

監警會通訊 IPCC Newsletter

2013年2月 第八期
February 2013 Issue No. 8



監警會發佈就李克強副總理訪港 而衍生的投訴個案審查最終報告

**The IPCC releases the final report on complaint cases against
the Police arising from the visit by the Vice Premier Mr Li Keqiang**



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

本通訊網上版可在監警會網頁下載
On-line version of this newsletter is available at
www.ipcc.gov.hk

查詢 Enquiries
電話 Tel 2524 3841
傳真 Fax 2525 8042
電郵 Email enq@ipcc.gov.hk

地址 Address
香港灣仔港灣道26號華潤大廈10樓1006-10室
Rooms 1006-10, 10/F, China Resources Building
No.26 Harbour Road, Wan Chai, Hong Kong

封面故事 **Cover Story**

P. 2-4

最新動態 **Recent Activities**

P. 5-11

監警觀點 **Viewpoint from IPCC**

P. 12-13

真實投訴個案 **Real Complaint Case**

P. 14-15

監警會發佈就李克強副總理訪港而衍生的投訴個案審查最終報告

The IPCC releases the final report on complaint cases against the Police arising from the visit by the Vice Premier Mr Li Keqiang

國務院副總理李克強先生在2011年8月16日至18日訪問香港，副總理訪港期間，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保安措施，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，卻引起公眾對警權可能過大而不滿和關注，結果警方的投訴警察課就事件接獲16宗「須匯報投訴」。去年5月獨立監察警方處理投訴委員會（監警會）發佈其監察和審核投訴警察課投訴調查的中期報告，讓公眾了解投訴個案的處理進度及增加透明度。該報告內的16宗「須匯報投訴」之中，有9宗個案已獲監警會通過。其後，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。

在2012年12月19日監警會發表就李克強副總理訪港而衍生的投訴個案審查最終報告。報告顯示7宗尚未處理的投訴個案中，有5宗已獲得通過，另外有一宗仍然是「有案尚在審理中」。而最後一宗個案監警會只是通過了6項指控中的4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意見分歧達成共識。因此監警會在最終報告闡述了雙方的意見分歧，並根據《監警會條例》第19(3)條將這宗個案呈交予行政長官考慮。

此外，由於警方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(1)(a)條賦予的職能，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(1)(c)條的職能，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。

The Vice Premier (VP) of the State Council of the Central People's Government, Mr Li Keqiang, 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 protection, the Police took certain security measures at the sites he would visit and along the routes his motorcade would travel. Afterward, a number of public concerns arose at the magnitude and latitude of the security arrangements adopted by the Police. The Complaints Against Police Office (CAPO) received 16 Reportable Complaints. In May last year, the Independent Police Complaints Council (IPCC) released an interim report on its monitoring and review of the CAPO complaint investigations, to ensure that the investigative process was transparent and open. In the interim report, nine of the 16 Reportable Complaints were endorsed. Since then the IPCC has raised further queries with, and examined relevant documents from, the Police via CAPO for the purpose of resolving the outstanding issues.

On 19 December 2012, the IPCC released its final report on complaint cases against the Police arising from the visit by the VP Mr Li Keqiang. The final report revealed that five of the seven outstanding complaint cases were endorsed, while one remains "Sub-Judice". The final case was 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 the designated press area, remain unresolved, owing to different views between CAPO and the IPCC. This difference is addressed in the final report for the Chief Executive's consideration pursuant to section 19(3) of the Independent Police Complaints Council Ordinance (IPCCO).

Widespread public discontent and concern over the magnitude of the security arrangements adopted by the Police, on top of discharging its statutory responsibilities under section 8(1)(a) of the IPCCO in monitoring and scrutinising the relevant complaint investigations conducted by CAPO, the IPCC conducted an examination under section 8(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.

這次保安行動的幅度所引起的廣泛關注，很不幸為警隊的聲譽帶來負面影響。但從正面來看，這次寶貴的經驗讓警方有機會從中汲取教訓。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；以及
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。

為了詳細解釋最終報告的內容，監警會主席翟紹唐先生及秘書長朱敏健先生分別接受不同的傳媒訪問。而秘書長朱敏健先生亦應邀出席城市論壇，與香港人權監察代表和香港記者協會代表討論報告內容。

監警會最終報告已上載至監警會網頁：
http://www.ipcc.gov.hk/tc/reports_other.html



Public concern over the magnitude of security operations has unfortunately cast a shadow on the reputation of the Police. From a positive perspective, 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 police powers are exercised without misunderstanding or confusion as to the missions and objectives 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.

To further explain the content of the final report, IPCC Chairman Mr Jat Sew-Tong and Secretary-General Mr Ricky Chu conducted various media interviews. Mr Ricky Chu was also invited to attend the City Forum to discuss the final report with representatives from the Hong Kong Human Rights Monitor and the Hong Kong Journalists Association.

The final report is available on the IPCC website at:
http://www.ipcc.gov.hk/en/reports_other.html



16宗「須匯報投訴」個案總覽

Overview of 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 (HKCEC)	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 (HKU)	香港大學的保安安排 Security arrangements at HKU	(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 (CGC)	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 (DPAA)	(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 CGC (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 CGC (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	行使警權及指定公眾活動區的位置 Execution of police powers and location of DPAA	(a) 毆打 (b) 濫用職權 (a) Assault (b) UUOA	(a) 無法證實 (b) 並無過錯 (a) Unsubstantiated (b) 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
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) 無禮 (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 (DPA) 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 the 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