。該立法建議清楚界定警監會的權力和職能，以鞏固其在處理投訴警察制度方面所擔當的角色，讓市民更加認識警監會的獨立監察職能。

由於立法局議員在委員會審議階段所提出的部份修訂建議，會為當時的投訴警察制度帶來根本性的改變，因此政府在1997年6月23日的立法會會議上撤回條例草案。

獨立監察警方處理投訴委員會 (監警會)

自2004年開始，政府再次計劃為警監會的運作模式賦予法律依據，以提高公眾對兩層架構投訴警察制度的信心，並向立法會提交《投訴警方獨立監察委員會條例草案》。

立法會於2008年7月通過《監警會條例》。保安局局長其後指定2009年6月1日為《監警會條例》的生效日期。投訴警方獨立監察委員會（警監會）改稱為獨立監察警方處理投訴委員會（監警會），以強調其監察職能。監警會於《監警會條例》生效同日成為法定機構。

Independent Police Complaints Council – before becoming a statutory body

In December 1994, the Council was further revamped to pave way for becoming an independent statutory body, which clarified the Council's powers and functions. Both the English and Chinese names of the Council were modified to better reflect its independence.

The Bill that suggested changing the IPCC into a statutory body was introduced to the Legislative Council in July 1996. The Bill proposed to clarify the powers and functions of the IPCC in order to reinforce its authority in handling police complaints, and to heighten public awareness of the IPCC as an independent monitoring entity.

As some Legislative Council members raised a number of Committee Stage Amendments that might bring fundamental change to the police complaints system, the Bill was withdrawn by the Government on 23 June 1997.

Independent Police Complaints Council – after becoming a statutory body

In 2004 the Government re-launched its plan to change the IPCC into a statutory body, giving it a legal basis to discharge its functions and to raise public confidence in the two-tier police complaints system. An IPCC Bill was presented to the Legislative Council.

Legislative Council passed the IPCC Ordinance (IPCCO) in July 2008. The Secretary of Security then decided that the IPCCO would come into effect on 1 June 2009, at which time the IPCC became a statutory body. The Chinese name of the Council was modified to highlight its monitoring role, while the English name was retained.

監警會歷史圖輯

Historical Pictures of the IPCC



1998年1月，警監會為臨時區議會議員和分區撲滅罪行委員會委員舉辦了兩次主題為「未來路向」的午餐研討會。

Two luncheon seminars with a common theme of “The Way Forward” was organised for Members of Provisional District Boards and District Fight Crime Committees in January 1998.

警監會秘書處在1998年2月28日遷往灣仔告士打道56號第一太平銀行中心(現稱東亞銀行港灣中心)10樓。開幕儀式及酒會在1998年3月30舉行，主禮嘉賓為(左起)保安局局長黎慶寧、終審法院首席法官李國能 and 警監會主席張建利。

The IPCC Secretariat moved to its new office on 10/F, First Pacific Bank Centre (now known as Bank of East Asia Harbour View Centre), 56 Gloucester Road, Wan Chai on 28 February 1998. An opening ceremony and reception, officiated by (from left) Mr Peter Lai, the Secretary for Security, Hon Mr Justice Li, the Chief Justice of the Court of Final Appeal, and Mr Denis Chang Khen-lee, Chairman of the IPCC, was held on 30 March 1998.



1999年12月警監會開展了公共交通廣告宣傳活動。當時警監會的廣告於地下鐵路、九廣鐵路、輕鐵、電車、專利巴士和公眾小輪碼頭等不同交通工具展示，務求讓社會各階層人士認識警監會。

The IPCC publicity campaign on public transport was launched in December 1999. During the campaign period, advertisements of the IPCC were placed on MTR, KCR, Light Rail, trams, franchised buses and public ferries' piers to promote the IPCC.

2001年3月8日，警監會舉行了一個研討會，標題為「警權、民權與警監」，由陳方安生女士出任主禮嘉賓。

The IPCC organised a seminar on 8 March 2001 with the motto "The Police, The People, The IPCC". Ms Anson Chan was the Officiating Guest.



2001年9月13日，由陝西省公安局10名成員組成的考察團，在香港警務處聯絡事務科人員陪同下訪問警監會，並獲警監會委員石丹理教授(前排右二)、秘書長梁霍寶珊女士(前排左二)及副秘書長唐慧瓊女士(前排左一)接待。

The 10-Member delegation of the Public Security Bureau of Shaanxi Province, accompanied by staff of the Liaison Bureau of the Hong Kong Police Force, visited the IPCC on 13 September 2001. These delegates were received by Professor Shek Tan-lei, IPCC Member (front row, second right), Ms Annie Leung Fok Po-shan, IPCC Secretary (front row, second left) and Ms Nora Tong, IPCC Deputy Secretary (front row, first left).

2002年12月17日訪問粉嶺警察機動部隊，這些參觀訪問活動旨在加深警監會委員對警隊運作和前線警務人員工作的認識。

A delegation visited the Police Tactical Unit in Fanling on 17 December 2002. The visit aimed at further enhancing Members' understanding of police operation and the work of frontline police officers.



2

第二章 CHAPTER 2

監察投訴處理和 改善建議

Monitoring the Handling of Complaints and Recommendations

調查報告及指控數字

Number of Investigation Reports and Allegations

通過及接獲的投訴個案數字

Number of complaint cases
endorsed and received



在本報告期內（2012年4月1日至2013年3月31日），監警會共接獲投訴警察課就2,427宗新個案的調查報告，較去年同期的2,840宗個案減少了約14.5%。

同年，監警會通過了2,489宗投訴個案的調查結果（包括138宗的覆核個案），比去年同期的3,145宗投訴個案減少了20.9%。除了覆核個案外，涉及的指控有4,884項，其中主要的三項指控為「疏忽職守」（47.4%）、「行為不當／態度欠佳／粗言穢語」（36.6%）及「毆打」（6.6%）。指控的數字比2011/12年的6,239項指控減少了約21.7%。

During the reporting period (1 April 2012 to 31 March 2013), the IPCC received reports on the investigation of 2,427 new cases, a decrease of 14.5% compared to the 2,840 cases in the same period last year.

In the same year, the IPCC endorsed the results of investigations into 2,489 complaint cases (including 138 reviewed cases), a decrease of 20.9% compared to the previous year's figure of 3,145. These cases involved 4,884 allegations apart from the reviewed cases. The three major allegations were "Neglect of Duty" (47.4%), "Misconduct/ Improper Manner/ Offensive Language" (36.6%), and "Assault" (6.6%). The number of allegations decreased by 21.7% over the figure of 6,239 in 2011/2012.

2011/12和2012/13年通過、以及按性質分類的指控數字可見下表：

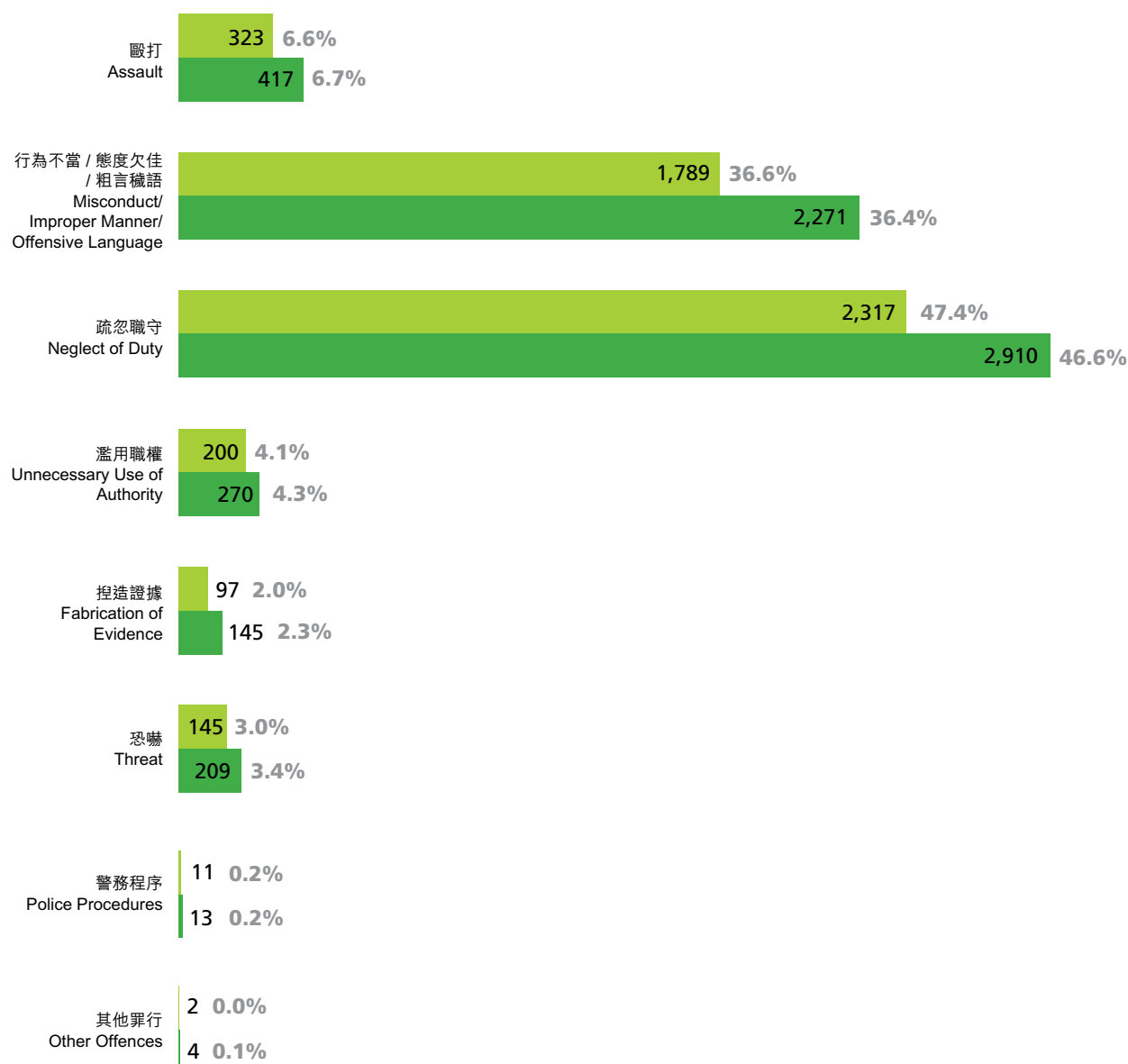
The following chart is a breakdown by nature of allegations endorsed for the years 2011/12 and 2012/13:

監警會通過的指控

Allegations endorsed by the IPCC

2012/13 指控總數 Total number of allegations **4,884**

2011/12 指控總數 Total number of allegations **6,239**



* 註：由於進位原因，百分率的總和可能與總數略有出入。
年度數字截至該年度的3月31日。

* Percentage shares may not add up to the total due to rounding.
Figures as at 31 March of respective reporting year.

調查結果

Investigation Findings



在2012/13年獲通過的4,884項指控中，經全面調查的指控有1,507項，當中101項被列為「獲證明屬實」，佔所有經全面調查指控的6.7%。61項被列為「未經舉報但證明屬實」佔4.0%，29項被列為「無法完全證明屬實」佔1.9%，630項被列為「無法證實」佔41.8%，605項被列為「並無過錯」佔40.1%，81項則被列為「虛假不確」佔總數的5.4%。

在其餘的3,377項無需進行全面調查的指控中，511項「透過簡便方式解決」，佔無需進行全面調查指控中的15.1%。1,970項被列為「投訴撤回」佔58.3%，885項被列為「無法追查」佔26.2%和11項被列為「終止調查」僅佔0.3%。

Of the 4,884 allegations endorsed in 2012/13, 1,507 were fully investigated. Of these, 101 (6.7% of fully investigated allegations) were classified as "Substantiated"; 61 (4.0%) as "Substantiated Other than Reported"; 29 (1.9%) as "Not Fully Substantiated"; 630 (41.8%) as "Unsubstantiated"; 605 (40.1%) as "No Fault" and 81 (5.4%) as "False".

Of the remaining 3,377 allegations that were not fully investigated, 511 (15.1% of those not fully investigated) were "Informally Resolved"; 1,970 (58.3%) were classified as "Withdrawn"; 885 (26.2%) as "Not Pursuable" and only 11 (0.3%) as "Curtailed".

2011/12年和2012/13年的數據比較可見下表：

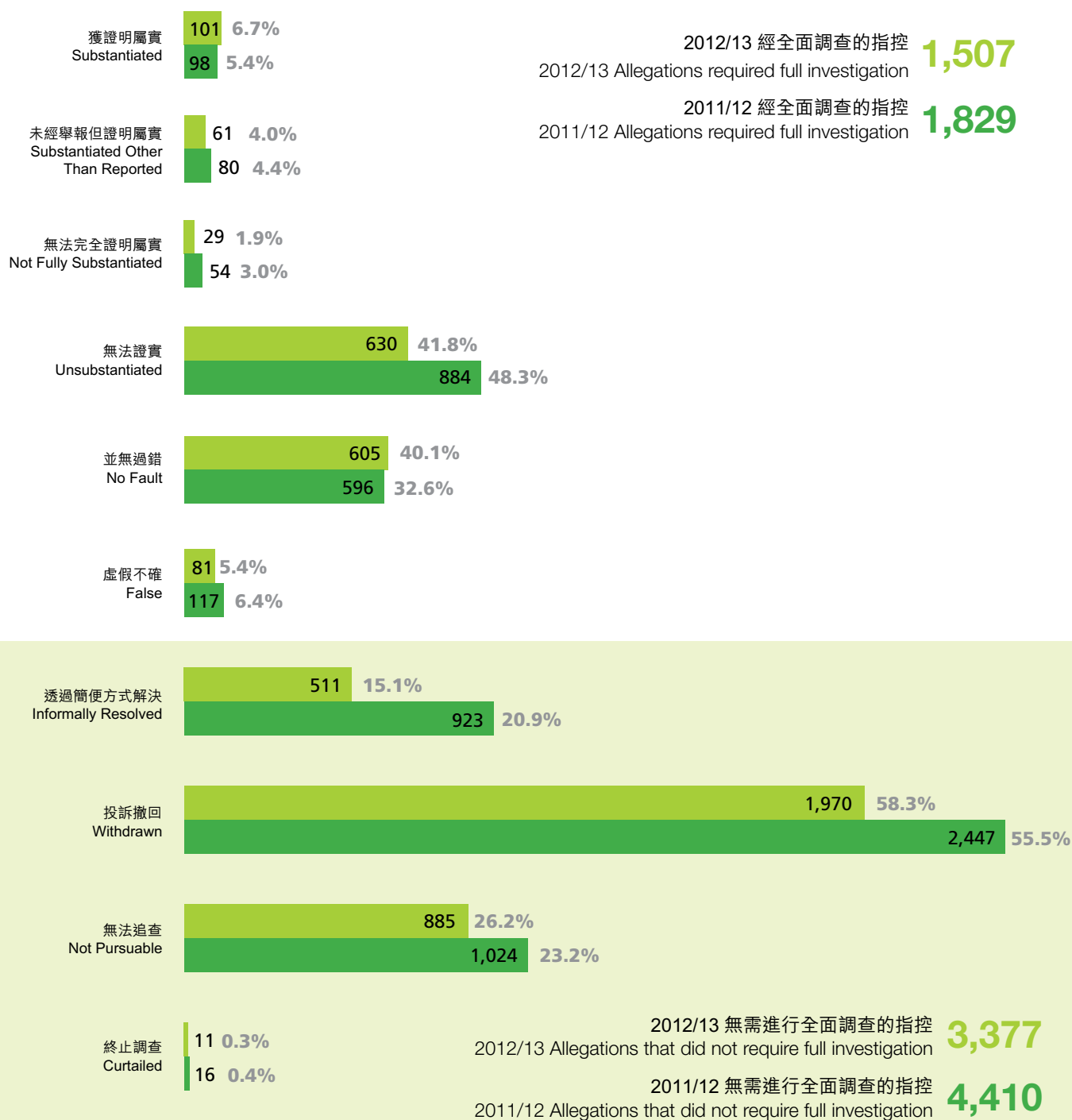
Refer to the table below for a comparison of the 2011/12 and 2012/13 figures:

監警會通過的調查結果：

Investigation results endorsed by the IPCC:

2012/13 指控總數 Total number of allegations **4,884**

2011/12 指控總數 Total number of allegations **6,239**



監警會通過投訴警察課個案的指控數字 (根據性質和調查結果劃分)

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

	毆打 Assault		行為不當/ 態度欠佳/ 粗言穢語 Misconduct/ Improper Manner/ Offensive Language		疏忽職守 Neglect of Duty		濫用職權 Unnecessary Use of Authority	
年份 Year	2012/13	2011/12	2012/13	2011/12	2012/13	2011/12	2012/13	2011/12
經全面調查的指控 Fully Investigated Allegations								
獲證明屬實 Substantiated	0	0	15	21	77	67	8	6
未經舉報但證明屬實 Substantiated Other Than Reported	0	0	7	5	52	73	1	1
無法完全證明屬實 Not Fully Substantiated	1	1	5	7	17	38	6	6
無法證實 Unsubstantiated	19	36	294	388	258	378	38	48
虛假不確 False	15	30	20	23	8	6	2	1
並無過錯 No Fault	15	10	102	98	416	417	40	40
小計 Sub-total	50	77	443	542	828	979	95	102
無需進行全面調查的指控 Other Concluded Allegations (Without Full Investigation)								
透過簡便方式解決 Informally Resolved	0	0	258	446	252	477	0	0
投訴撤回 Withdrawn	130	181	774	969	916	1062	51	98
無法追查 Not Pursuable	143	159	310	306	317	385	51	69
終止調查 Curtailed	0	0	4	8	4	7	3	1
小計 Sub-total	273	340	1346	1729	1489	1931	105	168
總數 Total	323	417	1789	2271	2317	2910	200	270

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	
2012/13	2011/12	2012/13	2011/12	2012/13	2011/12	2012/13	2011/12	2012/13	2011/12
1	2	0	0	0	2	0	0	101	98
0	0	0	0	1	1	0	0	61	80
0	0	0	1	0	0	0	1	29	54
11	11	8	21	2	0	0	2	630	884
25	43	10	14	0	0	1	0	81	117
20	23	6	2	6	6	0	0	605	596
57	79	24	38	9	9	1	3	1507	1829
0	0	0	0	1	0	0	0	511	923
26	40	71	92	1	4	1	1	1970	2447
14	26	50	79	0	0	0	0	885	1024
0	0	0	0	0	0	0	0	11	16
40	66	121	171	2	4	1	1	3377	4410
97	145	145	209	11	13	2	4	4884	6239

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，遭紀律聆訊或在內部採取其他行動的警務人員共173名，涉及127宗個案。分項數字見下表：

In this reporting year, disciplinary proceedings or internal actions were taken against 173 police officers with respect to 127 cases endorsed by the IPCC. Please refer to the breakdown of figures below:

警方就2011/12至2012/13年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 with respect to
cases endorsed by the IPCC from 2011/12 to 2012/13

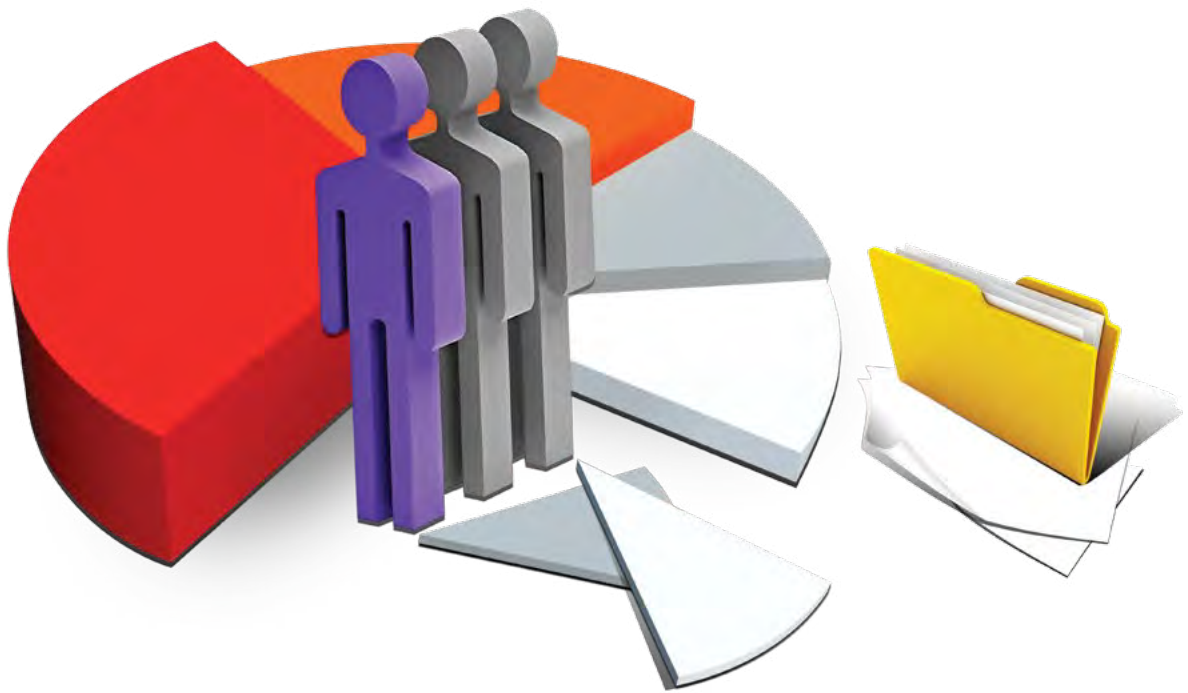
	警務人員數目 Number of Officers	
	2012/13	2011/12
A. 刑事訴訟 Criminal proceedings	0	0
B. 紀律聆訊 Disciplinary proceedings	12	35
C. 其他內部措施 Other internal actions		
警告 Warnings	41	43
訓諭 Advice	120	173
總數 Total	173	251

註：2011/12年的數字已因應部份個案覆核後予以調整。

Note: Figures for 2011/12 have been adjusted after case reviews.

觀察員計劃

Observers Scheme



2012/13年，監警會的委員及觀察員共進行了2,012次觀察（預先安排的有1,667次，突擊的有345次）。較2011/12年的2,021次觀察輕微下跌了0.4%。在2,012次觀察中，有1,685次是觀察會面的進行，其餘327次是觀察證據收集的工作。

在觀察投訴調查和透過簡便方式解決會面的數字方面，有595次為透過簡便方式解決會面，比去年同期的789次減少了24.6%。投訴調查的觀察則為1,417次，比2011/12的1,232次增加了15%。

Under the Observers Scheme, 2,012 observations were conducted by Members and Observers of the IPCC (1,667 scheduled observations and 345 surprise observations) in the year 2012/13. The number of observations slightly decreased, by 0.4%, compared with the 2,021 observations in 2011/12. Of the 2,012 observations, 1,685 involved the conducting of interviews and 327 involved the collection of evidence.

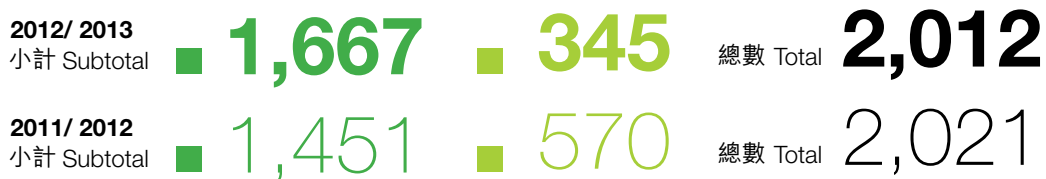
Among all the observations conducted, 595 were on informal resolution interviews, a decrease of 24.6% from last year's figure of 789. Another 1,417 cases involved IPCC observation of investigations, an increase of 15%, from 1,232 in 2011/12.

監警會委員及觀察員進行觀察的每月分項數字請見下表：

For the monthly breakdown of observations conducted by IPCC Members and Observers, please refer to the table below:

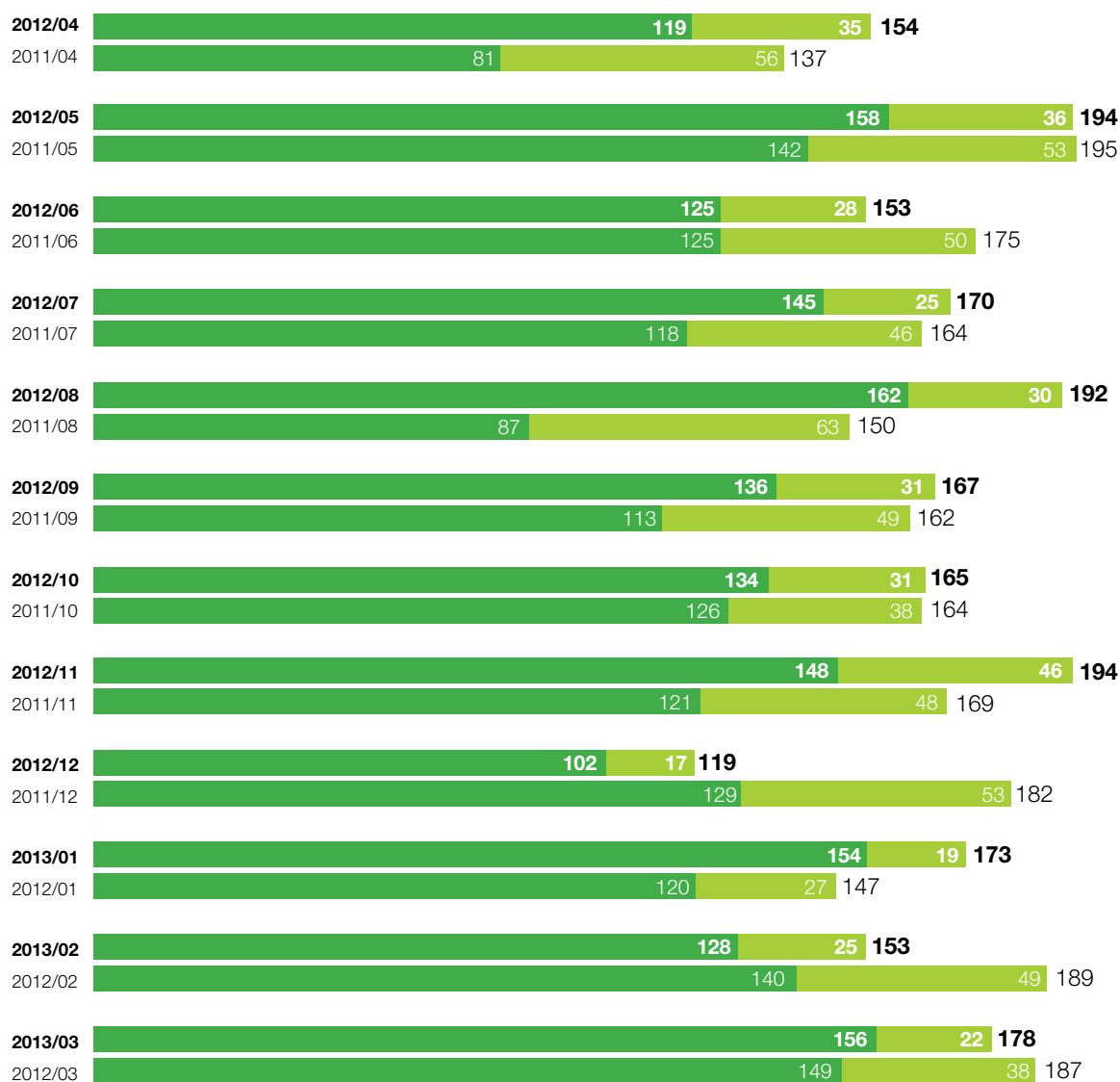
預先安排和突擊觀察的分項數字

Number of scheduled and surprise observations



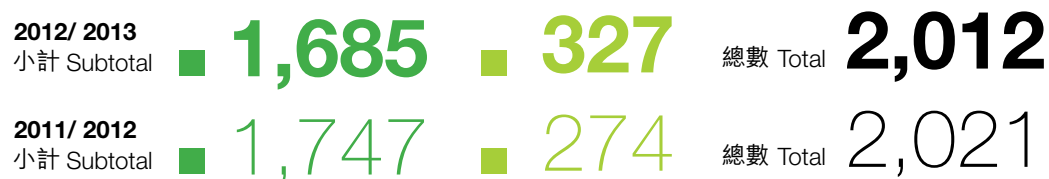
年/月
Year/Month

■ 預先安排 Scheduled ■ 突擊 Surprise



觀察調查會面和證據收集工作的分項數字

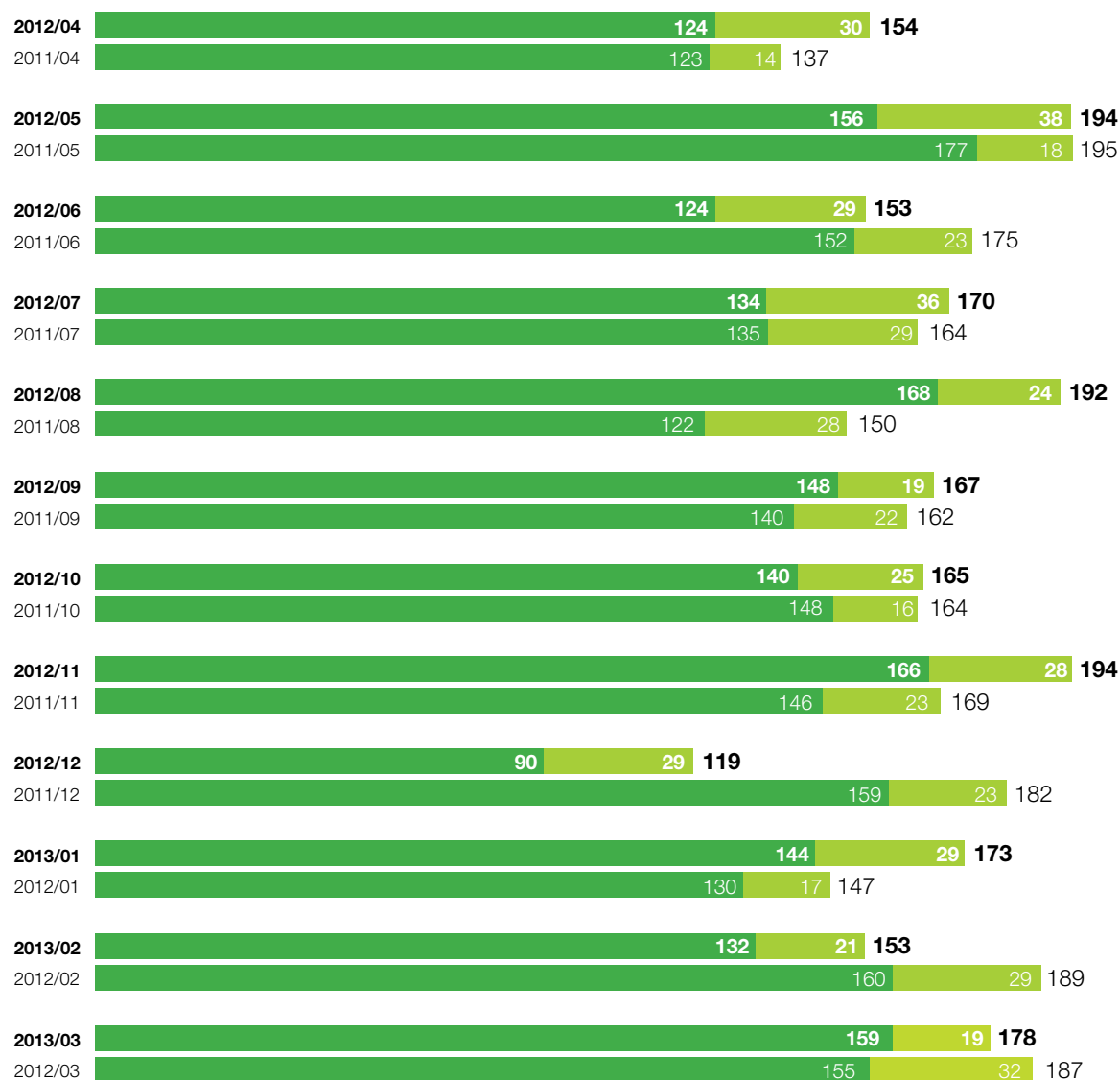
Statistics on the observation of interviews and the collection of evidence



