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MONITOR

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獨立 INDEPENDENT



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

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QUALITY

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SOCIETY 社會

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求真 TRUTH

2011/12

REPORT · 工作報告

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。

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.

目錄

Contents

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

4	主席前言 Chairman's Foreword
---	---

6	第一章 Chapter 1 關於監警會 About the IPCC
---	--

24	第二章 Chapter 2 工作報告 Progress Report
----	--

50	第三章 Chapter 3 投訴警察真實個案 Actual Cases of Police Complaints
----	--

64	第四章 Chapter 4 監警會外展活動 IPCC Reaching Out
----	---

82	第五章 Chapter 5 組織架構 Organisational Structure
----	---

98	第六章 Chapter 6 財務報表 Financial Statements
----	---

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

主席前言

Chairman's Foreword



獨立監察警方處理投訴委員會（「監警會」）成為法定機構已有三年，我欣然向大家報告監警會在這段期間，於多個主要工作範疇上，均取得卓越的成績。包括簡化審核及覆檢投訴警察課調查的工序、縮短通過投訴報告所需的時間，以及強化宣傳工作等。這些工作均突顯了監警會作為獨立監察警方處理投訴機構所作出的貢獻。

首先，我們審視投訴個案的效率有顯著改善，審視個案平均所需的時間由2010/11年度的145天，大幅回落至2011/12年度的86天。這是由於自2011年初起，監警會秘書處簡化了內部的審核工序。新安排落實之前，每一個個案須先經由審核小組、副秘書長及秘書長分別審議，然後再將報告交予委員通過。2011年初開始，會方策略性地簡化了內部審核過程，秘書長、副秘書長及法律顧問每周與所有審核小組進行個案會議，一起討論每一宗投訴個案，並將個案相關的疑問，一併交予投訴警察課，再待其回覆。當秘書處收到投訴警察課的回覆並作出分析後，有關的調查報告便會再呈交予委員作最後審閱。秘書處職員及投訴警察課均歡迎新的審核程序。但我們不會為此而自滿，而是會精益求精，繼續優化審核程序。

The Independent Police Complaints Council (IPCC) has been a statutory body for three years. I am very pleased to report some remarkable achievements in our major areas of work, including a streamlined workflow in the examination and review of Complaints Against Police Office (CAPO) investigations, a shorter timeframe for the endorsement of cases, and strengthened publicity initiatives, all of which underscore the positive contributions of the IPCC as an independent police complaints oversight body.

First, we have considerably improved the efficiency of the complaint case review process. The average number of days required to review an investigated case has dropped from 145 days in 2010/11 to 86 days in 2011/12. This significant improvement was a result of streamlining the vetting procedures within the IPCC Secretariat since early 2011. Prior to the new arrangement, each complaint case review had to be considered by a Vetting Team, the Deputy Secretary-General and the Secretary-General respectively before a report was forwarded to Council Members for endorsement. Commencing in early 2011, the internal review process was strategically streamlined. Under the improved system, the Secretary-General, the Deputy Secretary-General and the Legal Advisor conduct weekly case conferences with Vetting Teams to discuss each complaint case. All queries are consolidated and forwarded to CAPO for their response. Once CAPO's responses are received and analysed by the Secretariat, the investigation reports are further reviewed by Council Members. Both the Secretariat staff and CAPO welcome the improved procedure. Needless to say, we will not be complacent and will continue to look at ways to improve the review process.

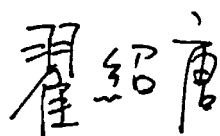
此外，我們亦很重視審核投訴個案的每項細節。監警會審閱一宗投訴個案時，會參考香港警察程序指引及手冊、個案資料檔案，以及相關的法庭訴訟紀錄等，全面性地衡量及檢討警方的行動與決定。過去一年，監警會舉行過的工作層面會議及監警會會面的次數較以往為多，這安排有助增進委員對個案背景的了解之餘，亦協助委員在審核及通過個案時作出決定。

為回應市民對加快處理投訴的殷切需求，監警會在2010年與警方成立了一個聯席工作小組，合作研究一個更具效率的系統，以便處理性質輕微的投訴個案。今年初，該小組建議於原來投訴機制中的「透過簡便方式解決」及「全面調查」以外，新增設「表達不滿」。會方將於六個月試行期滿後對此新設選項進行檢討，而監警會將繼續就投訴警察制度的持續發展及優化，提供意見及協助。

監警會亦積極與各持份者聯繫，以加強我們的傳訊網絡。我們同時意識到有需要提高公眾對監警會角色的認識，從而增加市民對投訴警察制度的信心。監警會與警方及其他持份者定期會面，以便了解他們對投訴警察相關事宜的意見。在報告期內，監警會分別與香港人權監察、民間人權陣線及香港記者協會等組織會面，聆聽他們對警方處理大型公眾活動的意見。監警會委員更定期探訪警隊的不同部門，以便清楚了解警方在工作上面對的困難，及他們對投訴警察制度的意見。監警會亦致力增強機構的透明度，如安排傳媒訪問、和傳媒合作撰寫專題文章，以及迅速回應傳媒查詢等。有關詳情可於本報告內查閱。

展望未來，我們將繼續增加公眾對監警會的認識，以及繼續和各持份者、關注團體及傳媒溝通，讓市民更了解投訴警察制度的兩層架構。我們相信這些工作將可提升市民對投訴警察制度的信心，從而讓市民可以利用此投訴警察制度，有效疏導他們的不滿。在預防投訴方面，我們會和所有伙伴攜手合作，努力改善現時警方的工作程序及守則，預防須滙報投訴的出現。總而言之，我們與警方及持份者的共同目標，就是要確保警隊能為市民提供更佳的服務。

最後，我想藉此機會感謝所有委員及觀察員，他們對監警會作出莫大的貢獻。我也想多謝秘書處一直以來的支援。他們的努力，在確保香港有健全的投訴警察制度上，扮演著舉足輕重的角色。



翟紹唐 資深大律師，JP
監警會主席

Equally important is the thoroughness of the case examination process. The IPCC has adopted a holistic approach in assessing and evaluating police actions and decisions in each complaint case by referring to Police Force procedural guidelines and manuals, case file records, and records of related court proceedings. In the past year, more working level meetings and IPCC interviews have been held. These have greatly facilitated the Council Members' understanding of case backgrounds and decision-making with regard to the examination, review and endorsement of cases.

Responding to public demand for the speedy handling of complaints, the IPCC has worked closely with the Police through the Joint Working Group established in 2010 to look into establishing a more efficient system for handling complaints of a relatively minor nature. Early this year, the Joint Working Group proposed an additional option of "Expression of Dissatisfaction" supplementing the existing "Informal Resolution" and "Full Investigation". This new option of "Expression of Dissatisfaction" will be evaluated and reviewed after a six-month trial period, and the IPCC will continue to provide advice and assistance for further development and improvement of the system.

In addition, the IPCC is committed to strengthening its communication network by proactively engaging with its stakeholders. We are also conscious of the need to promote public awareness of the role of the IPCC so as to enhance public confidence in the police complaints system. Regular meetings with the Police and external stakeholders have been set up to collect their views regarding various police complaints-related issues. During the reporting year, the IPCC met with the Hong Kong Human Rights Monitor, the Civil Human Rights Front and the Hong Kong Journalists Association to gather their views on police handling of public order events. IPCC Members regularly visited various police units to better understand the difficulties they face in their work and their views on the police complaints system. The IPCC has also increased its transparency by arranging media interviews, cooperating with the media on feature articles, and responding to media enquiries promptly. You will find details of all these activities in this report.

Looking ahead, we will continue to raise public awareness of the IPCC and enhance public understanding of the two-tier complaints system through continuous liaison with stakeholders, concerned groups and the media. We believe these measures will help raise public confidence in the police complaints system, so people will find it an effective means of resolving their grievances. More importantly, we will work together with all our partners to see how current police procedures and practices can be strengthened so as to prevent Reportable Complaints from arising in the first place. In short, it is our goal, which I am sure is shared by the Police and all other stakeholders, to ensure that a better service is provided to the public.

Finally, I would like to take this opportunity to express my gratitude to all the Council Members and Observers for their generous contributions to our work. I must also thank the Secretariat for their unfailing support. Their diligent efforts play a pivotal role in ensuring the integrity of the two-tier police complaints system in Hong Kong.



JAT Sew-Tong, SC, JP
Chairman

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



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 doubt arises while reviewing 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 the case to 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

1 投訴警察課調查投訴個案 CAPO investigates complaints

投訴警察課接收須匯報投訴
CAPO receives Reportable Complaints

進行調查
Investigation

投訴警察課提交調查報告
CAPO submits investigation report

2 監警會審核調查報告 IPCC reviews the report

監警會審核報告
IPCC reviews the report

通過調查結果 Agrees with investigation results

- 投訴警察課回覆投訴人
- 警方向被投訴人員採取適當行動
- 監警會就檢討及改善警隊工作常規和程序向警務處處長和/或行政長官提出建議
- CAPO responds to complainant
- Police take appropriate action against complainee
- IPCC may offer recommendations to the Commissioner of Police and / or the Chief Executive on refinement of police practices and procedures

不同意調查結果 Disagrees with investigation results

- 向投訴警察課提出質詢、要求澄清或提供更多資料
- IPCC seeks clarification or further information from CAPO

不接納報告 Rejects report

- 可要求投訴警察課重新調查
- 可會見證人澄清疑點
- 提交工作層面會議或聯席會議討論
- May request CAPO to reinvestigate complaint
- May interview witnesses to clarify uncertainties
- May bring up the case during working level meetings or Joint IPCC/CAPO Meetings

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 to assure that complaints against the Police will be dealt with fairly and justly. 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 Reportable 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2012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, 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 2012, the IPCC comprises 24 Members.

The IPCC became a statutory body with the commencement of the IPCC Ordinance on 1 June 2009. The Police have a statutory duty to comply with the IPCC's requirements. The Ordinance has further enhanced the independence of the IPCC to carry out its monitoring functions.



