

### 因處理糾紛和日常執法而衍生的投訴個案

### Complaint Cases Arising from Handling Disputes and Daily Law Enforcement



(照片來源:南華早報)  
(Photo Credit: South China Morning Post)

#### 引言

前線警務人員在執行警務工作時，因為工作性質所致，較為容易受到投訴。在市民的糾紛中，衝突雙方劍拔弩張，僵持不下，前線警務人員的介入往往可令事件降溫。但亦有時爭拗雙方充滿對立情緒，不認同或不滿意警務人員的處理手法，主觀地認為警方偏幫另一方而作出投訴。而在交通票控工作中，部分市民或因被罰款而不滿前線警務人員的票控決定，繼而作出投訴。

下文將集中介紹數宗因警方處理糾紛和交通票控執法而衍生的投訴個案，讓大家可以透過個案更加了解前線警務人員執行工作所面對的挑戰。

#### 處理糾紛

在香港，各種糾紛時有發生，感情、家庭、商業、金錢甚至生活習慣不同皆可成為爭執的導火線。不少市民在無法自行處理糾紛時，往往會報警求助，期待警方的介入可以幫助他們爭取公道。由2020/21年度至去年底，監警會合共通過839項警務人員在處理糾紛時衍生的投訴指控，當中超過50%涉及家庭和商業性質的糾紛。

#### Introduction

Due to the nature of their work, frontline police officers are more likely to become targets of complaints when discharging their duties. In some civil dispute cases, police intervention can help calm down conflicting parties in stand-off situations. Yet sometimes, the parties involved in disputes are so hostile towards each other that they disagree with the police intervention and lodge complaints against frontline police officers for allegedly showing favouritism to their rivals. During traffic enforcement, some drivers may feel aggrieved and lodge complaints against the officers who issue them fixed penalty tickets.

The following complaint cases arose from the force's handling of disputes and traffic enforcement, and illustrate some of the challenges faced by frontline police officers.

#### Handling Disputes

In Hong Kong, disputes occur almost daily between people with different objectives and opinions across a range of areas including relationships, family, business, money and living habits. When citizens fail to resolve the disputes among themselves, they sometimes call the police for assistance, hoping that police intervention will get them the justice they want. From 2020/21 to the end of last year, IPCC endorsed a total of 839 complaint allegations against police officers regarding their handling of disputes. Among these allegations, over 50% were related to the handling of family and commercial disputes.

### 家庭糾紛

家庭糾紛涉及夫妻失和、父母與子女爭拗或兄弟姐妹齟齬等情況，警務人員接到市民報案求助會前往現場處理。以下三宗個案正正體現警方在處理家庭糾紛時面對的各種難題。

### Family Disputes

Disputes among family members could be between a couple, siblings or among parents and their children. Police officers will attend the site in response to citizens' calls for assistance. Cases 1 to 3 illustrate the difficulties faced by police when handling disputes among family members.

#### 個案一 Case 1

投訴人報案指在家中與其外籍丈夫發生爭執。警方到場後，曾分別向夫妻了解事件。二人均指被對方毆打。警方根據雙方的說法和他們的表面傷痕，以「普通襲擊」罪拘捕二人。

其後，投訴人指控警方在沒有合理原因下拘捕她，且未能調解她和丈夫的爭執。投訴人表示自己滿心期望警方設法向其丈夫解釋雙方的文化差異，解決二人的紛爭，而非拘捕他們。



(資料圖片 Stock Photo)

A complainant reported a domestic dispute with her foreign husband. Upon arrival, police officers questioned the couple separately. Each spouse accused the other of assault. Based on their statements and the visible injuries, the officers arrested the couple for “Common Assault”.

Subsequently, the complainant alleged that the police arrested her without any justification and had failed to mediate in her dispute with her husband. She expected that, instead of arresting them, police officers could explain the couple's cultural differences to her husband and resolve their conflict.