年/月
Year/Month

■ 會面 Interviews

■ 證據收集 Collection of evidence



2012/13 觀察投訴調查和透過簡便方式解決會面的分項數字

2012/13 Number of observations of complaint investigations and interviews for informal resolutions

投訴調查的觀察

Observations of complaint investigations:

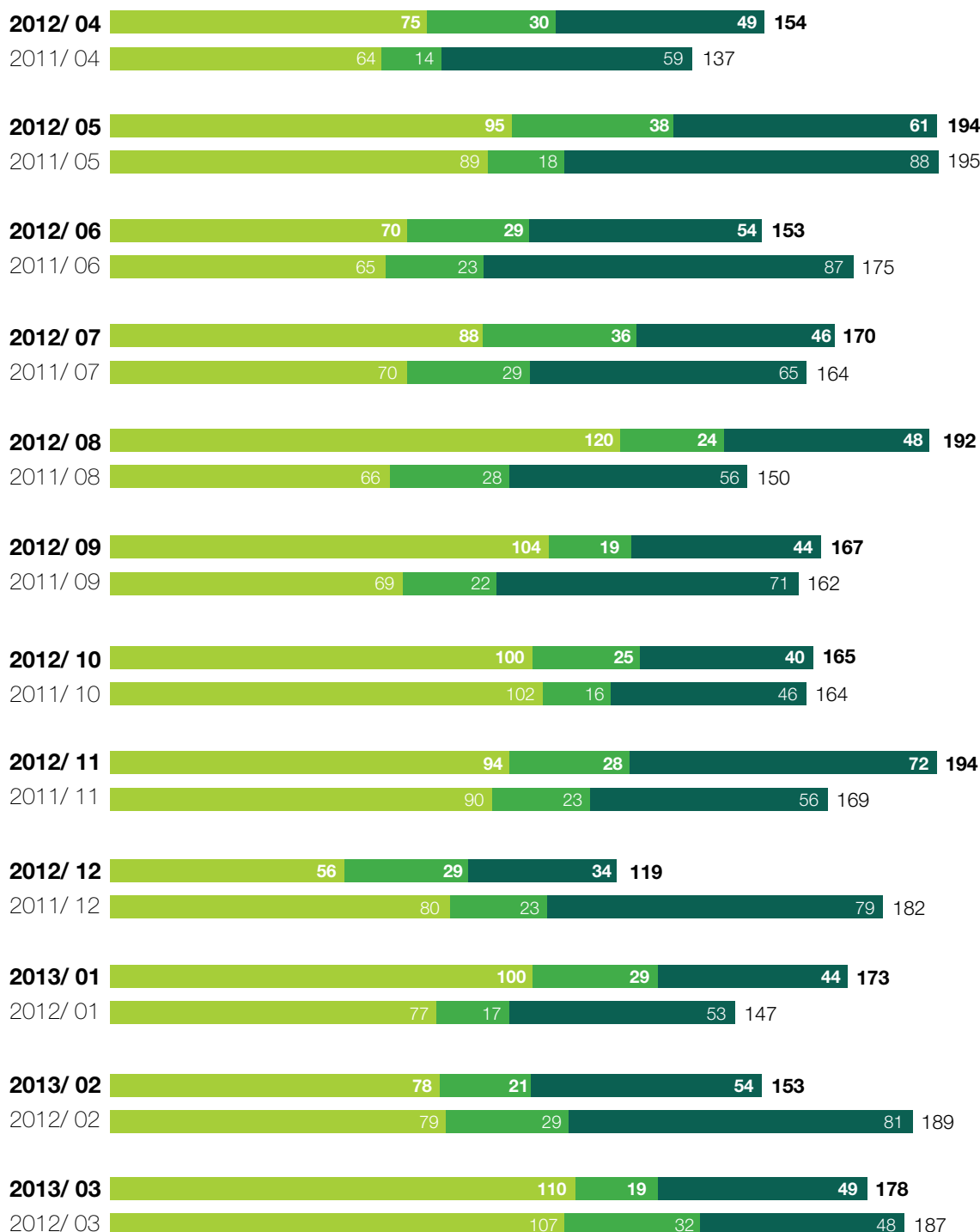
■ 會面 Interviews ■ 證據收集 Collection of evidence

■ 透過簡便方式解決的會面觀察

Number of informal resolution interviews

2012/13 透過簡便方式解決會面總數 **595**
2012/13 Interviews conducted for informal resolution
2011/12 透過簡便方式解決會面總數 **789**
2011/12 Interviews conducted for informal resolution

2012/13 觀察投訴調查總數 **1,417**
2012/13 Observations conducted for complaints investigation
2011/12 觀察投訴調查總數 **1,232**
2011/12 Observations conducted for complaints investigation



投訴警察課的通知 Notifications from CAPO

投訴警察課會盡量在可行的情況下，於會面或證據收集進行前，給予監警會不少於48小時的通知。在2012/13年，近九成（89.4%）的通告是在不少於48小時前收到；比起2011/12年的92.1%稍遜。

在本報告期內，監警會接獲投訴警察課共2,980次通知，觀察員出席了當中的2,012次，包括觀察會面工作和證據收集工作，佔整體的67.5%，較2011/12年的47.5%出席比率大幅增加20%（接獲投訴警察課的4,258次通知，並出席當中2,021次）。

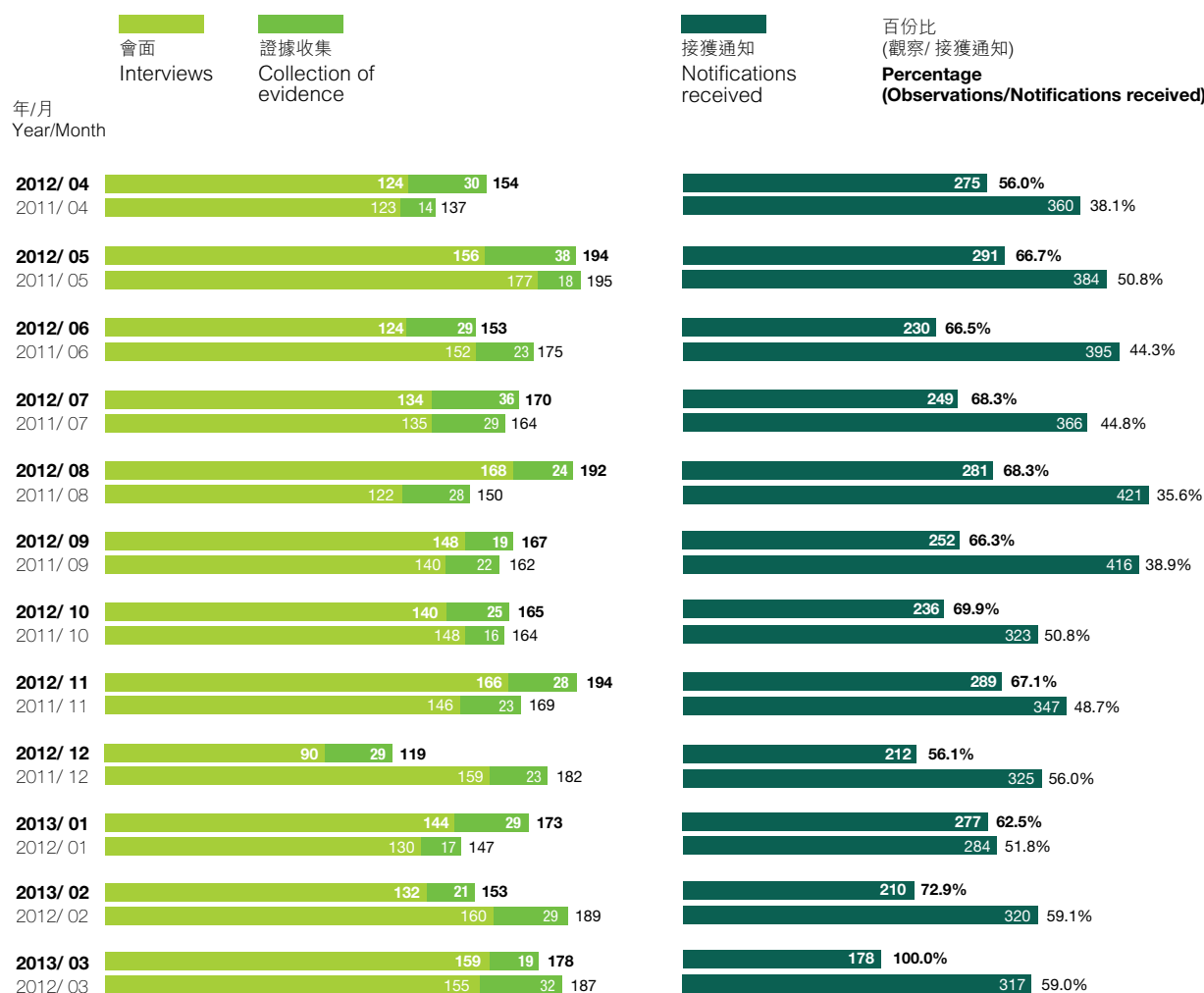
Insofar as practicable, CAPO has agreed to notify the IPCC at least 48 hours in advance of any impending interview or collection of evidence. In 2012/13, 89.4% of such notifications were given within at least 48 hours, a slight reduction from 92.1% in 2011/12.

In this reporting year, IPCC observers attended 2,012 observations, including interviews and the collection of evidence, comprising 67.5% of 2,980 notifications received from CAPO. The percentage represents a significant increase of 20% over the 47.5% attendance rate in 2011/12 (2,021 observations were conducted out of 4,258 notifications received).

觀察員出席觀察及接獲通知數字 Number of observations attended by IPCC Observers and notifications received

2012/13 出席比率: **67.5%**
2012/13 Attendance rate: **67.5%**

2011/12 出席比率: **47.5%**
2011/12 Attendance rate: **47.5%**



監警會進行會面 IPCC Interviews Conducted

在本報告期內，監警會曾邀請涉及一宗投訴個案的兩位人士（一位投訴人以及一位被投訴人）出席會面。

During the reporting period, the IPCC invited two persons (one complainant and one complaine) to attend interviews involving one complaint case.

進行會面的數據如下：

Please refer to the following table for the number of interviews conducted:

監警會進行會面的數字

Number of IPCC interviews conducted

出席會面的人數
Number of persons
attending interviews



邀請會面的人數
Persons invited to
interviews



審核個案的速度

Time Required for Reviewing Complaint Cases

為加快審核個案的速度和處理投訴個案的效率，監警會秘書處於去年簡化內部審核個案的程序。以往每宗投訴個案的調查報告均先由審核團隊檢視，向投訴警察課提出質詢。在收到投訴警察課的回覆後，才再將報告呈交予秘書長及副秘書長審核，並再根據秘書長及副秘書長的疑問向投訴警察課提出質詢。在2011年年初開始，秘書長、副秘書長及法律顧問每周主持內部會議，和審核團隊一同討論每宗投訴個案，再將秘書處的疑問加以整合，一次過向投訴警察課提出質詢，在收到投訴警察課的回覆後，便將調查報告呈交予委員審核。藉此簡化了秘書處的內部審核程序，加快個案審核速度。

在這安排下，審核個案的平均所需日數，由2010/11年的145天降至2011/12年的86天。在報告期內，審核個案所需的日數亦維持在105天。

In order to accelerate the process of case reviews, the IPCC Secretariat simplified its internal procedures last year. Previously, each report on a complaint investigation had to be checked by a vetting team and queries raised with CAPO. Only after CAPO's reply was received was a report delivered to the Secretary-General and the Deputy Secretary-General for review; additional questions were then raised with CAPO based on their queries. Beginning in early 2011, the Secretary-General, the Deputy Secretary-General and the Legal Advisor conducted weekly internal meetings to discuss each complaint case with a vetting team. The Secretariat then consolidated their queries and forwarded them to CAPO collectively. Once CAPO's reply was received, the investigation report would be reviewed by Members. This streamlined procedure has accelerated the case review process.

The average number of days required to review an investigated case decreased from 145 days in 2010/11 to 86 days in 2011/12. The time required to review a complaint case remained at 105 days during the reporting year.

審核個案所需的平均日數

Average number of days required to review a complaint case

105

2012/13

86

2011/12

向投訴警察課提出質詢

Queries Raised with CAPO

在2012/13年，監警會向投訴警察課分別提出938項質詢或建議。在這些質詢或建議中，有468項獲投訴警察課全面接納，比率為49.9%。

至於其餘的質詢，投訴警察課則向監警會解釋。監警會秘書處在收到這些解釋後，審核小組會再研究，並提交予委員考慮。有需要時並會將相關的質詢資料和解釋，在工作層面會議上和投訴警察課商討尋求共識，待監警會秘書處和委員均接受投訴警察課的解釋，才會通過該投訴個案。

A total of 938 queries and suggestions were made by the IPCC to CAPO in 2012/13. Among these queries and suggestions, 468 were accepted by CAPO and the remainder received satisfactory explanations from CAPO. The acceptance rate was 49.9%.

After the IPCC Secretariat received the explanations, the vetting team studied them and passed them on to the vetting sub-group Members for consideration. When necessary, the queries and explanations were discussed at working level meetings with CAPO. Only when the IPCC Secretariat and Members accepted CAPO's explanation would a complaint case be endorsed.

更改分類

Classification Changes

監警會在2012/13年就調查結果分類提出401項質詢，而為投訴警察課全面接納的則有176項，因此而須予修正的調查結果有166項，包括：

CAPO accepted 176 out of a total of 401 queries raised by the IPCC in 2012/13 regarding the classification of findings. As a result CAPO reclassified the results of 166 investigations, including:

- | | |
|----|--|
| 21 | 項由「無法證實」改列為「並無過錯」
investigation results reclassified from "Unsubstantiated" to "No Fault" |
| 8 | 項由「無法證實」改列為「無法完全證明屬實」
reclassified from "Unsubstantiated" to "Not Fully Substantiated" |
| 3 | 項由「無法證實」改列為「獲證明屬實」
reclassified from "Unsubstantiated" to "Substantiated" |
| 46 | 項由「並無過錯」改列為「無法證實」
reclassified from "No Fault" to "Unsubstantiated" |
| 3 | 項由「虛假不確」改列為「並無過錯」
reclassified from "False" to "No Fault" |

詳細數據請參考下表：

The breakdown of figures is shown in the table:

2012/13年度監警會通過的再分類調查結果

Changes of classification endorsed by the IPCC in 2012/13

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	終止調查 Curtailed	無法追查 Not Pursuable	投訴撤回 Withdrawn	
獲證明屬實 Substantiated	NA	2	0	0	0	0	0	0	2
無法完全證明屬實 Not Fully Substantiated	6	NA	2	0	0	0	0	0	8
無法證實 Unsubstantiated	3	8	NA	21	1	0	3	0	36
並無過錯 No Fault	4	8	46	NA	14	0	8	5	85
虛假不確 False	0	0	2	3	NA	0	1	0	6
透過簡便方式解決 Informally Resolved	0	0	0	0	0	0	0	1	1
無法追查 Not Pursuable	1	0	1	6	7	1	NA	0	16
投訴撤回 Withdrawn	0	0	0	5	7	0	0	NA	12
總數 Total	14	18	51	35	29	1	12	6	166

此外，監警會年內通過了61項「未經舉報但證明屬實」的指控，當中有27項是經監警會提出質詢後而增加的，另有22宗事件記錄為「旁支事項」*。

* 「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。

Moreover, the IPCC endorsed 61 counts of "Substantiated Other Than Reported" allegations. Of these, 27 were included after the IPCC raised queries and 22 were recorded as Outwith cases*.

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

改善警隊常規和程序的建議

Suggested Improvements to Police Practices and Procedures

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，向警務處處長或行政長官作出建議。年內監警會就改善警隊常規和程序提出了11項建議，當中有六項建議為投訴警察課所全面接納。

Under S8(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 a police practice or procedure that has led to or might lead to a complaint. During this reporting period, the IPCC suggested 11 improvements to the Police, of which six were accepted by CAPO.

遵從警務程序和常規

Compliance with Police Procedures and Practices

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程序和常規。2012/13年，屬於這類的質詢共有12項，投訴警察課完全同意監警會在其中一項質詢中的觀點。

The IPCC may raise queries with CAPO to ascertain if the police officers involved in a complaint case have complied with relevant police procedures and practices in exercising their constabulary powers. In 2012/13, out of 12 queries raised under this category, CAPO agreed with one observation by the IPCC.



行使警權的理由

Reasons for Exercising Police Power

此外，監警會亦關注警務人員在執勤時的警權運用。在2012/13年，監警會就警務人員在運用警權時的理據提出三項質詢，其中一項獲投訴警察課接納。

The use of police power by officers in the discharge of their duties is also a concern of the IPCC. In 2012/13, the IPCC raised three queries with respect to the reasons for the use of police power. One was accepted by CAPO.

對處理違規人員的行動提出意見

Comments on Actions against Defaulting Officers

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。2012/13年，監警會曾在有關事項上共提出19次意見，其中12次獲投訴警察課全面接納。

While the dispensing of advice or disciplinary action to 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 are commensurate with the gravity of the offence. The IPCC commented on such actions on 19 occasions in 2012/13, of which 12 were accepted by CAPO.

澄清調查報告資料

Clarification of Information in Investigation Reports

2012/13年，監警會共提出298項關於調查報告內含糊不清之處的質詢及意見，其中175項獲投訴警察課全面接納。其餘的質詢則獲該課給予圓滿解釋。

In 2012/13, the IPCC raised questions and comments on 298 ambiguous points, of which 175 were accepted by CAPO. The IPCC received satisfactory explanations from CAPO for the rest.



調查透徹度

Investigation Thoroughness

2012/13年，監警會共提出50項有關調查的透徹程度的質詢，其中32項獲投訴警察課全面接納，並就監警會提出的事項作進一步調查和提供更多資料。其餘的質詢則獲該課給予圓滿解釋。

In 2012/13, the IPCC raised 50 questions regarding the thoroughness of police investigations. Of these, 32 were accepted by CAPO, which led to their further investigation and the provision of additional information on the issues raised by the IPCC. The IPCC received satisfactory explanations from CAPO for the rest.

監警會在2011/12年及2012/13年提出質詢或建議的數目和性質請見下表：

The following chart shows the number and nature of the questions and comments raised by the IPCC in 2011/12 and 2012/13:

監警會通過個案提出的質詢/建議

Queries/suggestions raised in respect of cases endorsed by the IPCC

2012/13 質詢總數 Total number of query points **938**

2012/13 投訴警察課接受的質詢 Number of query points accepted by CAPO **468**

	質詢總數 Total number of query points		投訴警察課接受的質詢 Number of query points accepted by CAPO	
年份 Year	2012/13	2011/12	2012/13	2011/12
質詢性質 Nature of Query				
分類 Classification	401	429	176	218
改善警隊常規和程序的建議 Suggested Improvements to Police Practices/Procedures	11	8	6	5
遵從警務程序和常規 Propriety of Police Practices/Procedures	12	3	1	1
行使警權的理由 Reasonable Grounds for Exercise of Police Powers	3	3	1	0
對處理違規人員的行動提出意見 Disciplinary Actions Proposed for Concerned Officers	19	22	12	9
澄清調查報告資料 Clarification on Ambiguity in CAPO Reports/Files	298	451	175	302
調查透徹 Investigation Thoroughness	50	78	32	44
其他質詢 Other Queries	144	159	65	83
總數 Total	938	1,153	468	662

改善警隊常規和程序建議的具體情況

Recommended Improvements to Police Practices and Procedures

本報告期內，監警會在以下方面向警方提出了一些改善建議。

During the reporting period, the IPCC offered some suggestions to the Police regarding the captioned matters.

修改《交通程序手冊》

Modification of the Traffic Procedures Manual

香港每年發生過萬宗的交通意外，單以2012年的數字顯示，涉及交通意外而傷亡的數字超過兩萬人。根據《罪行受害者約章》（《約章》），因第三者不小心駕駛而導致傷亡的受害者的直系家人，亦列為受害者，可要求警方履行《約章》訂明受害者應有的權利。

The number of traffic accidents occurring annually in Hong Kong is more than 10,000; in 2012 alone, there were over 20,000 casualties due to traffic accidents. According to "The Victims of Crime Charter" ("Charter"), the immediate family members of a casualty resulting from a third party's careless driving are deemed victims, and can request the Police to comply with the "Charter" and give them the same rights as the victim.

《約章》其中一項列明「受害者有權取得調查和檢控工作的資料」，故此警方有責任提供予受害者適當的協助，包括案件的進展情況。若提出檢控，應該告知受害者檢控的步驟、調查的進度、受害者在檢控罪行過程中擔當的證人角色、司法程序的聆訊日期和地點、以及案件最終怎樣處理，包括上訴結果等。若決定不提出檢控，亦應該將決定告知受害者。監警會在審核投訴個案調查報告時，對警方執行《約章》的要求提出服務改善建議。

According to the "Charter" the victim has the right to information, investigation and prosecution; thus it is the duty of the Police to provide assistance to the victim, including reports on progress in the case. Where a prosecution is underway, the victim must be informed of the steps in the prosecution process, the progress of the investigation, the victim's role as a witness in the prosecution of the offence, the date and place of the hearing, and the final disposal of the case, including the outcome of any appeal. If a decision is made not to prosecute, the victim must be told of that decision. While reviewing complaint investigation reports, the IPCC has made recommendations to the Police for better execution of the "Charter".

在一宗投訴個案中，投訴人的父親在一宗交通意外中遭一輛公共小巴撞死。其後，中央交通違例檢控組向小巴司機發出傳票，指控其「不小心駕駛」，小巴司機因需要尋求法律意見，案件遂延後聆訊。由事發至聆訊期間，投訴人曾多次向警員詢問案件及聆訊的最新進展，警員卻以聆訊日期未確實回應，沒有向投訴人提供案件的最新消息。最終小巴司機被判罰款3,000元，聆訊結果隨後亦以書面形式回覆予投訴人。投訴人在聆訊後近一個月才獲書面通知結果，認為判罰過輕，惟因未能於14天內提出上訴，最終被迫無奈接受聆訊結果。投訴人因此投訴有關警員，認為該警員未有盡責及時通知聆訊日期。

In one complaint case, the father of the complainant was killed by a minibus in a traffic accident. Subsequently, the Central Traffic Prosecutions Division issued a summons to the driver for "careless driving". As the driver had to seek legal advice, the hearing of the case was postponed. Between the time of the accident and the time of the hearing, the complainant asked the police officer numerous times for information on the progress of the case and the time of the hearing, but the officer only replied that the date of the hearing had not been confirmed, and provided no update on the case. In the end, the minibus driver was fined \$3,000 and the result of the hearing was only provided to the complainant in writing, almost one month after the hearing. The complainant considered the penalty too lenient, but as he was unable to appeal it within a 14-day period, he was forced to reluctantly accept the result. But he filed a complaint against the police officer concerned for not performing his duty by informing the complainant of the date of the hearing in time.

在審核此個案時，監警會委員認為，警方除了需要向受害者回覆有關案件及聆訊等結果外，亦應提升服務質素，為市民提供專業的服務，包括及時提供予受害者案件及聆訊的最新進展，如調查的進度、聆訊的日期和地點，以免因延誤通報導致受害者未能於14天內提出上訴結果，而失去應有的法律權利。

受害者因刑事罪行，肉體或精神已受到一定程度的傷害，提出檢控希望得到公平的審判，若然因錯失上訴結果的機會，要受害者無奈接受審判結果，不但對受害者造成更大的傷害，亦為社會上帶來更多的不公義，一件看似是警方無心之失的過錯，其影響實在不容忽視。

警方亦從善如流，交通總部隨後就事件進行全面研究，在徵詢五區交通部的意見後，決定修改《交通程序手冊》內有關部份，為警員提供更清晰的程序執行指示。

In reviewing this case, the IPCC concluded that it was not enough for the Police to merely inform the victim of the result of the hearing. The Police should improve their quality of service to the public by providing all relevant information, including the progress of the investigation and the date and place of the hearing, to the victim in time to ensure his right to appeal within 14 days.

The IPCC further pointed out that the prosecution of criminal offenders provides a sense of justice to victims who suffer from physical or emotional injuries. But if a victim misses the opportunity to appeal and has to reluctantly accept the outcome of a trial, it could cause greater harm to the victim and, in fact, could perpetrate injustice. An unintentional mistake by the Police might have a great impact, and this should not be ignored.

The Police accepted this advice and instructed the Traffic Branch Headquarters to conduct a comprehensive review of the incident. After consulting five Traffic Branches, it was decided to modify the relevant section of the "Traffic Procedures Manual" in order to provide the officers with clearer procedural guidelines.

處理失車「違泊」的改善建議

Recommendations on Handling the Illegal Parking of Lost Cars

警方執行交通法例，往往是以預防交通意外、保持交通暢順及提高道路安全水平為目的，當中包括向違例停泊的車輛發出告票，尤其在接獲投訴車輛阻塞的情況下，有可能向同一車輛發出多張告票。

然而，因違例停泊在同一地點而接獲多次告票的車輛，部份有可能是長期擺放的失車。警方會依照《交通程序手冊》，在發出告票檢控前先評估車輛是否為失車，包括檢查車輛是否完整無缺，有否特別痕跡又或車身附有較早前發出的告票等，若警員認為無可疑的情況出現，而該車輛有阻塞交通，甚至接獲車輛阻塞的投訴，則有機會向違例停泊在同一地點的車輛發出多次告票。監警會在審核投訴個案調查報告時，對警方處理失車「違泊」的情況提出改善建議。

The aim of police enforcement of traffic laws is to ensure road safety by preventing traffic accidents and maintaining the smooth flow of traffic. This includes issuing tickets to illegally parked vehicles. In some cases when a vehicle obstruction complaint is received, the same vehicle may receive more than one ticket.

If a vehicle has received several tickets due to illegal parking at the same location, it may be a lost car left unattended. According to the "Traffic Procedures Manual", before a police officer issues a ticket, he or she must first assess whether the vehicle is a lost car by checking if the car is intact, has any special markings on it, or has any prior tickets attached. If the officer finds nothing suspicious and the vehicle is obstructing traffic, or if a traffic obstruction complaint was received, he or she may issue more than one illegal parking ticket to the vehicle parked at the same spot. After reviewing the complaint investigation report, the IPCC offered recommendations to the Police on how to handle the "illegal parking" of lost cars.

在一宗投訴個案中，投訴人向警方報失停泊於深水埗的電單車，警方列為「失竊案」處理，並將該電單車列為「失車」。但兩個月後，投訴人收到三張不同日期發出的定額罰款告票，指其電單車違例停泊於馬鞍山路。投訴人遂於同日到深水埗警署投訴，指其電單車早於兩個月前已向警方報失，認為警方應該察覺電單車已被列為失車。

監警會委員認為警方在發出告票前先評估車輛是否為失車的做法恰當，但在調查期間，監警會和投訴警察課均認為更佳的做法是向指揮及控制中心查詢失車紀錄，以便更準確查證車輛是否失車。警方同意監警會的觀點，並將會檢討有關的警察程序。

In one complaint case, the complainant reported to the Police a missing motorcycle he had parked in Sham Shui Po. The Police filed the case as “theft” and listed the motorcycle as a “lost vehicle”. However, after two months, the complainant received three fixed penalty tickets with different dates, stating that his motorcycle was illegally parked on Ma On Shan Road. The complainant filed a complaint at the Sham Shui Po police station that day, saying he had reported his motorcycle lost two months ago, therefore the Police should treat his motorcycle as a lost vehicle.

An IPCC Member stated that it was an appropriate measure for the Police to assess whether a vehicle was a lost vehicle before issuing a ticket. During the investigation, both the IPCC and CAPO agreed that in addition to the officer's assessment, an appropriate method would be to ask the Command and Control Centre to check the lost vehicle record to ascertain whether it was actually a lost vehicle. The Police agreed with the IPCC's view and will review the related police procedure.

在拾獲財物收據加入個人資料通告

Inclusion of Personal Information Messages on Found Property Receipts

智能手機是我們日常生活的一部份，手機內多載有大量個人資料，一旦遺失，或會對物主的個人私隱構成損害。根據警方處理拾獲財物的程序，市民在拾獲財物後交往警署，警方會向拾獲人士發出拾獲財物收據。如財物三個月內無人認領，則拾獲人士可攜同拾獲財物收據，有權將該項財物歸為己有。

在審視過兩宗因警方處理拾獲智能手機程序而衍生的投訴個案後，監警會委員對於警方處理涉及個人資料的失物提出建議，要求清楚向拾獲人士解釋，如拾獲的財物屬智能手機等載有大量個人資料的物品，警方未必會將無人認領的物品發還予拾獲人士，以便警方能更有效保障市民的個人私隱。警方在徵詢前線警務人員及法律意見後，接受監警會的建議，修改拾獲財物收據，加入關於個人私隱條例的通告，列明拾獲的財物如載有個人資料，而資料又不能被警方永久及完全刪除的情況下，警方將根據《個人資料（私隱）條例》處理該項財物，而非發還予拾獲人士。警方並要求拾獲人士於拾獲財物收據中簽署，確認了解有關情況，以保障市民因遺失載有個人資料的財物而損害個人私隱。

Smart phones have become part of our daily lives; we tend to store a great deal of personal information on them so that if one is lost, the owner's personal privacy may be jeopardised. According to police procedures for handling found property, when a person finds an item and turns it into the police station, the Police provide that person with a Found Property Receipt. If the property remains unclaimed by the owner after three months, the person who found it is entitled to claim the property by presenting the Found Property Receipt.

In reviewing two complaint cases on police handling of found smart phones, IPCC Members made a suggestion to the Police that in handling found property where personal data is involved, the Police should explain clearly to the person who finds such an item that it will not be returned to the finder, even if it remains unclaimed, for privacy protection reasons. After consulting frontline officers and legal opinion, the Police accepted the IPCC's suggestion and amended the Found Property Receipt by adding a personal privacy clause, clearly stating that if the found property contains personal information that cannot be permanently and completely erased by the Police, the Police will not release the property to the finder and will be handled in accordance with the “Personal Data (Privacy) Ordinance”. The Police must request the finder to counter-sign the Found Property Receipt to indicate his or her understanding of the situation. This measure was adopted to protect the public interest with regard to lost property containing personal data.

3

第三章 CHAPTER 3

處理投訴警察及 公眾關注議題

Handling Complaints of Public Interest and Related Matters

副總理訪港而衍生的投訴個案

Complaint Cases Arising from the Vice Premier's Visit

背景

Background

國務院副總理在2011年8月16日至18日訪問香港，期間他曾到訪多個地點。為了保護副總理，警方在整個訪問期間採取了一連串措施，包括在副總理到訪的地點及其車隊所經路線實施了保安行動。惟警方在這次保安行動所採取的幅度和規模引起公眾的不滿和關注，結果警方的投訴警察課接獲22宗投訴個案，共涉及40項指控。當中有6宗個案的投訴人並非直接受警方行動的影響，故被歸類為須知會投訴，其餘的16宗個案則歸類為須匯報投訴。

自2012年9月開始，投訴警察課就以上16宗須匯報投訴個案，共進行了109次調查行動，包括會面和證據收集工作，監警會觀察員出席了其中的106次（97%）。

The Vice Premier (VP) of the State Council of the Central People's Government visited Hong Kong from 16 to 18 August 2011. During his stay, the VP attended a number of functions at different locations. To ensure his personal safety, the Police took certain security measures at the sites he would visit and along the routes his motorcade would travel. Afterward, widespread public concerns arose as to the magnitude and latitude of the security arrangements adopted by the Police. As a result of the visit, CAPO received 22 complaint cases comprising 40 allegations. In six of these cases the complainants were not directly affected by police operations; thus they were categorised as Notifiable Complaints, while the remaining 16 cases were categorised as Reportable Complaints.

Since September 2012, CAPO has taken 109 investigative actions, including interviews and evidence collection, related to the 16 Reportable Complaints. IPCC Observers were present during 106 (97%) of these actions.

