

服務六年親歷警監會到監警會 專訪李國麟議員和林志傑醫生

Witnesses to the evolution of the IPCC in their six years of tenure: Interview with Dr Hon Joseph Lee Kok-long and Dr Lawrence Lam Chi-kit



《監警會條例》(第604章)在2009年6月1日生效，以往的警監會亦隨之轉為法定機構監警會。「監警會通訊」今期訪問了兩位剛卸任的監警會委員，前副主席李國麟議員和林志傑醫生，了解他們過去六年服務監警會的觀察和感受。

曾在立法會討論及通過《監警會條例》的李國麟議員說：「條例實施前，警監會只是一個行政組織，角色比較被動，而警方亦不是必然要聽從警監會的要求。但《監警會條例》實施後，警方便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。」



李國麟議員續稱，監警會成為法定機構後，當中有部份職能是警監會年代所沒有的，如根據《監警會條例》，監警會的職能包括在警隊採納的常規或程序中，找出已經或可能會引致「須匯報投訴」的缺失或不足之處，並(如監警會認為適當)就該等常規或程序，向警務處處長或行政長官，

或兼向上述兩者作出建議。這新職能讓監警會在沒有投訴個案的情況下，跟進容易引起投訴的事宜。如2009年警方在觀塘繞道進行反非法賽車行動時，涉嫌徵用市民車輛以堵塞道路事件便為一例。而監警會最近發表的就李克強副總理訪港而衍生的投訴個案審查最終報告，亦有獨立章節向警方提出建議，預防將來警方在部署及執行領導人訪港的保安措施，再引起投訴。

和警方交往的層面，林志傑醫生補充：「在以往警監會年代，警監會和警方之間的關係很僵化，所有溝通也依賴文件往來，這反映雙方缺乏互信。但過去數年警方和監警會多了溝通，如對個案有不同意見便開會討論，工作更有效率而雙方的互信程度亦有明顯改善。」

When the Independent Police Complaints Council Ordinance (IPCCO) (Cap. 604) went into effect on 1 June 2009, it marked the evolution of the IPCC into a statutory body. For this issue of the *IPCC Newsletter*, we interviewed two recently retired IPCC Members, Dr Hon Joseph Lee Kok-long (former Vice-Chairman) and Dr Lawrence Lam Chi-kit, concerning their observations and perceptions of the IPCC during their six years of service.

Dr Hon Joseph Lee Kok-long, who had been involved with passing the IPCCO in the Legislative Council, also took part in the discussion. He said, "Before the implementation of the Ordinance, the IPCC was an administrative organisation taking a rather passive role, and the Police did not necessarily have to do as the IPCC requested. With the Ordinance in place, it is the Police's statutory obligation to comply with the IPCC suggestions as stated in the Ordinance. The IPCCO improves the independence of the IPCC in its duty of monitoring the Police."

Dr Hon Lee further elaborated that after the IPCC became a statutory body, its duties expanded. For example, according to the IPCCO, the IPCC has to identify any fault or deficiency in police practices or procedures that has led to or might lead to Reportable Complaints, and if the IPCC finds it appropriate, to advise the Commissioner of Police and/or the Chief Executive of its recommendations. This new function allowed the IPCC to follow up on situations even if no complaint was received. As an example he cited the 2009 incident at the Kwun Tong Bypass, in which private vehicles were allegedly commandeered by the Police with an intent to block the road in an anti-illegal car racing operation. Moreover, he said, the final report on complaint cases arising from the visit by the Vice Premier Li Keqiang included a section on suggestions to the Police for avoiding similar complaints which would arise from the planning and implementation of the Police's security measures to protect VIPs during their visits to Hong Kong in the future.



On interaction with the Police, Dr Lam added: "Before the IPCC became a statutory body, its relationship with the Police was rather bureaucratic, with all communications through the exchange of documents; this reflected a lack of mutual trust. However, in recent years, communication between the Police and the IPCC has become more frequent. If there is any disagreement on a certain case, a meeting will be held to discuss the matter. This helps with the efficiency of the work and mutual trust significantly improves."