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

《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

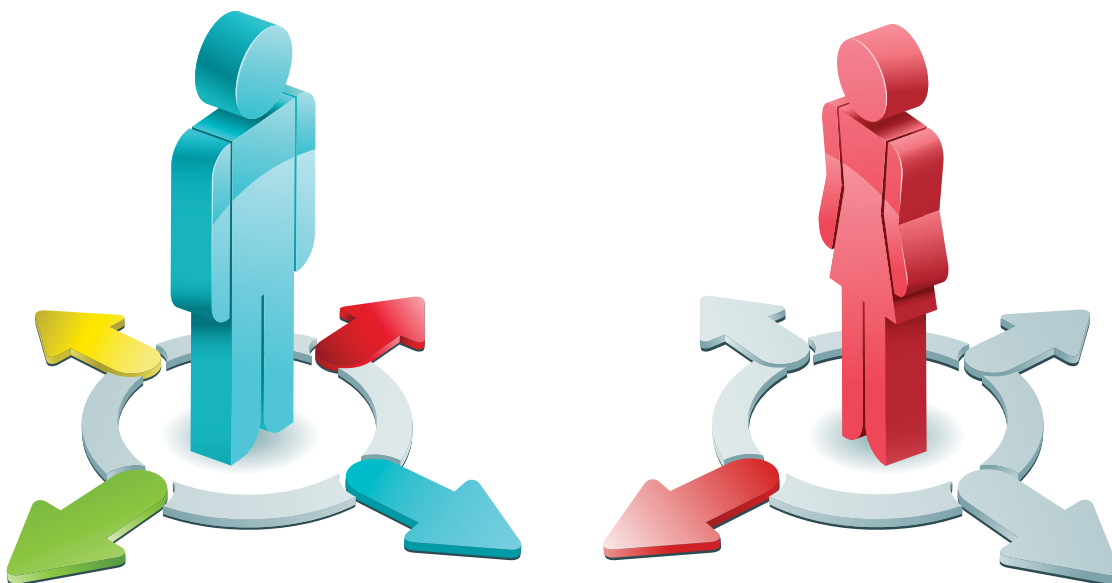
Monitoring Procedures of the IPCC

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。

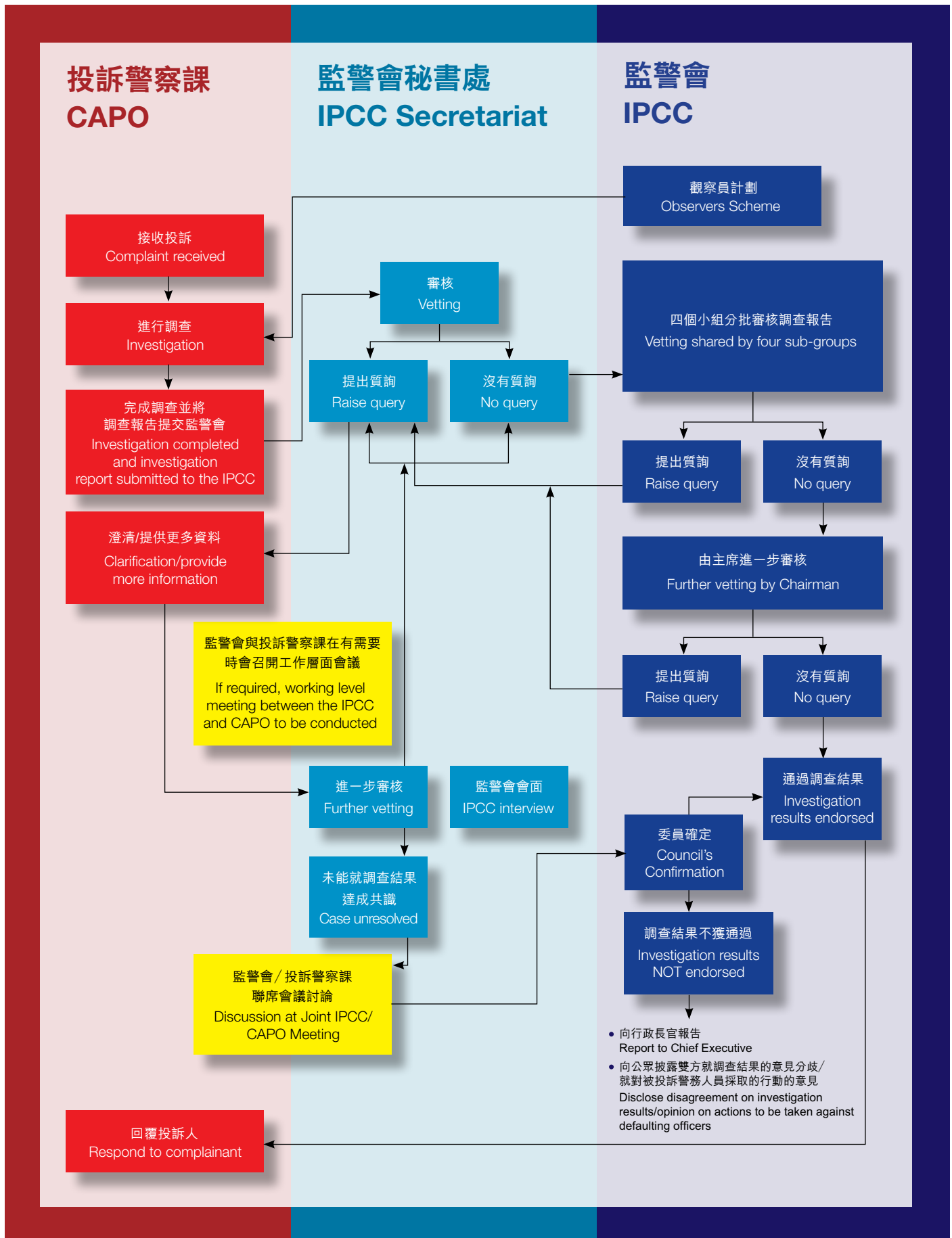
若監警會和投訴警察課未能就調查結果達成共識，雙方可在工作層面會議或聯席會議上討論。如監警會最後決定不通過某宗投訴個案的調查結果，可向行政長官報告或向公眾披露雙方對調查結果的意見分歧，包括向行政長官或警務處處長表達監警會對警務處處長就須匯報投訴向被投訴的警務人員採取行動的意見。

Under the two-tier police complaints system, after CAPO has conducted the investigation of 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, the investigation report 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 will be 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2012年3月31日，監警會共有109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 interviews or collection of evidence. The IPCC Secretariat will then inform Observers of the appointments. Observers can observe any interviews with complainants, complainees, or witnesses, 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 will 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 2012, there were a total of 109 IPCC Observers.

從參與到認識 再從認識中繼續參與

From Participation to Knowledge and From Knowledge to Further Participation



香港是法治之地，我認為其意思是香港的管治，是以法律為基礎，政府用開明和開放的態度，讓市民大眾共同參與。因此，無論你是何等尊貴，何等卑微，在法律之前，人人平等。而作為最前線的執法部門之一的警務處，其一切舉措，更得依循法律行事，用專業的態度，不偏不倚，為市民大眾服務。

擔任監警會觀察員的工作至今，已經踏入第二個年頭，當值了多次個案，有部份是涉案者投訴最前線的警務人員，在處理案件過程中，不夠效率、不夠專業、有偏頗之嫌等等。究其種種原因，都是投訴人自覺有冤屈、對執法人員不信任，或有涉案者希望透過一些處理程序上的錯誤，以抵銷其法律上的責任等。

監警會觀察員是獨立的個體，受政府和市民信任。觀察員於當值期間，必須保持頭腦冷靜，用完全中立的角色和態度，觀察整個投訴調查的錄取口供過程，在過程中，確保執法者不能為投訴者設有任何障礙，防止「有冤無路訴」，以保證整個投訴調查程序的公正。

在參與投訴調查的過程中，我深深認識到在前線工作的警務人員的壓力。縱然是經驗豐富的執法人員，都會因為時間、環境、人物情緒、反應、資源、事態演化等因素，產生許多不同的變數，但在這個「變」的過程中，要立即作出果斷的決定，的確殊不容易，稍有失誤，便會對結果造成很大的影響。我認為所有警務人員的思維狀態，必須經常保持最高的正能量、定期受訓(包括體能、IQ和EQ)、分享個案，確保在執勤過程中，有敏銳的觸覺和反應，按程序辦事。而市民應與警方通力合作，為共同構建香港成為一個繁榮和穩定的地方而努力。

有機會成為監警會觀察員，我深感榮幸，願繼續為市民服務。

李德權
監警會觀察員

Hong Kong is a place of law and order. This means that the governance of Hong Kong is based on the law and the government has an open and liberal attitude toward public participation in matters that affect the society. People of all social standing are equal before the law. As a frontline law enforcement agency, the Police Force always acts in accordance with the law, and performs its duties in a professional and impartial manner, to serve the public.

This is my second year as an Observer for the IPCC, and I have participated in a number of cases. Some of them involved complaints that frontline police officers were inefficient, lacked expertise or were biased, mostly because some complainants felt they had been wrongfully treated, some did not trust law enforcement officers, and some were merely trying to find procedural errors in order to reduce their legal liability.

IPCC Observers are an independent group trusted by the government and the public. An Observer on duty must be level-headed and impartial when observing the police process of taking statements. The Observer should ensure that the law enforcer does not obstruct the complainant during the interview and that the entire complaint investigation process is conducted fairly.

Through my participation in the complaint investigation process, I have become deeply aware of the pressure faced by front line police officers. There are many variables in the situations they face: the time, the environment, people's emotions, their reactions, the available resources and the sequence of events. With so many elements involved, it is not always easy even for an experienced officer to make prompt and firm decisions. The slightest mistake may lead to a different conclusion. In my opinion, all police officers should always maintain a high level of positive energy, have regular training (including fitness, IQ and EQ training), and share their experiences on cases. This will help them develop keen instincts and a thorough knowledge of proper procedures to enable them to fulfill their duties according to proper procedures. Meanwhile, the public should cooperate with the Police in order to shape Hong Kong as one of the most prosperous places with stability.

I am honoured to be an IPCC Observer, and I am glad to continue to serve the citizens.

LEE Tak-kuen
IPCC Observer

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 will be published on the IPCC's website before the meetings. Minutes of the open part of the meetings will also be uploaded to the IPCC's website: www.ipcc.gov.hk.

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：

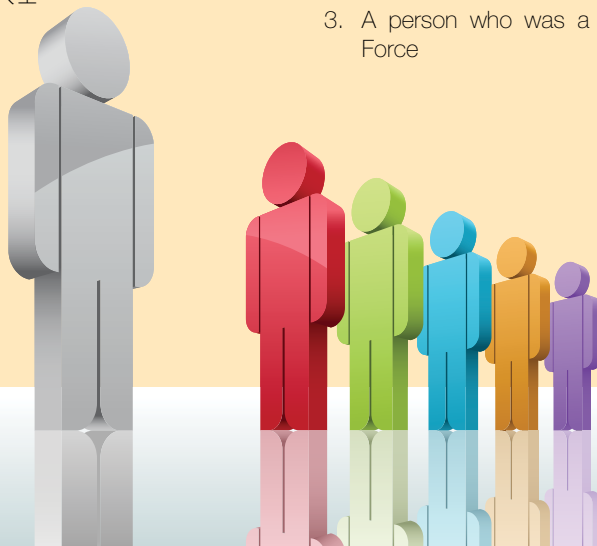
1. 在政府政策局或部門擔任受薪職位(不論屬長設或臨時性質)的人士
2. 秘書長、法律顧問或監警會任何其他僱員
3. 曾屬警隊成員的人士

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 employees of the Council
3. A person who was a member of the Police Force



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, not vexatious or frivolous, and made in good faith, that relate 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 CAPO reconsider the categorisation of the complaint. Moreover, the IPCC may request CAPO to submit further supporting information and 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 full investigation into an allegation has been thoroughly conducted by CAPO, 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 the lawful instructions of 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 made.