副總理訪港期間進行了以下各項官方活動

VP attended the following official functions during his stay

- 2011年8月16日下午3時左右，到訪何文田東華三院黃祖棠社會服務大樓；
 - 2011年8月16日下午4時左右，到訪何文田香港房屋委員會總部；
 - 2011年8月16日下午，到觀塘麗港城訪問一家庭；
 - 2011年8月17日晚上，出席香港特別行政區政府在君悅酒店主持的歡迎晚宴；
 - 2011年8月18日上午，出席香港大學的百週年紀念儀式；
 - 2011年8月18日下午，到訪添馬新政府大樓。-
-
- Visited the Tung Wah Group of Hospitals Wong Cho Tong Social Service Building in Ho Man Tin around 3pm on 16 August 2011;
 - Visited the Hong Kong Housing Authority Headquarters in Ho Man Tin around 4pm on 16 August 2011;
 - Visited a family at Laguna City in Kwun Tong in the late afternoon on 16 August 2011;
 - Attended a welcome dinner hosted by the Government of the Hong Kong Special Administrative Region at a hotel in the evening on 17 August 2011;
 - Attended the University of Hong Kong Centenary Ceremony in the morning on 18 August 2011; and
 - Visited the New Central Government Complex at Tamar in the afternoon on 18 August 2011.

發表中期報告

Release Interim Report



2012年5月3日，監警會發佈副總理訪港而衍生的投訴個案審查的中期報告，讓公眾了解投訴個案的處理進度及增加透明度。在中期報告中監警會交代該16宗須匯報投訴個案之中，有九宗個案已獲通過。

除了仔細及嚴謹地審閱每宗個案的調查報告外，監警會亦試圖找出引致這些投訴的原因，和警方的保安行動是否恰當及有否充足理據。在審議這些個案時，監警會循下列三方面提出質詢：

1. 監警會觀察到很多投訴人不滿的是警方的行動，而不是在現場前線警務人員處理當時的情況。因此被投訴人應該是負責警方行動的高級警務人員，而不是前線警員；
2. 監警會觀察到有些個案的投訴人沒有向投訴警察課錄取口供，但視乎投訴人所提供的資料詳情，以及投訴人是否願意和投訴警察課保持聯繫，投訴警察課仍應展開全面調查；

On 3 May 2012, the IPCC published an interim report on complaints related to the visit by the VP to ensure transparency and openness with regard to these investigations. The interim report stated that CAPO had received 16 Reportable Complaints; in nine cases the IPCC endorsed CAPO's findings.

In the course of its careful and conscientious review, the IPCC tried to find out the reasons for the complaints and considered whether the police security measures in question had been proper and justifiable. In reviewing the cases, the IPCC raised queries according to the following three directions:

1. The IPCC is of the view that in many cases the complainants were dissatisfied with the police actions in question rather than the way the police officer(s) at the scene handled the situation(s); hence these complaints should be directed against the senior police officer(s) responsible for the actions rather than the frontline police officer(s);
2. The IPCC is also of the view that in cases where the complainants did not provide statements to CAPO, full investigations should be conducted with regard to the information provided by the complainants, contingent upon their willingness to maintain contact with CAPO; and

3. 為找出引致這些投訴的原因，以及評估警方的保安行動是否恰當及有理據，監警會要求投訴警察課提供有關的行動指令及其他相關文件，讓監警會可以有詳盡和全面的資料，來評估警方保安行動背後的依據。

發表中期報告後，朱敏健秘書長和法律顧問陳敏儀女士於2012年6月5日，出席立法會保安事務委員會會議，回應該會議員對有關副總理訪港而衍生的投訴個案審查中期報告的問題。監警會繼續向投訴警察課提出質詢，並檢閱投訴警察課提供的相關文件，以解決尚未處理的投訴個案。

3. In order to identify the causes leading to these complaints, and to find out if police security operations were proper and justified, the IPCC has requested CAPO to provide all relevant operational orders and related documents, to allow the IPCC to thoroughly and comprehensively assess the rationale behind the police actions in question.

After the release of the interim report, Mr Ricky Chu (Secretary-General), together with Ms Cherry Chan (Legal Adviser), attended the Legislative Council Security Panel Meeting on 5 June 2012 to respond to the Legislative Council members' questions concerning the IPCC's Interim Report on complaint cases arising from the visit by the VP. The IPCC continued to present queries to CAPO and to review related documents in order to resolve outstanding complaint cases.

發表最終報告

Release Final Report



於2012年12月19日監警會發表就副總理訪港而衍生的投訴個案審查最終報告。報告顯示七宗尚未處理的投訴個案中，有五宗已獲得通過，另外有一宗以「有案尚在審理中」的方式處理。而最後一宗個案監警會只是通過了六項指控中的四項，其餘兩項關於警方決定設立指定採訪區的地點，監警會和投訴警察課則未能就指控的分類達成共識。因此監警會在最終報告闡述了雙方的意見，並根據《監警會條例》第19條(3)將這宗個案呈交予行政長官考慮。

On 19 December 2012, the IPCC released its final report on complaint cases against the Police arising from the visit by the VP. The final report revealed that five of the seven outstanding complaint cases had been endorsed, while one remained "Sub-Judice". The final case had been partially settled, with four of six allegations endorsed by the IPCC. The remaining two allegations, which focused on the Police's decision in setting up a designated press area, remained unresolved, owing to different views between CAPO and the IPCC on the classification of the allegations. This difference was set out in the final report for the Chief Executive's consideration pursuant to S19(3) of the IPCCO.

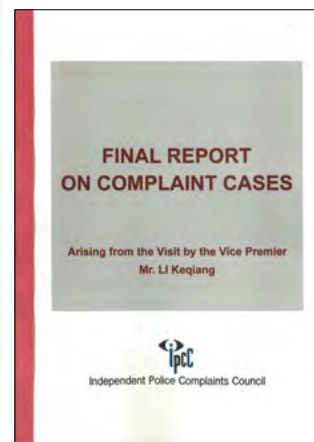


由於警方採取保安措施的幅度引起廣泛不滿，監警會除了履行《監警會條例》第8條(1)(a)賦予的職能，監察和審核投訴警察課的投訴調查外；亦履行《監警會條例》第8條(1)(c)的職能，檢討警方就副總理訪港所安排的保安措施，找出警隊工作常規及程序不足之處，從而向行政長官和/或警務處處長提出建議，以改善警方將來部署及執行類似的行動。

雖然這次保安行動的幅度所引起的廣泛關注，為警隊的聲譽蒙上一片陰霾；但這次事件為警方提供一個寶貴的機會，讓警方汲取經驗及作出檢討。監警會衷心希望最終報告內的觀察和建議，有助防止將來引起類似的投訴，遂建議警方採取以下的改善措施：

1. 行動部應擔任總指揮單位的角色，統籌一切溝通的工作；
2. 發給前線警務人員的所有行動指令及其他相關文件均必須清晰地臚列出行動的使命及目的，以確保他們在執行任務時不會有任何誤解或混淆；
3. 在可行的情況下，加強與傳媒及市民的溝通，以取得他們的配合和諒解；
4. 定期審慎地檢討相關的保安措施，確保該等措施既能達致保安行動的要求，而又無礙市民應有的權利。

監警會朱敏健秘書長和法律顧問陳敏儀女士於2013年2月5日，出席立法會保安事務委員會會議，回應該會議員對有關副總理訪港而衍生的投訴個案審查最終報告的問題。



Due to widespread public discontent and concern over the magnitude of the security arrangements adopted by the Police, on top of discharging its statutory responsibilities under S8(1)(a) of the IPCCO in monitoring and scrutinising the relevant complaint investigations conducted by CAPO, the IPCC conducted an examination under S8(1)(c) of the IPCCO of the security measures implemented to protect the VP, with a view to identifying inadequacies in police practices and procedures. As a result, the IPCC made a number of recommendations to the Commissioner of Police and/or the Chief Executive to improve the planning and execution of similar operations in the future.

Public concern over the magnitude of security operations has unfortunately created an overcast on the reputation of the Police, but it has provided the Police with a valuable opportunity to learn from this experience. The IPCC sincerely hopes that the observations and recommendations in its final report will help prevent similar complaints in the future. It therefore recommends that the Police seek improvement in the following areas:

1. Improve and better coordinate communications, with the Operations Wing as the central command unit;
2. Provide clear guidelines in the Operational Orders or other instructions to frontline officers to ensure that operations are conducted without misunderstanding or confusion as to the mission and objective to be achieved;
3. Enhance communication with members of the public and the press insofar as practicable for the purpose of enlisting their cooperation and understanding; and
4. Review the relevant security measures vigilantly and at regular intervals to ensure that the right balance is maintained between security requirements and citizens' rights.

On 5 February 2013, Mr Ricky Chu (Secretary-General), together with Ms Cherry Chan (Legal Adviser), attended the Legislative Council Security Panel Meeting to respond to the Legislative Council members' questions concerning the IPCC's final report on complaint cases arising from the visit by the VP.

16宗「須匯報投訴」總覽

Overview of the 16 “Reportable Complaints”

編號 No.	個案名稱 Case Name	投訴性質 Nature of Complaint	指控 Allegation	最終分類 Final Classification
1	封閉通往香港會議展覽中心的行人天橋 Closure of footbridge to Hong Kong Convention and Exhibition Centre	封閉行人天橋 Closure of footbridge	(a)-(c) 疏忽職守 (a)-(c) Neglect of Duty ("NOD")	投訴撤回 Withdrawn
2	封閉通往入境事務大樓的行人天橋 Closure of footbridge to Immigration Tower		疏忽職守 NOD	透過簡便方式解決 Informally Resolved
3	封閉通往中信大廈的行人天橋 Closure of footbridge to CITIC Tower		疏忽職守 NOD	無法追查 Not Pursuable
4	封閉通往香港藝術中心的行人天橋 Closure of footbridge to Hong Kong Arts Centre		疏忽職守 NOD	無法追查 Not Pursuable
5	驅散紅棉路的行人 Clearing pedestrians on Cotton Tree Drive	驅散行人 Clearance of pedestrians	粗魯無禮 Rudeness	透過簡便方式解決 Informally Resolved
6	驅散港灣道的行人 Clearing pedestrians on Harbour Road		粗魯無禮 Rudeness	無法追查 Not Pursuable
7	香港大學的保安安排 Security arrangements at the University of Hong Kong	香港大學的保安安排 Security arrangements at the University of Hong Kong	(a)-(c) 疏忽職守 (a)-(c) NOD	透過簡便方式解決 Informally Resolved
8	新政府大樓外的抗議行動 Protest outside Central Government Complex	行使警權及 指定公眾活動區的位置 Execution of Police powers and location of Designated Public Activity Area	(a),(b)及(e) 疏忽職守 (c)及(d) 行為不當 (a), (b) & (e) NOD (c) & (d) Misconduct	透過簡便方式解決 Informally Resolved
9	通往新政府大樓的行人天橋上的抗議行動(一) Protest on footbridge to Central Government Complex (I)		疏忽職守 NOD	透過簡便方式解決 Informally Resolved
10	通往新政府大樓的行人天橋上的抗議行動(二) Protest on footbridge to Central Government Complex (II)		濫用職權 Unnecessary Use of Authority ("UUOA")	無法追查 Not Pursuable
11	會景閣外的抗議行動 Protest outside Convention Plaza		(a) 毆打 (b) 濫用職權 (a) Assault (b) UUOA	無法證實 並無過錯 Unsubstantiated No Fault
12	向副總理遞交請願信 Submission of petition letters to VP		疏忽職守 NOD	並無過錯 No Fault

編號 No.	個案名稱 Case Name	投訴性質 Nature of Complaint	指控 Allegation	最終分類 Final Classification
13	一名男子在麗港城被移走事件 Removal of a male at Laguna City	行使警權 Execution of Police powers	毆打 Assault	無法追查 Not Pursuable
14	記者與警方在麗港城及黃祖棠社會服務大樓的接觸 Reporters' encounters with Police at Laguna City and Wong Cho Tong Building		(a),(g)及(h) 濫用職權 (b)及(i) 疏忽職守 (c) 沒有禮貌 (d) 及(j) 行為不當 (e) 行為不當 (f) 疏忽職守 (a), (g) & (h) UUOA (b) & (i) NOD (c) Impoliteness (d) & (j) Misconduct (e) Misconduct (f) NOD	獲證明屬實 獲證明屬實 獲證明屬實 獲證明屬實 並無過錯 並無過錯 Substantiated Substantiated Substantiated Substantiated No Fault No Fault
15	中環廣場外的抗議行動 Protest outside Central Plaza		(a) 疏忽職守 (b) 毆打 (a) NOD (b) Assault	有案尚在審理中 Sub-Judice (Pending Investigation)
16	指定採訪區的位置及記者個人物品的搜查 Designated Press Area locations and search of reporters' personal belongings		(a) 疏忽職守 (b) 濫用職權 (c) 疏忽職守 (d) 及(f) 疏忽職守 (e) 行為不當 (a) NOD (b) UUOA (c) NOD (d) & (f) NOD (e) Misconduct	並無過錯 獲證明屬實 獲證明屬實 監警會沒有通過調查結果* 投訴撤回 No Fault Substantiated Substantiated Not endorsed by IPCC* Withdrawn

* 投訴警察課建議分類為「並無過錯」；監警會建議分類為「無法證實」

* "No Fault" proposed by CAPO; "Unsubstantiated" proposed by the IPCC

警方處理大型公眾活動

Police Handling of Large-scale Public Order Events



警方處理大型公眾活動不時引起市民關注，監警會自2009年起便和警方跟進處理大型公眾活動的相關事宜，包括邀請警方的代表出席聯席會議，為監警會委員簡介警方處理有關活動的原則和主要考慮因素，和介紹正在草擬階段的《公眾秩序守則》。

為更全面了解公眾及關注團體對警方處理大型公眾活動的意見，監警會委員在2011年開始和主辦示威遊行的團體及其他持份者會面，包括香港人權監察、民間人權陣線、民主倒梁力量、香港記者協會及香港攝影記者協會。持份者除向委員表達對警方處理大型公眾集會的意見外，並建議監警會現場觀察這些活動。此後，監警會便開始研究在不影響會方中立性的情況下，以何種形式觀察大型遊行示威活動，增進委員會這方面的知識，協助委員將來考慮這些活動衍生的投訴個案。

In view of complaints arising from large-scale public order events from time to time, the IPCC had voiced concerns over police handling of such events since 2009. It invited police representatives to attend the IPCC/CAPO Joint Meeting to brief the meeting on the guiding principles and factors considered when handling such events, as well as introduce the drafting of a "Public Order Manual".

To gain a holistic understanding of the views of the public and interested parties on how the Police handle large-scale public order events, starting in 2011 the IPCC Members held meetings with procession organisers and stakeholders, including the Hong Kong Human Rights Monitor (HKHRM), the Civil Human Rights Front (CHRF), the Anti-CY Alliance (ACA), the Hong Kong Journalists Association (HKJA) and the Hong Kong Press Photographers Association (HKPPA). Apart from offering their opinions to the Members on how the Police handle large-scale public order events, stakeholders invited the IPCC to observe such events on site. With this suggestion, the IPCC started to examine the feasibility of observing large-scale processions while maintaining its impartiality, so that the Members could acquire better knowledge to assist them in dealing with complaints derived from such large-scale events in the future.

觀察七一遊行

Observation of 1 July Procession



2012年監警會委員在警方協助下，從公共安全和公眾秩序的角度，現場觀察警方處理七一遊行的安排。委員先出席警方在6月27日舉行的一場簡報會，介紹警方在處理7月1日的遊行部署，再在遊行當日安排委員實地觀察現場實況。

7月1日的觀察活動在警方指揮中心開始，委員隨後沿著遊行路線到各個警方管制人流的策略性據點觀察，最後抵達政府總部。之後委員往金鐘道及中聯辦觀察人民力量主辦的遊行活動。

委員認為參與這次活動獲益良多，並將當日的觀察向警方反映。之後，監警會再約見其他七一遊行的持份者，包括民間人權陣線、香港記者協會、香港攝影記者協會和香港人權監察會面，聽取他們的意見。

委員之後綜合持份者意見，再向警方反映，以供參考。

In 2012, with the assistance of the Police, the IPCC conducted an on-site observation of the 1 July procession from a public safety and public order perspective. Members first attended a briefing on 27 June organised by the Police, which introduced the Police deployment during the procession, and then they observed the event on site on 1 July.

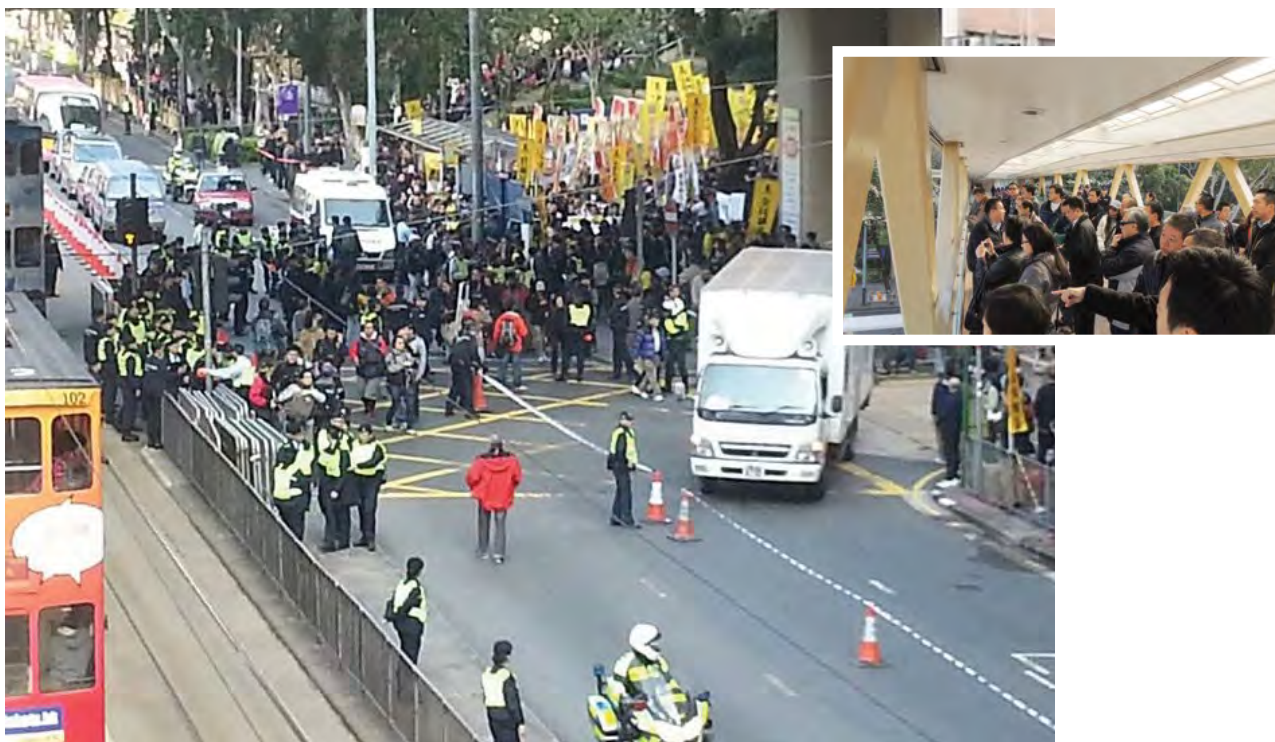
The 1 July observation started at the Police Command Centre. Members then proceeded to various strategic locations along the route of the procession and finished at the Central Government Offices. The Members then observed the procession organised by People's Power at Queensway and the Liaison Office of the Central People's Government.

The Members found the experience beneficial and shared their views with the Police. The Members later had meetings with the other 1 July procession stakeholders, including CHRF, HKJA, HKPPA and HKHRM, to gather their views.

The Members consolidated stakeholders' opinions and shared with the Police for referencing.

觀察元旦遊行

Observation of 1 January Procession



2013年監警會委員亦應持份者的邀請參與元旦遊行的觀察，委員先在12月31日出席警方元旦遊行的簡報會，了解警方在公眾安全的前提下，處理大型公眾活動的程序。元旦當日委員及秘書處職員一同出席元旦遊行，進一步了解遊行起點的安排、警方的人流及交通管制措施、街站的情形，和政府總部外的集會情況。活動在警察總部開始，委員沿遊行路線到不同位置觀看，最後抵達政府總部。委員除了由警方陪同下到多個據點觀察外，秘書處的職員亦分成多個小組，在不同地點觀察，以掌握更全面的資料。

其後委員分別再約見民主倒梁力量、香港人權監察、民間人權陣線的代表會面，聽取他們對元旦遊行安排的意見。民主倒梁力量在會面後，正式就元旦當天的事宜作出投訴。

In 2013, IPCC Members were invited by stakeholders to observe the 1 January procession. Members first attended a briefing by the Police on the 1 January procession on 31 December to understand how the Police handle public order events under the mandate of ensuring public safety. A group of Members and Secretariat staff attended the 1 January procession. The visit was to provide the IPCC Members with a better understanding of police arrangements at the starting point of the procession; the handling pedestrian flow, traffic, and street stalls; and the gathering outside the Central Government Offices. The visit began at the Police Headquarters. The IPCC Members then proceeded to various strategic locations along the routes of the public procession, ending at the Central Government Offices. Not only Members were accompanied by the Police to observe at different locations; Secretariat staff also were divided into small groups to observe at different sites of the procession in order to acquire a more comprehensive understanding of the situation.

Subsequently, Members had meetings with representatives of ACA, HKHRM and CHRF, respectively, to learn their views on the 1 January procession arrangements. After the meeting, ACA filed a complaint regarding the 1 January procession.

2013年七一遊行

1 July Procession in 2013



2013年的七一遊行，監警會更首次派秘書處的職員，以獨立的身份，列席警方和七一遊行的主辦團體民間人權陣線的會議，從旁觀察，以便了解組織大型遊行活動的規劃、籌備，以至活動當日執行的整體情況及全面的過程。出席的職員會將觀察所得向整個委員會報告，以便討論有關事宜。

監警會委員於6月26日出席警方的簡報會後，多位監警會委員與秘書處職員於七一遊行當日進行現場觀察。委員除了由警方陪同下到多個據點觀察外，秘書處的職員亦分成多個小組，在不同地點觀察，以掌握更全面的資料，進一步從多角度了解遊行起點的安排、警方的人流及交通管制措施、街站的情況，和中環遮打道行人專用區的集會情況。

其後，監警會於8月先後約見主辦團體民間人權陣線的代表以及和警方會面，在聆聽民間人權陣線代表的意見後，監警會再將有關意見向警方反映，以供考慮。

For the first time, the IPCC assigned Secretariat staff members to attend, in an independent capacity, the 1 July procession preparatory meeting, between the Police and the march organiser, the CHRF, in order to understand how the group organised and prepared for such a large-scale event as well as how the Police arranged and conducted the on-site operations. The staff members reported their observations to the Council to facilitate further discussion.

A group of IPCC members and Secretariat staff observed the 1 July procession after attending a police briefing on 26 June. Council Members proceeded to various strategic locations with the Police on that day. Meanwhile, Secretariat staff in various groups observed the march at different locations to gather comprehensive information on police arrangements at the starting point of the procession, the handling of pedestrian flow, traffic and street stalls; and the gathering outside the pedestrian precinct on Chater Road, Central.

The IPCC then met with the CHRF and the Police respectively in August. Representatives from CHRF expressed their opinions, among which IPCC would reflect relevant suggestions to the Police for their consideration.

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第四章 CHAPTER 4

真實投訴個案

COMPLAINT CASES

個案
CASE

1

1	指控 Allegation(s)	被投訴人 Complainee(s)	投訴警察課原來分類 Original Classification(s) by CAPO	最後分類 Final Classification(s)
	疏忽職守 Neglect of Duty	一名高級警員 A Senior Police Constable	無法證實 Unsubstantiated	獲證明屬實 Substantiated

個案重點 Highlights of the Case

此個案顯示監警會以仔細的態度分析和推論，來審視警方的刑事調查行動。經監警會質詢後，投訴警察課同意把「疏忽職守」指控的分類由「無法證實」改為「獲證明屬實」。

投訴人因襲擊懲教署人員被捕。當涉事高級警員為他就襲擊事件錄取口供時，投訴人向他表示，另一名懲教署人員在押送他從監獄診所到另一樓房（C座）作單獨監禁期間，命令投訴人脫掉破爛的囚衣，換上清潔的囚衣。隨後投訴人被控「傷害他人身體」罪。審訊期間，投訴人發現他的破爛囚衣和C座的閉路電視片段（C座片段）沒有被列為呈堂證物。由於法庭不接納證人就該案提供的證據，故投訴人獲判無罪。投訴人遂投訴該名高級警員未有保留C座片段和其破囚衣。投訴警察課調查後，把指控分類為「無法證實」。然而，監警會認為高級警員沒有索取及觀看C座片段，作為客觀證據來支持或反駁投訴人對事件的說法，已屬疏忽職守，故指控應分類為「獲證明屬實」。投訴警察課視高級警員忽略了投訴人控詞內的調查方向，乃無心之失，並非惡意的疏忽，所以後來把分類改為「無法完全證明屬實」。可是監警會不同意這改動分類的理據，認為無惡意之說只能減輕其疏忽職守的嚴重性。投訴警察課最後認同監警會的見解，重新把指控分類為「獲證明屬實」，並向該名高級警員作出訓諭。

This case demonstrates that the IPCC is meticulous in its analysis and reasoning in examining the actions taken by the Police during criminal investigations. Under the IPCC queries, CAPO agreed to change the classification of a "Neglect of Duty" allegation from "Unsubstantiated" to "Substantiated".

The complainant had been arrested for assaulting an officer of the Correctional Services Department (CSD). When giving a statement in relation to the assault incident to the concerned Senior Police Constable (SPC), the complainant stated that another CSD officer, who had escorted him from the prison clinic to another block (Block C) to place him in solitary confinement, had ordered the complainant to remove his torn prisoner's uniform and put on a clean one. Subsequently, the complainant was charged with the offence of "Assault Occasioning Actual Bodily Harm". During the trial, the complainant found that his torn prisoner's uniform and the CCTV footage covering Block C (the Block C footage) had not been tendered as exhibits. At his trial the complainant was acquitted, as the Court found the evidence from the witness unacceptable. The complainant later complained against the SPC for failing to preserve the Block C footage and his torn prisoner's uniform as exhibits. After a CAPO investigation, the allegation was initially classified as "Unsubstantiated".

個案
CASE

1

However, the IPCC considered that the allegation should be classified as “Substantiated” since the SPC had indeed failed to view or seize the Block C footage which was objective evidence to prove or disprove the complainant’s version of events. CAPO then changed the classification to “Not Fully Substantiated” because of the SPC’s oversight in identifying possible lines of enquiry from the complainant’s statement, which was viewed as unintentional and without malicious intent to neglect his duties. However, the IPCC did not agree with CAPO’s rationale in suggesting a “Not Fully Substantiated” classification, considering that the oversight without malicious intent could only be considered as a mitigating factor for the SPC’s negligence. CAPO subscribed to the IPCC’s view to reclassify the allegation as “Substantiated” and to issue an advice to the SPC.



個案背景 Case Background

投訴人是一名懲教所的囚犯，因襲擊一名懲教署人員被捕。投訴人在這襲擊事件中受傷而被送往監獄診所治理。診治完畢，另一名懲教署人員押送他離開診所，帶往另一樓房（C座）作單獨囚禁。

十日後，一名高級警員為投訴人就襲擊事件錄取口供。投訴人表示在襲擊事件中，他的囚衣被撕破，而當他被押送往C座作單獨囚禁時，他聽從同行的懲教

The complainant, an inmate in a correctional institution, had been arrested for assaulting an officer of the CSD. The complainant had sustained bodily injury and was treated at the prison clinic consequent to the assault incident. After the treatment at the prison clinic, the complainant was under the escort of another CSD officer (the escorting officer) to proceed to another block (Block C) to be placed in solitary confinement.

Ten days later, the SPC concerned took a statement from the complainant in relation to the assault incident. The complainant stated that his prisoner’s uniform had been torn

個案
CASE

1

署人員的命令，把破囚衣脫掉，換上另一件乾淨囚衣。投訴人更表示懷疑此舉旨在毀滅對他有利的證據。之後該名高級警員只拿取襲擊事件現場（I座）的閉路電視片段，並認為不需要查看C座片段。他後來向該名懲教署押送人員錄取口供，押送人員否認有關指控。高級警員遂根據押送人員的口供，不再追查或試圖找回那件破囚衣。

事後，投訴人被控「傷害他人身體」罪。審訊時，投訴人發現他的破囚衣及C座片段沒有被列為呈堂證物。法庭依照投訴人的要求，下令檢控官提供C座片段檢查。然而，由於事件已發生了一段時間，C座片段已被刪除而未能呈堂。在審訊時，法庭不接納證人的證據，因此判投訴人無罪。

投訴人其後投訴該名高級警員未有取得C座片段及其破囚衣為呈堂證據 [指控：疏忽職守]。

during the assault incident and that when he was on the way to Block C to be placed in solitary confinement, the escorting officer ordered him to remove his torn prisoner clothes and put on a clean one, he complied with the order. The complainant further stated that he suspected the purpose of the escorting officer in so doing was to destroy evidence in his favour. The SPC had only seized the CCTV footage covering the location (Block I) where the alleged assault took place, but claimed he had not considered it necessary to examine the Block C footage. He then took a statement from the escorting officer, who denied the accusation. Hence, with the escorting officer's statement, the SPC did not further investigate or attempt to recover the torn prisoner's uniform.

Subsequently, the complainant was charged with the offence of "Assault Occasioning Actual Bodily Harm". During the trial, the complainant found that his torn clothing and the Block C footage had not been tendered as exhibits. The Court, at the complainant's request, ordered the Prosecution to produce the Block C footage for examination. However, due to the lapse of time, the Block C footage had been erased and could not be produced as an exhibit. At his trial the complainant was acquitted as the Court found the evidence from the witness unacceptable.

The complainant later complained against the SPC for failing to seize the Block C footage and his torn clothing as exhibits [Allegation: Neglect of Duty].

投訴警察課的調查 CAPO's Investigation

在調查此個案時，投訴警察課考慮到投訴人遲遲才提出有關囚衣的指控，加上押送人員否認有關指控，遂認為沒有足夠證據證明高級警員在調查襲擊事件時「疏忽職守」。投訴警察課因而建議將指控分類為「無法證實」。

In investigating this case, CAPO took into consideration the complainant's belated accusation concerning his clothing and the escorting officer's denial of the accusation, and deemed that there was insufficient evidence to prove the alleged negligence on the part of the SPC in the investigation of the assault incident. CAPO, therefore, recommended an "Unsubstantiated" classification to the "Neglect of Duty" allegation against the SPC.

監警會的觀察 The IPCC's Observation

可是監警會不認同投訴警察課的建議分類，並建議投訴警察課考慮把指控的分類改為「獲證明屬實」。因為該名高級警員事實上沒有查看或索取C座片段，而該片段正是支持或推翻投訴人聲稱押送人員命令他換掉破囚衣說法的客觀證據。再者，高級警員不應單憑押送人員否認指控便不去索取C座片段，因為依據投訴人的供詞，押送人員是當然的被告。

投訴警察課補充，高級警員忽略了投訴人供詞內的調查方向，屬無心及無惡意的疏忽。法庭沒有因而對高級警員的調查作出批評。法庭判投訴人無罪是基於不能穩妥地接納主要證人提供的證據。因此，投訴警察課把分類由「無法證實」改為「無法完全證明屬實」。

但監警會不同意投訴警察課「無法完全證明屬實」的分類理據。監警會認為投訴警察課所指的「無心及無惡意的疏忽」只能視為高級警員疏忽職守的減刑考慮因素。事實上，投訴警察課已確定高級警員未有查看及索取C座片段實為疏忽職守。監警會堅持建議指控應分類為「獲證明屬實」。

經監警會質詢後，投訴警察課認同監警會的見解，把分類改為「獲證明屬實」，並訓諭該名高級警員，但無需把此事記入其分區報告檔案內。

監警會通過這宗個案的調查結果。

However, the IPCC had reservations about such a classification and suggested that CAPO consider reclassifying the allegation as “Substantiated”, since the SPC had indeed failed to view or seize the Block C footage, which was objective evidence to prove or disprove the complainant’s version of events concerning the escorting officer’s order for him to remove his torn uniform and put on a clean one, as raised in his statement. Moreover, the SPC should not have ruled out the seizure of the Block C footage based on the denial of the escorting officer, who was a de facto accused in the complainant’s statement.