監警會認為，警務人員到場後分別向投訴人及其丈夫了解事件經過，而他們均指責對方毆打且雙方均有受傷，故此警務人員對二人作出拘捕實屬合理，這是必須採取的行動，以免他們進一步襲擊對方，警務人員的行動屬於「並無過錯」。此個案的投訴人希望警方能排解夫妻之間的感情紛爭，顯然是對警方職責存有不合理的期望及誤解。這亦凸顯了前線警務人員處理這類家庭糾紛的困難，並有較大機會招致投訴。

在2021/22年度因處理糾紛而衍生的投訴數字中，家庭糾紛便佔超過三分之一。

IPCC noticed that the frontline police officers had interviewed the complainant and her husband separately at the scene. Based on each accusing the other party of assault and their injuries, it was necessary for the police officers to arrest the couple. Such action prevented the spouses from assaulting each other further and is of “no fault”. The complaint was lodged due to a misunderstanding of police duties and out of the complainant's unreasonable expectation that police officers would resolve her marital issues. This is a typical case highlighting the difficulties faced by police officers and how easily they may be caught in a complaint when handling family disputes.

In 2021/22, over a third of complaints arising from handling of disputes were related to family disputes.

#### 個案二 Case 2

投訴人的同住母親致電「999」報案，報稱遭投訴人偷去她的金錢。處理案件的警務人員在取得投訴人母親同意後進入單位調查。當投訴人見到警務人員入屋，即情緒激動，表示自己才是單位業主，警務人員未經她同意入屋屬於「濫用職權」。

The mother of the complainant called 999 and accused the complainant of stealing her money. Upon obtaining the consent of the complainant's mother, police officers entered the apartment to conduct inquiries. The complainant became very emotional when she saw the police officers, and accused them of “Unnecessary Use of Authority” for entering the premises without her consent as the property owner.

鑑於投訴人情緒激動，警務人員遂開啟隨身攝錄機記錄事件，並於投訴人面前，再次與投訴人母親確認她同意讓警方進入單位調查。調查後，警務人員認為事件沒有刑事成分，列作「糾紛」處理。

在審核此投訴個案報告時，監警會翻查隨身攝錄機的片段，見到警務人員曾多次耐心向投訴人解釋入屋調查的理據，以及執法人員的權限，奈何投訴人仍然未能冷靜下來，而警務人員在整個處理糾紛的過程中，亦無任何不當之處，故指控最終獲分類為「並無過錯」。



(照片來源:南華早報)

(Photo Credit: South China Morning Post)

Seeing that the complainant was agitated, the officers turned on their Body Worn Video Cameras (BWVCs) to record the incident. In the presence of the complainant, the officers re-confirmed with her mother that the latter did give consent for them to enter the apartment. After inquiries, the officers found no criminal offence and classified the case as "Dispute".

Upon review of the complaint investigation report, IPCC checked the footage produced by the BWVC and found that the officers had repeatedly and patiently explained to the complainant the reason for their entry and that law enforcement officers have the authority to do so. Unfortunately, the complainant did not calm down. The officers followed the

correct procedures in the process of handling the dispute hence the allegation was classified as "No Fault".

在處理家庭糾紛時，警務人員經常需要入屋作詳細調查。一些住戶或許因此感到不滿而作出投訴。另外，不少市民誤以為警務人員在上門調查時，必須取得業主同意才可進入處所。事實上，根據指引，警方只要得到單位用戶同意，便可入內調查。監警會建議警方加強市民對其工作的理解，相信日後可減少類似的誤會和投訴發生。

在案件中，儘管警務人員的調查行動完全合理且必要，但投訴人被她的母親指稱偷去金錢，當然會感到不悅，並容易對警務人員入屋調查產生不滿，繼而投訴。

In handling family disputes, police officers often need to enter premises to conduct inquiries. Some occupants may feel aggrieved and file a complaint. There is a common misconception that police officers must obtain the property owner's consent before entering certain premises. In fact, based on police guidelines, officers may enter a property for inquiries provided they obtain consent from an occupant of that property. IPCC recommends that the police should enhance public understanding of their work to help reduce similar misunderstandings and consequential complaints in future.

In this case, although the police investigation was entirely reasonable and necessary, the complainant might be displeased that her mother accused her of stealing money. This could have fuelled her dissatisfaction with the police officers, resulting in her complaint.