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. IPCC will also ensure that CAPO will take corresponding 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 enquiry 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.

第二章

Chapter 2

工作報告
Progress Report

年內工作重點

- 增加審核投訴個案的效率，縮短審核個案的平均日數
- 簡化秘書處內部的審核程序，以便更快地處理投訴個案
- 透過工作層面會議和監警會會面等，更全面深入地考慮投訴報告
- 積極跟進多個投訴警察相關的議題，期望改善警方的服務質素

Achievements of the Year

- Improved efficiency by shortening the average number of days required to review each case
- Simplified the vetting procedures within the Secretariat so as to handle complaints more speedily
- Adopted a more comprehensive approach in considering complaint cases through working level meetings, IPCC interviews, etc.
- Proactively followed up on a number of issues relating to complaints against the Police, with a view to improving police service qualities

調查報告及指控數字

Number of Investigation Reports and Allegations



在本報告期內(2011年4月1日至2012年3月31日)，監警會共接獲投訴警察課就2,840宗新個案的調查報告，較去年同期的3,576宗個案減少了約20.6%。

同年，監警會通過了3,145宗投訴個案的調查結果(包括184宗的覆檢個案)，比去年同期的3,968宗投訴個案下跌了20.7%。涉及的指控有6,239項，其中主要的三項指控為「疏忽職守」(46.6%)、「行為不當/態度欠佳/粗言穢語」(36.4%)及「毆打」(6.7%)。指控的數字比2010/11年的7,182項指控減少了約13.1%。

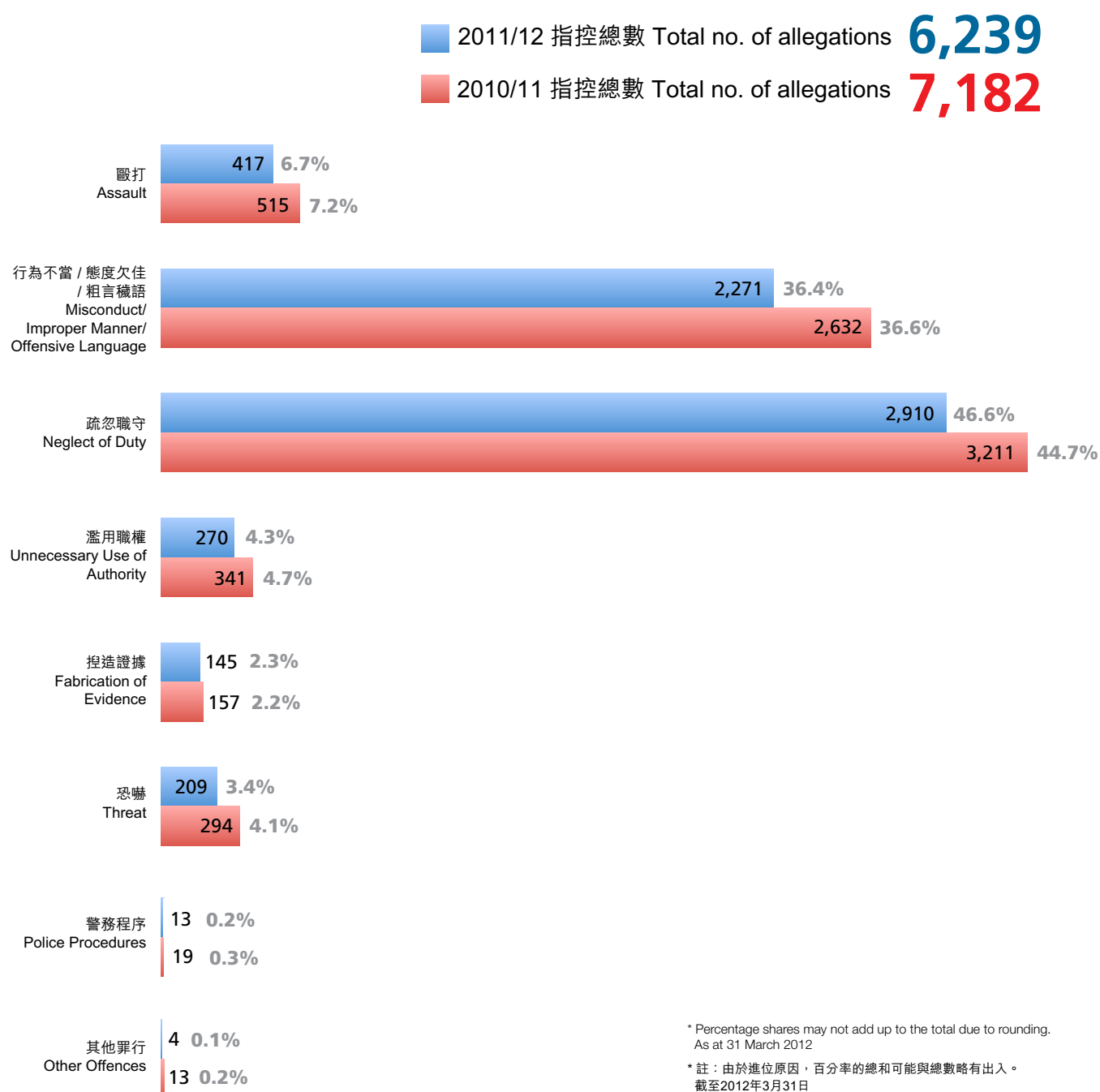
In the reporting period (1 April 2011 to 31 March 2012), the IPCC received investigation reports on a total of 2,840 new cases, a decrease of 20.6% compared to the 3,576 cases in the same period last year.

In the same year, the IPCC endorsed the investigation results of 3,145 complaint cases (including 184 reviewed cases), a decrease of 20.7% compared to the previous year's figure of 3,968. These cases involved 6,239 allegations. The three major allegations were "Neglect of Duty" (46.6%), "Misconduct/Improper Manner/Offensive Language" (36.4%), and "Assault" (6.7%). The number of allegations decreased by 13.1% over the figure of 7,182 in 2010/11.

2010/11和2011/12年通過、以及按性質分類的指控數字可見下圖：

The following chart is a breakdown by nature of allegations endorsed for the years 2010/11 and 2011/12:

監警會通過的指控 Allegations endorsed by the IPCC



調查結果

Investigation Findings



在2011/12年獲通過的6,239項指控中，經全面調查的指控有1,829項，當中98項被列為「獲證明屬實」，佔所有經全面調查指控的5.4%。80項被列為「未經舉報但證明屬實」佔4.4%，54項被列為「無法完全證明屬實」佔3%，884項被列為「無法證實」佔48.3%，596項則被列為「並無過錯」佔32.6%，117項被列為「虛假不確」佔總數的6.4%。

在其餘的4,410項無需進行全面調查的指控中，923項「透過簡便方式解決」，佔無需進行全面調查指控中的20.9%。2,447項被列為「投訴撤回」佔55.5%，1,024項被列為「無法追查」佔23.2%和16項被列為「終止調查」僅佔0.4%。

Of the 6,239 allegations endorsed in 2011/12, 1,829 allegations were fully investigated. Of these, 98 (5.4%) were classified as "Substantiated" 80 (4.4%) as "Substantiated Other Than Reported"; 54 (3%) as "Not Fully Substantiated"; 884 (48.3%) as "Unsubstantiated"; 596 (32.6%) as "No Fault" and 117 (6.4%) as "False".

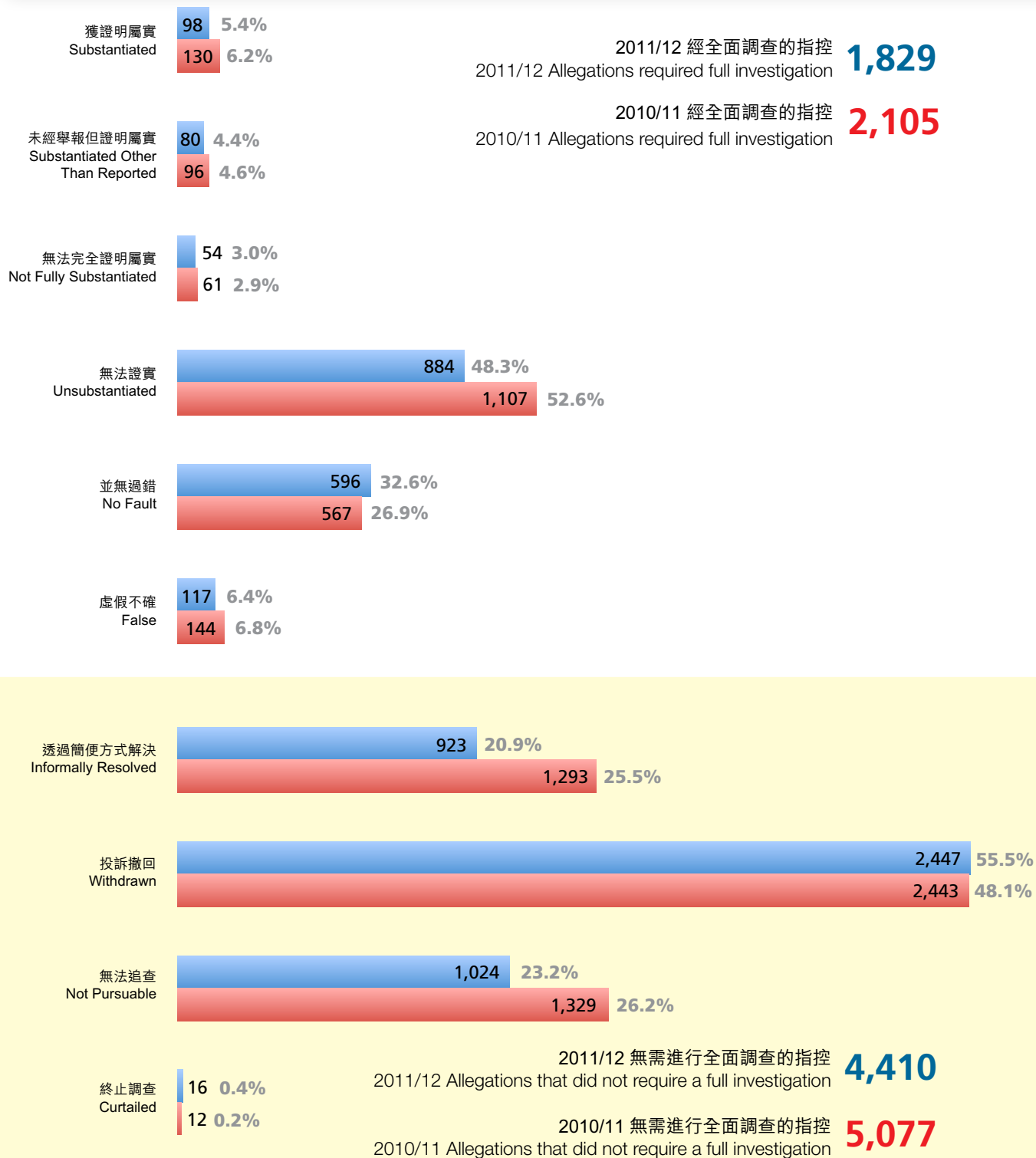
Of the remaining 4,410 allegations that were not fully investigated, 923 (20.9%) were "Informally Resolved"; 2,447 (55.5%) were classified as "Withdrawn"; 1,024 (23.2%) as "Not Pursuable" and 16 (0.4%) as "Curtailed".