過去六年閱覽數以千計投訴個案的李國麟議員和林志傑醫生，均認為大部份個案都是意氣之爭，語言及情緒上的衝突，事件性質輕微。但監警會也會一視同仁，慎重處理這類投訴。李國麟議員解釋：「例如因交通告票而引起的衝突，你不可以說這投訴無聊而不處理，被票控者情緒一定不好，而投訴人的情緒其實是重要事宜，如果不慎重處理這些投訴，便對投訴人不公平。」曾出任監警會觀察員六年的林志傑醫生續道：「我擔任觀察員時，看到有投訴人因言語的衝突而投訴警方，在錄取口供的過程仍不斷責難警員。最後該投訴亦不成立。」

至於監警會未來的發展，李國麟議員說：「我希望監警會可以擴充觀察員制度，加強監警會的監察職能。現時我們只是依賴義務性質的觀察員，觀察投訴警察課的調查工作，覆蓋範圍始終有限。如有全職的觀察員，便可觀察更多的投訴調查會面和證據收集工作。另外，持份者亦表達希望監警會可以多出席遊行示威活動，這方面也是需要資源配合才能成事。」

In the past six years, both Dr Hon Lee and Dr Lam said that most of the cases they had been asked to review were minor in nature, mostly concerning a battle of wills, verbal or emotional conflicts. The IPCC nevertheless treats each complaint equally and prudently. Dr Hon Lee explained, "For instance, in a dispute over traffic ticketing, we cannot regard the complaint as trivial and ignore it. The person being ticketed is certainly upset, and the emotion of the complainant plays a significant part in the case. If these kinds of complaints are not treated prudently, the outcome may be biased against the complainant." Dr Lam, who was an IPCC Observer for six years, added, "When I was an Observer, I saw a complainant that had filed a complaint against the Police because of a verbal conflict and continued to blame the police officer during the interview. The complaint was eventually ruled not valid."

Looking at the future of the IPCC, Dr Hon Lee said, "I hope the IPCC will expand the functions of the Observers Scheme, in order to strengthen the monitoring role of the IPCC. At present, we only have Observers working on a volunteer base monitoring CAPO interviews; their scope of service is limited. If there were Observers working full-time, there could be more observations of interviews and collecting evidence. On the other hand, stakeholders have expressed that the IPCC should be present during public order events. In order to achieve this goal, resources would have to be increased."

李國麟議員, SBS, JP小檔案

2007年至2012年出任警監會及監警會副主席

職業:

香港公開大學科技學院護理學系主任、副教授

現任主要公職:

- 香港特別行政區立法會議員 (衛生服務界)
- 地產代理監管局成員
- 廉政公署審查貪污舉報諮詢委員會委員
- 策略發展委員會委員
- 葵涌醫院及瑪嘉烈醫院管治委員會成員
- 香港護士協會主席
- 香港嶺南大學亞太老年學研究中心榮譽研究員

林志傑醫生, BBS, MH小檔案

1999年至2006年出任警監會觀察員
2007年至2012年出任警監會及監警會委員

職業:

牙科醫生

現任主要公職:

- 食環署封閉令上訴委員會成員
- 淫洩物品審裁處審裁委員
- 示威及遊行上訴委員會委員
- 保護証人覆核委員會委員
- 香港交通安全隊名譽總監(第五任總監)
- 港島東道路交通安全宣傳運動委員會副主席
- 中西區道路安全宣傳委員會大監事
- 中西區文化藝術協會執行副主席

Profile of Dr Hon LEE Kok-long, SBS, JP

Appointed as the Vice-Chairman of both the then and present IPCC from 2007 to 2012

Occupation:

Associate Professor and Programme Leader of Nursing, Open University of Hong Kong

Present Major Office:

- Legislative Councillor (Health Services) of the HKSAR
- Member, Estate Agents Authority
- Member, Operations Review Committee, Independent Commission Against Corruption (ICAC)
- Member, Commission on Strategic Development
- Member, Hospital Governing Committee of Kwai Chung Hospital and Princess Margaret Hospital
- Chairman, Association of Hong Kong Nursing Staff
- Honorary Research Fellow, Asia-Pacific Institute of Ageing Studies at Lingnan University of Hong Kong

Profile of Dr LAM Chi-kit, BBS, MH

Appointed as the then IPCC Observer from 1999 to 2006
Appointed as both the then and present IPCC Member from 2007 to 2012

Occupation:

Dentist

Present Major Office:

- Panel Member, Appeal Board on Closure Orders of the Food and Environmental Hygiene Department
- Panel of Adjudicator (Control of Obscene and Indecent Articles Tribunal)
- Member, Appeal Board on Public Meetings and Processions
- Member, Witness Protection Review Board
- Honourary Commissioner (Fifth Commissioner), Hong Kong Road Safety Patrol
- Vice-Chairman, Eastern District Road Safety Campaign Committee
- Director, Central and Western District Road Safety Campaign Organising Committee
- Deputy Executive Chairman, Central and Western District Association for Culture and Arts