### 個案三 Case 3

投訴人與胞弟商討父母應該和誰同住而發生爭執。投訴人胞弟報警求助。警務人員到場向投訴人及胞弟了解事件後，基於關心長者的福祉，遂詢問兩兄弟的父母屬意跟誰同住，兩老均表示傾向與投訴人胞弟同住，並於警察記事冊簽名確認他們的說法。警務人員遂陪同兩老與投訴人胞弟離開。事後，投訴人指與胞弟的紛爭無任何刑事成分，但警務人員卻無故詢問其父母的意願，屬不當地干涉他的家事。

監警會在審核投訴調查報告後，認為警務人員的處理完全合情合理，並無過錯。首先，警方會對報警求助個案提供協助，當中部分個案經調查後或並不涉及刑事成分。再者，是次糾紛的關鍵在於投訴人父母的福祉，警務人員徵詢

A complainant had a dispute with his younger brother over which of them their parents should live with. The younger brother called the police for help. Upon arrival at the scene, the frontline police officers listened to the brothers' allegations regarding the dispute. Mindful of the well-being of the elderly, the officers asked the parents whom they preferred to live with. They expressed their preference to move in with their younger son and signed in the police notebook to confirm. The officers then left the premises together with the parents and their younger son. The complainant later alleged that, even though there had been no crime, the officers had intervened in his family affairs inappropriately by asking his parents whom they preferred to live with.

After studying the complaint investigation report, IPCC opined that the way the officers handled the dispute was appropriate and reasonable. First, the police are duty-bound to offer help to members of the public upon their requests for assistance. Some of these cases might be found to be free of criminal elements after investigation. Second, the crux of the dispute was the well-being of the complainant's parents.



兩老的意願實屬恰當，因此指控獲列為「並無過錯」。

在此個案中，父母二人最終選擇與投訴人的胞弟而非投訴人同住。這個結果或許與投訴人的期望存有落差，因此導致投訴人不滿警務人員的介入和處理方式，繼而投訴。

It was thus justifiable for the police officers to ask the parents their preference. As a result, the allegation was classified as “No Fault”.

In this case, the parents eventually chose to live with the younger son rather than the complainant. The parents’ decision may not have been in line with the complainant’s expectation, hence he was dissatisfied with and complained against the police intervention and the way the dispute was handled.

### 商業糾紛

除了家庭糾紛，牽涉金錢和各種利益的商業糾紛同樣複雜。以下兩宗個案便反映出警務人員處理商業糾紛面對的挑戰，以及當中的投訴人因何不滿而作出投訴。

### Commercial Disputes

Family disputes aside, commercial disputes are also very complicated as monetary and other interests are involved. The following two cases illustrate the challenges faced by frontline police officers in handling commercial disputes, as well as the reasons why the complainants lodged their complaints out of dissatisfaction.

#### 個案四 Case 4

投訴人向供應商訂購了一批貨物，但到貨後未能如期付款。供應商遂派員到其公司收款，期間買賣雙方發生爭執。投訴人致電「999」求助。警務人員接報到場，投訴人聲稱自己已經與供應商達成共識，協議清還餘下貨款，並獲供應商豁免港幣600元的餘款。由於事件不涉及刑事成分，雙方自行和解，警務人員把事件歸類為「糾紛」後離去。

其後，供應商指稱沒有豁免投訴人的港幣600元餘款，並入稟小額錢債審裁處，向投訴人申索該600元。投訴人遂要求警方提供上述「糾紛」案件的詳情紀錄，以證明他已獲供應商豁免港幣600元的餘款。警方回覆指警察記事冊上沒有任何紀錄指供應商曾經豁免餘款。由於沒有證據支持投訴人的說法，投訴人被頒令向供應商支付餘款。就此，投訴人指控警務人員疏忽職守，未有詳細記錄豁免餘款一事。



(資料圖片 Stock Photo)

The complainant ordered a batch of goods from a vendor, but failed to settle the payment as scheduled. The vendor assigned a staff to collect payment at the complainant’s place. A dispute occurred and the complainant called 999 for help. When police officers arrived at the scene, the complainant claimed he had already reached an agreement with the vendor on settling the remaining balance, and the vendor had agreed to a waiver of HK\$600 from the outstanding amount. As nothing of a criminal nature was involved and both parties agreed to settle the matter themselves, the officer classified the case as “Dispute” and left.