2010/11年和2011/12年的數據比較可見下圖： Please refer to the table below for comparison of 2010/11 and 2011/12 figures:

監警會通過的調查結果

Investigation results endorsed by the IPCC

2011/12 指控總數 Total no. of allegations **6,239**
 2010/11 指控總數 Total no. of allegations **7,182**



* 註：由於進位原因，百分率的總和可能與總數略有出入。截至2012年3月31日

* Percentage shares may not add up to the total due to rounding. As at 31 March 2012

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)

No. of allegations involved in CAPO cases endorsed by the IPCC (by nature and by results of investigations)

指控性質 Nature of Allegations	調查結果類別 Result of Investigations	指控數目 No. of Allegations	%
毆打 Assault	獲證明屬實 Substantiated	0	0.00
	未經舉報但證明屬實 SOTR	0	0.00
	無法完全證實 Not Fully Substantiated	1	0.02
	無法證實 Unsubstantiated	36	0.58
	並無過錯 No Fault	10	0.16
	虛假不確 False	30	0.48
	投訴撤回 Withdrawn	181	2.90
	無法追查 Not Pursuable	159	2.55
	終止調查 Curtailed	0	0.00
	透過簡便方式解決 Informally Resolved	0	0.00
	小計 Subtotal	417	6.68
行為不當/ 態度欠佳/ 粗言穢語 Misconduct/ Improper Manner/ Offensive Language	獲證明屬實 Substantiated	21	0.34
	未經舉報但證明屬實 SOTR	5	0.08
	無法完全證實 Not Fully Substantiated	7	0.11
	無法證實 Unsubstantiated	388	6.22
	並無過錯 No Fault	98	1.57
	虛假不確 False	23	0.37
	投訴撤回 Withdrawn	969	15.53
	無法追查 Not Pursuable	306	4.90
	終止調查 Curtailed	8	0.13
	透過簡便方式解決 Informally Resolved	446	7.15
	小計 Subtotal	2,271	36.40
疏忽職守 Neglect of Duty	獲證明屬實 Substantiated	67	1.07
	未經舉報但證明屬實 SOTR	73	1.17
	無法完全證實 Not Fully Substantiated	38	0.61
	無法證實 Unsubstantiated	378	6.06
	並無過錯 No Fault	417	6.68
	虛假不確 False	6	0.10
	投訴撤回 Withdrawn	1,062	17.02
	無法追查 Not Pursuable	385	6.17
	終止調查 Curtailed	7	0.11
	透過簡便方式解決 Informally Resolved	477	7.65
	小計 Subtotal	2,910	46.64

指控性質 Nature of Allegations	調查結果類別 Result of Investigations	指控數目 No. of Allegations	%
濫用職權 Unnecessary Use of Authority	獲證明屬實 Substantiated	6	0.10
	未經舉報但證明屬實 SOTR	1	0.02
	無法完全證實 Not Fully Substantiated	6	0.10
	無法證實 Unsubstantiated	48	0.77
	並無過錯 No Fault	40	0.64
	虛假不確 False	1	0.02
	投訴撤回 Withdrawn	98	1.57
	無法追查 Not Pursuable	69	1.11
	終止調查 Curtailed	1	0.02
	透過簡便方式解決 Informally Resolved	0	0.00
	小計 Subtotal	270	4.33
捏造證據 Fabrication of Evidence	獲證明屬實 Substantiated	2	0.03
	未經舉報但證明屬實 SOTR	0	0.00
	無法完全證實 Not Fully Substantiated	0	0.00
	無法證實 Unsubstantiated	11	0.18
	並無過錯 No Fault	23	0.37
	虛假不確 False	43	0.69
	投訴撤回 Withdrawn	40	0.64
	無法追查 Not Pursuable	26	0.42
	終止調查 Curtailed	0	0.00
	透過簡便方式解決 Informally Resolved	0	0.00
	小計 Subtotal	145	2.32
恐嚇 Threat	獲證明屬實 Substantiated	0	0.00
	未經舉報但證明屬實 SOTR	0	0.00
	無法完全證實 Not Fully Substantiated	1	0.02
	無法證實 Unsubstantiated	21	0.34
	並無過錯 No Fault	2	0.03
	虛假不確 False	14	0.22
	投訴撤回 Withdrawn	92	1.47
	無法追查 Not Pursuable	79	1.27
	終止調查 Curtailed	0	0.00
	透過簡便方式解決 Informally Resolved	0	0.00
	小計 Subtotal	209	3.35
警務程序 Police Procedures	獲證明屬實 Substantiated	2	0.03
	未經舉報但證明屬實 SOTR	1	0.02
	無法完全證實 Not Fully Substantiated	0	0.00
	無法證實 Unsubstantiated	0	0.00
	並無過錯 No Fault	6	0.10
	虛假不確 False	0	0.00
	投訴撤回 Withdrawn	4	0.06
	無法追查 Not Pursuable	0	0.00
	終止調查 Curtailed	0	0.00
	透過簡便方式解決 Informally Resolved	0	0.00
	小計 Subtotal	13	0.21
其他罪行 Other Offences	獲證明屬實 Substantiated	0	0.00
	未經舉報但證明屬實 SOTR	0	0.00
	無法完全證實 Not Fully Substantiated	1	0.02
	無法證實 Unsubstantiated	2	0.03
	並無過錯 No Fault	0	0.00
	虛假不確 False	0	0.00
	投訴撤回 Withdrawn	1	0.02
	無法追查 Not Pursuable	0	0.00
	終止調查 Curtailed	0	0.00
	透過簡便方式解決 Informally Resolved	0	0.00
	小計 Subtotal	4	0.06
總數 Total		6,239	100%

* 註：由於進位原因，百分率的總和可能與總數略有出入。截至2012年3月31日

* Percentage shares may not add up to the total due to rounding. As at 31 March 2012

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249名，涉及172宗個案；分項數字見下表。

In this reporting year, disciplinary proceedings or internal actions were taken against 249 police officers in respect of 172 cases endorsed by the IPCC. Please refer to the breakdown of figures below.

警方就2010/11至2011/12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 against defaulting officers in respect of cases endorsed by the IPCC from 2010/11 to 2011/12

	警務人員數目 No. of Officers	
	2010/11	2011/12
A. 刑事訴訟 Criminal Proceedings	0	0
B. 紀律聆訊 Disciplinary Proceedings	17	35
C. 其他內部措施 Other Internal Actions		
警告 Warnings	56	43
訓誡 Advice	223	171
總數 Total	296	249

觀察員計劃

Observers Scheme

2011/12年，監警會的委員及觀察員共進行了2,021次觀察（預先安排的有1,451次，突擊的有570次）。較2010/11年的1,974次觀察上升了2.4%。在2,021次觀察中，有1,747次是觀察會面的進行，其餘274次是觀察證據收集的工作。

Under the Observers Scheme, 2,021 observations were conducted by Members and Observers of the IPCC (1,451 scheduled observations and 570 surprise observations) in the year 2011/12. The number of observations increased by 2.4% compared with the 1,974 observations in 2010/11. Of the 2,021 observations, 1,747 involved the conducting of interviews and 274 involved the collection of evidence.

在觀察投訴調查和透過簡便方式解決會面的數字方面，觀察透過簡便方式解決的會面為789次，比去年同期的864次輕微減少了9.5%。投訴調查的觀察則為1,232次，比2010/11的1,110次上升了11%。

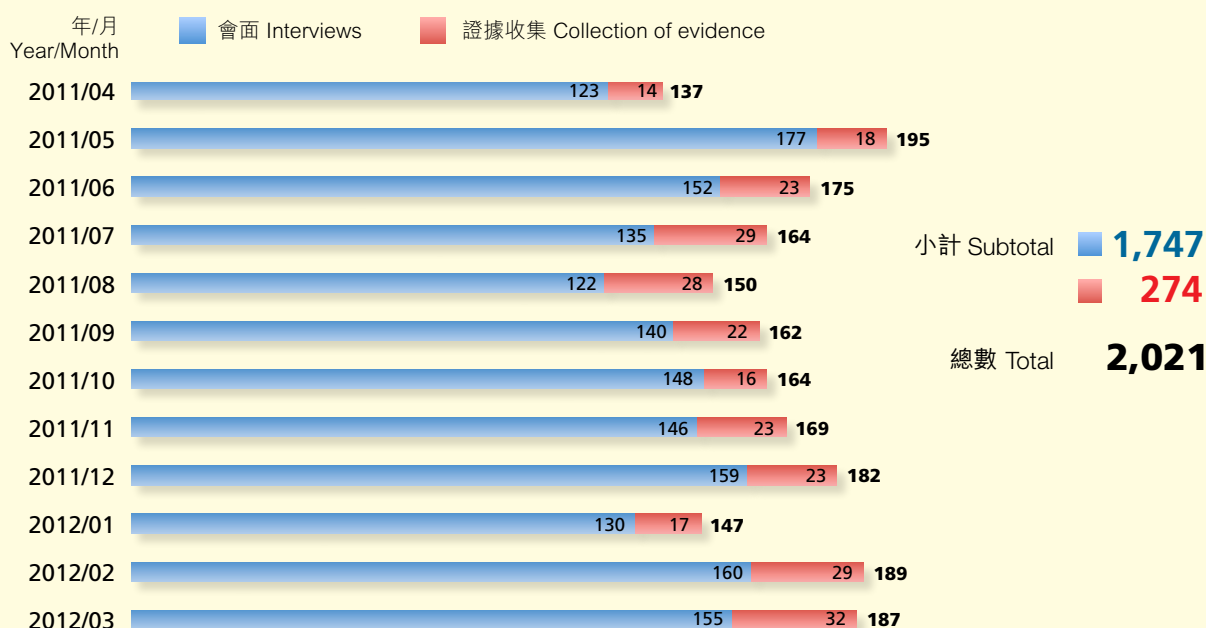
Among informally resolved cases, 789 involved IPCC participation in interviews, a decrease of 9.5% from last year's figure of 864. Another 1,232 cases involved IPCC observations of investigations, an increase of 11%, from 1,110 in 2010/11.