CAPO added that the SPC had been negligent in failing to identify possible lines of enquiry from the complainant’s statement, even though this was unintentional and without malicious intent to neglect his duties. The Court, however, had made no adverse comments on the SPC’s investigation. The complainant was only acquitted when the Court considered that evidence given by the core witness could not be safely accepted. Hence, CAPO changed the classification from “Unsubstantiated” to “Not Fully Substantiated”.

The IPCC did not agree with CAPO’s rationale in suggesting a “Not Fully Substantiated” classification. The IPCC was of the view that CAPO’s comment of “unintentional oversight with no malicious intent to neglect his duties” could only be considered as a mitigating factor for the SPC’s negligence. As a matter of fact, CAPO had already confirmed that the SPC was negligent in failing to view or seize the Block C footage. The IPCC suggested that the allegation should be classified as “Substantiated”.

After the IPCC raised these queries, CAPO subscribed to the IPCC’s view and changed the classification of the allegation to “Substantiated”. CAPO recommended advising the SPC without a DRF entry.

The IPCC endorsed CAPO’s findings in this case.

個案
CASE

2

2	指控 Allegation(s)	被投訴人 Complainee(s)	投訴警察課原來分類 Original Classification(s) by CAPO	最後分類 Final Classification(s)
1	濫用職權 Unnecessary Use of Authority	警署警長 Station Sergeant	獲證明屬實 Substantiated	獲證明屬實 Substantiated
2	疏忽職守 Neglect of Duty	高級督察 Senior Inspector	無 Nil	未經舉報但證明屬實 Substantiated Other Than Reported (SOTR)

個案重點 Highlights of the Case

此個案反映監警會仔細審視一名督察級警務人員錯誤把投訴人的身份由保釋者改為被捕者的投訴指控。個案同時說明處理保釋者拒絕警方延長保釋期的正確原則和處理手續。由於涉事警務人員作出錯誤決定，並將投訴人當作被捕者看待，監警會公正地認為有關警務人員需接受相應的懲處。

投訴人因「刑事毀壞」被捕後獲警方安排保釋。投訴人其後往警署報到轉擔保時，拒絕延長保釋期。之後當投訴人往醫院就醫時，警署警長下令禁止她與外界接觸，並在送院途中為她戴上解犯鍊。事後投訴人投訴警署警長，指控包括「濫用職權」。投訴警察課在調查此宗個案後，把指控分類為「獲證明屬實」，並建議警告警署警長，但無需把此事記入其分區報告檔案內。

監警會認為需要把此事記入其分區報告檔案內，以反映其不正當指令的嚴重性。此外，監警會在詳細審閱投訴報告後，留意到負責此個案的高級督察，在投訴人拒絕延長保釋期時，指示警署警長把她的身份由保釋者轉為被捕者。警署警長的不正當指令，正是源於高級督察原則上的錯誤決定。因此，監警會認為作為案件主管的高級督察應加一項「未經舉報但證明屬實」的「疏忽職守」指控，此事需記入其分區報告檔案內。經監警會的質詢後，投訴警察課認同監警會的見解，向高級督察多加一項「未經舉報但證明屬實」的「疏忽職守」指控。警署警長及高級督察均被警告，而此事將記入他們的分區報告檔案內。

This case highlights the meticulous approach adopted by the IPCC in examining a complaint to identify the erroneous decision of an inspectorate officer in changing the complainant's status from a bailee to an arrestee. It also helps to illustrate the correct principles and practices in dealing with a bailee who refuses an offer from the Police to extend her bail. The IPCC also fairly considered the appropriate level of action to be taken against the police officers concerned for the said erroneous decision and the degrading treatment of the complainant consequent upon that decision.

個案
CASE 2

The complainant was arrested for “Criminal Damage” and then released on police bail. When the complainant later answered the police bail at the police station, she refused to extend her bail. Subsequently, when the complainant was taken for medical treatment, a Station Sergeant (SSGT) ordered that she be denied all outside contact and restrained with a handcuff transport belt during the trip to the hospital. Later the complainant, among other things, lodged an allegation of “Unnecessary Use of Authority” against the SSGT. After investigation, CAPO classified the allegation as “Substantiated” and recommended that the SSGT be warned without a Divisional Record File (DRF) entry.

The IPCC deemed that the SSGT should be warned with a DRF entry, to reflect the serious consequences of his unjustified orders. Furthermore, in scrutinising the complaint, the IPCC noticed that the officer-in-charge of the case, who was a Senior Inspector (SIP), had, as a result of the complainant’s refusal to extend her police bail, directed the SSGT to change the complainant’s status from a bailee to an arrestee. The SSGT’s unjustified orders had stemmed from the SIP’s decision to treat the complainant as an arrestee. The IPCC deemed the SIP’s decision wrong in principle. Therefore, the IPCC considered it appropriate to register a SOTR count of “Neglect of Duty” against the SIP with a warning and with a DRF entry. After the IPCC’s queries, CAPO subscribed to the IPCC’s view to register the SOTR count of “Neglect of Duty” against the SIP and that both the SSGT and the SIP should be warned with DRF entries.

ARREST ↔ BAIL

個案背景 Case Background

投訴人經營培訓中心，與鄰近的一家競爭機構素有積怨。事發當日，投訴人與該機構的一名男子發生爭執。期間，投訴人指該男子損毀其展示架，並報警求助。警察到場時，男子反指投訴人毀壞其機構的財物。經現場初步查問後，投訴人和該名男

The complainant operated a training institution and held long-term grudges against a rival institution adjacent to hers. On the day in question, the complainant had a dispute with a male of the rival institution (the rival). In the heat of the dispute, the rival allegedly damaged the display stand of the complainant’s institution. The complainant then made a report to the Police. When the Police arrived, the rival

個案
CASE

2

子均以「刑事毀壞」罪被捕。兩人被帶往警署作進一步調查並獲准保釋。

及後投訴人到警署報到，但她拒絕延長保釋期。由於當時投訴人感到不適，遂自行致電999要求救護車到場協助。警署警長認為投訴人在送院途中有潛逃可能，故指令下屬禁止投訴人與外界接觸，以及在途中為她戴上解犯鍊。及後投訴人由醫院返回警署獲准無需保釋而釋放。

最後，經調查和徵詢律政司法律意見後，投訴人及該名男子獲警方警誡後無罪釋放。

投訴人其後向投訴警察課投訴，指控包括警署警長濫用權力，禁止她使用電話和送往醫院途中要她戴上解犯鍊 [指控一：濫用職權]。

counter-alleged that the complainant had damaged the property of his institution. After initial enquiries at the scene, both the complainant and the rival were arrested for "Criminal Damage". They were brought to the police station for further enquiries and then released on bail.

When the complainant later answered bail at the police station, she refused to extend her bail. The complainant was also feeling unwell, so she made a 999 call for an ambulance. A SSGT considered that there was a risk of the complainant's absconding during the trip to the hospital for medical treatment. He therefore ordered his subordinates to deny the complainant outside contact and to restrain her with a handcuff transport belt during the trip. Subsequent to the complainant's return to the police station from the hospital, she was released without police bail.

Eventually, after investigation and as per legal advice from the Department of Justice, the complainant and the rival were warned by the Police and released without charge.

The complainant then lodged a complaint with CAPO. She, among other things, alleged that the SSGT concerned had abused his authority in refusing to allow her to make phone calls and in restraining her with a handcuff transport belt during the trip to the hospital [Allegation 1: Unnecessary Use of Authority].

投訴警察課的調查 CAPO's Investigation

經調查後，投訴警察課認為有關警署警長錯誤評估投訴人的潛逃可能。另外，只有案件主管可以發出被拘留人士不准與外界接觸的指令，但在這事件中，案件主管沒有發出這一項指令。所以投訴警察課把針對警署警長的「濫用職權」指控分類為「獲證明屬實」，並建議警告該警署警長，但無需把此事記入其分區報告檔案內。

After investigation, CAPO considered that the SSGT concerned had made an error of judgment in assessing the likelihood of the complainant's making an escape. Furthermore, the instruction to allow "no outside contact" to a detainee should come from the officer-in-charge of the case (the OC Case), but there was no such instruction given. Therefore, CAPO classified the "Unnecessary Use of Authority" allegation against the SSGT as "Substantiated" and recommended that he be warned without a DRF entry.

監警會的觀察 The IPCC's Observation

然而，監警會認為警署警長禁止投訴人與外界接觸和送院期間要戴上解犯鍊屬不正當的指令，可視為「非法禁錮」，並嚴重侵犯投訴人的權利。由於警署警長這種濫用職權的行為影響深遠，監警會認為應向他提出警告，而且需要把此事記入其分區報告檔案內。

另外，在仔細審視投訴後，監警會注意到作為案件主管的高級督察，因為投訴人拒絕延長保釋期而指示警署警長把她的身份由保釋者改為被捕者。警署警長的不正當指令是基於高級督察把投訴人視為被捕者的決定。

對於保釋者的身份，監警會的見解為保釋者獲釋後，便不應被視為被捕者。當保釋者按其保釋責任如期到警署報到時，保釋者已履行其法律義務。保釋者是否繼續轉擔保，即延長保釋期，是由保釋者自行決定。當保釋者拒絕延長保釋期時，警方應就案件情況，決定即時提出起訴或是無條件釋放保釋者。

監警會認為高級督察把拒絕延長保釋期的保釋者視為被捕者，是犯了原則上的錯誤。如果沒有此錯誤決定，投訴人可能已獲釋，並得到應有的治療，以及可隨意與外界接觸。故監警會認為應對該高級督察多加一項「未經舉報但證明屬實」的「疏忽職守」指控 [指控二：疏忽職守]，並警告該高級督察，而且此事需要記入其分區報告檔案內。

經監警會的質詢後，投訴警察課同意監警會的見解對高級督察加錄指控二，並且警告兩名被投訴人，以及把此事記入他們的分區報告檔案內。

監警會通過這宗個案的調查結果。

Nevertheless, the IPCC was of the view that the SSGT's unjustified orders to deny the complainant outside contacts and to restrain her with a handcuff transport belt during the hospital trip might amount to "false imprisonment" of the complainant, a serious infringement of the complainant's rights. With regard to the grave consequences of the SSGT's unnecessary use of authority, the IPCC considered it more appropriate to issue him a warning with a DRF entry.

Furthermore, in scrutinising the complaint the IPCC noticed that the OC Case, who was a SIP, had, as a result of the complainant's refusal to extend her bail, directed the SSGT to change the complainant's status from a bailee to that of an arrestee. The SSGT's unjustified orders had stemmed from the SIP's decision to treat the complainant as an arrestee.

Regarding the status of a bailee, the IPCC was of the view that a bailee once released on bail is no more an arrestee. When a bailee answers bail and fulfills the bail conditions by reporting to the police station at the scheduled time, the bailee has discharged her legal obligation. Whether to enter into further recognizance, i.e. to extend the bail, is for the bailee to decide. In case the bailee refuses to extend the bail, the Police should either charge the bailee if appropriate, or release her unconditionally.

The IPCC deemed that the SIP's decision to automatically treat the complainant, a bailee who refused to extend police bail, as an arrestee was wrong in principle. But for this erroneous decision, the complainant might have been released and would have been able to seek medical treatment as well as to make outside contacts freely. The IPCC, therefore, considered it appropriate to register a SOTR count of "Neglect of Duty" [Allegation 2: Neglect of Duty] against the SIP with a warning with a DRF entry.

After the IPCC's queries, CAPO agreed with the IPCC's view to register Allegation 2 against the SIP, and that both the SSGT and the SIP be warned with DRF entries commensurate with the severity of their unjustified orders and erroneous decisions.

The IPCC endorsed CAPO's findings in this case.

個案 CASE 3

3	指控 Allegation(s)	被投訴人 Complainee(s)	投訴警察課原來分類 Original Classification(s) by CAPO	最後分類 Final Classification(s)
1	行為不當 Misconduct	文書助理 Clerical Assistant	獲證明屬實 Substantiated	獲證明屬實 Substantiated
2	疏忽職守 Neglect of Duty		未經舉報但證明屬實 Substantiated Other Than Reported (SOTR)	未經舉報但證明屬實 Substantiated Other Than Reported (SOTR)
3	行為不當 Misconduct	助理文書主任 Assistant Clerical Officer	無法證實 Unsubstantiated	無法完全證明屬實 Not Fully Substantiated

個案重點 Highlights of the Case

此個案說明監警會全面公正地衡量被投訴警員的責任。個案同時反映警方處理無人認領「拾獲財物」的正確手續。

投訴人是一名教師，她在巴士上拾獲一個錢包後到警署報告「拾獲財物」。其後錢包未獲認領。警署證物室的一名文書助理（助理）和一名助理文書主任（主任）遂安排投訴人領取該錢包。該兩名警署職員先後致電投訴人任教的學校，核實投訴人認領財物的資格。校長隨即就此事召見投訴人。事後，投訴人認為該兩名警署職員不應致電學校，並在電話對話中使用不恰當言詞，故向助理和主任提出兩項「行為不當」的指控。

經調查後，投訴警察課認為助理致電校方查詢實屬不必要，對話內容亦不恰當，因此把「行為不當」的指控分類為「獲證明屬實」。另外，由於該名助理沒有在寄出認領財物信函前，核實投訴人的職業，故多加一項「未經舉報但證明屬實」的「疏忽職守」指控。投訴警察課建議就此兩項指控向助理作「紀律處分」。

至於對主任的「行為不當」指控，投訴警察課則認為沒有足夠證據證實，故把指控分類為「無法證實」。然而，監警會卻認為根據一名獨立證人的佐證，其證供足以支持主任曾作出不必要的電話查詢，而該名主任的電話對話內容，引起校長對投訴人的關注，故指控應分類為「無法完全證明屬實」。投訴警察課同意此觀點，把指控分類為「無法完全證明屬實」，並對該名主任作出訓諭。

This case demonstrates the IPCC's holistic and fair approach in considering the liability of officers under complaint. It also helps to illustrate the correct procedures for police handling of unclaimed "Found Property".

The complainant, a teacher, had found a wallet on a bus and filed a "Found Property" report at a police station. The wallet remained unclaimed. A Clerical Assistant (CA) and

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an Assistant Clerical Officer (ACO) of the Property Office at the police station arranged for the complainant to claim the wallet. The CA and the ACO made calls to the school where the complainant worked to check the latter's eligibility to claim the property. The principal then conducted an urgent interview with the complainant. Subsequently, the complainant lodged two "Misconduct" allegations, against the CA and the ACO, claiming that they had inappropriately called personnel at her school and made inappropriate remarks during the telephone conversations.

After investigation, CAPO found the CA's telephone enquiries to school personnel unnecessary and the contents of the telephone conversations inappropriate. The "Misconduct" allegation against the CA was classified as "Substantiated". In addition, a SOTR count of "Neglect of Duty" was registered against the CA for her failure to confirm the complainant's occupation before sending the letter to advise the complainant to claim the property. CAPO recommended taking "Disciplinary Action" against the CA for the two allegations.

However, CAPO found insufficient evidence to support the "Misconduct" allegation against the ACO and thus classified it as "Unsubstantiated". Nevertheless, given the corroboration of an independent witness, the IPCC noted that there was reliable evidence that the ACO had made an unnecessary telephone enquiry and had unnecessarily raised the principal's concern over the complainant. Hence, the IPCC considered that the allegation should be classified as "Not Fully Substantiated". After the IPCC's queries, CAPO subscribed to the IPCC's views to reclassify the allegation as "Not Fully Substantiated" and to issue an advice to the ACO.



個案背景 Case Background

投訴人是一名直資學校的教師，她在巴士上拾獲一個錢包並把它交到警署作「拾獲財物」。案件由兩名警署證物室的職員——一名文書助理（助理）和一名助理文書主任（主任）處理。三個月後錢包未被認領，故此該警署助理便去信投訴人，告知她可以領取該無人認領的財物，而助理和

The complainant, a teacher at a Direct Subsidy Scheme school, had found a wallet on a bus and reported a case of "Found Property" at a police station. The case was later handled by two staff members, a CA and an ACO, of the Property Office at the police station. The wallet was unclaimed after three months. The CA sent a letter to inform the complainant that she was entitled to collect the unclaimed property. The CA and the ACO then made calls to the school principal where the complainant worked to check the latter's

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主任先後致電投訴人任教的學校校長，查證她是否有資格領取該錢包（包括查問投訴人是否在官立學校任教的公務員，以及學校政策是否容許她領取該項失物）。

其後，校長緊急召見投訴人，說警署的職員曾致電學校，對話內容是投訴人拾獲大筆金錢和詢問校長投訴人有否提及把款項捐贈學校。警署職員更詢問學校政策有否管制認領失物，及懷疑投訴人會把財物據為己有而不捐贈學校。投訴人更得知該兩名警署職員曾與校內其他兩名職員談及此事。

投訴人後來投訴助理 [指控一：行為不當] 及主任 [指控三：行為不當]，因為兩人不恰當地致電學校三名職員，而且電話對話內容有不恰當的言論，損害她的聲譽和誠信。

eligibility to claim the property, by determining whether the complainant was a civil servant teaching in a government school and whether the school policy permitted her to claim the property.

Subsequently, the principal conducted an urgent interview with the complainant and informed her that the staff of the Property Office at the police station had called to say that the complainant had found a huge sum of money and whether she had expressed an intention of donating the money to the school. The staff had also asked about the school policy governing claims for found property, and voiced suspicions that the complainant would pocket the money herself instead of donating it to the school. The complainant also learnt that the staff had talked to two other persons at the school about the matter as well.

The complainant later alleged that the CA [Allegation 1: Misconduct] and the ACO [Allegation 3: Misconduct] had inappropriately called the three persons at her school and made inappropriate remarks during the telephone conversations, damaging her reputation and casting doubt on her integrity.

投訴警察課的調查 CAPO's Investigation

投訴警察課經調查後證實，除非該財物是在執行職務時拾獲，或物件是由警員尋獲，否則沒有任何規定禁止公務員取得未獲認領失物。因此即使投訴人是公務員，她仍有權取得該項未獲認領的失物。警署助理亦可以從學校網頁得知學校是官立還是直資學校，而學校政策更不會影響投訴人取得該項財物的權利。

投訴警察課認為該名助理不熟悉處理「拾獲財物」的規定和程序，致電學校職員查詢亦屬不必要。至於助理曾致電三名學校職員時所作的言論，投訴警察課視三人為獨立證人，故認為有充份證據證實有關內容有不恰當之處。因此，投訴警察課把投訴助理的指控一分類為「獲證明屬實」。

After investigation, CAPO confirmed that there was no provision forbidding a civil servant to claim found property unless the property was found in the course of duty or found by a police officer, and the complainant was eligible to claim the property concerned even if she were a civil servant. The CA could easily have checked the school's website to determine whether it was a government school or a Direct Subsidy Scheme school. Moreover, school policy did not impact the complainant's eligibility to claim the property.

CAPO considered the CA's telephone enquiries of the school personnel unnecessary, and found that the CA was not familiar with relevant provisions and procedures for handling "Found Property" cases. Regarding the contents of the telephone conversations between the CA and the three persons at the school, CAPO accorded full weight to the evidence of the three persons who were taken as independent witnesses and thus deemed the contents inappropriate. Therefore, CAPO classified Allegation 1 against the CA as "Substantiated".

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投訴警察課的調查更發現該名助理在寄信通知投訴人可領取財物之前，未有履行她的職責確定投訴人的職業。故此多加一項「未經舉報但證明屬實」的「疏忽職守」指控 [指控二：疏忽職守]。

投訴警察課建議就指控一和二，向助理作出「紀律處分」。

至於指控三方面，涉事主任承認曾致電學校一次，找投訴人談論「拾獲財物」的事宜。代校長接聽電話的學校職員表示，接電話的同事告訴她來電者是警署的助理文書主任，故她沒有再核實來電者身份，而來電者是要求與校長通話而不是找投訴人。投訴警察課認為沒有足夠證據證實指控，故把指控分類為「無法證實」。

CAPO's investigation also revealed that the CA had neglected her duty to confirm the complainant's occupation before sending the letter to inform the complainant of her entitlement to claim the property. As such, a SOTR count of "Neglect of Duty" (Allegation 2: Neglect of Duty) was registered against the CA.

CAPO recommended taking "Disciplinary Action" against the CA for Allegations 1 and 2.

Regarding Allegation 3, the ACO admitted having called the school once to contact the complainant concerning her "Found Property" report. The school staff member who answered the call for the principal stated that she had not verified the identity of the caller as her colleague, who had picked up the call, had informed her that the caller was the ACO and that she had asked to talk to the principal, not the complainant. CAPO considered that there was insufficient evidence to support the allegation and thus classified it as "Unsubstantiated".

監警會的觀察 The IPCC's Observation

監警會認為接電話的兩位學校職員應視作獨立證人，她們提供的證據可全面接納，並可證實來電者為該警署的助理文書主任。根據相對可能性衡量的舉證標準，她所提供的電話談話內容版本亦視為可信。因此，監警會認為即使兩位學校職員的證供未獲佐證，但仍視作主任曾致電學校的可靠證據。就投訴人「拾獲財物」一事而言，此舉實屬不必要。由於主任此不必要的舉動，引起校長對投訴人起疑。因此，指控三應分類為「無法完全證明屬實」。

投訴警察課同意監警會的見解，把指控三的分類改為「無法完全證明屬實」。投訴警察課建議對該主任作出訓諭，以提醒她正確的工作程序，但無需把此事記入其分區報告檔案內。

監警會通過這宗個案的調查結果。

The IPCC considered that the two school staff members who answered the call should be taken as an independent witness and full weight should be accorded to her evidence. The school staff member stated that the caller was the ACO, and her version of the content of the telephone conversation was also considered to be credible on balance of probabilities. The IPCC therefore viewed the school staff members' testimony, albeit uncorroborated, as a piece of reliable evidence supporting the allegation that the ACO had made the telephone enquiry to the complainant's school, which was deemed unnecessary for the purpose of handling the complainant's "Found Property" case, and had unnecessarily raised the principal's concern over the complainant. Hence, Allegation 3 should be classified as "Not Fully Substantiated".

Following the IPCC's queries, CAPO agreed with the IPCC's view to classify Allegation 3 as "Not Fully Substantiated". CAPO recommended advising the ACO without a DRF entry, to remind her of correct working procedures.

The IPCC endorsed CAPO's findings in this case.

個案 CASE 4

4	指控 Allegation(s)	被投訴人 Complainee(s)	投訴警察課原來分類 Original Classification(s) by CAPO	最後分類 Final Classification(s)
	行為不當 (初時列為 「沒有禮貌」) Misconduct (Originally registered as “Impoliteness”)	一名警員 A Police Constable	無法證實 Unsubstantiated	無法完全證明屬實 Not Fully Substantiated

個案重點 Highlights of the Case

此個案反映覆核制度的優點，和監警會全面考量投訴指控性質，以及個別警員的表現對警隊整體形象帶來的影響。

在這個案中，投訴人指控一名警員在票控行動後，不禮貌地向他呼喊「Go! Go! Go!」。經投訴警察課調查後，指控初時被列為「沒有禮貌」並分類為「無法證實」。投訴人要求覆核個案，並向投訴警察課提供事發時其車上乘客的聯絡方法以作佐證。雖然該乘客證實在車上聽到警員說「Go! Go! Go!」，但投訴警察課接受警員的解釋，表示此舉只是自我鼓勵，故維持原來「無法證實」的分類。監警會認為有充足證據證明警員當時曾高呼「Go! Go! Go!」，讓投訴人感到警員的舉動不專業，並有戲弄投訴人之嫌。有見及此，指控性質應列為「行為不當」而不是「沒有禮貌」，結果分類亦應改為「無法完全證明屬實」。投訴警察課認同監警會的見解，警員需要接受訓誡，以避免同類事情再發生。

This case illustrates the merits of the review system as well as the holistic approach adopted by the IPCC in considering the nature of an allegation and its impact on the behavior of the police officer concerned on the image of the Police as a whole.

After a ticketing action by the Police Constable (PC) concerned, the complainant alleged that the PC had been impolite by shouting “Go! Go! Go!” at him. The allegation was initially registered as “Impoliteness” and classified as “Unsubstantiated” after CAPO’s investigation. The complainant requested a review and provided CAPO with contact information of the passenger in his vehicle at the time of the incident. Although the passenger confirmed that she had heard the PC say “Go! Go! Go!” even though she was inside the complainant’s vehicle, CAPO accepted the PC’s explanation that he was

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merely saying the words to encourage himself, and maintained the classification as “Unsubstantiated”. The IPCC concluded that there was reliable evidence to prove that the PC had loudly uttered the words “Go! Go! Go!” at the scene, and that such an act projected an unprofessional image to the complainant and appeared to be making fun of the complainant. Hence, the allegation should be registered as “Misconduct” instead of “Impoliteness” and be classified as “Not Fully Substantiated”. CAPO subscribed to the IPCC’s views and the PC was to be advised to prevent a recurrence of this type of incident.



個案背景 Case Background

事發當日，警員票控投訴人「在沒有亮着所需車燈的情況下駕駛」，當時車上還有一名乘客。在警員發出告票時，投訴人告知警員有一輛從相反方向駛過的的士亦沒有亮着車頭燈。投訴人要求警員票控該的士，但警員表示他沒有看到所述的士。投訴人遂提出可協助警員攔截該輛的士。在投訴人跑向的士時，警員騎上電單車駛出，並高呼「Go! Go! Go!」。結果投訴人未能追上該輛的士，並站在安全島上等候警員，但警員沒有理會他，逕自駛離現場。

事後，投訴人投訴該名警員不禮貌地向他呼喝「Go! Go! Go!」[原指控：沒有禮貌]。

On the day in question, the complainant was ticketed by a PC for “Driving Without Necessary Lights Illuminated”. There was a passenger in the complainant’s vehicle. While the PC was issuing the ticket, the complainant informed the PC that a taxi driving past in the opposite direction also did not have its headlights on. The complainant asked the PC to take action against the taxi, but the PC said he didn’t see the taxi. The complainant offered to assist in intercepting the taxi. While the complainant was running after the taxi, the PC mounted his motorcycle to pull out and shouted “Go! Go! Go!” The complainant failed to catch up with the taxi and stood on a safety island to wait for the PC, but the PC ignored him and drove away.

Subsequently, the complainant complained, among other things, against the PC for being impolite by shouting “Go! Go! Go!” at him [Original Allegation: Impoliteness].

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CASE 4投訴警察課的調查
CAPO's Investigation

投訴人向投訴警察課提供一封聲稱是由乘客撰寫但沒有簽署的信件，以證明他的投訴指控。然而，由於投訴人沒有提供乘客的聯絡方法，故投訴警察課未能核實信件的内容。警員與投訴警察課會面時否認指控，並辯稱說「Go! Go! Go!」旨在自我鼓勵，而說話對象亦並非投訴人。由於缺乏獨立證人和確鑿的證據，以證明其中一方的說法，故指控被分類為「無法證實」。監警會通過調查結論，並由投訴警察課通知投訴人調查結果。

The complainant provided CAPO with an unsigned letter purportedly prepared by the passenger as proof of his allegation. However, CAPO was unable to verify the contents of the letter as the complainant could not provide the means of contacting the passenger. When CAPO interviewed him, the PC denied the allegation and explained that he said "Go! Go! Go!" to encourage himself, not to the complainant. In the absence of any independent witness or corroborative evidence to prove either party's version of events, the allegation was classified as "Unsubstantiated". The IPCC endorsed the findings and the complainant was informed of the results of the investigation by CAPO.

投訴人要求覆核
Complainant's review request

投訴人得悉調查結果後，要求覆核投訴個案，並向投訴警察課提供乘客的聯絡方法。投訴警察課根據投訴人提供的新資料聯絡該乘客，並證實她在車廂內也聽到警員說「Go! Go! Go!」。但投訴警察課接受警員自我鼓勵的解釋，所以維持「無法證實」的指控分類。

After being informed of the results of the investigation, the complainant requested a review of the allegation and later provided CAPO with contact information for the passenger. Based on the fresh information provided by the complainant, CAPO contacted the passenger, who confirmed hearing the PC say "Go! Go! Go!" even though she was inside the complainant's vehicle. But CAPO accepted the PC's explanation that he was merely saying these words to himself in self-encouragement, and thus maintained the classification of the allegation as "Unsubstantiated".

個案
CASE

4

監警會的觀察
The IPCC's Observation

由於乘客所提供的佐證，監警會對投訴警察課覆核此個案仍維持「無法證實」的指控分類有所保留。監警會認為有可靠證據證明警員當時是大聲說「Go ! Go ! Go !」，此舉令投訴人覺得警員並不專業。此外，警員的自我鼓勵之說亦甚為牽強，因為在一般情況下，說話如旨在自我鼓勵，其聲浪不應大至車內乘客也能聽到。事實上，這投訴指控的重點似乎是警員故意說「Go ! Go ! Go !」來戲弄投訴人，故應該將指控性質列為「行為不當」而不是「沒有禮貌」，並建議把指控分類改為「無法完全證明屬實」。

經監警會的質詢，投訴警察課同意把指控列為「行為不當」[最後指控：行為不當]。投訴警察課亦同意警員在公眾場所大聲說「Go ! Go ! Go !」並不恰當。然而，現有證據無法完全證實警員當時故意戲弄投訴人。投訴警察課因而把「行為不當」的指控結果分類為「無法完全證明屬實」。投訴警察課向該名警員作出訓諭，避免同類事件再發生，但無需把此事記入其分區報告檔案內。

監警會通過這宗個案的調查結果。

Given the corroboration of the passenger, the IPCC had reservations over CAPO's review and its proposal that the "Unsubstantiated" classification for the allegation should be maintained. The IPCC was of the view that there was reliable evidence to prove that the PC had loudly uttered the words "Go! Go! Go!" at the scene, and that such an act projected an unprofessional image to the complainant. Moreover, the explanation offered by the PC that the words were uttered in self-encouragement was deemed too far-fetched, as it was improbable that the PC would have spoken to himself so loudly that he could be heard by the passenger inside the vehicle. Indeed, it seemed that the essence of the allegation was that the PC had deliberately uttered those words to make fun of the complainant. Hence, it would be more appropriate to register the allegation as "Misconduct" rather than "Impoliteness" and to classify the allegation as "Not Fully Substantiated".

After the IPCC's queries, CAPO agreed with the IPCC's view that the allegation should be registered as "Misconduct" [Final Allegation: Misconduct]. CAPO also agreed that it was inappropriate for the PC to utter such a remark loudly in public. Nonetheless, the available evidence could not fully prove that the PC had uttered those words for the purpose of making fun of the complainant. CAPO therefore classified the "Misconduct" allegation as "Not Fully Substantiated". CAPO recommended advising the PC to prevent the recurrence of such an incident, without a DRF entry.

The IPCC endorsed CAPO's findings in this case.

5

第五章 CHAPTER 5

與持份者聯繫

Engaging
Stakeholders

監警會外展活動 IPCC Reaching Out

為了履行《監警會條例》第8條(1)(e)的職能加強公眾對監警會的角色認識，監警會繼續積極透過不同的途徑與持份者聯繫。監警會相信定期和公眾、警方、關注團體和傳媒溝通，有助了解持份者對兩層架構投訴警察制度的意見，從而有效地履行《監警會條例》第8條(1)(c)的職能，向警方提出改善建議。

To discharge its function under the IPCCO S8(1)(e) of promoting public awareness of the role of the Council, the IPCC continues to proactively make use of different channels to connect with stakeholders. The IPCC believes that regular interaction with the public, the Police, concern groups and the media can help it to understand stakeholders' opinions on the two-tier police complaints system, while helping to fulfill the IPCC's function under IPCCO S8(1)(c) of making recommendations to the Police.