The vendor later filed a claim with the Small Claims Tribunal against the complainant, asserting the HK\$600 was an outstanding amount. The complainant asked the police to provide a detailed record of the “Dispute” to prove that he had been exempted from paying the HK\$600 from the outstanding payment. Based on information available in the police notebook, the police replied that there was no record of any waiver offered by the vendor. As there was no evidence supporting the complainant’s claim, he was ordered to pay the vendor the outstanding amount. Hence, the complainant alleged that the police officer had neglected his duty by failing to record the waiver arrangement in detail.

在商業糾紛中，無論最終是否達成協議，警務人員皆不會干涉雙方的討論過程，亦無法律要求需就雙方的協議內容作出詳細紀錄，市民應自行保留相關證據。處理案件的警務人員已在他的記事冊清晰記錄雙方自行和解，監警會同意警務人員的處理方式「並無過錯」。

In handling a commercial dispute, police officers will not get involved in the negotiation process, regardless of whether an agreement can be reached. Police officers have no legal obligation to record the details of any such agreement between the parties in dispute. It is the responsibility of the disputing parties to retain the relevant evidence themselves. In this case, the police officer clearly recorded in his police notebook that both parties had agreed to settle their dispute voluntarily. IPCC agreed that there was “No Fault” in the way the officer handled the dispute.

在這宗個案中，投訴人期望警察記事冊的紀錄會支持他的說法並在法庭上獲勝。投訴人或許對敗訴感到不滿，繼而投訴處理案件的警務人員。

The complainant expected that the police officer's notebook entry would support his argument and assist him to win the lawsuit. The complaint was probably lodged against the police officer because the complainant felt aggrieved after losing his case.

### 個案五 Case 5

投訴人甲和乙是商業競爭對手，關係一向欠佳，時有糾紛。一天，甲與乙爭吵後，甲報案指乙語出恐嚇。到場的警務人員根據甲及證人（甲的朋友）的供詞，認為事件有恐嚇成分，因此將乙拘捕。其後經深入調查，警方發現證人的證據存有疑點，最終沒有控告乙。

Complainants A and B compete in the same business and were at odds with each other. One day, after having a row with B, A reported to the police that B had uttered intimidating remarks at her. A police officer attended the scene. After listening to the statements made by A and the witness (A's friend), the police officer arrested B believing there had been an act of intimidation. After in-depth investigation, however, the police did not charge B as there were doubts about the witness' statement.

就此，甲乙雙方均不滿警方的處理手法，同時投訴該警務人員。甲認為警務人員應以「刑事恐嚇」罪控告乙，而乙則指控警務人員沒有理據拘捕她。

Neither A nor B was satisfied with the police's handling of the case, and both of them lodged complaints against the police officer in charge. A insisted that the police officer should charge B for the offence of "Criminal Intimidation", whereas B argued that the police officer had arrested her without justifiable grounds.

就乙的指控，監警會認為由於甲及證人均當場指證乙曾出言恐嚇，因此警務人員是在合理懷疑下拘捕乙，決定「並無過錯」。其後，經警務人員深入調查，認為證據不足以達至刑事檢控標準，故未有檢控乙。而甲最後決定撤回投訴。

With regard to B's allegation, IPCC opined that since A and the witness testified on the spot that B had uttered intimidating remarks, the police officer had reasonable suspicion for arresting B. There was "No Fault" for the police officer's decision. A subsequent in-depth investigation by the police indicated there was insufficient evidence to meet the standard of criminal prosecution. Therefore, no charge was laid against B. In the end, A decided to withdraw her complaint.

在雙方對立的情況下，到場處理糾紛的警務人員有機會成為「磨心」，陷入「兩邊不討好」的困局。即使警方秉公處理，並無偏袒任何一方，但仍可能招致糾紛雙方同時投訴，左右為難。

In a case involving confrontation between two parties, the investigating police officers may find themselves in a predicament. Even though the police deal with such cases impartially without favouring either party, they may still be caught in the middle and be subject to complaints from both conflicting parties.