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

觀察員(包括委員)進行觀察的每月分項數字請見下列圖表：

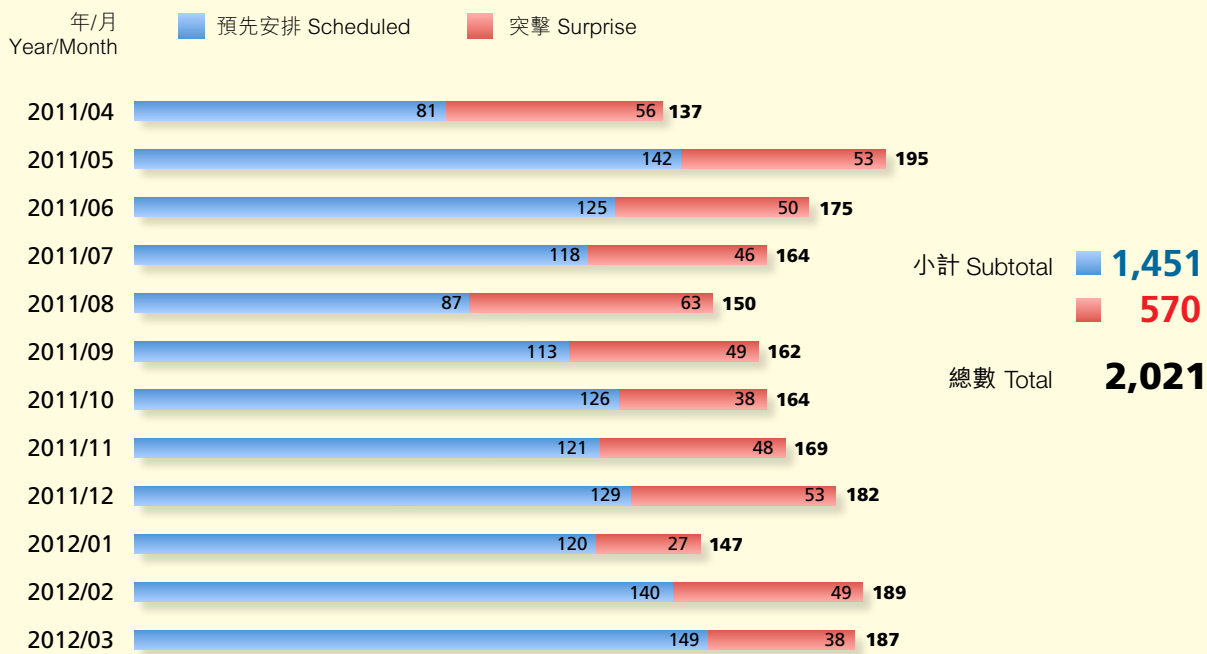
觀察調查會面和證據收集工作的分項數字：

Statistics on observations of interviews and the collection of evidence



預先安排和突擊觀察的分項數字：

No. of scheduled and surprise observations



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，於會面或證據收集工作進行前，給予監警會不少於48小時的通知。在2011/12年，逾九成(92.08%)的通知是在不少於48小時前收到；比起2010/11年的90.1%有進一步改善。

Insofar as practicable, CAPO has agreed to notify the IPCC at least 48 hours in advance of any impending interviews or collection of evidence. In 2011/12, 92.08% of such notifications were given within at least 48 hours, an improvement over 2010/11, with 90.1%.

觀察投訴調查和透過簡便方式解決的會面的分項數字：

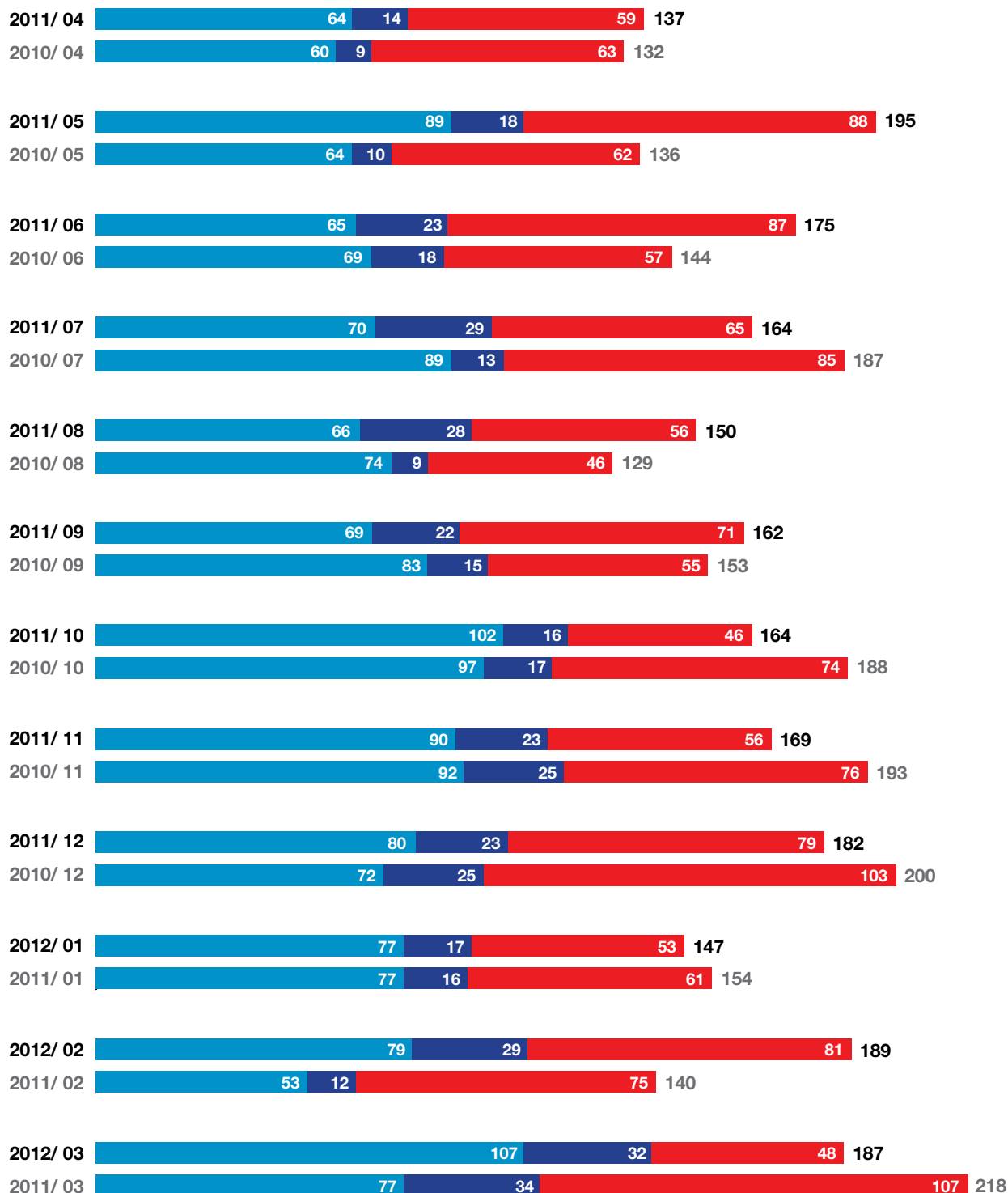
No. of observations conducted for complaints investigation and informal resolution interview

投訴調查的觀察 Observations of complaints investigation:

■ 會面 Interviews ■ 證據收集 Collection of evidence

■ 透過簡便方式解決的會面觀察

No. of informal resolution interview

2011/12 觀察投訴調查和透過簡便方式解決總數
2011/12 Observations conducted for complaints investigation and informal resolution interview**2,021**2010/11 觀察投訴調查和透過簡便方式解決總數
2010/11 Observations conducted for complaints investigation and informal resolution interview**1,974**

監警會進行會面

IPCC Interviews Conducted

在本報告期內，監警會曾邀請14位人士(五位投訴人、五位被投訴人、三位警務人員，以及一位證人)出席會面，涉及七宗投訴個案。當中13位人士均有出席監警會會面，其餘的一位證人雖然沒有出席，但他卻向監警會提供了有用的資料，協助會方考慮投訴警察課的調查報告。

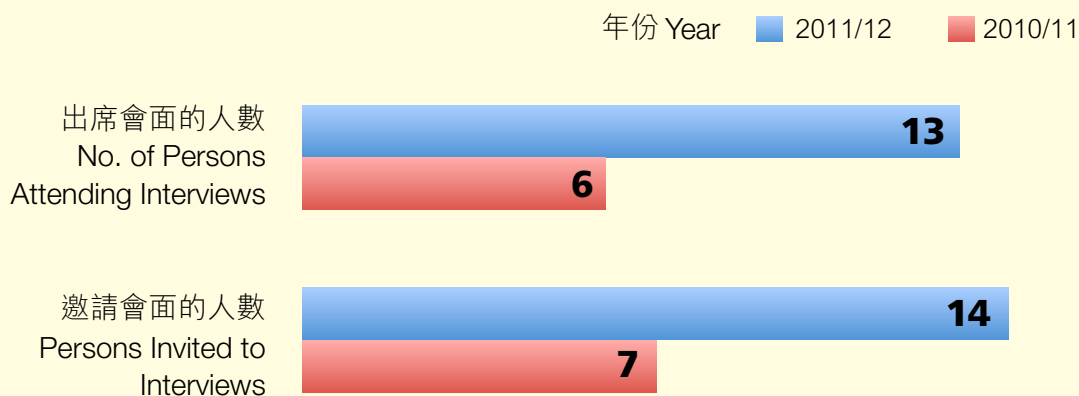
進行會面的數據如下：

During the reporting period, the IPCC invited 14 persons (five complainants, five complainees, three police officers and one witness) to attend interviews involving seven complaint cases. Among these, 13 persons attended the interviews. The one person who was unable to attend offered information to the IPCC, which assisted the IPCC in considering the investigation report by CAPO.

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

監警會進行會面的數字

No. of IPCC interviews conducted



審核個案的速度

Accelerating Case Reviews

為加快審核個案的速度和處理投訴個案的效率，監警會秘書處在年內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，由去年度的145天減少至86天。

In order to accelerate the process of case review, the IPCC Secretariat simplified its internal procedures this year. Previously, each report on a complaint investigation had to be checked by a Vetting Team and queries were 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 Vetting Teams. 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.

With this new arrangement, the average number of days required to review an investigated case dropped from last year's 145 days to 86 days.

審核個案的平均日數

Average no. of days required to review an investigated case

2011/12

86

2010/11

145

向投訴警察課提出質詢

Queries Raised with CAPO

在2011/12年，監警會向投訴警察課提出1,153項質詢或建議。在這些質詢或建議中，有662項獲投訴警察課全面接納，比率為57.4%。

A total of 1,153 queries and suggestions were made by the IPCC to CAPO in 2011/12. Among these queries and suggestions, 662 were accepted by CAPO and the remainder were met with satisfactory explanations from CAPO. The acceptance rate was 57.4%.

至於其餘的質詢，投訴警察課則向監警會提交解釋。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，藉工作層面會議和投訴警察課商討。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。

After the IPCC Secretariat received the explanations, the Vetting Team studied them and passed them on to the Committee Members for considerations. When necessary, the queries and explanations were discussed at the working level meetings with CAPO. Only when IPCC Secretariat and Members accepted CAPO's explanation would a complaint case be endorsed.