聆聽多個持份者對警方處理大型公眾活動的意見

Ascertaining the Views of Various Groups on Police Handling of Large-scale Public Order Events

近年警方處理大型公眾活動、安排媒體採訪和發放消息的安排常引起公眾關注，自2011年起，監警會積極與相關持份者會面，了解他們的想法和對相關議題的意見。此外，監警會在2012年現場觀察警方處理七一遊行的安排，以及在2013年現場觀察警方處理元旦遊行的安排後，分別約見兩次活動的持份者，聆聽他們對警方處理大型公眾活動的意見，以便掌握較全面的資料，協助委員將來考慮警方在處理大型公眾活動時所衍生的投訴調查報告。會面詳情如下：

The Police handling of large-scale public order events, arranging media coverage and releasing information have raised public concerns in recent years. Since 2011, the IPCC has held meetings with stakeholders to understand their thoughts and views on these and related issues. Subsequent to attending on-site observations of police arrangements for the 1 July procession in 2012 and the 1 January procession in 2013, the IPCC held meetings with the respective stakeholders of the two events not only to ascertain their views on the police handling of public order events, but to provide the Members with more comprehensive information to assist them in reviewing investigation reports of complaints derived from public order events in the future. Information of the meetings is as follows:

2012
17
7月 JUL



翟紹唐主席、張達明先生、馬恩國先生、葉成慶先生、馬學嘉博士及鄭承隆先生與民間人權陣線代表會面，民間人權陣線代表向監警會表達對國家主席訪港示威區的安排，以及警方處理七一遊行的意見，討論議題包括使用水馬、胡椒噴霧、佔用行車線及指定公眾活動區的安排等。監警會委員聆聽他們的意見，並分享現場觀察警方安排的情況。其後監警會亦將民間人權陣線的意見轉達予警方參考。

2012

17

7月 JUL

同日，上述委員繼續就國家主席訪港及七一遊行的安排和香港記者協會、香港攝影記者協會和香港人權監察會面，委員聆聽了與會者對多個議題包括6月30日一位記者在採訪期間被警方邀請離開、使用胡椒噴霧、七一遊行當日指定採訪區及保安區的安排及警方使用水馬等的看法。其後亦將有關意見轉達予警方參考。

Mr Jat Sew-Tong (Chairman), Mr Eric Cheung Tat-ming, Mr Lawrence Ma Yan-kwok, Mr Simon Ip Shing-hing, Dr Carol Ma Hok-ka, and Mr Edwin Cheng Shing-lung met with representatives of the Civil Human Rights Front (CHRF). CHRF representatives expressed their opinions on the arrangement of public activity area during President's visit as well as for the 1 July procession. Discussions included the use of water-filled barriers and OC foam, the use of traffic lanes, and Designated Public Activity Area arrangements. The IPCC would convey CHRF's opinion to the Police for reference.

On the same day, the above Members met with representatives of different stakeholders on the arrangements for President's visit as well as for the 1 July procession. Stakeholders attending the meetings included the Hong Kong Journalists Association (HKJA), the Hong Kong Press Photographers Association (HKPPA), and the Hong Kong Human Rights Monitor (HKHRM). Participants discussed the case of a journalist who was invited to leave the place on 30 June, the use of OC foam, the Designated Press Area and security zone arrangements for the 1 July procession, and the use of water-filled barriers by the Police. The IPCC would forward such suggestions to the Police for their reference.

2013

15

1月 JAN



張達明先生、鄭經翰先生、葉成慶先生、鄭承隆先生及陳建強醫生與民主倒梁力量代表會面，聽取他們對元旦遊行安排及當晚有關警方處理大型公眾活動的意見，並向民主倒梁力量代表講解監警會的職能和工作。



Mr Eric Cheung Tat-ming, Mr Albert Cheng, Mr Simon Ip Shing-hing, Mr Edwin Cheng Shing-lung and Dr Eugene Chan Kin-keung met with representatives from the Anti-CY Alliance (ACA). The Members listened to the representatives' views concerning police arrangements for the public procession on 1 January 2013 and the police handling of the public order events that evening. They also took the opportunity to introduce the IPCC's functions and work to the representatives.

2013
26
2月 FEB



葉成慶先生、鄭承隆先生、杜國鎔先生、陳建強醫生及何世傑博士與香港人權監察代表會面交流，聆聽他們對警方處理元旦遊行和限制街站等議題的意見。

Mr Simon Ip Shing-hing, Mr Edwin Cheng Shing-lung, Mr Clement Tao Kwok-lau, Dr Eugene Chan Kin-keung and Ir Dr Vincent Simon Ho met with representatives from the HKHRM to learn more about their views on the 1 January procession, the setting up of street stalls, and how the Police have handled public order events.



2013
4
3月 MAR



張達明先生、葉成慶先生、劉玉娟女士及鄭承隆先生與民間人權陣線代表會面，聆聽他們對警方處理元旦遊行的意見。民間人權陣線代表就警方限制街站、使用長距離揚聲器，及使用隨身攝錄機等議題表達意見。

Mr Eric Cheung Tat-ming, Mr Simon Ip Shing-hing, Ms Noeline Lau Yuk-kuen and Mr Edwin Cheng Shing-lung met with representatives from the CHRF to understand their views on police arrangements during the 1 January procession. The representatives from CHRF expressed their opinions on a number of issues, including police restrictions on setting up street stalls and the use of long-range acoustic devices as well as body-worn video cameras.

聆聽職業司機團體對交通警執法的意見

Ascertaining the Views of Professional Drivers Groups on Law Enforcement by Traffic Police

2013
18
3月 MAR



方敏生女士、馬恩國先生、葉成慶先生、劉玉娟女士、葉振都先生、鍾偉雄先生、杜國鑒先生、何世傑博士與職業司機團體代表會面，包括香港交通運輸業職工聯合會、新世界第一巴士職工會、混凝土業職工會、混凝土車司機協會、運輸及物流業職工會，以及香港泥頭車司機協會。會上職業司機團體代表對委員表達交通警執法的意見。



Ms Christine Fang Meng-sang, Mr Lawrence Ma Yan-kwok, Mr Simon Ip Shing-hing, Ms Noeline Lau Yuk-kuen, Mr Adrian Yip Chun-to, Mr Gerard Chung Wai-hung, Mr Clement Tao Kwok-lau and Mr Vincent Simon Ho met with representatives from professional drivers groups in order to obtain their opinions on the way traffic police enforce the law. Attending the meeting were representatives from the Federation of Hong Kong Transport Worker Organizations, the New World First Bus Company Staff Union, the Concrete Industry Workers Union, the Mixer Truck Drivers Association, the Transport and Logistics Workers Union and the Hong Kong Dumper Truck Drivers Association.



與警方交流

Engaging the Police

由於警方是監警會最重要的持份者之一，因此委員會有需要不斷和警隊各部門和各階層的代表會面，了解他們執行職務時遇到的困難和他們對投訴警察制度的意見。這些交流活動有助委員考慮調查報告和提出改善警隊服務的建議。除了定期訪問各不同警區，監警會委員在本年度積極了解警方內部投訴處理及預防方面的工作。自2011年6月開始，委員出席警方研究預防投訴警察委員會會議，並支持警隊繼續改善服務質素。監警會和警方在年內的交流活動如下：

As the Police Force is one of the IPCC's major stakeholders, it is necessary for the Council to continue to meet with police units and formations at different levels to better understand the difficulties they encounter in discharging their duties, and their views on the police complaints system. These exchanges are helpful to Council Members in their consideration of investigation reports and in making recommendations to improve police service quality. In addition to regular visits to various formations, this year Council Members have also attempted to enhance their understanding of the work of the Police in handling complaints and in complaint prevention. Therefore, since June 2011, Members have attended Complaint Prevention Committee meetings in various police regions. Details of the activities this year are as follows:

2012
13
4月 APR

林志傑醫生和馬恩國先生應邀出席九龍東總區研究預防投訴警察委員會會議，了解警方預防投訴的工作。



Dr Lawrence Lam Chi-kit and Mr Lawrence Ma Yan-kwok attended a meeting of the Kowloon East Region Complaint Prevention Committee to better understand the Police's efforts to prevent complaints.

2012
23
4月 APR

翟紹唐主席、林大輝副主席、張達明先生、馬恩國先生、黃幸怡女士和鍾偉雄先生訪問新界南總區。新界南總區代表向委員簡介處理業主立案法團及村民糾紛的情況。會後，委員和投訴警察課的代表小組交流意見。



Mr Jat Sew-Tong (Chairman), Dr Hon Lam Tai-fai (Vice-chairman), Mr Eric Cheung Tat-ming, Mr Lawrence Ma Yan-kwok, Miss Sandy Wong Hang-yee, and Mr Gerard Chung Wai-hung visited the New Territories South Region, where representatives of the Region explained to the IPCC Members how disputes were handled between Owners' Corporations and villagers. Group discussions were also held between IPCC Members and representatives from CAPO.

2012
16
5月 MAY



張達明先生應邀出席九龍西總區研究預防投訴警察委員會會議。

Mr Eric Cheung Tat-ming attended a meeting of the Kowloon West Region Complaints Prevention Committee to better understand the Police's efforts to prevent complaints.



2012
27
6月 JUN

翟紹唐主席、張達明先生、馬恩國先生、葉成慶先生、黃幸怡女士、葉振都先生和鍾偉雄先生出席警方七一遊行安排的簡報會。簡報會旨在讓監警會委員了解警方在公眾安全的前提下，處理大型公眾活動的部署。



Mr Jat Sew-Tong (Chairman), Mr Eric Cheung Tat-ming, Mr Lawrence Ma Yan-kwok, Mr Simon Ip Shing-hing, Miss Sandy Wong Hang-yee, Mr Adrian Yip Chun-to, and Mr Gerard Chung Wai-hung, attended a police briefing on the arrangements for the 1 July procession. This briefing was aimed at enhancing IPCC Members' understanding of police procedures in handling public order events from the perspective of public safety.

2012
1
7月 JUL

翟紹唐主席、石禮謙副主席、張達明先生、方敏生女士、陳培光醫生、鄭經翰先生、馬恩國先生、葉成慶先生、劉玉娟女士、梁繼昌先生、馬學嘉博士、黃幸怡女士、葉振都先生和鄭承隆先生，以及九位秘書處職員一同現場觀察七一遊行安排。

A group of IPCC Members comprising Mr Jat Sew-Tong (Chairman), Hon Abraham Shek Lai-him (Vice Chairman), Mr Eric Cheung Tat-ming, Ms Christine Fang Meng-sang, Dr Chan Pui-kwong, Ir Albert Cheng, Mr Lawrence Ma Yan-kwok, Mr Simon Ip Shing-hing, Ms Noeline Lau Yuk-kuen, Hon Kenneth Leung Kai-cheong, Dr Carol Ma Hok-ka, Miss Sandy Wong Hang-yee, Mr Adrian Yip Chun-to and Mr Edwin Cheng Shing-lung and nine Secretariat staff attended the on-site observations of the 1 July procession.

2012
11
7月 JUL

監警會委員出席由警方舉行的七一遊行匯報會。翟紹唐主席、方敏生女士、葉成慶先生和劉玉娟女士均有出席是次會議。除了聽取警方的匯報以外，委員在會上亦分享他們在現場觀察和與其他委員商議所得的觀點和意見。

IPCC Members attended a debriefing session for the 1 July procession organised by the Police. Mr Jat Sew-Tong (Chairman), Ms Christine Fang Meng-sang, Mr Simon Ip Shing-hing and Ms Noeline Lau Yuk-kuen attended this debriefing session. In addition to listening to updates from the Police, IPCC Members shared their views and suggestions with the Police, based upon their observations and deliberations among the Council.

2012
16
8月 AUG

林志傑醫生應邀出席港島總區研究預防投訴警察委員會會議。

Dr Lawrence Lam Chi-kit attended a meeting of the Hong Kong Island Regional Complaints Prevention Committee to better understand the Police's ongoing efforts to prevent complaints.



2012
4
10月 OCT



翟紹唐主席、林志傑醫生、張達明先生、陳培光醫生、馬恩國先生、黃幸怡女士、黃德蘭女士、鄭承隆先生、鍾偉雄先生及甄孟義先生一同訪問機動部隊粉嶺總部。部隊代表向委員講解及示範有關處理大型公眾活動的工作，並向他們介紹機動部隊的裝備。委員亦藉此機會與前線人員代表小組進行交流。

A delegation including Mr Jat Sew-Tong (Chairman), Dr Lawrence Lam Chi-kit, Mr Eric Cheung Tat-ming, Dr Chan Pui-kwong, Mr Lawrence Ma Yan-kwok, Miss Sandy Wong Hang-ye, Miss Mary Wong Tak-lan, Mr Edwin Cheng Shing-lung, Mr Gerard Chung Wai-hung, and Mr John Yan Mang-ye visited the Police Tactical Unit (PTU) Headquarters in Fanling. Representatives of the PTU delivered to the IPCC Members a presentation and a demonstration related to the handling of public order events, and showed them the gear used by the PTU. The IPCC Members also took this opportunity for an exchange of views with representatives of frontline officers.



2012
15
11月 NOV

張達明先生和葉振都先生應邀出席新界北總區研究預防投訴警察委員會會議，了解警方預防投訴的工作。

Mr Eric Cheung Tat-ming and Mr Adrian Yip Chun-to attended a meeting of the New Territories North Regional Complaints Prevention Committee, to better understand the Police's ongoing effort to prevent complaints.



2012
4
12月 DEC

林志傑醫生、馬恩國先生及葉振都先生應邀出席2012年優質服務獎勵計劃決賽暨頒獎典禮，支持警隊繼續改善服務質素。

Dr Lawrence Lam Chi-kit, Mr Lawrence Ma Yan-kwok, and Mr Adrian Yip Chun-to were invited to attend the Service Quality Award 2012 Final Competition cum Presentation Ceremony to support the Police Force's campaign to continue to improve their quality of service.



2012
31
12月 DEC

鄭經翰先生、葉成慶先生、鄭承隆先生、鍾偉雄先生、甄孟義先生、陳建強醫生、何世傑博士和陸貽信先生出席警方元旦遊行安排的簡報會。簡報會旨在讓監警會委員了解警方在公眾安全的前提下，處理大型公眾活動的程序。

Ir Albert Cheng, Mr Simon Ip Shing-hing, Mr Edwin Cheng Shing-lung, Mr Gerard Chung Wai-hung, Mr John Yan Mang-ye, Dr Eugene Chan Kin-keung, Ir Dr Vincent Simon Ho and Mr Arthur Luk Yee-shun attended a police briefing on the arrangements for a public procession on 1 January 2013. The briefing was aimed at enhancing the IPCC Members' understanding of police procedures in handling public order events from the perspective of public safety.

2013
1
1月 JAN



葉成慶先生、鄭承隆先生、杜國鑒先生、陳健強醫生、何世傑博士及陸貽信先生以及14位秘書處職員一同出席元旦遊行。

A group of IPCC Members comprising Mr Simon Ip Shing-hing, Mr Edwin Cheng Shing-lung, Mr Clement Tao Kwok-lau, Dr Eugene Chan Kin-keung, Ir Dr Vincent Simon Ho, Mr Arthur Luk Yee-shun and 14 Secretariat Staff attended the 1 January procession.

2013
23
1月 JAN

葉成慶先生和何世傑博士應邀出席港島總區研究預防投訴警察委員會會議。

Mr Simon Ip Shing-hing and Ir Dr Vincent Simon Ho attended a meeting of the Hong Kong Island Regional Complaints Prevention Committee to better understand the Police's ongoing effort to prevent complaints.



2013
19
2月 FEB

翟紹唐主席、陳培光醫生、馬恩國先生、葉成慶先生、劉玉娟女士、馬學嘉博士、黃幸怡女士、鄭承隆先生、杜國鑒先生、陳建強醫生、何世傑博士及陸貽信資深大律師，與投訴警察課代表會面交流。投訴警察課代表向委員講述有關使用胡椒噴霧、水馬、隨身攝錄機及拘捕行動等措施，增加委員對警方處理大型公眾活動的了解。

Mr Jat Sew-Tong (Chairman), Dr Chan Pui-kwong, Mr Lawrence Ma Yan-kwok, Mr Simon Ip Shing-hing, Ms Noeline Lau Yuk-kuen, Dr Carol Ma Hok-ka, Miss Sandy Wong Hang-yee, Mr Edwin Cheng Shing-lung, Mr Clement Tao Kwok-lau, Dr Eugene Chan Kin-keung, Ir Dr Vincent Simon Ho and Mr Arthur Luk Yee-shun attended a meeting with representatives from CAPO. The CAPO representatives explained to the IPCC Members the use of OC foam, water-filled barriers and body-worn video cameras, as well as the procedures in making an arrest. This heightened IPCC Members' knowledge of the methods used by the Police in handling public order events.

2013
28
2月 FEB



翟紹唐主席、陳健波副主席、方敏生女士、陳培光醫生、馬恩國先生、葉成慶先生、劉玉娟女士、馬學嘉博士、黃幸怡女士、葉振都先生、鄭承隆先生、鍾偉雄先生、杜國鑒先生、陳建強醫生、何世傑博士及陸貽信資深大律師與警務處處長等警隊高層午膳交流。



Mr Jat Sew-Tong (Chairman), Hon Chan Kin-por (Vice-chairman), Ms Christine Fang Meng-sang, Dr Chan Pui-kwong, Mr Lawrence Ma Yan-kwok, Mr Simon Ip Shing-hing, Ms Noeline Lau Yuk-kuen, Dr Carol Ma Hok-ka, Miss Sandy Wong Hang-yee, Mr Adrian Yip Chun-to, Mr Edwin Cheng Shing-lung, Mr Gerard Chung Wai-hung, Mr Clement Tao Kwok-lau, Dr Eugene Chan Kin-keung, Ir Dr Vincent Simon Ho and Mr Arthur Luk Yee-shun attended a lunch meeting with the Commissioner of Police and other senior police officers.



與其他團體會面

Liaison with Other Organisations

李國麟副主席、馬恩國先生、葉成慶先生和監警會秘書處代表應邀和西澳洲國會代表會面。西澳洲國會代表是當地罪案和貪污委員會聯合常設委員會的成員，他們是次訪問旨在和監警會交流處理警察投訴的經驗。

2012
8
5月 MAY



Dr Hon Joseph Lee Kok-long (Vice-chairman), Mr Lawrence Ma Yan-kwok, Mr Ip Shing-hing, and IPCC Secretariat representatives met with a delegation from the Parliament of Western Australia, who are also members of the Joint Standing Committee on the Corruption and Crime Commission (JSCCCC). The visit of JSCCCC aimed at exchanging experience in handling complaints against police officers.

公開活動

Public Activities

2012
26
4月 APR



翟紹唐主席出席扶輪社的聯合晚宴，向逾百位扶輪社會員介紹監警會及其工作。

Mr Jat Sew-Tong (Chairman) was invited to speak on the work of the IPCC at a Rotary Club dinner.

2012
27
9月 SEP



朱敏健秘書長應邀在港島南扶輪社的午餐會演講，介紹監警會的工作。

Mr Ricky Chu (Secretary-General) was invited to deliver a presentation on the work and role of the IPCC at a Hong Kong Island South Rotary Club luncheon.

2012
29
11月 NOV



朱敏健秘書長參與由香港大學學生會法律學會和民間法治關注組合辦的法治教育論壇，與其他嘉賓，包括香港大學法律系副教授戴耀廷先生、香港人權監察第一副主席莊耀洸先生和立法會議員（法律界）郭榮鏗議員，討論公民訴求、警察權力與社會秩序。

Mr Ricky Chu (Secretary-General) participated in a legal forum organised by the Law Association of the Student Union of the University of Hong Kong and the Rule of Law Education Project, to discuss the relationships between freedom of expression, police power, and public order with other speakers including Mr Benny Tai, Associate Professor, Faculty of Law, the University of Hong Kong; Mr Chong Yiu Kwong, First Deputy Chair, the Hong Kong Human Rights Monitor; and Hon Dennis Kwok, Legislative Councillor (Legal).

2012
23
12月 DEC



朱敏健秘書長參與香港電台節目《城市論壇》，討論副總理訪港而衍生的投訴個案審查最終報告。

Mr Ricky Chu (Secretary-General) participated in the "City Forum" organised by RTHK to discuss the IPCC's Final Report on complaint cases arising from the visit by the Vice Premier.

公開會議

Open Meetings

監警會在報告期共舉行了三次和投訴警察課的聯席會議，每次會議均設有公開部份予公眾旁聽。一些值得關注的投訴個案和重要的政策議題都會安排在公開會議上討論，以提高透明度和增加公眾對我們工作的認識。

Three Joint IPCC/CAPO Meetings were held during this reporting period, and each meeting was partially open to the public. Interesting complaint cases and important policy issues were discussed during the open part of the meetings to enhance transparency and public understanding of the IPCC's work.

2012
8
6月 JUN



討論副總理訪港而衍生的投訴調查進度。監警會委員表示，已於5月發表了中期報告，報告亦已呈交予行政長官及提交立法會保安事務委員會，但委員在會上表示仍在等候投訴警察課提供進一步資料，以便完成最終報告。監警會認為因副總理訪港衍生的投訴數目，或可反映警方執行職務時可改善的地方。而監警會在審核投訴的過程中，希望可找出需要改善之處，以及改善的方法。警方原則上同意採納監警會的建議。

Discussion concerned the follow-up on a complaint investigation derived from the Vice Premier's visit. IPCC Members stated that an interim report had been released in May and was presented to the Chief Executive and the Legislative Council Panel on Security; however further information was required from CAPO before the Final Report could be prepared. The IPCC deemed that the number of complaints derived from the Vice Premier's visit indicated room for improvement in police procedures. In reviewing the complaints the IPCC sought to assess where and how improvements could be made. The Police in principle agreed to accept the IPCC's recommendations.

2012
6
9月 SEP



討論實地觀察七一遊行活動的情況。監警會委員表示實地視察公眾活動是個好開始，可從多角度及更全面地認識處理遊行安排的實際情況和困難。七一遊行後委員與警方開會交換意見和看法，並提出改善建議，包括活動的部署、實地安排及應急措施等。

Discussion focused on the on-site observation of the 1 July procession. IPCC Members stated that the observation to the public order event was a good start, allowing Members to have a more comprehensive understanding of the situation and the problems from different standpoints. Members and the Police had held a meeting after the visit and exchanged views and suggestions on police preparations, on-site arrangements and contingency plans.

另一個值得關注的問題，是開放或封閉遊行路線所及的道路，在預期參與遊行人數眾多時，監警會建議警方可考慮封閉高士威道和軒尼詩道，只留下一條緊急通道，以確保人流暢順。有委員認為改善人流管制及提早向市民公佈遊行安排的詳情，對警民雙方均有好處。警方表示管理原則首要考慮是公眾安全，其次是人流暢順，但對建議會加以考慮。會上亦討論國家主席訪港的保安安排相關投訴的調查進度。

A noteworthy point that was raised concerned the opening and closure of roads; the IPCC suggested that if a large number of participants were anticipated, the Police might consider closing Causeway Road and Hennessy Road, leaving one lane open for emergency access, to ensure the smooth flow of protesters. An IPCC Member stated that better crowd management and earlier public announcements concerning police measures would benefit both the Police and the public. On that Police added that public safety was always their primary concern, followed by the smooth flow of people, but said they would take the suggestion into consideration. At the meeting, there was also discussion of the progress in an investigation into complaints relating to security operations for the visit of President.

2013
31
1月 JAN



討論處理性質輕微投訴的「表達不滿機制」，監警會與投訴警察課於2010年5月成立聯席工作小組，研究處理性質輕微投訴的新機制。投訴警察課於2012年4月1日至9月30日實施為期六個月的試行計劃，並確認此機制能更直接、簡單及有效地及早解決性質輕微的投訴。投訴警察課期望整合監警會的意見並在雙方達成共識後，落實以「表達不滿機制」處理部份性質輕微的投訴。

In May 2010, the IPCC and CAPO formed a joint working group to review the handling of protocols and resources allocated for minor complaints under the “Expression of Dissatisfaction Mechanism” (EDM). A six-month pilot scheme was implemented between 1 April and 30 September 2012 to ensure that the EDM would be a straightforward, simple and effective method for the early resolution of minor complaints. With input and agreement from the IPCC, CAPO said it looked forward to the formalisation of the EDM for handling minor complaints.

此外，監警會在會上簡報觀察元旦遊行的情況，包括當日起點的安排、警方對遊行及交通管制的安排，以及街站的情形。監警會於元旦遊行後分別與多個持份者會面，聽取及收集意見，以便和警方跟進。遊行當日其中一個具爭議性的討論，是警方發出的不反對通知書中，列明禁止於遊行路線沿途設置街站。委員希望警方在不反對通知書中設定這項條件前，先和主辦單位溝通，以及這項條件是在和主辦單位討論及達成共識的情況下才設定。將來若警方和主辦單位能預早開展遊行安排的討論，有關資料便可及早向公眾傳達，減少導致混亂及引起投訴的機會。

The IPCC also briefed the meeting on its observations during the 1 January procession, with emphasis on the arrangements at the starting point, police arrangements for managing the procession and traffic, and the locations of street stations. Subsequently, the IPCC held meetings with different stakeholders to collect their opinions to facilitate police follow-up. One controversial matter concerned the Letter of No Objection (LONO) issued by the Police to forbid the setting up of street stations along the procession route. The IPCC recommended that the Police communicate with the organiser and reach a consensus before imposing such a condition in an LONO. It was also suggested that the Police and organisers could commence their discussions earlier, and relevant information could be disseminated to the public in advance in order to minimise confusion and the likelihood of further complaints.

6

第六章 CHAPTER 6

傳訊工作及 機構形象

Communications and Corporate Image

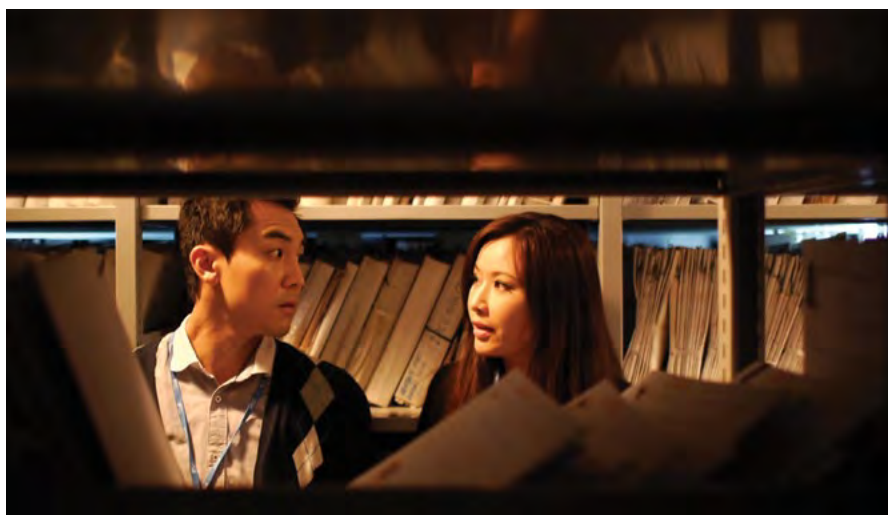
傳訊工作

Communications

監警會近年積極履行《監警會條例》第8條(1)(e)的職能，增進市民對監警會角色的認識，以及大眾對兩層架構投訴警察制度的信心。

The IPCC proactively discharged its function, bestowed by the IPCCO S8(1)(e), of promoting public awareness of the role of the Council and enhancing public confidence in the two-tier police complaints system.

監警有道 IPCC Files



監警會成為獨立法定機構後，首次和香港電台合作，聯合製作監警會迷你電視劇集《監警有道》。透過真實投訴警察個案改編的故事，介紹監警會的職能和它在投訴警察制度中所發揮的作用。

《監警有道》乃一連八集，每集五分鐘，簡單易明的迷你電視劇集。這些迷你電視劇集由真實投訴個案改編，反映警民的日常衝突及投訴發生的情況。此外，劇中亦

Since the IPCC became an independent statutory body, the IPCC for the first time collaborated with RTHK to produce a mini TV series, "IPCC Files". The series was adapted from real complaint cases to introduce the functions of the IPCC and its role within the police complaints system.

Adapted from real complaint cases against the Police, the "IPCC" Files, in eight five-minute, viewer-friendly episodes, presented various daily-life conflicts and common complaints that arise between citizens and the Police. These episodes illustrated the IPCC's efforts to ensure that complaints against the Police are handled thoroughly, objectively, fairly and justly,



反映了監警會努力確保投訴警察的個案獲全面、客觀、公平和公正的方式處理，並在提升警隊服務質素方面，向警方提出建議。而多位監警會委員和秘書處職員均在劇集中亮相，解釋監警會的角色和職能。

《監警有道》於2012年8月中在亞洲電視本港台和無線電視翡翠台播放，香港電台的網頁 (<http://ipcc.etvonline.tv/>) 亦提供節目重溫，方便觀眾選擇有興趣觀看的全集。

《監警有道》入選香港大學民意研究計劃第三階段的「2012電視節目欣賞指數調查」排名最高的20個節目之一。

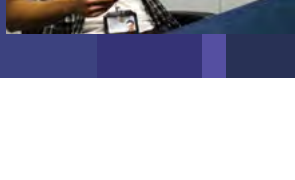


while providing practical recommendations to enhance the quality of police services. To give the public a deeper understanding of the Council, a number of IPCC Members and Secretariat staff appeared in different episodes to explain the role and work of the IPCC.

The "IPCC Files" was broadcasted on ATV Home and TVB Jade in August 2012. Interested viewers may visit the RTHK Online Archive website (<http://ipcc.etvonline.tv/>) to watch these episodes.

The "IPCC Files" was selected to the top twenty list of the "2012 TV Programme Appreciation Index Survey (3rd stage)" conducted by the University of Hong Kong Public Opinion Programme.

《監警有道》分集主題 Themes of the "IPCC Files" Episodes

	第一集 搜查二重奏 Episode 1 Searching	兩層架構的投訴警察制度 Two-tier police complaints system
	第二集 突發現場 Episode 2 On the Spot	監警會審核案件的程序 The IPCC's procedures of reviewing complaint cases against the Police
	第三集 迷離搜電 Episode 3 Mobile Power	投訴調查結果的分類 Classification of investigation results
	第四集 暴力潛罪犯 Episode 4 Unclear Violence	如何處理投訴項目以外的其他不當行為 How improper conduct other than reported allegations is handled
	第五集 速遞怒漢 Episode 5 Furious Courier	監警會委員職能 The powers and duties of IPCC Members
	第六集 法外有情 Episode 6 Extrajudicial Affairs	覆核機制 Review mechanism
	第七集 公平有數 Episode 7 Justice	監警會向警方提供改善服務的建議 The IPCC makes recommendations to enhance police service quality
	第八集 漫步公平路 Episode 8 Fairness	監警會服務承諾 The IPCC's performance pledges

《監警會通訊》季刊 IPCC Quarterly Newsletter



《監警會通訊》是在2010年5月1日推出的半年刊。為了增加監警會的透明度和加強與持份者聯繫，會方在2011年11月開始將《監警會通訊》由半年刊轉為季刊，讓公眾人士更快收到會方的資訊。監警會通訊以電子刊物的形式報道監警會的最新動向、審核個案的統計數字、委員會近期工作，以及投訴警察的真實個案等。監警會通訊除了會以電郵形式寄給持份者外，還上載至監警會網頁 (www.ipcc.gov.hk)。

在報告期內，會方分別在2012年6月、9月及2013年2月出版了三期《監警會通訊》，並以副總理訪港而衍生的投訴報告中期報告、迷你電視劇集《監警有道》和副總理訪港而衍生的投訴報告最終報告作封面故事。

在發表《監警會通訊》時，會方會安排傳媒發佈會，由監警會代表向傳媒介紹通訊的內容。報告期內，會方共舉行了三次傳媒發佈會，傳媒反應熱烈，發佈會內容每次均獲廣泛報道。

A biannual "IPCC Newsletter" was launched on 1 May 2010. To improve the transparency of the IPCC and strengthen its connection with stakeholders, the newsletter became a quarterly publication in November 2011. It now provides the public with a timely understanding of the Council's work. The "IPCC Newsletter", released in electronic form, aims at informing the public of the IPCC's latest work, providing statistics on cases reviewed and examples of real complaint cases. The newsletter is distributed by email and uploaded onto the IPCC's website (www.ipcc.gov.hk).

In the three "IPCC Newsletter" released in June and September 2012 and February 2013, the cover stories were an interim report on complaints related to the Vice Premier's visit, a report on the mini TV series "IPCC Files", and a final report on complaints related to the Vice Premier's visit.

A media briefing is held upon the release of each "IPCC Newsletter", and Council representatives introduce the newsletter's contents. During the current reporting period, the IPCC has held three media briefings, which were well received and widely reported.