### 日常執法

除了處理各類糾紛，警方每天也需要就不同違規情況執法，而交通執法較常引致投訴。由2020/21年度至去年底，監警會合共通過1,245項與交通相關的投訴指控，當中近35%便是與發出俗稱「牛肉乾」的定額罰款通知書有關。監警會注意到，部分市民不滿被票控而作出投訴。個案六和七是其中兩例：

### Daily Law Enforcement

In addition to handling disputes, the police are also required to deal with a variety of violations. This includes traffic law enforcement which often leads to complaints. From 2020/21 to the end of last year, IPCC endorsed a total of 1,245 traffic-related allegations. Among them, more than 35% stemmed from issuing fixed penalty notices ("tickets"). It has come to IPCC's attention that some members of the public lodge complaints as a result of being ticketed. Cases 6 and 7 are two such cases.

### 個案六 Case 6

警務人員向一輛逾時停泊的車輛發出電子定額罰款通知書。票控期間，警務人員根據程序拍下車輛的相片，記錄逾時泊車的情況，以作證據之用。期間，車主（投訴人）返回現場求情但不果。投訴人其後向投訴警察課作出投訴，指控該名警務人員在拍攝車輛的相片時也拍攝到他，侵犯他的私穩，及後亦對違泊通知書提出爭議，但不成功。



(照片來源：南華早報)

(Photo Credit: South China Morning Post)

A police officer issued an electronic fixed penalty notice to a car driver whose vehicle was parked at a meter indicating the parking fee had expired. In compliance with standard procedures, the police officer took a photo of the car and the parking meter showing the expiration time as evidence. The driver (the complainant) returned to his car at that moment and asked the officer not to ticket him. When the officer declined his request, the driver lodged a complaint against the officer for infringing his privacy by capturing his face whilst taking a photo of his car. The complainant also disputed the ticket but this was unsuccessful.

警務人員運用部門提供的智能手機拍照作為票控理據，完全符合警方指引。監警會在查閱紀錄後，見到警務人員當日合共拍攝兩張相片，分別拍下投訴人的車輛和咪錶，當中並無投訴人的影像，證明警務人員在現場的執法行動合規合理，「並無過錯」。

監警會明白市民或因被票控而感到不悅，部分市民會在事後以不同理由投訴負責執法的警務人員。有些投訴人更會蓄意作出虛假投訴，以下便是其中一個例子。

According to police guidelines, frontline officers may use smartphones provided by the Force to take photos as evidence. Upon reviewing the records, IPCC found that the officer took two photos, one of the complainant's car and one of the parking meter. The complainant's face was not captured in either photo. This proved that the officer's law enforcement action at the scene complied with police guidelines and was justifiable, thus there was "No Fault" in the officer's action.

IPCC understands that members of the public may be displeased by being ticketed, and some may subsequently resort to filing a complaint against the law-enforcing police officers for various reasons. Some complainants even deliberately make false complaints, as illustrated in the following example.

### 個案七 Case 7

投訴人聲稱因汽車故障而把車輛停於街道一旁，並下車檢查及在遠距離觀察，但警務人員對其車輛作出票控。投訴人指稱警務人員沒有聽取他的解釋，並向他謊稱已完成票控程序，但實際上警務人員仍在書寫告票。投訴人後來撤回投訴，並指自己因一時氣憤才作出投訴。

投訴警察課翻查現場閉路電視片段，發現投訴人當日停車後隨即離開現場。在違例泊車將近90分鐘後，投訴人方折返，

但當時警務人員已開始了票控程序。這項證據駁斥了投訴人指停車只為檢查車輛，以及警務人員未有給予任何解釋機會的說辭。基於上述證據，投訴警察課把投訴人的指控列為「虛假不確」。



(照片來源：南華早報)

(Photo Credit: South China Morning Post)

A complainant claimed that he pulled his car over to the side of the road because of engine failure. He said he then got out of his car to inspect at a distance. A police officer approached and issued a ticket. According to the complainant's allegation, the officer refused to listen to his explanation and lied to him by claiming that the ticketing process was completed, when in fact the officer was still filling in the ticket. Soon afterwards, the complainant withdrew his complaint, admitting that he had lodged it out of anger and on impulse.

Upon reviewing CCTV footage taken at the scene, Complaints Against Police Office (CAPO) discovered that the complainant had left the scene immediately after parking his car. He returned after 90 minutes of illegal parking, by which time the officer had already begun the ticketing procedure. This evidence rebutted the complainant's allegation that he was ticketed while checking his car and that the officer refused to give him the opportunity to explain. Based on this evidence, CAPO classified the allegation as "False".