更改分類

Classification Changes

監警會在2011/12年就調查結果分類提出429項質詢，而為投訴警察課全面接納的則有218項，因此而須予修正的調查結果有154項。其中較值得注意的改動包括：

CAPO accepted 218 out of a total of 429 queries raised by the IPCC in 2011/12 regarding the classification of findings. As a result CAPO reclassified 154 allegations of which the following are significant:

41 項由「無法證實」改列為「並無過錯」

41 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」

8 reclassified from "Unsubstantiated" to "Not Fully Substantiated"

4 項由「無法證實」改列為「獲證明屬實」

4 reclassified from "Unsubstantiated" to "Substantiated"

41 項由「並無過錯」改列為「無法證實」

41 reclassified from "No Fault" to "Unsubstantiated"

6 項由「虛假不確」改列為「並無過錯」

6 reclassified from "False" to "No Fault"

詳細數據請參考下表：

The breakdown of figures is shown in the table:

2011/12年度監警會通過的再分類調查結果 Changes of classification endorsed by the IPCC in 2011/12

原來分類 Original Classification	最後分類 Final Classification							總數 Total
	獲證明屬實 Substantiated	無法完全證明屬實 Not Fully Substantiated	無法證實 Unsubstantiated	並無過錯 No Fault	虛假不確 False	無法追查 Not Pursuable	投訴撤回 Withdrawn	
獲證明屬實 Substantiated	NA	0	1	2	0	0	0	3
無法完全證明屬實 Not Fully Substantiated	2	NA	2	0	0	1	0	5
無法證實 Unsubstantiated	4	8	NA	41	3	2	0	58
並無過錯 No Fault	0	5	41	NA	0	1	0	47
虛假不確 False	0	0	1	6	NA	2	0	9
無法追查 Not Pursuable	1	0	0	15	7	NA	0	23
投訴撤回 Withdrawn	0	1	0	5	3	0	NA	9
總數 Total	7	14	45	69	13	6	0	154

此外，監警會年內通過了80項「未經舉報但證明屬實」的指控，當中有17項是經監警會提出質詢後而增加的，另有34宗事件記錄為「旁支事項」*。

Moreover, the IPCC endorsed 80 counts of “Substantiated Other Than Reported” allegations. Of these, 17 were included after the IPCC raised queries and 34 were recorded as “Outwith”^{*} cases.

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

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

改善警隊常規和程序的建議

Suggested Improvements to Police Practices and Procedures

根據《監警會條例》第8(1)(c)條，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八項建議，當中有五項建議為投訴警察課所接納。

Under section 8(1)(c) of the IPCCO, the IPCC may make recommendations to the Commissioner of Police and/or the Chief Executive if it identifies any fault or deficiency in any police practices or procedures that has led to or might lead to complaints. During this reporting period, the IPCC suggested to the Police eight improvements, of which five 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。2011/12年，屬於這類的質詢共有三項，投訴警察課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 2011/12, out of three 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2011/12年，監警會就警務人員在運用警權時的理據提出三項質詢。

The use of police power when an officer is discharging his duty is also a concern of the IPCC. In 2011/12, the IPCC raised three queries in respect of the reasons for the use of police power.

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。2011/12年，監警會曾在有關事項上共提出22次意見，其中九次獲投訴警察課接納。

While the dispensing of advice or disciplinary actions 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 22 occasions in 2011/12, of which nine comments were accepted by CAPO.

澄清調查報告資料

Clarification of Information in Investigation Reports

2011/12年，監警會共提出451項關於調查報告內含糊不清之處的質詢及意見，其中302項獲投訴警察課接納。其餘的質詢則獲該課給予圓滿解釋。

In 2011/12, the IPCC raised questions and comments on 451 ambiguous points, of which 302 were accepted by CAPO. It received satisfactory explanations from CAPO for the rest.

調查透徹度

Investigation Thoroughness

2011/12年，監警會共提出78項有關調查的透徹程度的質詢，其中44項獲投訴警察課接納，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 2011/12, the IPCC raised 78 questions regarding the thoroughness of police investigations. Of these, 44 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2010/11年及2011/12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 2010/2011 and 2011/2012:

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

2011/12 質詢總數 Total no. of query points **1,153**

2011/12 投訴警察課接受的質詢 No. of query points accepted by CAPO **662**

年份 Year	質詢總數 Total No. of Query Points		投訴警察課接受的質詢 No. of Query Points Accepted by CAPO	
	2010/11	2011/12	2010/11	2011/12
質詢性質 Nature of Query				
分類 Classification	653	429	400	218
改善警隊常規和程序的建議 Suggested Improvements to Police Practices/Procedures	12	8	10	5
遵從警務程序和常規 Propriety of Police Practices/Procedures	54	3	27	1
行使警權的理由 Reasonable Grounds for Exercise of Police Powers	19	3	2	0
對處理違規人員的行動提出意見 Disciplinary Actions Proposed for Concerned Officers	54	22	40	9
澄清調查報告資料 Clarification on Ambiguity in CAPO Reports/Files	1,211	451	958	302
調查透徹 Thoroughness of Investigation	177	78	94	44
其他質詢 Other Queries	247	159	177	83
總數 Total	2,427	1,153	1,708	662

改善警隊常規和程序的建議具體情況

Recommended Improvements to Police Practices and Procedures

本報告期內，監警會在這方面向警方提出了一些改善建議。

During the reporting period, the IPCC raised recommendations for improvements to the Police.

截停搜查

“Stop & Search” Procedure

警方的截停搜查人次每年逾百多萬。由於截停搜查涉及當事人的人權，加上這些行動很容易招致投訴，所以監警會委員一直都很關注這議題。在2011年6月9日的聯席會議上，委員便要求警方檢視進行「截停搜查」的合法性、必須性和有效性。委員認為警務人員在搜查任何人士前，須有合理懷疑，單是主觀性懷疑的理據未必足夠。過往發現有警務人員並沒有在記事冊寫下懷疑的理由，但委員發現這情況已逐漸有改善。在委員不斷的查詢及建議後，警方亦從善如流，成立了工作小組，研究減少截停搜查這類投訴的建議，並加強前線警務人員在執行截停搜查時的培訓。待有關建議出台後，便會提交監警會商討。

The Police conduct more than one million “stop and search” procedures each year. As “stop and search” involves human rights and may easily lead to complaints, IPCC Members have been very concerned about this issue. At a Joint Meeting held on 9 June 2011, Members requested the Police to review the legitimacy, necessity and effectiveness of “stop and search” procedures. Members voiced the opinion that before a police officer searches a person, he should have reasonable suspicion and mere subjective doubt may not be sufficient. In the past, it was found that some police officers did not record their reason for searching a suspect in their notebooks. But Members noticed that the situation has gradually improved. As a result of Member's continuous inquiries and recommendations, the Police have set up a working group to study ways to reduce complaints derived from “stop and search”, and to reinforce front line police officers' training in such procedures. The suggestions will be forwarded to the IPCC for discussion when they are available.

表達不滿

Expression of Dissatisfaction

警隊每年錄得的投訴個案約為2,700多宗至4,000多宗，八成屬性質輕微的投訴，如疏忽職守、態度欠佳、解釋不周等言語溝通誤會。但處理這些性質輕微的投訴所耗用的時間及資源，無可避免地影響了警方和監警會處理投訴的整體效率。監警會和警方均了解市民希望可以加快投訴處理的效率，在2010年監警會和投訴警察課組成了一個聯席工作小組，著力研究一個更有效率的機制，可以依據投訴性質作分流處理，以便可以加快處理調查投訴個案的效率。

The Police received around 2,700 to 4,000 complaint cases each year. Around 80% are minor complaints like Neglect of Duty, Improper Manner, insufficient explanation, and miscommunication. The amount of time and resource deployed to resolve these minor complaints has inevitably undermined overall efficiency of the Police and the IPCC. Both the IPCC and the Police are aware that the public would like to see the speedy handling of complaints. Thus in 2010, the IPCC and CAPO established a Joint Working Group to come up with a more efficient system of sorting complaints by their nature in order to boost the efficiency of the investigation of complaint cases.

經過年多的商討和研究，警方在2012年4月起除了以「透過簡便方式解決」和「全面調查」這兩種方式處理投訴外，亦試行了以「表達不滿」方式處理投訴。經與監警會商議及取得共識下，投訴警察課為市民提供多一個選擇，以「表達不滿」替代正式投訴，新制只適用於性質輕微投訴事項，涉毆打、捏造證據等嚴重指控就不會處理。此計劃會在試行6個月後再檢討。計劃擬定的過程中，監警會不斷提供意見及協助，以促成此計劃的推行。

After a year long discussion and research, the Police initiated a pilot scheme of "Expression of Dissatisfaction"(EOD) for the handling of complaints in April 2012, in addition to the existing "Informal Resolution" and "Full Investigation" mechanism. This new system was the result of discussion between the IPCC and CAPO. The two parties reached consensus to offer the public an additional option of EOD instead of launching a formal complaint. This option is only applicable with regard to minor offenses, not serious allegations like Assault, Fabrication of Evidence, etc.. The system will be evaluated after a six-month trial period. While the system is under development, the IPCC will continue to provide advice and assistance to ensure its smooth implementation.

優化投訴程序有效處理投訴

Optimising Complaints Procedures to Increase Effectiveness



我在2009年1月1日加入監警會。那年6月監警會正式成為法定機構，同時投訴警察的數字大幅上升。監警會當時只有十八名委員，二十多名秘書處職員，卻要應付每年逾4,000宗的投訴調查報告審核工作。每宗投訴個案都必需要經過秘書處的審核團隊以抽絲剝繭的形式嚴謹仔細地檢視，由委員分組翻閱及確認是否接納調查結果。不過，在這4,000多宗的投訴個案中，約八成只屬性質輕微的投訴，如不禮貌、行為不當和疏忽職守等。

我們和警方均了解市民希望可以加快投訴處理的效率。有見及此，監警會在2010年和投訴警察課組成了一個工作小組，著力研究一個更有效率的機制，希望可以依據投訴性質作分流處理，以便可以加快處理投訴個案的效率。

I joined the IPCC on 1 January 2009. In June the same year, the IPCC became a statutory body, while the number of police complaints increased. There were only 18 members and just over 20 Secretariat staff reviewing more than 4,000 complaint investigation reports per year. Every complaint case had to be checked painstakingly and rigorously by a Secretariat team, then the IPCC Members worked in groups to vet and decide whether to endorse the findings. Around 80% of the 4,000 cases involved minor complaints such as Impoliteness, Misconduct and Neglect of Duty.

The Police and the IPCC are aware that the public would like to see more speedy handling of complaints. In view of this demand, the IPCC and CAPO established a Joint Working Group in 2010 to come up with a more efficient system of sorting complaints by their nature in order to boost the efficiency of the investigation of complaint cases.