與傳媒聯繫 Media Liaison

(1) 傳媒發佈會 Press Conferences

除了《監警會通訊》的新聞發佈會及監警會和投訴警察課的聯席會議外，為增加透明度，會方亦會按需要舉行新聞發佈會，向公眾交代工作情況。活動詳情如下：

To improve its transparency, apart from the newsletter media briefing and joint meetings between the IPCC and CAPO, the IPCC organises press conferences when necessary. Event details are as follows:

2012
3
5月 MAY

監警會舉行副總理訪港而衍生的投訴個案審查中期報告傳媒發佈會，翟紹唐主席在朱敏健秘書長及一眾委員的陪同下會見傳媒，向傳媒代表講解報告內容。

The IPCC held a media briefing to present its Interim Report on complaint cases arising from the visit by the Vice Premier. During the briefing, Mr Jat Sew-Tong (Chairman), together with Mr Ricky Chu (Secretary-General) and Council Members, explained the report to the media.



2012
21
6月 JUN



舉行第六期監警會通訊的傳媒發佈會，由宣傳及意見調查委員會主席鄭經翰先生及朱敏健秘書長詳細講述通訊內容。

At a media briefing to release the IPCC Newsletter Issue No. 6, Mr Albert Cheng (Chairman of Publicity and Survey Committee) and Mr Ricky Chu (Secretary-General) presented the highlights of the latest newsletter.

2012
26
6月 JUN

與香港電台聯合製作的《監警有道》舉行傳媒探班活動，增強公眾對現行的兩層架構投訴警察制度和監警會職能的認識。

A media visit was arranged for the IPCC mini TV series, "IPCC Files", which was jointly produced and presented by the IPCC and RTHK.

The programme aimed to enhance public understanding of the two-tier police complaints system and the function of the IPCC in that system.



2012

9

8月 AUG

監警會與香港電台聯合製作迷你電視劇集《監警有道》並舉行傳媒試映會，旨在增強公眾對現行的兩層架構投訴警察制度和監警會職能的認識。



The media were invited to preview the IPCC mini TV series, "IPCC Files", produced and presented by the IPCC and RTHK, to enhance public understanding of the two-tier police complaints system and the functions of the IPCC in that system.



2012

6

9月 SEP

監警會舉行第七期監警會通訊發佈暨傳媒簡報會，翟紹唐主席聯同林志傑醫生、張達明先生、鄭經翰先生、馬恩國先生及鄭承隆先生出席，與傳媒交流。



The IPCC held a media briefing session to release the IPCC Newsletter Issue No. 7, attend by Mr Jat Sew-Tong (Chairman), Dr Lawrence Lam Chi-kit, Mr Eric Cheung Tat-ming, Ir Albert Cheng, Mr Lawrence Ma Yan-kwok, Ms Noeline Lau Yuk-kuen and Mr Edwin Cheng Shing-lung.



2012

19

12月 DEC

監警會向立法會提交監警會2011/12工作報告，並於同日舉行監警會2011/12工作報告發佈會暨傳媒簡報會，出席的委員包括翟紹唐主席、林志傑醫生、張達明先生、陳培光醫生、鄭經翰先生、馬恩國先生、劉玉娟女士、梁繼昌議員及鄭承隆先生。



The IPCC submitted the IPCC Report 2011/12 to the Legislative Council and hosted a media briefing session to launch the Report on the same day. A group of IPCC Members includes Mr Jat Sew-Tong (Chairman), Dr Lawrence Lam Chi-kit, Mr Eric Cheung Tat-ming, Dr Chan Pui-kwong, Ir Albert Cheng, Mr Lawrence Ma Yan-kwok, Ms Noeline Lau Yuk-kuen, Hon Kenneth Leung Kai-cheong, and Mr Edwin Cheng Shing-lung attended this event.

2012
19
12月 DEC

監警會舉行副總理訪港而衍生的投訴個案審查最終報告傳媒發佈會，翟紹唐主席在朱敏健秘書長及一眾委員會見傳媒，向傳媒代表講解報告內容。

The IPCC held a media briefing to present its Final Report on complaint cases arising from the visit by the Vice Premier. Mr Jat Sew-Tong (Chairman), Mr Ricky Chu (Secretary-General) and Council Members, explained the report to the media.



2013
7
2月 FEB



舉行第八期監警會通訊的傳媒發佈會，由宣傳及意見調查委員會主席鄭經翰先生及梅達明副秘書長詳細講述通訊內容。

At a media briefing to release the IPCC Newsletter Issue No. 8. Ir Albert Cheng (Chairman of Publicity and Survey Committee) and Mr Daniel Mui (Deputy Secretary-General) presented the highlights of the latest newsletter.

(2) 傳媒專訪 Media Interviews

監警會代表多次接受傳媒訪問，以增加透明度。報告期內，監警會主席、委員、觀察員、秘書長及副秘書長便分別接受了多家電視台、電台和報章的訪問。

Representatives of the IPCC were interviewed by the media on a number of occasions, so as to enhance the transparency of the Council. During the reporting period, the IPCC Chairman, Members, Observers, Secretary-General and Deputy Secretary-General were interviewed by television, radio and newspaper.

翟紹唐
主席
Mr Jat
Sew-Tong
(Chairman)



報告期內，翟紹唐主席分別接受了信報、星島日報、南華早報、蘋果日報、香港電台節目《千禧年代》及《星期五主場》、無線電視節目《講清講楚》、有線電視的訪問，就投訴警察相關的議題發表意見。

During the report period, Mr Jat Sew-Tong (Chairman) was interviewed by the Hong Kong Economic Journal, Sing Tao Daily, South China Morning Post, Apple Daily, RTHK's radio programme "Millennium Era" and "Face to Face", TVB's programme "On the Record" and Cable TV, on various issues related to police complaints.



朱敏健
秘書長
Mr Ricky
Chu
(Secretary-
General)



朱敏健秘書長亦分別接受了經濟日報、東方日報、明報、上海廣播電視台廣播新聞中心、香港電台節目《千禧年代》及《自由風自由Phone》、商業電台節目《左右大局》及《在晴朗的一天出發》、Now電視節目《大鳴大放》及《時事全方位》、無線電視節目《講清講楚》的訪問，介紹監警會及其工作。

Mr Ricky Chu (Secretary-General) was interviewed by the Hong Kong Economic Times, Oriental Daily, Ming Pao Daily, RTHK's radio programmes "Millennium Era" and "Open Line Open View", Commercial Radio programme "Tipping Point" and "On a Clear Day", NOW TV's "Now Forum" and "News Magazine", as well as TVB's "On the Record" on topics related to the IPCC and its work.

免費報章
監警會專欄
IPCC Column
with free
newspaper

在2012年4月及5月，監警會和免費報章合作一連六期刊登監警會欄目，訪問監警會委員及講解投訴個案，並製作相關的訪問及個案短片。這次和免費報章的合作非常成功，而此監警會欄目在該免費報章網站的瀏覽次數名列前茅。

In April to May 2012, the IPCC worked with a free newspaper to publish IPCC columns for six weeks, including interviews with the IPCC Committee Members and explanations of complaint cases. These were recorded as video clips and posted on the newspaper's website. This cooperation with the free newspaper proved very successful, given that the IPCC column received one of the highest hit rates on the free newspaper's website.



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Published in Sharp Daily (V15) on 23 May 2012

(3) 傳媒工作坊 Media Workshop

監警會舉辦傳媒工作坊，向傳媒朋友介紹會方的職能及工作、以便更準確地報道監警會和投訴警察相關的新聞故事。

The IPCC held a media workshop to introduce the IPCC to members of the press, in order to facilitate their accurate coverage of the news regarding the IPCC and police complaints.

2012
6
12月 DEC

監警會舉行了一個傳媒工作坊，由蘇幹明助理秘書長向傳媒朋友介紹監警會的工作程序、投訴調查監察過程、投訴調查結果分類、以及監警會工作的相關知識，協助傳媒朋友掌握監警會和投訴警察相關的信息。

The IPCC organised a media workshop to explain its workflow, complaint investigation monitoring process, complaint results classification, and other aspects of its work to assist reporters in accurately covering news about the IPCC and stories related to police complaint. The media workshop was hosted by Mr Henry So (Assistant Secretary-General).



公眾意見調查 Public Opinion Survey

監警會在2013年3月特意委託香港大學民意研究計劃進行公眾意見調查，此次調查是繼2009年3月（監警會成為法定機構前）及2010年3月後（監警會成為法定機構後）再次進行同類的調查。是次調查於2013年3月5日至3月12日期間，以隨機抽樣電話訪問的形式進行，並成功訪問了1,009位18歲或以上的香港居民。

未成為法定機構前，監警會前身是成立於1994年的警監會。2009年的調查數字顯示，公眾對當時成立已有15年的警監會認知度為61%，但2010年的調查數字顯示，公眾對已成為法定機構的監警會認知度僅得33%。過去數年，會方透過積極與傳媒聯繫和各項宣傳活動，成功提升知名度，於2013年調查的公眾認知度高達68%，錄得明顯增幅。

縱使機構在警監會年代時知名度甚高，但公眾在當時卻不大了解其工作及職能。調查數據顯示在這方面監警會亦有明顯的改善。公眾對監警會的職能有更多的認識和了解，由2009年的13%及2010年的26%，大幅提升至2013年的58%。與此同時，調查顯示60%有聽過監警會的受訪者知道監警會為獨立於警察部門的機構，較2009年的51%及2010年的59%，同樣錄得增幅。

此外，2013年進行的民意調查，亦特別新增有關市民對監警會及兩層架構投訴警察制度的信心問題，43%及44%的受訪者對監警會及兩層架構的投訴警察制度有信心。

透過是次公眾意見調查，讓會方明白市民對監警會的觀感，聆聽大眾的建議，並且繼續提升效率，利用更多不同的渠道加強公眾對監警會角色的認識。

監警會委託香港大學民意研究計劃進行公眾意見調查的結果已上載至香港大學民意網站（<http://hkupop.hku.hk/chinese/report/ipcc2013/index.html>）。



In March 2013, the IPCC commissioned the University of Hong Kong (HKU) Public Opinion Programme to conduct a public opinion survey, subsequent to those conducted in March 2009 and in March 2010 (before and after the Council became a statutory body). The survey was conducted by telephone interviews on a random sample between 5 March and 12 March 2013. There were 1,009 successful interviews of Hong Kong residents age 18 or above.

The IPCC became a statutory body following its establishment in 1994. Figures from the 2009 survey showed that public awareness of the Council, which had been in existence for 15 years, was 61%. However, results from the 2010 survey revealed that only 33% of the public were aware of the statutory body. In the past few years, through proactive media engagement and publicity activities, public awareness of the IPCC has surged to 68%, a significant increase.

Despite the fact that the Council was already well-known before becoming a statutory body, the public was not well aware of the duties and functions of the IPCC. The survey results reflect major improvement in this area. They show greater public recognition and understanding of the duties of the IPCC, from 13% in 2009 and 26% in 2010 to 58% in 2013, again a significant increase. At the same time, 60% of the respondents who said they were aware of the Council knew that the IPCC is an organisation independent of the Police, an increase from 51% in 2009 and 59% in 2010.

In addition, the 2013 public opinion survey introduced some new questions concerning public confidence in the IPCC and the two-tier police complaints system; 43% and 44% of the respondents expressed confidence in the IPCC and the two-tier complaints system, respectively.

Through this public survey the Council gained a better understanding of public perspectives on the IPCC. The Council has paid attention to public suggestions and continued to improve its efficiency by using different channels to enhance public understanding of its role.

The results of the IPCC Public Opinion Survey conducted by the HKU Public Opinion Programme are now available on the HKU Public Opinion Programme website (<http://hkupop.hku.hk/english/report/ipcc2013/index.html>).

機構形象

Corporate Image

「獨立」「監察」機構形象

Promoting IPCC's Independent Nature and Monitoring Function



為了突顯監警會的獨立性質和監察職能，監警會於2010/11年的工作報告開始以「獨立」和「監察」為主題，2011/12年及2012/13年的工作報告亦繼續沿用此概念為主題，貫徹及強化機構形象。工作報告亦多以圖表來描述及解釋監警會的審核個案工作，增加工作報告的可讀性。

此外，監警會在報告期亦以「獨立」和「監察」為主題，編製《關於監警會的10個為什麼》小冊子，簡介監警會的由來、需要一個獨立法定地位的原因、委員會的組成、其職能、於香港投訴警察制度兩層架構中的角色、監察程序的運作等資訊，增加公眾對監警會的了解。

市民可於監警會位於灣仔的辦事處、各區民政事務總署諮詢服務中心、康樂及文化事務署公共圖書館和指定郵政局免費索取《關於監警會的10個為什麼》小冊子。

To highlight the independence and the monitoring function of the IPCC, starting from the reporting of 2010/11, the IPCC Report began using "independent" and "monitor" as its theme. The 2011/12 and 2012/13 Reports continued to use this theme in order to strengthen the IPCC's image. To improve the readability of the annual reports, diagrams and graphics were used where appropriate to illustrate how the IPCC reviews complaint cases.

Moreover, "10 Qs on the IPCC", a booklet based on the same theme of "independent" and "monitor", was published by the IPCC to enhance public understanding. The booklet includes a brief outline on the origin of the IPCC, the importance of its statutory and independence, the membership of the Council, its functions, its role in the two-tier police complaints system and how the IPCC monitoring procedures work.

"10 Qs on the IPCC" is distributed free of charge at the IPCC office in Wan Chai, the Public Enquiry Service Centres of District Councils, the Leisure and Cultural Services Department Public Libraries and designated Post Offices.

其他宣傳途徑 Other Publicity Initiatives

(1) 網頁 Website

監警會網頁（www.ipcc.gov.hk）是提供監警會最新消息和重要資訊的資料庫。監警會的刊物、新聞稿、公開會議的議程及會議紀錄均上載到網頁供市民查閱。

The IPCC website (www.ipcc.gov.hk) serves as an archive of news and important information concerning the Council. Publications and press releases, as well as the agendas and minutes of open meetings, are available online for public access.



(2) 刊物 Publications

各區警署的報案室均備有監警會小冊子和觀察員計劃單張，供市民取閱。市民亦可到監警會位於灣仔的辦事處索取有關刊物。此外，監警會每年均會發表工作報告，概述監警會在該年度的工作詳情。

IPCC booklets and leaflets on the Observers Scheme are available at Police Report Rooms in all districts. The publications can also be obtained at the IPCC Office in Wan Chai. Moreover, the IPCC releases its annual report each year with updated information on its work.



7

第七章 CHAPTER 7

組織架構

Organisational Structure

委員會

The Council

監警會是根據《獨立監察警方處理投訴委員會條例》（《監警會條例》）（香港法例第604章）成立的獨立機構，主席、副主席和委員全部由行政長官委任。當中包括一名主席和三名副主席，報告期內委員名單如下：

The Independent Police Complaints Council (IPCC) is an independent body established under the Independent Police Complaints Council Ordinance (IPCCO) (Cap. 604, Law of Hong Kong). The Chairman, three Vice-Chairmen and Members are all appointed by the Chief Executive. The membership of the IPCC during this reporting period is as follows:

主席 Chairman	翟紹唐資深大律師，JP Mr JAT Sew-Tong, SC, JP	發展工作小組主席 Chairman, Development Work Group	任期：2008年6月1日起 Since 1 June 2008
副主席 Vice-Chairman	李國麟議員，SBS，JP Dr Hon Joseph LEE Kok-long, SBS, JP		任期：2007年1月1日至 2012年12月31日 Appointment from 1 January 2007 to 31 December 2012
副主席 Vice-Chairman	林大輝議員，SBS，JP Dr Hon LAM Tai-fai, SBS, JP		任期：2009年1月1日起 Since 1 January 2009
副主席 Vice-Chairman	石禮謙議員，GBS，JP Hon Abraham SHEK Lai-him, GBS, JP	嚴重投訴個案委員會主席 Chairman, Serious Complaints Committee	任期：2009年1月1日起 Since 1 January 2009
副主席 Vice-Chairman	陳健波議員，BBS，JP Hon CHAN Kin-por, BBS, JP		任期：2013年1月1日起 Since 1 January 2013
委員 Member	林志傑醫生，BBS，MH，JP Dr Lawrence LAM Chi-kit, BBS, MH, JP		任期：2007年7月1日至2012年12月31日 Appointment from 1 July 2007 to 31 December 2012
委員 Member	張達明先生 Mr Eric CHEUNG Tat-ming		任期：2009年1月1日起 Since 1 January 2009
委員 Member	張仁良教授，BBS，JP Professor Stephen CHEUNG Yan-leung, BBS, JP		任期：2009年1月1日至2012年12月31日 Appointment from 1 January 2009 to 31 December 2012
委員 Member	方敏生女士，BBS，JP Ms Christine FANG Meng-sang, BBS, JP	工作小組監警會方召集人 IPCC Convenor, Working Group	任期：2009年1月1日起 Since 1 January 2009
委員 Member	吳克儉先生，SBS，JP Mr Eddie NG Hak-kim, SBS, JP	管理委員會主席 Chairman, Management Committee	任期：2009年1月1日至2012年6月30日 Appointment from 1 January 2009 to 30 June 2012
委員 Member	陳培光醫生 Dr CHAN Pui-kwong		任期：2010年1月1日起 Since 1 January 2010
委員 Member	鄭經翰先生，GBS，FHKIE，JP Ir Albert CHENG, GBS, FHKIE, JP	宣傳及意見調查委員會主席 Chairman, Publicity and Survey Committee	任期：2010年1月1日起 Since 1 January 2010

委員 Member	馬恩國先生 Mr Lawrence MA Yan-kwok	任期：2010年6月1日起 Since 1 June 2010
委員 Member	方文雄先生，BBS，JP Mr David FONG Man-hung, BBS, JP	任期：2011年1月1日至2012年12月31日 Appointment from 1 January 2011 to 31 December 2012
委員 Member	葉成慶先生，JP Mr Simon IP Shing-hing, JP	管理委員會主席 Chairman, Management Committee 任期：2011年1月1日起 Since 1 January 2011
委員 Member	劉玉娟女士 Ms Noeline LAU Yuk-kuen	任期：2011年1月1日起 Since 1 January 2011
委員 Member	梁繼昌議員 Hon Kenneth LEUNG Kai-cheong	任期：2011年1月1日起 Since 1 January 2011
委員 Member	馬學嘉博士 Dr Carol MA Hok-ka	任期：2011年1月1日起 Since 1 January 2011
委員 Member	鄧麗芳女士 Miss Belinda TANG Lai-fong	任期：2011年1月1日至2012年8月31日 Appointment from 1 January 2011 to 31 August 2012
委員 Member	黃幸怡女士 Miss Sandy WONG Hang-ye	任期：2011年1月1日起 Since 1 January 2011
委員 Member	黃碧雲議員 Dr Hon Helena WONG Pik-wan	任期：2011年1月1日起 Since 1 January 2011
委員 Member	黃德蘭女士 Miss Mary WONG Tak-lan	任期：2011年1月1日起 Since 1 January 2011
委員 Member	葉振都先生，BBS，MH，JP Mr Adrian YIP Chun-to, BBS, MH, JP	任期：2011年1月1日起 Since 1 January 2011
委員 Member	鄭承隆先生，MH Mr Edwin CHENG Shing-lung, MH	任期：2012年1月1日起 Since 1 January 2012
委員 Member	鍾偉雄先生 Mr Gerard CHUNG Wai-hung	任期：2012年1月1日起 Since 1 January 2012
委員 Member	杜國塗先生，BBS，JP Mr Clement TAO Kwok-lau, BBS, JP	任期：2012年10月1日起 Since 1 October 2012
委員 Member	甄孟義資深大律師 Mr John YAN Mang-ye, SC	任期：2012年10月1日起 Since 1 October 2012
委員 Member	陳建強醫生，JP Dr Eugene CHAN Kin-keung, JP	任期：2013年1月1日起 Since 1 January 2013
委員 Member	何世傑博士 Ir Dr Vincent Simon HO	任期：2013年1月1日起 Since 1 January 2013
委員 Member	陸貽信資深大律師，BBS Mr Arthur LUK Yee-shun, BBS, SC	任期：2013年1月1日起 Since 1 January 2013

監警會內務會議出席紀錄

IPCC Members' Attendance at the IPCC In-house Meeting

日期：2012年4月至2013年3月

Date: April 2012 to March 2013

	03 MAY 五月	19 JUL 七月	01 NOV 十一月	24 JAN 一月
主席 Chairman				
翟紹唐資深大律師 · JP Mr JAT Sew-Tong, SC, JP	●	●	●	●
副主席 Vice-Chairmen				
李國麟議員 · SBS · JP (任期至2012年12月31日) Dr Hon Joseph LEE Kok-long, SBS, JP (Till 31 December 2012)	●	●	○	N.A.
林大輝議員 · SBS · JP Dr Hon LAM Tai-fai, SBS, JP	●	●	●	●
石禮謙議員 · GBS · JP Hon Abraham SHEK Lai-him, GBS, JP	●	●	●	●
陳健波議員 · BBS · JP (2013年1月1日起委任) Hon CHAN Kin-por, BBS, JP (Since 1 January 2013)	N.A.	N.A.	N.A.	●
委員 Members				
林志傑醫生 · BBS · MH · JP (任期至2012年12月31日) Dr Lawrence LAM Chi-kit, BBS, MH, JP (Till 31 December 2012)	●	●	●	N.A.
張達明先生 Mr Eric CHEUNG Tat-ming	●	●	●	●
張仁良教授 · BBS · JP (任期至2012年12月31日) Professor Stephen CHEUNG Yan-leung, BBS, JP (Till 31 December 2012)	●	●	○	N.A.
方敏生女士 · BBS · JP Ms Christine FANG Meng-sang, BBS, JP	○	●	●	○
吳克儉先生 · SBS · JP (任期至2012年6月30日) Mr Eddie NG Hak-kim, SBS, JP (Till 30 June 2012)	○	N.A.	N.A.	N.A.
陳培光醫生 Dr CHAN Pui-kwong	●	●	●	●
鄭經翰先生 · GBS · FHKIE · JP Ir Albert CHENG, GBS, FHKIE, JP	●	●	●	●
馬恩國先生 Mr Lawrence MA Yan-kwok	●	○	●	○
方文雄先生 · BBS · JP (任期至2012年12月31日) Mr David FONG Man-hung, BBS, JP (Till 31 December 2012)	○	●	●	N.A.
葉成慶先生 · JP Mr Simon IP Shing-hing, JP	●	●	●	●
劉玉娟女士 Ms Noeline LAU Yuk-kuen	●	●	●	●
梁繼昌議員 Hon Kenneth LEUNG Kai-cheong	●	○	●	●
馬學嘉博士 Dr Carol MA Hok-ka	○	●	●	●
鄧麗芳女士 (任期至2012年8月31日) Miss Belinda TANG Lai-fong (Till 31 August 2012)	○	○	N.A.	N.A.
黃幸怡女士 Miss Sandy WONG Hang-ye	●	●	●	●
黃碧雲議員 Dr Hon Helena WONG Pik-wan	●	○	●	●
黃德蘭女士 Miss Mary WONG Tak-lan	●	●	●	●
葉振都先生 · BBS · MH · JP Mr Adrian YIP Chun-to, BBS, MH, JP	●	●	●	○
鄭承隆先生 · MH Mr Edwin CHENG Shing-lung, MH	●	○	●	●
鍾偉雄先生 Mr Gerard CHUNG Wai-hung	●	●	●	●
杜國鎔先生 · BBS · JP (2012年10月1日起委任) Mr Clement TAO Kwok-lau, BBS, JP (Since 1 October 2012)	N.A.	N.A.	●	●
甄孟義資深大律師 (2012年10月1日起委任) Mr John YAN Mang-ye, SC (Since 1 October 2012)	N.A.	N.A.	○	●
陳建強醫生 · JP (2013年1月1日起委任) Dr Eugene CHAN Kin-keung, JP (Since 1 January 2013)	N.A.	N.A.	N.A.	○
何世傑博士 (2013年1月1日起委任) Ir Dr Vincent Simon HO (Since 1 January 2013)	N.A.	N.A.	N.A.	●
陸貽信資深大律師 · BBS (2013年1月1日起委任) Mr Arthur LUK Yee-shun, BBS, SC (Since 1 January 2013)	N.A.	N.A.	N.A.	●

● 出席 Attended

○ 缺席 Not attended

N.A. — 不是會議成員/未獲邀出席 Not a Member of the meeting/Not being invited

監警會和投訴警察課聯席會議出席紀錄

IPCC Members' Attendance at Joint IPCC/CAPO Meeting

日期：2012年4月至2013年3月

Date: April 2012 to March 2013

	08 JUN 六月	06 SEP 九月	31 JAN 一月
主席 Chairman			
霍紹唐資深大律師，JP Mr JAT Sew-Tong, SC, JP	●	●	●
副主席 Vice-Chairmen			
李國麟議員，SBS，JP (任期至2012年12月31日) Dr Hon Joseph LEE Kok-long, SBS, JP (Till 31 December 2012)	●	○	N.A.
林大輝議員，SBS，JP Dr Hon LAM Tai-fai, SBS, JP	○	●	●
石禮謙議員，GBS，JP Hon Abraham SHEK Lai-him, GBS, JP	●	○	●
陳健波議員，BBS，JP (2013年1月1日起委任) Hon CHAN Kin-por, BBS, JP (Since 1 January 2013)	N.A.	N.A.	●
委員 Members			
林志傑醫生，BBS，MH，JP (任期至2012年12月31日) Dr Lawrence LAM Chi-kit, BBS, MH, JP (Till 31 December 2012)	●	●	N.A.
張達明先生 Mr Eric CHEUNG Tat-ming	●	●	●
張仁良教授，BBS，JP (任期至2012年12月31日) Professor Stephen CHEUNG Yan-leung, BBS, JP (Till 31 December 2012)	●	●	N.A.
方敏生女士，BBS，JP Ms Christine FANG Meng-sang, BBS, JP	●	○	●
吳克儉先生，SBS，JP (任期至2012年6月30日) Mr Eddie NG Hak-kim, SBS, JP (Till 30 June 2012)	●	N.A.	N.A.
陳培光醫生 Dr CHAN Pui-kwong	●	○	●
鄭經翰先生，GBS，FHKIE，JP Ir Albert CHENG, GBS, FHKIE, JP	●	○	●
馬恩國先生 Mr Lawrence MA Yan-kwok	●	●	●
方文雄先生，BBS，JP (任期至2012年12月31日) Mr David FONG Man-hung, BBS, JP (Till 31 December 2012)	●	●	N.A.
葉成慶先生，JP Mr Simon IP Shing-hing, JP	●	●	●
劉玉娟女士 Ms Noeline LAU Yuk-kuen	●	●	●
梁繼昌議員 Hon Kenneth LEUNG Kai-cheong	●	○	○
馬學嘉博士 Dr Carol MA Hok-ka	●	●	●
鄧麗芳女士 (任期至2012年8月31日) Miss Belinda TANG Lai-fong (Till 31 August 2012)	○	N.A.	N.A.
黃幸怡女士 Miss Sandy WONG Hang-ye	○	●	○
黃碧雲議員 Dr Hon Helena WONG Pik-wan	○	○	○
黃德蘭女士 Miss Mary WONG Tak-lan	●	○	●
葉振都先生，BBS，MH，JP Mr Adrian YIP Chun-to, BBS, MH, JP	●	●	●
鄭承隆先生，MH Mr Edwin CHENG Shing-lung, MH	●	●	●
鍾偉雄先生 Mr Gerard CHUNG Wai-hung	○	●	●
杜國鑒先生，BBS，JP (2012年10月1日起委任) Mr Clement TAO Kwok-lau, BBS, JP (Since 1 October 2012)	N.A.	N.A.	●
甄孟義資深大律師 (2012年10月1日起委任) Mr John YAN Mang-ye, SC (Since 1 October 2012)	N.A.	N.A.	○
陳建強醫生，JP (2013年1月1日起委任) Dr Eugene CHAN Kin-keung, JP (Since 1 January 2013)	N.A.	N.A.	●
何世傑博士 (2013年1月1日起委任) Ir Dr Vincent Simon HO (Since 1 January 2013)	N.A.	N.A.	●
陸貽信資深大律師，BBS (2013年1月1日起委任) Mr Arthur LUK Yee-shun, BBS, SC (Since 1 January 2013)	N.A.	N.A.	●

● 出席 Attended ○ 缺席 Not attended N.A. — 不是會議成員/ 未獲邀出席 Not a Member of the meeting/Not being invited

專責委員會

Sub-Committees

監警會委員分為四個小組，審核投訴警察課提交的調查報告。此外，監警會就不同工作範疇設立了三個專責委員會及兩個工作小組，更有效地履行職能。

Members of the IPCC are divided into four sub-groups to examine the investigation reports submitted by CAPO. The IPCC has also set up three Sub-Committees and two Working Groups so as to perform its functions more efficiently.

三個專責委員會的職權範圍和成員名單如下：

The members and terms of reference of the three Committees are as follows:

嚴重投訴個案委員會

Serious Complaints Committee

- (a) 訂定準則，用以界定應受委員會監察的嚴重個案；
- (b) 研究和制定監察嚴重投訴個案的特別程序；
- (c) 研究是否需要尋求外間的专业意見或服務，協助審核嚴重投訴個案；
- (d) 審核嚴重投訴個案的調查結果，並向主席提出建議；
- (e) 提出委員會認為適當並與監察嚴重投訴個案有關的任何事項，供監警會考慮。

- (a) To determine the criteria of serious cases that should be come under the monitoring of the Committee;
- (b) To examine and determine special procedures for monitoring serious complaints;
- (c) To examine the need to seek outside professional advice or services to facilitate the scrutiny of complaint cases;
- (d) To examine the findings of serious complaint cases after investigations have been completed, and put forward recommendations to the Chairman;
- (e) To put forward any issues in relation to the monitoring of serious complaint cases for the IPCC's deliberation, as the Committee deems appropriate.

成員

主席

石禮謙議員，GBS，JP

委員

李國麟議員，SBS，JP (至2012年12月)
張達明先生
張仁良教授，BBS，JP (至2012年12月)
陳培光醫生
馬恩國先生
葉成慶先生，JP
劉玉娟女士
鄧麗芳女士 (至2012年8月)
黃碧雲議員
葉振都先生，BBS，MH，JP
鄭承隆先生，MH
陳建強醫生 (由2013年3月起)
何世傑博士 (由2013年1月起)

Membership

Chairman

Hon Abraham SHEK Lai-him, GBS, JP

Members

Dr Hon Joseph LEE Kok-long, SBS, JP (Till December 2012)
Mr Eric CHEUNG Tat-ming
Professor Stephen CHEUNG Yan-leung, BBS, JP (Till December 2012)
Dr CHAN Pui-kwong
Mr Lawrence MA Yan-kwok
Mr Simon IP Shing-hing, JP
Ms Noeline LAU Yuk-kuen
Miss Belinda TANG Lai-fong (Till August 2012)
Dr Hon Helena WONG Pik-wan
Mr Adrian YIP Chun-to, BBS, MH, JP
Mr Edwin CHENG Shing-lung, MH
Dr Eugene CHAN Kin-keung, JP (Since March 2013)
Ir Dr Vincent Simon HO (Since January 2013)

管理委員會 Management Committee

(a) 監督監警會秘書處的主要工作；

(b) 審議和批准：

- 周年預算的任何改動；
- 高級審核主任/高級經理或以下級別僱員的委任、停職及終止僱用；
- 對監警會服務有所影響的主要行政事宜；
- 估計價值港幣50,000元或以上或涵蓋新項目範疇的擬訂新合約，但不包括宣傳及意見調查委員會權限內的合約或活動；

(c) 提出委員會認為適當的任何行政及管理事宜，供監警會考慮。

(a) To oversee major areas of work of the IPCC Secretariat

(b) To consider and approve:

- Any changes to the annual budget
- The appointment, interdiction from duty, and termination of employment of employees at or below Senior Vetting Officer/Senior Manager ranks;
- Key administrative matters that affect the service of the IPCC;
- Proposed new contracts with estimated value at or above HK\$50,000 or covering a new area of activity, with the exception of those contracts or covering a new area of activity, with the exception of those contracts that come under the purview of the Publicity and Survey Committee;

(c) To put forward any administrative or management issues for the IPCC's deliberation as the Committee deems appropriate.