從上述個案可見，投訴人不滿被票控，遷怒執法的警務人員而作出投訴，甚至故意虛構事實誤導警方。雖然投訴人很快便撤回投訴，但監警會仍竭力審視所得證據，對於這類「虛假不確」的個案，警方和監警會定必嚴正處理，杜絕濫用投訴制度的情況。就此個案，警方最終向投訴人發出警告信，以示懲戒。

The above case shows that the complainant filed a complaint out of anger for being ticketed and went to such an extent to fabricate a story to deliberately mislead the police. Even though the complainant withdrew his case soon afterwards, IPCC reviewed the evidence concerned in detail. The police and IPCC take a stern stance against all false complaints to curb any abuse of the complaints system. A warning letter was issued to the complainant regarding this matter.

### 剛柔並濟 化解危機

從以上個案可見，警務人員在執行職務時，不時會因為市民對警務工作的誤解、遷怒或者「兩邊不討好」而遭到投訴。這是執法者不時遇到的挑戰，對警務人員的「剛」「柔」兩面都有要求。前線警務人員執法和打擊罪案時，當然是以「剛」為本，但在日常執勤和處理糾紛時，卻是體現「剛中有柔」的時刻。如監警會主席於勉勵督察和警員時所言，警務人員可以在面對各類人士時靈活運用不同的「軟技巧」，同時可多向市民解說警務工作。



(照片來源：投訴警察課)

(Photo Credit: CAPO)

就提升警務人員處理日常糾紛的能力，並從減少投訴的角度出發，監警會先後提出多項提升服務質素的建議，包括建議警方(一)提醒警務人員處理糾紛時要靈活變通；(二)加強培訓，令警務人員能更專業地處理糾紛，以及(三)提升警務人員的溝通技巧，讓市民更了解他們的工作。

會方樂見警隊積極跟進有關建議，並推出一系列優化措施。例如，新入職的警務人員現時需接受不同模擬情境培訓，學習應對各類糾紛。現職前線人員亦需定期參與進修課程和工作坊，增強溝通技巧和應變能力。

警方更引入新科技，以虛擬實境和360度螢幕的實境訓練模式，讓受訓人員仿如置身執法或衝突現場，訓練人員執法時的心理質素和抗壓能力，持續提升服務質素。

近年，警方亦加大宣傳力度，積極運用社交媒體和其他平台，促進市民對警隊各項工作的了解，務求減少因誤解而產生不必要的投訴。

### Handling Crises with Resolve and Tact

From the above cases, it is clear that police officers discharging their duties may be subject to complaints from time to time due to the public's misunderstanding of police work, displaced anger or being caught between the conflicting parties. This is a challenge facing law enforcement officers, and demands both firmness and flexibility at the same time. The frontline police officers must firmly perform their duties when enforcing the law and fighting crime. However, tact and flexibility amidst firmness are called for in daily policing and dispute handling. As IPCC Chairman encouraged graduate inspectors and police constables, when handling disputes, officers could employ their "soft skills" more often when dealing with members of the community. The police enhance public education on their work too.

To strengthen police officers' skills in handling disputes and to help reduce complaints, IPCC proposed a number of improvement initiatives to enhance the force's service quality, recommending that the police (1) remind police officers to be flexible in handling disputes; (2) enhance training to improve police officers' ability to professionally handle disputes; and (3) strengthen police officers' communication skills so as to enhance public understanding of their work.

IPCC welcomes the police's proactive response to the recommendations and implementation of a series of enhancement measures. Newly recruited police officers are now required to undergo training to deal with various disputes in simulated scenarios, whilst other frontline officers are also required to regularly participate in refresher courses and workshops to enhance their interpersonal communication skills and their capacity to handle difficult situations.

Moreover, the police have introduced new technologies, such as virtual reality and 360-degree screen reality training, so that trainees can experience law enforcement or conflict scenarios as if they were on site. This helps further enhance the officers' psychological preparedness and their ability to handle pressure of officers, thereby improving the police's service quality.

In recent years, the police have also stepped up publicity efforts by making active use of various social media and other platforms to promote public understanding of their duties, so that unnecessary complaints caused by misunderstandings can be reduced.