小組參考外國的經驗，並聽取持份者的意見，發現常與警方發生衝突的人士或團體均認為繁複的投訴處理程序不但欠缺效率，更會使投訴者怕麻煩而放棄投訴。如警方錄取口供時，當事人說一句，他便抄錄一句，然後警員把全句口供重覆一次確認，浪費不少時間。小組遂建議口供以錄影代替筆錄，並提高警方的錄取口供技巧。

工作小組亦關注到在《監警會條例》之下，投訴人若選擇透過簡便方式解決，該投訴個案便視作「終極完案」，因此循此途徑處理的個案只有約四分之一。很多時投訴人只是希望向警方提出改善服務質素的意見，並非旨在要警方全面調查其個案及懲處被投訴者。

因此工作小組取得共識，同意投訴警察課在2012年4月除了以「透過簡便方式解決」和「全面調查」這兩種方式處理投訴外，亦試行了以「表達不滿」方式處理投訴。市民對警隊成員的行為或警隊的任何程序如有不滿，但又不想作出正式投訴，可以選用「表達不滿」方式，讓警隊澄清誤解及找出改進服務質素的地方。但這方式只適用於性質輕微投訴事項，涉及毆打、捏造證據等嚴重指控則不會循此途徑處理。此計劃會在六個月後再檢討。計劃推出至今有不俗的反應，相信工作小組的努力，必然可以優化投訴處理程序。

方敏生女士，BBS，JP

工作小組監警會方召集人

The Working Group made reference to overseas experience and encouraged suggestions from stakeholders, including people and groups that are most often in dispute with the Police. The Working Group found complaint procedures cumbersome and inefficient, and so tedious that complainants often gave up on filing a complaint. For instance, when taking a statement by a complainant, a police officer would jot down the complainant's words sentence by sentence, and then read them back to the complainant to confirm them, wasting a lot of time. The Working Group suggested that statements be recorded on video rather than in writing, and that the skills of the Police in taking statements be improved.

The Working Group was also concerned that under the IPCCO, once a complainant has opted for an informal resolution of a complaint, he or she cannot later request a full investigation into the case; thus only a quarter of complainants chose this option. Most of the time, complainants only wished to give suggestions to the Police in order to improve their quality of service; they were not requesting a full investigation into their complaint or seeking to punish the complaine.

Based on the Working Group's consensus, in April 2012 CAPO initiated a pilot scheme of "Expression of Dissatisfaction"(EOD) for the handling of complaints, in addition to the existing "Informal Resolution" and "Full Investigation" mechanism. A member of the public who is dissatisfied with a member of the Police or any police procedures but does not want to file a full complaint can choose the EOD, and ask the Police to clarify any misunderstanding and identify areas where the quality of service could be improved. However, this option is only available for minor offenses; it does not apply in cases involving Assault, Fabrication of Evidence or other serious allegations. The scheme will be reviewed after a six-month trial period. The response to the scheme so far is encouraging; I believe that the efforts of the Working Group will optimise procedures for handling complaints.

Ms Christine FANG Meng-sang, BBS, JP

IPCC Working Group Convener

李克強副總理訪港而衍生的投訴個案

Complaints related to Vice Premier Li Keqiang's visit

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，在副總理訪港期間，他曾到訪多個地點。為了保護副總理的人身安全，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保安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16宗有關的須匯報投訴和六宗須知會投訴。

投訴警察課在完成15宗須匯報投訴個案的調查工作後，便將調查報告交由監警會審核。由於監警會非常關注這類牽涉重大公眾利益的投訴，遂將副總理訪港而衍生的投訴個案交由嚴重投訴個案委員會跟進及審核。

為了讓公眾了解投訴個案的處理進度及增加透明度，監警會在2012年5月3日發佈就李克強副總理訪港而衍生的投訴個案審查中期報告。在中期報告中交代投訴警察課接獲的16宗須匯報投訴之中，有九宗個案已獲監警會通過。監警會正就其餘六宗個案的調查結果向投訴警察課質詢。最後一宗個案則根據「有案尚在審理中」的程序，監警會同意投訴警察課暫停調查工作。

監警會從一個整體的方向去審閱、監察及覆檢該16宗須匯報投訴的調查報告。綜觀這些投訴個案，可以發現投訴人普遍並不察覺或不同意警方需要在地點實施有關保安措施的理據，包括封閉行人天橋、在遠離活動地點設置指定採訪區和指定公眾活動區、驅散路人、移走市民，以及在處理記者和示威者時行使警權等。

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 personal safety, the Police took certain security measures at the sites he would visit and along the routes his motorcade would travel. Afterwards, widespread public concerns arose from the magnitude and latitude of the security arrangements adopted by the Police. The Complaints Against Police Office (CAPO) received 16 Reportable Complaints and six Notifiable Complaints related to these measures.

After investigating 15 Reportable Complaints, CAPO submitted its reports to the IPCC. The IPCC is very concerned about complaints of immense public interest; therefore it decided that the investigation of complaints related to the VP's visit should be monitored and examined by the Serious Complaints Committee.

To ensure transparency and openness with regard to these investigations, on 3 May 2012 the IPCC published an interim report on complaints related to the visit by the VP. The interim report stated that CAPO had received 16 Reportable Complaints; in nine cases the IPCC endorsed CAPO's findings; in six others it requested further information from CAPO. The IPCC agreed with CAPO that the investigation of the last case should be held in abeyance on the grounds of "sub-judice".

The IPCC has taken a holistic approach in reviewing, monitoring and examining the 16 Reportable Complaints. In general the complainants were not aware of, or disagreed with, the reasons why the Police adopted the security measures at different locations. These included the closure of footbridges, the location of Designated Press Areas (DPA) and Designated Public Activity Areas (DPAA) too far from the event venues, clearing pedestrians, removing citizens, and the execution of police powers against journalists and protestors.

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。如在過程中發現警方的常規或程序有任何過錯及不足之處，監警會可履行《監警會條例》第8條的職能，向警務處處長及/或行政長官作出建議。因此，監警會決定將有關結果向行政長官報告及把報告提供給立法會，以供參考。

自2011年9月開始至2012年6月，投訴警察課就以上16宗須滙報投訴，總共進行了109次調查行動，包括會面和證據收集工作。當中達97%有監警會觀察員出席監察。在審議這些個案時，監警會循下列三方面提出質詢：

- 一. 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。
- 二. 監警會觀察到有些個案的投訴人沒有向投訴警察課提供口供，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。
- 三. 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。

監警會預計以上的質詢尚需要更多的時間及工作來處理，因此決定先發表中期報告，讓公眾了解投訴個案的處理進度。待所有資料齊全後，會方便會著手撰寫最後報告，內容包括餘下六宗未通過的個案結果。至於「有案尚在審理中」的個案調查工作能否完成，則有待審訊結果。

In the course of its careful and conscientious review, the IPCC explored the reasons for the complaints and considered whether the police security measures were proper and justifiable. Under the IPCC Ordinance Section 8, the IPCC may offer recommendations to the Commissioner of Police and/or the Chief Executive, if it finds police actions to be at fault or inadequate. Therefore the IPCC decided to submit a report to the Chief Executive and to make it available to the Legislative Council as well.

From September 2011 to May 2012, CAPO has taken 109 investigative actions in respect of these 16 Reportable Complaints, including conducting interviews and gathering evidence. IPCC Observers were present during 97% of these actions. In reviewing the cases, the IPCC noted three points:

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 officers at scene handled the situations, hence these complaints should be directed against the senior police officers responsible for the actions rather than the front line police officers.
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.
3. In order to identify the causes leading to these complaints, and to find out if the 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.

The IPCC anticipates that more time and effort will be required for the above points to be fully resolved; therefore it decided to release an interim report to update the public on the handling of these cases. Once all relevant information has been gathered, a final report will be compiled, in which all outstanding issues, including the classification of allegations in the six yet-to-be endorsed cases, will be addressed. Whether or not the investigation into the sub-judice case can be completed depends on the outcome of the trial.

堅守獨立公正 增強市民警隊互信

Maintain independence and impartiality to enhance mutual trust between the public and the Police



獨立監察警方處理投訴委員會除具權力外，還應樹立毋庸置疑的公信力。因此，有責任堅持不懈地追尋每宗投訴之事實真相，貫徹基於事實和證據，作出不偏不倚、公平公正的裁斷，以維護法治和確保香港警隊之優良傳統。

「港人治港」激發了市民當家作主的意識。市民在強調自身權利之時對警務人員的要求亦不斷提升。面對變遷，我們既要堅守香港核心價值，按既定政策處理投訴，也要與時俱進回應社會訴求，協助警方改善服務。不久前針對市民投訴警方就領導人訪港的保安安排，監警會作出中期報告，提出關注。及後，警方認真考慮監警會的關注，於同類保安工作作出調整，顯示出監警會獨立公正的處理得到尊重和認同。

決定是否列入嚴重投訴個案有一套客觀嚴謹的準則。嚴重個案委員會會依據這些準則對個案結果進行審核，並且向監警會提出對相關事項的建議供其考慮。這過程既需要各成員本身的個人判斷力，也還要集體智慧和對本港制度及核心價值的深刻理解。

主席翟紹唐是一位重視團隊精神，具領導能力的掌舵人。我相信，在他的領導下，透過全體成員的共同努力，我們的工作將進一步增強市民與警隊間的互信，使香港這個多元化社會成為和而不同，多姿多采，健康安心的共同家園。

石禮謙議員，SBS，JP

嚴重投訴個案委員會主席

The Independent Police Complaints Council, apart from its powers, must maintain a high standard of credibility. Therefore, it must persistently pursue the truth behind every complaint, follow up on the facts and evidence, and come to an impartial and fair conclusion in order to uphold the rule of law and the fine traditions of the Hong Kong Police Force.

The idea of "Hong Kong people running Hong Kong" stimulates the public's sense of ownership. Increasingly, members of the public consider it their right to make demands on the Police Force. With the changes we are facing, not only do we have to maintain Hong Kong's core values and adhere to established policies in handling complaints, we also have to respond to rising public expectations in improving the service of the Police. Recently, there were a number of complaints against the Police concerning the arrangements for a national leader's visit to Hong Kong. The IPCC prepared an interim report on this incident and expressed its concerns. Subsequently, the Police seriously considered the concerns of the IPCC and adjusted their policies for handling similar security situations. This shows that the IPCC's independent and fair position is respected and recognised.

There are objective and prudent criteria for defining whether a complaint should be considered serious. Based on these criteria, the Serious Complaints Committee will review the outcome of a case and offer recommendations, where relevant, to the IPCC for consideration. This process requires the Members' personal judgment as well as collective wisdom and a deep understanding of Hong Kong's system and core values.

The Chairman of the IPCC, Mr Jat Sew-Tong, has a high regard for team spirit and is a very competent leader. I believe that, with his leadership and the joint effort of all the members, our work will help strengthen mutual trust between the public and the Police, and make this diverse society of Hong Kong a place of harmony, despite our differences, and our common home, in which we all enjoy peace of mind.