成員

主席

吳克儉先生，SBS，JP (至2012年6月)
葉成慶先生，JP (由2012年7月起)

委員

翟紹唐資深大律師，JP
林志傑醫生，BBS，MH，JP (至2012年12月)
鄭經翰先生，GBS，FHKIE，JP
馬恩國先生
方文雄先生，BBS，JP (至2012年12月)
黃德蘭女士
鄭承隆先生，MH
杜國鑒先生，BBS，JP (由2012年10月起)

Membership

Chairman

Mr Eddie NG Hak-kim, SBS, JP (Till June 2012)
Mr Simon IP Shing-hing, JP (Since July 2012)

Members

Mr JAT Sew-Tong, SC, JP
Dr Lawrence LAM Chi-kit, BBS, MH, JP (Till December 2012)
Mr Albert CHENG, GBS, FHKIE, JP
Mr Lawrence MA Yan-kwok
Mr David FONG Man-hung, BBS, JP (Till December 2012)
Miss Mary WONG Tak-lan
Mr Edwin CHENG Shing-lung, MH
Mr Clement TAO Kwok-lau, BBS, JP (Since October 2012)

宣傳及意見調查委員會 Publicity and Survey Committee

- | | |
|--|---|
| <p>(a) 審議可提升監警會形象和讓市民加深認識監警會的措施；</p> <p>(b) 審議和批准已編入預算的宣傳及相關活動，包括：</p> <ul style="list-style-type: none"> • 宣傳物品的內容和設計，例如年報、網頁、短片、刊物和其他宣傳品； • 推展宣傳活動； • 挑選和委聘承辦商協助推展有關計劃； <p>(c) 審議和批准推展已編入預算的意見調查工作，以及挑選和委聘承辦商協助推展有關工作；</p> <p>(d) 監察(b)和(c)項所載計劃的進度和質素；</p> <p>(e) 審議年度宣傳計劃並就計劃提出意見，供監警會考慮；</p> <p>(f) 提出委員會認為適當並與宣傳有關的任何事宜，供監警會考慮。</p> | <p>(a) To consider measures that could enhance the image and public understanding of the IPCC;</p> <p>(b) To consider and approve publicity-related activities that have been budgeted for, including:</p> <ul style="list-style-type: none"> • the content and design of publicity materials such as annual reports, websites, videos, publications and other promotional materials; • the launching of publicity activities; • the selection and commissioning of contractors to assist in such projects; <p>(c) To consider and approve the launching of surveys that have been budgeted for, and the selection and commissioning of contractors to assist in such projects;</p> <p>(d) To monitor the progress and quality of the projects in (b) and (c);</p> <p>(e) To consider and advise on an annual publicity plan for the IPCC's consideration;</p> <p>(f) To put forward any publicity-related issues for the IPCC's consideration as the Committee deems appropriate.</p> |
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成員

主席

鄭經翰先生，GBS，FHKIE，JP

委員

林大輝議員，SBS，JP
 方敏生女士，BBS，JP
 馬學嘉博士
 黃碧雲博士 (至2012年9月)
 黃幸怡女士
 葉振都先生，BBS，MH，JP
 鄭承隆先生，MH
 杜國鑒先生，BBS，JP (由2012年11月起)

Membership

Chairman

Ir Albert CHENG, GBS, FHKIE, JP

Members

Dr Hon LAM Tai-fai, SBS, JP
 Ms Christine FANG Meng-sang, BBS, JP
 Dr Carol MA Hok-ka
 Dr Helena WONG Pik-wan (Till September 2012)
 Miss Sandy WONG Hang-yee
 Mr Adrian YIP Chun-to, BBS, MH, JP
 Mr Edwin CHENG Shing-lung, MH
 Mr Clement TAO Kwok-lau, BBS, JP (Since November 2012)

工作小組 Working Group

監警會和投訴警察課在2010組成了一個工作小組，著力研究一個更有效率的機制，依據投訴性質作分流處理，以便加快處理調查投訴個案的效率。

The IPCC and CAPO established a working group in 2010 to come up with a more efficient system of sorting complaints in order to enhance efficiency in investigating complaint cases.

成員

監警會方召集人

方敏生女士，BBS，JP

委員

張達明先生

葉成慶先生，JP

梁繼昌先生

Membership

IPCC Convener

Ms Christine FANG Meng-sang, BBS, JP

Members

Mr Eric CHEUNG Tat-ming

Mr Simon IP Shing-hing, JP

Mr Kenneth LEUNG Kai-cheong

發展工作小組 Development Work Group

為研究監警會的未來發展方向，監警會組成了一個發展工作小組，訂定會方中長期的重點工作。

The IPCC established a development work group to identify the key work areas in the coming years.

成員

主席

翟紹唐資深大律師，JP

成員

張達明先生

方敏生女士，BBS，JP

鄭經翰先生，GBS，FHKIE，JP

葉成慶先生，JP

鄭承隆先生，MH

鍾偉雄先生

杜國鎣先生，BBS，JP

Membership

Chairman

Mr JAT Sew-Tong, SC, JP

Membership

Mr Eric CHEUNG Tat-ming

Ms Christine FANG Meng-sang, BBS, JP

Mr Albert CHENG, GBS, FHKIE, JP

Mr Simon IP Shing-hing, JP

Mr Edwin CHENG Shing-lung, MH

Mr Gerard CHUNG Wai-hung

Mr Clement TAO Kwok-lau, BBS, JP

觀察員 Observers

在觀察員計劃之下，保安局局長會委任合適人士出任監警會觀察員，協助監警會觀察投訴警察課處理和調查須匯報投訴的方式。報告期內監警會觀察員的名單如下：

Under the Observers Scheme, the Secretary for Security may appoint such persons as he thinks fit as IPCC Observers to assist the Council in observing the manner in which CAPO handles and investigates Reportable Complaints. The following is a list of Observers in the current reporting period:

觀察員名單 Name of Observers

1	湛家雄先生，MH，JP	Mr Daniel CHAM Ka-hung, MH, JP
2	陳煒文博士，JP **	Dr Raymond CHAN, JP **
3	陳富明先生 #####	Mr CHAN Fu-ming #####
4	陳慶明先生 #####	Mr CHAN Hing-ming #####
5	陳學鋒先生 #####	Mr CHAN Hok-fung #####
6	陳耀星先生，SBS，JP	Mr Star CHAN lu-seng, SBS, JP
7	陳建強醫生，JP ^	Dr Eugene CHAN Kin-keung, JP ^
8	陳理誠工程師，JP **	Ir William CHAN Lee-shing, JP **
9	陳文宜女士 **	Miss Grace CHAN Man-yee **
10	陳文佑先生	Mr Henry CHAN Man-yu
11	陳茂強先生	Mr Haydn CHAN Mou-keung
12	陳博智先生 ##	Mr CHAN Pok-chi ##
13	陳秀雲女士 #####	Ms CHAN Sau-wan #####
14	陳少棠先生，MH #####	Mr CHAN Siu-tong, MH #####
15	陳仁川女士	Ms CHAN Yan-chuen
16	周沁女士	Ms CHAU Sum
17	鄭國杰博士，MH ##	Dr Edwin CHENG Kwok-kit, MH ##
18	鄭阮培恩女士	Mrs Betty CHENG YUEN Pui-yan
19	張焯堯先生	Mr Charles CHEUNG Cheuk-yiu
20	張妙嫦女士 #####	Ms Emily CHEUNG Mui-seung #####
21	張翼雄先生	Mr Jackie CHEUNG Yick-hung
22	莊創業先生	Mr CHONG Chong-yip
23	周浩鼎先生	Mr Holden CHOW Ho-ding
24	周錦祥先生，MH	Mr CHOW Kam-cheung, MH
25	周耀明先生，MH #####	Mr Alan CHOW Yiu-ming, MH #####
26	周玉堂先生，BBS，MH #####	Mr CHOW Yuk-tong, BBS, MH #####
27	蔡鳳萍女士	Miss Abril CHOY Fung-peng
28	朱靖女士 ##	Ms Esther CHU Jing ##
29	朱國樑先生 **	Mr CHU Kwok-leung **
30	朱德榮先生	Mr CHU Tak-wing
31	方平先生，JP	Mr FONG Ping, JP

觀察員名單 Name of Observers	
32 馮美雲女士 #####	Ms FUNG Mei-wan #####
33 何厚祥先生，BBS，MH #####	Mr HO Hau-cheung, BBS, MH #####
34 何綺蓮女士	Ms Elaine HO Yee-lin
35 許嘉灝先生，MH	Mr HUI Ka-hoo, MH
36 洪為民先生 ##	Mr Witman HUNG Wai-man ##
37 簡汝謙先生 #####	Mr Ronald KAN Yu-him #####
38 金佩瑋女士 #####	Ms Mary Ann KING Pui-wai #####
39 高錦祥先生，BBS，MH	Mr KO Kam-cheung, BBS, MH
40 高寶齡女士，BBS，MH，JP #####	Ms KO Po-ling, BBS, MH, JP #####
41 江子榮先生，MH，JP ***	Mr James KONG Tze-wing, MH, JP ***
42 顧明仁博士，MH	Dr Charles KOO Ming-yan, MH
43 季霆剛先生 #	Mr KWAI Ting-kong #
44 關治平工程師，JP	Ir Edgar KWAN Chi-ping, JP
45 郭靜韻女士 ***	Miss Mable KWOK Ching-wan ***
46 郭永強先生，MH ***	Mr KWOK Wing-keung, MH ***
47 龔靜儀女士	Miss Athena KUNG Ching-yee
48 林寶苓女士 #####	Ms Pearl LAM Po-ling #####
49 羅競成先生，MH	Mr LAW King-shing, MH
50 黎樹濠先生，BBS，MH，JP ***	Mr Patrick LAI Shu-ho, BBS, MH, JP ***
51 黎達生先生，MH，JP	Mr David LAI Tat-sang, MH, JP
52 林赤有先生，MH，JP	Mr Billy LAM Chek-yau, MH, JP
53 林發耿先生，MH ##	Mr LAM Faat-kang, MH ##
54 林錫光先生，MH ***	Mr LAM Sek-kong, MH ***
55 林德亮先生，MH	Mr LAM Tak-leung, MH
56 林玉珍女士，MH #####	Ms LAM Yuk-chun, MH #####
57 樓家強先生 #	Mr LAU Ka-keung #
58 劉佩芝女士 **	Miss Julia LAU Pui-g **
59 劉月容博士 **	Dr Ellen LAU Yuet-yung **
60 劉偉章先生	Mr Peter LAU Wai-cheung
61 李志恒先生 #####	Mr Sidney LEE Chi-hang #####
62 李子榮先生 #####	Mr Alvin LEE Chi-wing #####
63 李嘉騏先生 ##	Mr LEE Kar-ki ##
64 李冠美女士	Ms LEE Koon-mei
65 李德權先生 *	Mr LEE Tak-kuen *
66 李月民先生，MH ***	Mr LEE Yuet-man, MH ***
67 梁志培先生	Mr LEUNG Chi-pui
68 梁芙詠女士，BBS，MH	Ms LEUNG Fu-wing, BBS, MH
69 梁皓鈞先生，MH	Mr LEUNG Ho-kwan, MH
70 梁秀志先生，JP	Mr LEUNG Sau-chi, JP

觀察員名單 Name of Observers

71	梁秀清女士	Ms Martha LEUNG Sau-ching
72	李世榮先生 ##	Mr LI Sai-wing ##
73	梁兆棠先生，MH **	Mr LEUNG Siu-tong, MH **
74	李漢雄先生，MH，JP **	Mr LI Hon-hung, MH, JP **
75	李婉華女士	Ms Rainbow LI Yuen-wah
76	林亨利先生，MH #####	Mr Henry LIM, MH #####
77	廖啟明醫生	Dr LIU Kai-ming
78	廖金鳳女士 **	Miss Iris LIU Kam-fung **
79	廖珮珊女士	Ms LIU Pui-shan
80	羅孔君女士 **	Miss LO Jane Curzon **
81	盧錦華先生，MH，JP	Mr Norman LO Kam-wah, MH, JP
82	羅世光先生，MH ***	Mr LO Sai-kwong, MH ***
83	盧子安先生	Mr LO Tze-on
84	盧永文先生，JP **	Mr Lawrence LO Wing-man, JP **
85	羅仁禮先生，JP	Mr LO Yan-lai, JP
86	呂明華先生，SBS，JP *	Dr LUI Ming-wah, SBS, JP *
87	陸貽信先生，BBS，SC ^	Mr Arthur LUK Yee-shun, BBS, SC ^
88	馬盧金華女士	Mrs Virginia MA LO Kam-wah
89	莫仲輝先生，MH	Mr Rex MOK Chung-fai, MH
90	Mr MOTWANI Raj Sital，BBS，JP **	Mr MOTWANI Raj Sital, BBS, JP **
91	吳玲玲女士 #####	Ms NG Ling-ling #####
92	吳敏生先生 #####	Mr Alan NG Man-sang #####
93	吳少強先生，MH，JP #####	Mr Thomas NG Siu-keung, MH, JP #####
94	魏明德先生 #####	Mr Michael NGAI Ming-tak #####
95	顏少倫先生	Mr NGAN Siu-lun
96	龐創先生，BBS，JP	Mr Edward PONG Chong, BBS, JP
97	卜坤乾先生	Mr PUK Kwan-kin
98	潘國華先生 #####	Mr PUN Kwok-wah #####
99	邵家輝先生 ##	Mr SHIU Ka-fai ##
100	蕭澤宇先生，BBS，JP ##	Mr Simon SIU Chak-yu, BBS, JP ##
101	蘇麗珍女士，MH	Ms SO Lai-chun, MH
102	蘇慧賢女士	Ms Herdy SO Wai-yin
103	司徒建華先生	Mr SZETO Kin-wa
104	譚見強先生 #####	Mr Terry TAM Kin-keung #####
105	譚兆炳先生	Mr George TAM Siu-ping
106	鄧振強先生，MH，JP	Mr Teddy TANG Chun-keung, MH, JP
107	鄧廣成先生，MH **	Mr TANG Kwong-shing, MH **
108	鄧珮頤女士 ***	Miss TANG Pui-yee ***

觀察員名單 Name of Observers

109	鄧仕堅先生 #####	Mr Eric TANG Sze-kin #####
110	陶嘉穎女士	Miss Alice TO Kar-wing
111	曾鳳珠女士 ###	Ms TSANG Fung-chu ###
112	謝禮良先生，MH	Mr Jimmy TSE Lai-leung, MH
113	謝永齡博士，MH	Dr John TSE Wing-ling, MH
114	徐福樂醫生	Dr Michael TSUI Fuk-sun
115	尹志強先生，BBS，JP	Mr Aaron WAN Chi-keung, BBS, JP
116	溫國雄先生	Mr Joseph WAN Kwok-hung
117	黃志偉先生 #####	Mr WONG Chi-wai #####
118	王吉顯先生 ##	Mr Peter WONG Kit-hin ##
119	王振宇教授 **	Prof WONG Chun-yu **
120	黃健興先生	Mr WONG Kin-hing
121	黃建彬先生，MH ***	Mr WONG Kin-pan, MH ***
122	黃江天博士	Dr James WONG Kong-tin
123	黃萬成先生，MH ##	Mr Barry WONG Man-sing, MH ##
124	王威信先生 #####	Mr WONG Wai-shun #####
125	王婉芝女士	Miss WONG Yuen-chi
126	胡楚南先生，JP	Mr WU Chor-nam, JP
127	吳萬強先生，BBS，MH ***	Mr John WU Man-keung, BBS, MH ***
128	任志浩博士 #####	Dr Michael YAM Chi-ho #####
129	楊志偉先生，MH ***	Mr Edwin YEUNG Chi-wai, MH ***
130	楊學明牧師	Rev David YEUNG Hok-ming
131	楊凱山博士 #####	Dr YEUNG Hoi-shan #####
132	楊耀忠先生，BBS，JP	Mr YEUNG Yiu-chung, BBS, JP
133	嚴玉麟先生，JP #####	Mr Stanley YIM Yuk-lun, JP #####
134	楊添燦先生 ##	Mr Alan YOUNG Tim-tsan ##
135	葉永成先生，BBS，MH，JP ***	Mr David YIP Wing-shing, BBS, MH, JP ***
136	阮陳寶馨女士	Mrs YUEN CHAN Po-hing
137	翁志明先生，BBS，MH	Mr YUNG Chi-ming, BBS, MH
138	翁國忠先生	Mr Roger YUNG Kwok-chung

截至2013年3月31日監警會共有108位觀察員 Total number of Observer on 31 March 2013 was 108

#####	2012年4月1日新任命	Newly-appointed Observers on 1 April 2012
#####	2012年8月1日新任命	Newly-appointed Observers on 1 August 2012
###	2012年8月22日新任命	Newly-appointed Observers on 22 August 2012
##	2012年11月1日新任命	Newly-appointed Observers on 1 November 2012
#	2013年1月1日新任命	Newly-appointed Observers on 1 January 2013
***	2012年8月1日退休	Retired on 1 August 2012
**	2012年11月1日退休	Retired on 1 November 2012
*	2013年1月1日退休	Retired on 1 January 2013
^	2013年1月1日獲委任為監警會委員	Became IPCC Member on 1 January 2013

監警會秘書處

IPCC Secretariat

監警會由一個全職的秘書處支援。秘書處由一名秘書長領導，2012/13年編制共有42名職員。秘書處的主要職責是協助委員審核投訴個案的調查報告和推廣委員會的工作。

The IPCC is supported by a full-time Secretariat, headed by a Secretary-General, with a total of 42 staff in 2012/13. The major function of the Secretariat is to assist Council Members in examining complaint investigation reports and in promoting the work of the IPCC.

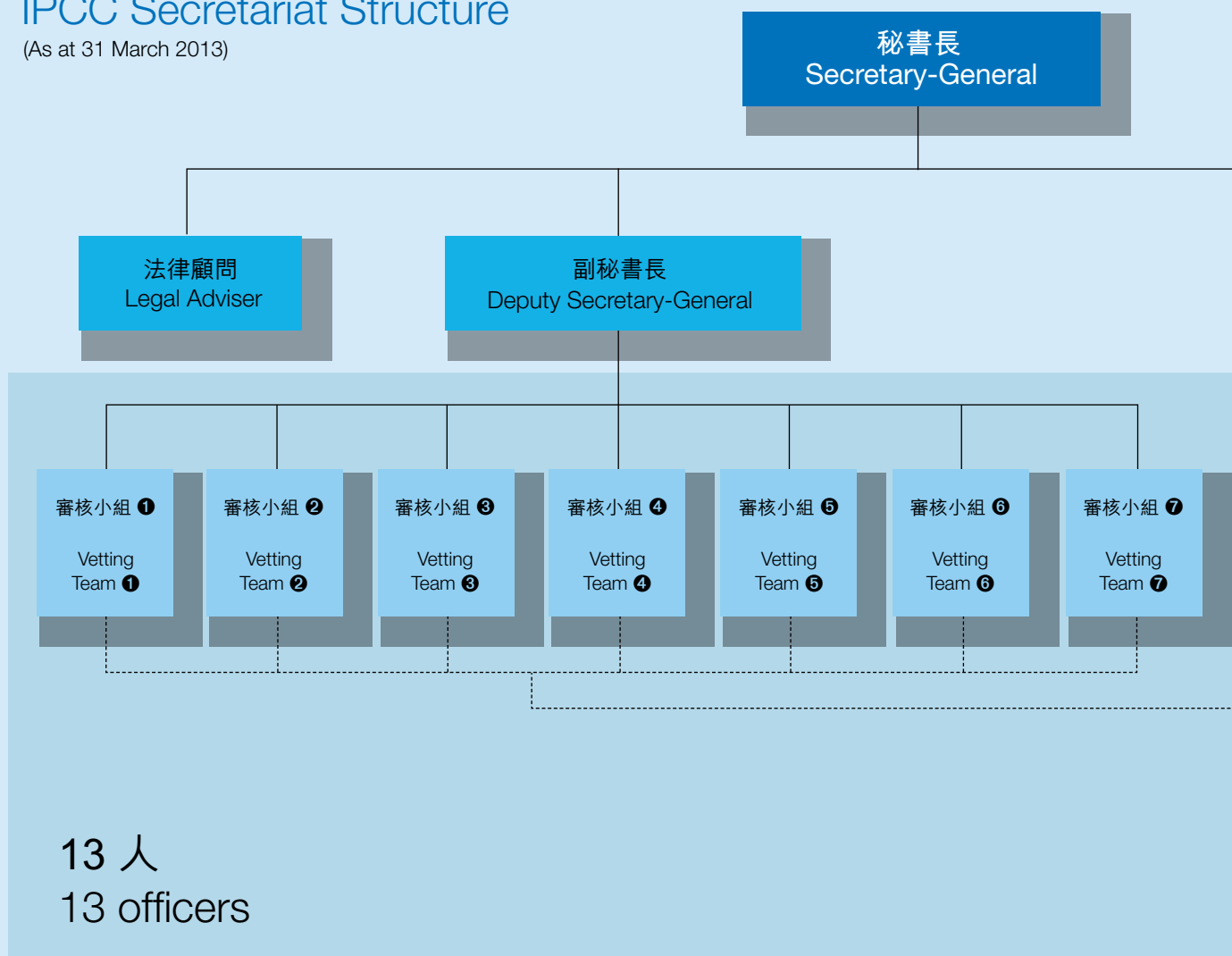
監警會秘書處截至2013年3月31日的組織圖如下：

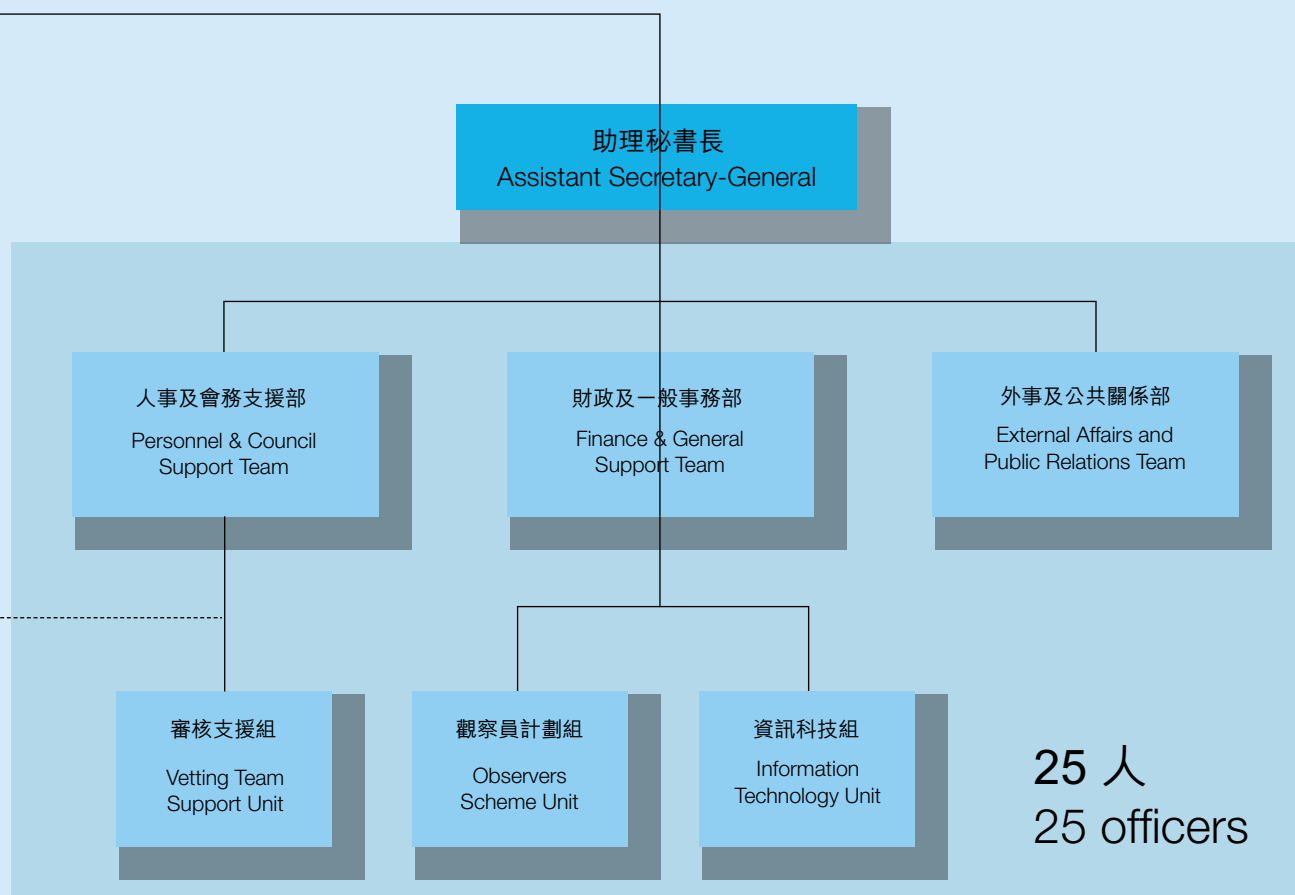
The organisational chart of the IPCC Secretariat, as of 31 March 2013, is as below:

監警會秘書處架構圖 (2013年3月31日)

IPCC Secretariat Structure

(As at 31 March 2013)





8

第八章 CHAPTER 8

獨立監察警方處理投訴委員會
(根據《獨立監察警方處理投訴委員會條例》成立)

Independent Police Complaints Council
(Established under the “Independent Police Complaints Council Ordinance”)

財務報表

Financial Statements

截至二零一三年三月三十一日止年度
Year Ended 31 March 2013



黃龍德會計師事務所有限公司

香港執業會計師、英國特許會計師

PATRICK WONG C.P.A. LIMITED

Certified Public Accountants (Practising), Hong Kong Chartered Accountants

(中英文版如有歧異，概以英文版為準)

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(以港幣計算)

(All amounts in Hong Kong Dollars unless otherwise stated)

獨立核數師報告書致獨立監察警方處理投訴委員會

Independent auditor's report to the Independent Police Complaints Council

(根據《獨立監察警方處理投訴委員會條例》成立)

(Established under the Independent Police Complaints Council Ordinance)



本核數師(以下簡稱「我們」)已審計列載於第一三一至一四七頁獨立監察警方處理投訴委員會(「貴會」)的財務報表,此財務報表包括貴會於二零一三年三月三十一日的資產負債表與截至該日止年度的全面收益表、儲備變動表和現金流量表,以及主要會計政策概要及其他附註解釋資料。

貴會就財務報表須承擔的責任

貴會須負責根據香港會計師公會頒佈的《香港財務報告準則》編製財務報表,以令財務報表作出真實而公平的反映,及落實其認為編製財務報表所必要的內部控制,以使財務報表不存在由於欺詐或錯誤而導致的重大錯誤陳述。

核數師的責任

我們的責任是根據我們的審計對該等財務報表作出意見。我們是按照《獨立監察警方處理投訴委員會條例》(第604章)附表1第29條的規定,僅向貴會報告。除此以外,我們的報告不可用作其他用途。我們概不會就本報告內容,對任何其他人士負責及承擔責任。

我們已根據香港會計師公會頒佈的《香港審計準則》進行審計。該等準則要求我們遵守道德規範,並規劃及執行審計,以合理確定財務報表是否不存在任何重大錯誤陳述。

We have audited the financial statements of the Independent Police Complaints Council (the "Council") set out on pages 131 to 147, which comprise the balance sheet as at 31 March 2013, the statement of comprehensive income, the statement of changes in reserves and the cash flow statement for the year then ended, and a summary of significant accounting policies and other explanatory information.

THE COUNCIL'S RESPONSIBILITY FOR THE FINANCIAL STATEMENTS

The Council is responsible for the preparation of the financial statements that give a true and fair view in accordance with Hong Kong Financial Reporting Standards issued by the Hong Kong Institute of Certified Public Accountants and for such internal control as the Council determine is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

AUDITOR'S RESPONSIBILITY

Our responsibility is to express an opinion on these financial statements based on our audit and to report our opinion solely to you, as a body, in accordance with section 29 of Schedule 1 of the Independent Police Complaints Council Ordinance (Cap.604), and for no other purposes. We do not assume responsibility towards or accept liability to any other person for the contents of this report.

We conducted our audit in accordance with Hong Kong Standards on Auditing issued by the Hong Kong Institute of Certified Public Accountants. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

審計涉及執程序以獲取有關財務報表所載金額及披露資料的審計憑證。所選定的程序取決於核數師的判斷，包括評估由於欺詐或錯誤而導致財務報表存有重大錯誤陳述的風險。在評估該等風險時，核數師考慮與該會編製財務報表以作出真實而公平的反映相關的內部控制，以設計適當的審計程序，但目的並非對貴會內部控制的有效性發表意見。審計亦包括評價貴會所採用會計政策的合適性及作出會計估計的合理性，以及評價財務報表的整體列報方式。

我們相信，我們所獲得的審計憑證能充足和適當地為我們的審計意見提供基礎。

意見

我們認為，該等財務報表已根據《香港財務報告準則》真實而公平地反映 貴會於二零一三年三月三十一日的財務狀況及截至該日止年度的盈餘及現金流量。

黃龍德會計師事務所有限公司

執業會計師

劉旭明

英國特許公認會計師

香港執業會計師

執業證書號碼：P05468

香港

二零一三年六月十九日

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation of the financial statements that give a true and fair view in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the Council, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

OPINION

In our opinion, the financial statements give a true and fair view of the state of the Council's affairs as at 31 March 2013 and of its surplus and cash flows for the year then ended in accordance with Hong Kong Financial Reporting Standards.

PATRICK WONG C.P.A. LIMITED

Certified Public Accountants

LAU YUK MING HAROLD

CPA (Practising), FCCA

Certified Public Accountant (Practising), Hong Kong

Practising Certificate Number: P05468

Hong Kong

19 June 2013

全面收益表 —— 截至二零一三年三月三十一日止年度

Statement of comprehensive income for the year ended 31 March 2013

	附註 Note	2013 \$	2012 \$
收入 Income			
政府補助 Government grants	5	46,468,615	35,347,054
其他收入 Other income	6	6,373	41,127
		46,474,988	35,388,181
支出 Expenditure			
員工成本 Staff costs	7	22,900,911	19,652,890
一般及行政費用 General and administrative expenses		15,477,765	8,133,113
本會成員酬金 Honorarium to Council members	16	634,100	613,400
		39,012,776	28,399,403
本年度盈餘及其他全面收益總額 Surplus and other comprehensive income for the year	7	7,462,212	6,988,778

資產負債表 —— 於二零一三年三月三十一日

Balance sheet as at 31 March 2013

	附註 Note	2013 \$	2012 \$
非流動資產 Non-current assets			
固定資產 Fixed assets	9	6,476,605	2,820,322
流動資產 Current assets			
按金及預付款項 Deposits and prepayments		3,420,135	1,882,414
現金及現金等價物 Cash and cash equivalents	10	17,738,085	12,993,252
		21,158,220	14,875,666
流動負債 Current liabilities			
遞延政府補助 Deferred government grants	11	636,227	213,587
其他應付款項及應計費用 Other payables and accruals	12	1,965,297	1,560,835
		2,601,524	1,774,422
流動資產淨值 Net current assets		18,556,696	13,101,244
資產總值減流動負債 Total assets less current liabilities		25,033,301	15,921,566
非流動負債 Non-current liabilities			
遞延政府補助 Deferred government grants	11	1,009,331	379,999
員工約滿酬金撥備 Provision for staff gratuities	13	3,119,615	2,099,424
		4,128,946	2,479,423
資產淨值 NET ASSETS		20,904,355	13,442,143
儲備 RESERVES			
累計盈餘 Accumulated surplus		20,904,355	13,442,143

本會於二零一三年六月十九日批准並授權公佈本財務報表

Approved and authorised for issue by the Council on 19 June 2013.


翟紹唐 資深大律師，JP
主席JAT Sew-Tong, SC, JP
Chairman

儲備變動表

截至二零一三年三月三十一日止年度

Statement of changes in reserves for the year ended 31 March 2013

	\$
於二零一一年四月一日之結餘 Balance at 1 April 2011	6,453,365
年內盈餘及其他全面收益 Surplus and other comprehensive income for the year	6,988,778
於二零一二年三月三十一日之結餘 Balance at 31 March 2012	13,442,143
年內盈餘及其他全面收益 Surplus and other comprehensive income for the year	7,462,212
於二零一三年三月三十一日之結餘 Balance at 31 March 2013	20,904,355

現金流量表

截至二零一三年三月三十一日止年度

Cash flow statement for the year ended 31 March 2013

	附註 Note	2013 \$	2012 \$
營運活動之現金流動 Cash flows from operating activities			
年內盈餘及其他全面收益 Surplus and other comprehensive income for the year		7,462,212	6,988,778
已就下列各項作出調整： Adjustments for:			
- 折舊 Depreciation		1,408,611	535,683
- 利息收入 Interest income		(1,721)	(36,182)
- 固定資產處置損失 Loss on disposal of fixed assets		1,157,212	25,783
營運資金變動前之營運盈餘 Operating surplus before working capital changes		10,026,314	7,514,062
按金及預付款項之增加 Increase in deposits and prepayments		(1,537,721)	(1,532,674)
遞延政府補助之增加/(減少) Increase/(decrease) in deferred government grants		1,051,972	(93,724)
其他應付款項及應計費用之增加 Increase in other payables and accruals		404,462	1,190,853
員工約滿酬金撥備之增加 Increase in provision for staff gratuities		1,020,191	1,303,275
營運活動產生的現金流入 Net cash from operating activities		10,965,218	8,381,792
投資活動之現金流動 Cash flows from investing activities			
購入固定資產 Purchase of fixed assets		(6,222,106)	(2,574,394)
已收利息 Interest received		1,721	36,182
投資活動之現金流出淨額 Net cash used in investing activities		(6,220,385)	(2,538,212)
現金及現金等價物之增加淨額 Net increase in cash and cash equivalents		4,744,833	5,843,580
年初之現金及現金等價物 Cash and cash equivalents at the beginning of the year		12,993,252	7,149,672
年末之現金及現金等價物 Cash and cash equivalents at the end of the year	10	17,738,085	12,993,252

財務報表附註 — 截至二零一三年三月三十一日

Notes to the financial statements – for the year ended 31 March 2013

1 概述

獨立監察警方處理投訴委員會（「本會」）是根據《獨立監察警方處理投訴委員會條例》成立的一個法團，根據《獨立監察警方處理投訴委員會條例》（第604章）（「本會條例」），本會擔任法定機構的角色，獲授權負責觀察、監察及覆檢須匯報投訴個案的處理和調查工作，並就本會條例所指明的須匯報投訴個案的處理和調查工作向警務處處長或行政長官或兼向上述兩者提出建議。本會亦會就處長因應須匯報投訴個案而已經或將會對任何相關警務人員作出的行動進行監察，並對有關行動提供意見。

由於本會並非牟利機構，且無須遵守任何外間訂立的資本規定，因此本會的主要財務及資本管理目標是維持每年收支平衡，從而能夠持續運作及履行法定機構的角色和職能。

本會的資金主要源自政府撥款。任何營運盈餘必須結轉至下一個財政年度，以應付未來本會運作所需的開支。整體資本管理政策與上年比較並無作出任何改變。

2 採納香港財務報告準則

本會的財務報表乃根據香港會計師公會頒佈的所有適用的香港財務報告準則，包括所有個別適用的香港財務報告準則、香港會計準則及註釋和香港公認會計原則編製。主要會計政策已載於附註3。

1 General information

The Independent Police Complaints Council (the "Council") is a body corporate established under the Independent Police Complaints Council Ordinance. Under the Independent Police Complaints Council Ordinance (Cap. 604) (the "Ordinance"), the Council assumes its statutory role as the authority for observing, monitoring and reviewing the handling and investigation of reportable complaints, and making recommendations to the Commissioner of Police or the Chief Executive or both of them in respect of the handling or investigation of reportable complaints as specified in the Ordinance. The Council also monitors actions taken or to be taken in respect of any member of the police force by the Commissioner in connection with reportable complaints, and to advise them of its opinion on such actions.

Since the Council is not profit-oriented and is not subject to any externally imposed capital requirements, its primary financial and capital management objectives are to maintain a balance between annual income and expenditure, so that it has the ability to operate as a going concern and perform its statutory roles and functions.

The Council is primarily financed by government subventions. Any operating surplus shall be carried forward to the following financial year to meet future expenditure required for the operations of the Council. The overall capital management strategy remains unchanged from prior year.

2 Statement of compliance with Hong Kong Financial Reporting Standards

The Council's financial statements have been prepared in accordance with all applicable Hong Kong Financial Reporting Standards (HKFRSs), which includes all applicable individual Hong Kong Financial Reporting Standards, Hong Kong Accounting Standards (HKASs) and Interpretations issued by the Hong Kong Institute of Certified Public Accountants (HKICPA) and accounting principles generally accepted in Hong Kong. A summary of significant accounting policies is set out in note 3.

3 主要會計政策

(a) 財務報表編製基準

本財務報表採用歷史成本會計基準編製。

(b) 固定資產

固定資產是以成本減去累計折舊和減值虧損後記入資產負債表。

折舊是在扣減固定資產的預計剩餘價值(如有)後，按預計可用年限以直線法沖銷其成本，計算方法如下：

• 租賃裝修工程	3 年
• 辦公室設備	5 年
• 電腦設備	3 年
• 傢俱及裝置	3 年

資產的可用年限和剩餘殘值會每年檢討。

本會在每個報告日評估固定資產是否有任何減值跡象，並評估項目於以往確認的減值虧損是否有所減少。如果這種跡象存在，本會便會估計項目的可收回金額。減值虧損，即資產或現金的賬面價值超過其可收回金額，或減值損失的撥回，應立即確認在全面收益表中。

撤銷承認固定資產項目所產生的損益為處置所得款項淨額與項目賬面金額之間的差額，並於撤銷承認日在全面收益表中確認。

(c) 租賃

租賃是出租人與承租人在商定的時期內以換取支付或支付一系列資產使用權的一項協議。決定一個安排是否，或包含，租賃是取決於該安排的本質，及當履行該安排時，是否取決於特定資產的使用和資產使用權的轉移。

租賃的資產被列為融資租賃時，租賃實質上是將該資產所有權所附帶的風險和報酬轉移給本會。所有其他租賃歸類為營運租賃。

3 Summary of significant accounting policies

(a) Basis of preparation of the financial statements

The measurement basis used in preparing the financial statements is historical cost.

(b) Fixed assets

Fixed assets are stated in the balance sheet at cost less accumulated depreciation and impairment losses, if any.

Depreciation is calculated to write off the cost of items of fixed assets, less their estimated residual value, if any, on a straight-line basis over their estimated useful lives as follows:

• Leasehold improvements	3 years
• Office equipment	5 years
• Computer equipment	3 years
• Furniture and fixtures	3 years

The residual value and the useful life of an asset are reviewed at least at each financial year-end.

The Council assesses at each reporting date whether there is any indication that any items of fixed assets may be impaired and that an impairment loss recognised in prior periods for an item may have decreased. If any such indication exists, the Council estimates the recoverable amount of the item. An impairment loss, being the amount by which the carrying amount of an asset or a cash-generating unit exceeds its recoverable amount, or a reversal of impairment loss is recognised immediately in statement of comprehensive income.

Gain or loss arising from the derecognition of an item of fixed assets is included in statement of comprehensive income when the item is derecognised and is determined as the difference between the net disposal proceeds, if any, and the carrying amount of the item.

(c) Leases

A Lease is an agreement whereby the lessor conveys to the lessee in return for a payment or series of payments the right to use an asset for an agreed period of time. Determining whether an arrangement is, or contains, a lease is based on the substance of the arrangement and requires an assessment of whether fulfilment of the arrangement is dependent on the use of a specific asset or assets and the arrangement conveys a right to use the asset.

Leases of assets are classified as finance leases when the leases transfer substantially all risks and rewards incidental to ownership of the assets to the Council. All other leases are classified as operating leases.

3 主要會計政策 (續)

(c) 租賃 (續)

營運租賃

營運租賃之付款於租賃期內以直線法在收益表內列為開支。為取得在營運租賃下持有的土地所付出的款項，以土地租賃溢價確認於資產負債表中。

難以預料的租金在發生時確認為當期的費用。

(d) 按金及預付款項

按金及預付款項按公允價值初始確認，其後按攤銷成本減去呆賬減值撥備計算後所得的金額入賬，但如折現影響並不重大則除外。在此情況下，應收款項會按成本減去呆賬減值撥備後所得的金額入賬。

(e) 現金及現金等價物

現金及現金等價物包括銀行及手頭現金，銀行活期存款，以及可隨時轉換為已知數額現金，並幾乎不受價值變動風險所影響之短期高度流通投資項目。

(f) 其他應付款項

其他應付款項均於初期按公平值確認，其後按攤銷成本列賬，惟倘若折現之影響並不重大，則按成本列賬。

(g) 撥備及或有負債

如果本會須就已發生的事件承擔法定或推定義務，因而預期很可能會導致經濟利益流出，在有關金額能夠可靠地估計時，本會便會對該時間或金額不確定的負債計提撥備。如果貨幣時間價值重大，則按預計所需費用的現值計提撥備。

如果經濟利益流出的可能性較低，或是無法對有關金額作出可靠的估計，便會將該義務披露為或有負債，但經濟利益流出的可能性極低則除外。如果本會的義務須視乎某項或多項未來事件是否發生才能確定是否存在，該義務亦會被披露為或有負債，但經濟利益流出的可能性極低則除外。

3 Summary of significant accounting policies (continued)

(c) Leases (continued)

Operating leases

Lease payments under an operating lease are recognised as an expense on a straight-line basis over the lease term. The payments made on acquiring land held under an operating lease are recognised in the balance sheet as lease premium for land.

Contingent rents are charged as an expense in the periods in which they are incurred.

(d) Deposits and prepayments

Deposits and prepayments are initially recognised at fair value and thereafter stated at amortised cost less allowance for impairment of doubtful debts, except where the effect of discounting would be immaterial. In such cases, the receivables are stated at cost less allowance for impairment of doubtful debts.

(e) Cash and cash equivalents

Cash comprises cash on hand and at bank and demand deposits with bank. Cash equivalents are short-term, highly liquid investments that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value.

(f) Other payables

Other payables are initially measured at fair value and, after initial recognition, at amortised cost, except for short-term payables with no stated interest rate and the effect of discounting being immaterial, that are measured at their original invoice amount.

(g) Provisions and contingent liabilities

Provisions are recognised for liabilities of uncertain timing or amount when the Council has a legal or constructive obligation arising as a result of a past event, it is probable that an outflow of economic benefits will be required to settle the obligation and a reliable estimate can be made. Where the time value of money is material, provisions are stated at the present value of the expenditure expected to settle the obligation.

Where it is not probable that an outflow of economic benefits will be required, or the amount cannot be estimated reliably, the obligation is disclosed as a contingent liability, unless the probability of outflow of economic benefits is remote. Possible obligations, whose existence will only be confirmed by the occurrence or non-occurrence of one or more future events are also disclosed as contingent liabilities unless the probability of outflow of economic benefits is remote.

3 主要會計政策 (續)

(h) 收入確認

收入乃按已收或應收代價之公平值計算。如果經濟利益很可能會流入本會，而收入和支出（如適用）又能夠可靠地計量時，下列各項收入便會在全面收益表中確認：

(i) 政府補助

當可以合理地確定本會將會收到政府補助並履行該補助的附帶條件時，政府補助便會按其公允價值確認。

有關購置固定資產的政府補助歸入遞延政府補助，並於相關資產的預計可用期限內按直線法計入全面收益表。

(ii) 利息收入

利息收入是使用有效的利率方法確認。

(i) 員工福利

(i) 僱員可享有的假期

僱員所累積的應得有薪年假會被計入。在資產負債表日，由僱員提供服務而產生的預計有薪年假會被計提撥備。

僱員可享有的病假及身孕假期會於假期開始時才計算。

(ii) 退休福利成本

本會已經加入強制性公積金條例下成立的強制性公積金計劃（強積金計劃）。僱主的供款額為非公務員合約的僱員有關入息的5%，向每月入息高於\$20,000(2012年6月開始；\$25,000)的僱員作出最高供款每月\$1,000(2012年6月開始：\$1,250)。該計劃之資產與本會之資產分開持有，並由信託人以基金託管。

向強積金計劃支付的供款於到期日列作支出。

3 Summary of significant accounting policies (continued)

(h) Income recognition

Income is measured at the fair value of the consideration received or receivable. Provided that it is probable that the economic benefits associated with the income transaction will flow to the Council and the income and the costs, if any, in respect of the transaction can be measured reliably, income is recognised as follows:

(i) Government grants

Government grants are recognised at their fair value where there is a reasonable assurance that the grant will be received and the Council will comply with all attached conditions.

Government grants relating to the purchase of fixed assets are included in deferred income and are credited to the statement of comprehensive income on a straight-line basis over the expected lives of the related assets.

(ii) Interest income

Interest income is recognised using the effective interest method.

(i) Employee benefits

(i) Employee leave entitlements

Employee entitlements to annual leave are recognised when they accrue to employees. A provision is made for the estimated liability for annual leave as a result of services rendered by employees up to the balance sheet date.

Employee entitlements to sick leave and maternity or paternity leave are not recognised until the time of leave.

(ii) Retirement benefit costs

The Council has joined the Mandatory Provident Fund Scheme (the MPF Scheme) established under the Mandatory Provident Fund Ordinance for non-civil service contract staff. The Council contributes 5% of the relevant income of staff members under the MPF Scheme. Contributions made for the Scheme by the Council are capped at \$1,000 (from June 2012 : \$1,250) for employees earning more than \$20,000 (from June 2012 : \$25,000) a month. The assets of the Scheme are held separately from those of the Council, in funds under the control of trustee.

Payments to the MPF Scheme are charged as an expense as they fall due.

3 主要會計政策 (續)

(j) 資產減值

沒有確定使用年期之資產無需攤銷，但最少每年就減值進行測試，及當有事件出現或情況改變顯示賬面值可能無法收回時就減值進行檢討。須作攤銷之資產，當有事件出現或情況改變顯示賬面值可能無法收回時，需就減值進行檢討。減值虧損按資產之賬面值超出其可收回金額之差額於損益表內確認。可收回金額以資產之公平值扣除銷售成本或使用價值兩者之較高者為準。於評估減值時，資產將按可識辨現金流量（現金產生單位）的最低層次組合。

(k) 關聯方

(a) 一名人士或其近親被視為本會的關聯方，如果該人士：

- (i) 能控制或共同控制本會；
- (ii) 能對本會構成重大影響力；或
- (iii) 為本會的關鍵管理人員。

(b) 一個實體可視為本會的關聯方，如果該實體符合以下任何情況：

- (i) 一個實體是為本會或為本會關聯方的僱員福利而設的離職後福利計劃；
- (ii) 一個實體由(a)中描述的人士控制或共同控制；或
- (iii) (a)(i)中描述的一名人士對一個實體構成重大影響，或為一個實體的關鍵管理人員。

4 重要會計推算及判斷

按照香港財務報告準則編制財務報表時，本會管理層會為影響到資產、負債、收入及開支的會計政策的應用作出判斷、估計及假設。這些判斷、估計及假設是以過往經驗及多項其他於有關情況下視作合理之因素為基準。儘管管理層對這些判斷、估計及假設作出持續檢討，實際結果可能有別於此等估計。

3 Summary of significant accounting policies (continued)

(j) Impairment of assets

Assets that have an indefinite useful life are not subject to amortisation, but are at least tested annually for impairment and are reviewed for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable. Assets that are subject to amortisation are reviewed for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable. An impairment loss is recognised for the amount by which the asset's carrying amount exceeds its recoverable amount. The recoverable amount is the higher of an asset's fair value less costs to sell and value in use. For the purposes of assessing impairment, assets are grouped at the lowest levels for which there are separately identifiable cash flows (cash-generating units).

(k) Related parties

(a) A person or a close member of that person's family is related to the Council if that person:

- (i) has control or joint control over the Council;
- (ii) has significant influence over the Council; or
- (iii) is a member of the key management personnel of the Council.

(b) An entity is related to the Council if any of the following conditions applies:

- (i) The entity is a post-employment benefit plan for the benefit of employees of either the Council or an entity related to the Council;
- (ii) The entity is controlled or jointly controlled by a person identified in (a); or
- (iii) A person identified in (a)(i) has significant influence over the entity or is a member of the key management personnel of the entity.

4 Critical accounting estimates and judgement

The Council's management makes assumptions, estimates and judgements in the process of applying the Council's accounting policies that affect the assets, liabilities, income and expenses in the financial statements prepared in accordance with HKFRSs. The assumptions, estimates and judgements are based on historical experience and other factors that are believed to be reasonable under the circumstances. While the management reviews their judgements, estimates and assumptions continuously, the actual results will seldom equal to the estimates.

4 重要會計推算及判斷 (續)

有關財務風險管理的某些主要假設及風險因素列載於附註15。對於本財務報表所作出的估計及假設，預期不會構成重大風險，導致下一財政年度資產及負債的賬面值需作大幅修訂。

5 政府補助

政府補助是指政府撥款以供本會履行服務的資金。有關補助是按照本會的需要(已載列於年度預算及建議項目中)而釐定。

6 其他收入

	2013 \$	2012 \$
利息收入 Interest income	1,721	36,182
雜項收入 Sundry income	4,652	4,945
	6,373	41,127

7 年內盈餘及全面收益

年內盈餘及全面收益已計入：

	2013 \$	2012 \$
僱員福利開支 Employee benefits expense		
- 強制性公積金供款 Contributions to Mandatory Provident Funds	483,001	310,493
- 薪金、工資及其他福利 Salaries, wages and other benefits	22,417,910	19,342,397
	22,900,911	19,652,890
核數師酬金 Auditors' remuneration	36,000	35,000
折舊 Depreciation	1,408,611	535,683
物業的營運租賃費用 Operating lease charges for properties	7,494,143	3,153,593

4 Critical accounting estimates and judgement (continued)

Certain key assumptions and risk factors in respect of the financial risk management are set out in note 15. There are no other key sources of estimation uncertainty that have a significant risk of causing a material adjustment to the carrying amounts of asset and liabilities within the next financial year.

5 Government grants

Government grants represent the funds granted by the Government for the Council's services which is determined with regard to the needs of the Council as presented in its annual budget and proposed projects.

6 Other income

7 Surplus and other comprehensive income for the year

Surplus and other comprehensive income for the year is arrived at after charging:

8 稅項

根據《稅務條例》第87條的規定，本會獲豁免課稅，因此本會無須在本財務報表計提香港利得稅撥備。

8 Taxation

No provision for Hong Kong Profits Tax has been made in the financial statements as the Council is exempted from profits tax pursuant to section 87 of the Inland Revenue Ordinance.

9 固定資產

9 Fixed assets

	租賃 裝修工程 Leasehold improvements	傢俱及 裝置 Furniture and fixtures	辦公室 設備 Office equipment	電腦設備 Computer equipment	總額 Total
成本 Cost	\$	\$	\$	\$	\$
於二零一一年四月一日 At 1 April 2011	74,800	5,800	842,195	135,059	1,057,854
增置 Additions	1,769,649	111,879	231,636	461,230	2,574,394
棄置 Disposals	(66,300)	-	-	-	(66,300)
於二零一二年三月三十一日 At 31 March 2012	1,778,149	117,679	1,073,831	596,289	3,565,948
累計折舊 Accumulated depreciation					
於二零一一年四月一日 At 1 April 2011	31,875	1,933	185,354	31,298	250,460
年內折舊 Charge for the year	244,440	16,002	186,267	88,974	535,683
棄置核銷 Written back on disposals	(40,517) -	-	-	-	(40,517)
於二零一二年三月三十一日 At 31 March 2012	235,798	17,935	371,621	120,272	745,626
賬面淨值 Net book value					
於二零一二年三月三十一日 At 31 March 2012	1,542,351	99,744	702,210	476,017	2,820,322
成本 Cost					
於二零一二年四月一日 At 1 April 2012	1,778,149	117,679	1,073,831	596,289	3,565,948
增置 Additions	3,754,950	187,092	177,740	2,102,324	6,222,106
棄置 Disposals	(1,783,149)	(9,600)	(5,332)	-	(1,798,081)
於二零一三年三月三十一日 At 31 March 2013	3,749,950	295,171	1,246,239	2,698,613	7,989,973
累計折舊 Accumulated depreciation					
於二零一二年四月一日 At 1 April 2012	235,798	17,935	371,621	120,272	745,626
年內折舊 Charge for the year	812,166	54,921	223,723	317,801	1,408,611
棄置核銷 Written back on disposals	(631,304)	(6,528)	(3,037)	-	(640,869)
於二零一三年三月三十一日 At 31 March 2013	416,660	66,328	592,307	438,073	1,513,368
賬面淨值 Net book value					
於二零一三年三月三十一日 At 31 March 2013	3,333,290	228,843	653,932	2,260,540	6,476,605

10 現金及現金等價物**10 Cash and cash equivalents**

	2013 \$	2012 \$
銀行存款 Cash at banks	17,738,085	12,993,252
資產負債表及現金流量表之現金及現金等價物 Cash and cash equivalents in the balance sheet and the cash flow statement	17,738,085	12,993,252

11 遞延政府補助**11 Deferred government grants**

	2013 \$	2012 \$
於二零一二年/二零一一年四月一日的結餘 Balance as at 1 April 2012/2011	593,586	687,310
已收補助 Grants received	1,302,495	126,830
年內確認為收入的數額 Recognised as income in the year	(250,523)	(220,554)
於二零一三年/二零一二年三月三十一日的結餘 Balance as at 31 March 2013/2012	1,645,558	593,586
減：歸入「流動負債」的數額 Less: amount included in "current liabilities"	636,227	213,587
歸入「非流動負債」的數額 Amount included in "non-current liabilities"	1,009,331	379,999

有關補助主要是用作更換即時傳譯及視聽設備，以及設置電子平台以促進委員、觀察員及秘書處之間的溝通。

The grants are mainly for the replacement of simultaneous interpretation and audio-visual equipment, as well as development of an electronic platform to facilitate the communications among Members, Observers and the Secretariat.

12 其他應付款項及應計費用**12 Other Payables and Accruals**

	2013 \$	2012 \$
財務負債 Financial liabilities	1,435,346	1,264,771
未放取的有薪年假 Unutilized annual leave	529,951	296,064
	1,965,297	1,560,835

其他應付款項及應計費用預計於下年內償還。

Other payables and accruals are expected to be settled within one year.

13 員工約滿酬金撥備**13 Provision for staff gratuities**

	2013 \$	2012 \$
於二零一二年/二零一一年四月一日的結餘 Balance as at 1 April 2012/2011	2,099,424	796,149
已計提撥備 Provision made	1,915,890	1,377,746
已動用撥備 Provision utilised	(895,699)	(74,471)
於二零一三年/二零一二年三月三十一日的結餘 Balance as at 31 March 2013/2012	3,119,615	2,099,424

員工約滿酬金撥備是為了支付受聘當日起計已完成兩年或三年合約的員工的約滿酬金而設立。

Provision for staff gratuities is set up for the gratuity payments which will be payable to employees of the Council who complete their two or three-year contracts commencing from the date of their employment.

14 承擔**14 Commitments**

於二零一三年三月三十一日，根據不可解除的營運租賃在日後應付的物業最低租賃付款總額如下：

At 31 March 2013, the total future minimum lease payments under non-cancellable operating leases in respect of properties are payable as follows:

	2013 \$	2012 \$
一年內 Within 1 year	8,487,585	3,631,122
一年後但五年內 After 1 year but within 5 years	17,543,271	969,040
	26,030,856	4,600,162

15 金融工具**15 Financial instruments**

本會將其財務資產分為以下類別：

The Council has classified its financial assets in the following categories:

貸款及應收款項 Loans and receivables		
	2013 \$	2012 \$
按金 Deposits	2,479,321	597,585
現金及現金等價物 Cash and cash equivalents	17,738,085	12,993,252
	20,217,406	13,590,837

本會將其財務負債分為以下類別：

The Council has classified its financial liabilities in the following categories:

按攤銷成本計量的財務負債 Financial liabilities measured at amortised cost		
	2013 \$	2012 \$
其他應付款項及應計費用 Other payables and accruals	1,435,346	1,264,771

15 金融工具 (續)

所有金融工具的賬面值相對二零一二年及二零一三年三月三十一日年底時的公平值均沒有重大差別。

本會的營運活動及金融工具使其面對信貸風險，流動資金風險及市場風險。本會透過以下政策管理該等風險，以減低該等風險對本會的財務表現及狀況的潛在不利影響。

(a) 信貸風險

本會並無重大集中信貸風險，而最高風險相等於財務資產所載有關賬面值。本會的信貸風險主要來自其銀行存款。銀行存款的信用風險是有限，因受存款之銀行均為受香港銀行條例規管的財務機構。

15 Financial instruments (continued)

All financial instruments are carried at amounts not materially different from their fair values as at 31 March 2012 and 2013.

The Council is exposed to credit risk, liquidity risk and market risk arising in the normal course of its operation and financial instruments. The Council's risk management objectives, policies and processes mainly focus on minimising the potential adverse effects of these risks on its financial performance and position by closely monitoring the individual exposure.

(a) Credit risk

The Council has no concentration of credit risk. The maximum exposure to credit risk is represented by the carrying amount of the financial assets. The Council is exposed to credit risk on financial assets, mainly attributable to deposits with banks. The credit risk on bank deposits is limited because the counterparties are authorised financial institutions regulated under the Hong Kong Banking Ordinance.

數據一覽 Summary quantitative data	2013 \$	2012 \$
按金 Deposits	2,479,321	597,585
銀行存款 Bank balances	17,738,085	12,993,252
	20,217,406	13,590,837

(b) 流動資金風險

本會的流動資金風險是財務負債。本會對資金作出謹慎管理，維持充裕的現金和現金等價項目，以滿足連續運作的需要。

(b) Liquidity risk

The Council is exposed to liquidity risk on financial liabilities. It manages its funds conservatively by maintaining a comfortable level of cash and cash equivalents in order to meet continuous operational need. The Council ensures that it maintains sufficient cash which is available to meet its liquidity.

	賬面值 Carrying amount \$	合約的未折現 現金流量總額 Total contractual undiscounted cash flow \$	一年內或 於要求時 Within 1 year or on demand \$
2013			
其他應付款項及應計費用 Other payables and accruals	1,435,346	1,435,346	1,435,346
2012			
其他應付款項及應計費用 Other payables and accruals	1,264,771	1,264,771	1,264,771

15 金融工具 (續)**(c) 市場風險****利率風險**

本會的利率風險主要來自銀行存款，並以貸款及應收款項作為財務資產分類。

本會的銀行存款主要為活期存款，利率風險較低。因此，本會預期不會面對任何重大利率風險。

15 Financial instruments (continued)**(c) Market risk****Interest rate risk**

The Council's exposure on fair value interest rate risk mainly arises from its cash deposits with bank which are classified as loans and receivables.

The Council mainly holds deposits with bank in saving account and the exposure is considered not significant. In consequence, no material exposure on fair value interest rate risk is expected.

數據一覽 Summary quantitative data	2013 \$	2012 \$
浮息財務資產 Floating-rate financial assets		
銀行結存 Deposits with banks	10,832,121	5,715,700

本會沒有對所產生的利率風險作敏感性分析，因為管理層評估此風險對本會的財務狀況不會產生重大影響。

No sensitivity analysis for the Council's exposure to interest rate risk arising from deposits with bank is prepared since based on the management's assessment the exposure is considered not significant.

(d) 以公平值計量之金融工具

於資產負債表日，本會並沒有金融工具以公平值列賬。

(d) Financial instrument at fair value

At the balance sheet date, there were no financial instruments stated at fair value.

16 關聯方交易

除披露在財務報表的交易及結餘外，本會與關聯方於年內進行之交易摘要如下：

16 Related party transactions

The Council had the following material related party transactions during the year:

	2013 \$	2012 \$
本會成員酬金 Honorarium paid to Council members	634,100	613,400

有關採購貨品及服務的所有交易(當中涉及本會的成員及主要管理人員可能持有權益的機構)是在日常業務過程中按照本會的財務責任及正常採購程序進行。

All transactions related to the procurement of goods and services involving organisations in which a member of the Council and key management personnel may have an interest are conducted in the normal course of business and in accordance with the Council's financial obligations and normal procurement procedures.

17 已頒佈但於年內尚未生效的香港財務報告準則

以下乃已頒佈但於年內尚未生效之香港財務報告準則，這些準則或與本會營運及財務報表有關：

17 Hong Kong financial reporting standards issued but not yet effective for the year

HKFRSs that have been issued but are not yet effective for the year include the following HKFRSs which may be relevant to the Council's operations and financial statements:

	於以下年度期間或以後生效 Effective for annual periods beginning on or after
2009年至2011年期間香港財務報告準則 (修訂本) 之年度改進 HKFRSs (Amendments) <i>Annual Improvements to HKFRSs 2009-2011 Cycle</i>	於二零一三年一月一日 1 January 2013
香港財務報告準則第7號 (修訂本) 及香港財務報告準則第9號 (修訂本) 披露－抵銷金融資產與金融負債 HKFRS 7 (Amendments) and HKFRS 9 (Amendments) <i>Disclosure – Offsetting Financial Assets and Financial Liabilities</i>	於二零一三年一月一日 1 January 2013
香港財務報告準則第9號及香港財務報告準則第7號 (修訂本) - 香港財務報告準則第9號之強制性生效日期和過渡披露 HKFRS 9 and HKFRS 7 (Amendments) - <i>Mandatory Effective Date of HKFRS 9 and Transition Disclosures</i>	於二零一五年一月一日 1 January 2015
香港財務報告準則第9號：金融工具 HKFRS 9 <i>Financial instruments</i>	於二零一五年一月一日 1 January 2015
香港財務報告準則第13號：公允價值計量 HKFRS 13 <i>Fair value measurement</i>	於二零一三年一月一日 1 January 2013
香港會計準則第1號 (修訂本)：其他全面收益項目的呈列 HKAS 1 (Amendments) <i>Presentation of Items of Other Comprehensive Income</i>	於二零一二年七月一日 1 July 2012
香港會計準則第19號 (2011年修訂)：僱員福利 HKAS 19 (revised 2011) <i>Employee benefits</i>	於二零一三年一月一日 1 January 2013
香港會計準則第32號 (修訂本)：抵銷財務資產與財務負債 HKAS 32 (Amendments) <i>Offsetting Financial Assets and Financial Liabilities</i>	於二零一四年一月一日 1 January 2014

本會並無提早採納該等香港財務報告準則。初步評估顯示採納該等香港財務報告準則不會對本會首次採納年度的財務報表產生重大影響。本會將繼續評估該等香港財務報告準則及其他就此識別的重大變動的影響。

18 通過財務報表

本財務報表已於二零一三年六月十九日得到本會的同意下發佈。

The Council has not early adopted these HKFRSs. Initial assessment has indicated that the adoption of these HKFRSs would not have a significant impact on the Council's financial statements in the year of initial application. The Council will be continuing with the assessment of the impact of these HKFRSs and other significant changes may be identified as a result.

18 Approval of financial statements

These financial statements were authorised for issue by the Council on 19 June 2013.

服務承諾 Performance Pledges

監警會重視工作效率和優質表現，定下一系列的服務承諾：

We attach great importance to efficient and quality performance.
Our performance pledges are:

	Handling of Cases 個案的處理	Performance Target (standard response time)* 表現指標（標準回應時間）*
Enquiries 查詢	By telephone / in person 致電/親臨	Immediately 即時
	In writing 書面	Within 10 days 10天內
Monitoring of Complaints 監察投訴	Normal Cases # 一般個案 #	Within 3 months 3個月內
	Complicated Cases + 複雜個案 +	Within 6 months 6個月內
	Review Cases ^ 覆核個案 ^	Within 6 months 6個月內

* 由接獲投訴警察課最終調查報告/回應的日期起計

一般個案：向投訴警察課提出不多於一輪質詢的輕微個案（例如沒有禮貌或疏忽職守）

+ 複雜個案：所有嚴重的個案（例如毆打或捏造證據），或向投訴警察課提出多於一輪質詢的輕微個案

^ 覆核個案：要求覆核須匯報投訴的調查結果分類的個案

* Measured from the date of receipt of CAPO's final investigation report/response

Normal cases: minor cases (such as Impoliteness or Neglect of Duty) with no more than one round of query raised by the IPCC with CAPO

+ Complicated cases: all serious cases (such as Assault or Fabrication of Evidence) and minor cases with two or more rounds of queries raised by the IPCC with CAPO

^ Review cases: requests for reviewing the classification of Reportable Complaints



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