The Hon Abraham SHEK Lai-him, SBS, JP

Chairman of the Serious Complaints Committee

警方處理大型公眾活動

Police's Handling of Public Order Events



警方處理大型公眾活動不時引起市民關注，監警會在2012年開始建議警方安排委員現場觀察警方處理大型公眾活動，旨在從公共安全和公共秩序角度，增加委員對警方處理大型公眾活動的知識和了解。

在2012年6月27日警方為監警會委員舉行了一場簡報會，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現場觀察當時的現場實況。7月1日的觀察活動在警方指揮中心的簡報會開始，委員隨後沿著香港職工會聯盟的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。而參與了是次觀察的委員將會向整個委員會報告，以便和全體委員討論有關事宜。



The Police's handling of public order events aroused public concerns from time to time. Starting in 2012, the IPCC has suggested the Police arrange its Members to observe how the Police handle public order events on site. The purpose is to allow Members to understand police procedures in handling major public order events from the perspective of public safety and order.

On 27 June 2012, the Police organised a briefing for IPCC Members, introducing the planned Police deployment to handle the 1 July procession, and made arrangements to have Members observe the procession on site. The 1 July observation started with a briefing at the Police Command Centre; Council Members then proceeded to various strategic locations along the route of the public procession organised by the Hong Kong Confederation of Trade Unions, followed by observation at the Central Government Offices. After that, Council Members observed the procession organised by the People's Power at Queensway and the Liaison Office of the Central People's Government.

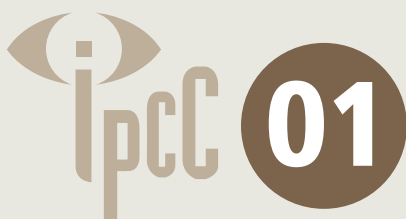
IPCC Members were pleased to share that the whole experience was beneficial and fruitful. Participating Council Members will further discuss their observations with the whole Council.

第三章

Chapter 3

投訴警察真實個案 Actual Cases of Police Complaints

CASE 個案 1



投訴指控 Allegation	被投訴人 Complainee	投訴警察課原來分類 Original Classification by CAPO	最後分類 Final Classification
毆打 Assault	一名警長 A Sergeant	無法證實 (初時列為「無法追查」) Unsubstantiated (initially classified as "Not Pursuable")	並無過錯 No Fault

個案重點

本個案彰顯了監警會作為獨立的監察機構，在審核警察因處理大型公眾活動而衍生的投訴時公平公正，不偏不倚。監警會有責任就投訴警察課的調查進行質詢，並衡量個案中的證據和所得出的結論。在這個案中，監警會更邀請了投訴人和被投訴的警員出席監警會會面，以協助委員考慮投訴警察課呈交的調查報告。

投訴人為一名記者，他投訴在2010年初，於中央人民政府駐香港特別行政區聯絡辦公室（下稱中聯辦）外採訪示威時，被一名身份不明的軍裝警務人員毆打。投訴人指該名警員插他雙眼，並聲稱警員的行動是為了阻止他採訪該項示威活動。

由於未能確定該名警員的身份，所以這宗投訴的指控初時被列為「無法追查」。後來投訴人提供電視台拍攝到的示威片段，投訴警察課因而能夠確定警員的身份為一名警長，並重新展開調查。為確保投訴警察課已徹底和公平地進行調查，監警會和兩名與案人士會見，釐清投訴個案中的事宜，並建議將此個案的「毆打」指控由「無法證實」改列為「並無過錯」。

Highlights of the Case

This case demonstrates that the IPCC, as an independent oversight body, will ensure that complaints against police handling of public order events are treated justly and without prejudice. The IPCC has a duty to enquire into investigations conducted by CAPO, and to evaluate the evidence by which findings are reached. In this particular case, the IPCC invited the complainant and the complainee to attend an IPCC interview for the purpose of considering the investigation report submitted by CAPO.

CASE 個案 1

The complainant, a reporter, lodged an allegation of “Assault” against an unidentified uniformed police officer. The complainant stated that the unidentified police officer had poked the complainant in the eyes while he was reporting a protest outside the Liaison Office of the Central People’s Government (LOCPG) in early 2010. The complainant alleged that the police officer’s act was intended to prevent him from reporting the protest.

The complaint was initially classified as “Not Pursuable”, as the identity of the police officer concerned was not confirmed. When the complainant produced a broadcasting station’s video footage of the incident, CAPO identified the police officer as a Sergeant, and re-opened the complaint investigation. In order to ensure that CAPO’s investigation had been thoroughly and impartially conducted, the IPCC interviewed the two persons concerned to clarify certain issues and proposed to change the classification of the “Assault” allegation from “Unsubstantiated” to “No Fault”.

個案背景 Case Background

投訴人在事發當日於中聯辦外採訪示威活動，根據2010年的新聞報道，當時場面混亂，聚集了眾多示威者、記者和警察。幾名示威者衝破警方的封鎖線並坐在馬路上，投訴人表示他隨著示威者走在馬路上並蹲下身子拍攝。突然他感到一隻手從後方伸到他的頭上，而手指正要插向他的雙眼。投訴人轉過頭來看見一名警員站在他身後，但他並沒有當場投訴該名警員，而是繼續其拍攝工作。投訴人當時並沒有損傷，事後亦沒有求醫。

第二天，一份報章刊登了一張投訴人的頭被一隻手按著的照片，投訴人雙眼則被手指所觸碰。後來投訴人以該照片為證據，向投訴警察課投訴，指該名警員用手插他的眼睛以妨礙其採訪示威活動（指控：毆打）。

On the day in question, the complainant was reporting a protest outside the LOCPG. According to a news report in 2010, the scene was chaotic, with many protestors, reporters and police officers in the vicinity. A number of protestors broke through a police cordon and sat down in the road. The complainant stated that he followed the protestors and knelt down in the road to film the incident. Suddenly, the complainant felt a hand on his head from behind, and fingers poking into his eyes. He turned around and saw a police officer standing behind him. The complainant, however, did not complain then and there, but continued filming the protest. He did not sustain any injury or seek medical treatment afterwards.

On the following day, a photograph capturing a hand on the complainant's head with his eyes being touched by the fingers was published on a local newspaper. Later on, with reference to the said photograph, the complainant lodged a complaint with CAPO, alleging that the police officer had prevented him from reporting the protest by poking him in the eyes with his fingers (Allegation: Assault).

CASE 個案 1

投訴警察課的調查
CAPO's Investigation

因資料有限，投訴警察課未能確定該警員的身份，因此該個案最初被列為「無法追查」。投訴人不滿結果，遂向投訴警察課呈交一段記錄了事件剛發生之前的現場情況的電視台錄影片段。片中可見一名警長正站在投訴人的身後。投訴警察課確認該名警長為被投訴的警員。

該警長與投訴警察課會面時指出照片中的手可能是他的，他解釋當時他跟隊友獲指派到現場，並且用身體築成人鏈，以阻止旁觀者和其他示威者跟坐在中聯辦外的人士發生碰撞。期間他被示威者推撞，令他跟附近人士有身體接觸。警長指出可能因為被身後的示威者推向前方，令他撞到面前坐在路上的示威者。然而在整個過程中，並沒有人向他投訴被推撞或受傷。投訴警察課認為沒有足夠證據證明指控屬實，因此建議把指控列為「無法證實」。

Due to limited information, CAPO was unable to identify the police officer concerned and the complaint was initially classified as "Not Pursuable". Dissatisfied with the outcome, the complainant furnished CAPO with video footage from a broadcasting station featuring the scene shortly before the alleged assault. The video footage captured a police officer standing behind the complainant. The police officer was identified as a Sergeant, who was then registered as the one being complained of.

When interviewed by CAPO, the Sergeant said that it was probably his hand in the photograph. The Sergeant further explained that he and his teammates had been deployed to the scene, and had used their bodies to form a human chain to prevent onlookers and oncoming protestors from colliding with the group of protestors sitting in the road outside LOCPG. He was pushed and bumped by protestors, resulting in body contact with several surrounding people. The Sergeant stated it was probable that he had bumped into the protestors sitting in the road in front of him when he was pushed by other protestors from behind, but no one had complained to him about being bumped or injured throughout the incident. CAPO considered that there was insufficient evidence to support the allegation, and a classification of "Unsubstantiated" was proposed.

監警會的觀察
IPCC's Observation

監警會認為需要更深入了解在調查過程中的細節，才能審議調查結果。因此，監警會決定會見投訴人及該名警長。兩次會面分別由兩名監警會委員負責。

投訴人指出在發生涉嫌毆打事件後，他轉過頭來看見該名警長站在其身後，但他和警長並沒有任何眼神接觸或對話。投訴人當時認為自己沒有充份證據，因此並沒有

In order to obtain a better understanding of what had actually transpired so that the IPCC would be in a better position to consider the classification of the allegation, the IPCC decided to interview the complainant and the Sergeant. An interview panel comprising two IPCC Members conducted the respective interviews.

The complainant stated to the panel that after the alleged assault, he turned around to find the police officer concerned standing behind him. He had no eye contact with the police officer and there was no verbal exchange. He did not

CASE 個案 1

立即投訴該名警長。投訴人亦確定除了手上的攝錄機外，自己當時並沒有佩戴任何識別其記者身份的標記。

該警長呈交了一張由另一間報館拍攝所得的照片，相中可見包括他在內的幾名警員正努力保護坐在馬路上的示威者，阻止後方的人群向前推撞。他形容當時的情況十分擠逼和混亂，他需要移動身體和雙手才能保持平衡。他強調自己當時只關心示威者的安全，在執行職務時並沒有留意到自己失去平衡時，左手已放在投訴人的頭上。

監警會曾聯絡那名拍攝到警長的手放在投訴人頭上的人士，雖然他沒有出席會面，但卻主動指出該照片只是當時在現場拍下的多張照片中的其中一張，亦只有那張照片被報章登出。因此他個人認為那張相片只是反映當時現場的混亂情況，以及該名警員的一個動作。

監警會聽取過投訴人和警長各自對事件的陳述後，亦研究了有關的新聞報道。監警會認為當時該名警長無可避免地需要跟在場人士有頻繁的身體接觸，他的解釋亦是合理和可信的。因沒有可靠的證據支持投訴人被警長「毆打」的指控，加上警長並沒有意圖阻礙投訴人採訪示威活動，所以投訴警察課接納監警會的意見，並把指控改列為「並無過錯」。

監警會通過這宗個案的調查結果。

immediately lodge a complaint as he thought there was no cogent evidence to support a complaint. The complainant also confirmed that he was not wearing any identification to indicate he was a reporter at the time, but that he was carrying a video camera.

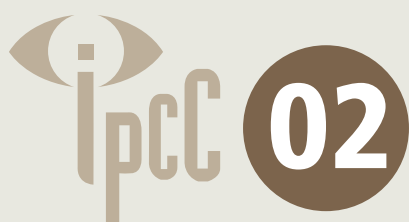
The Sergeant provided the panel with a photograph from another newspaper showing the position of police officers, including him, who were reportedly making great effort to protect the protestors sitting in the road by preventing the crowd behind them from pushing forward. He described the situation as very congested and chaotic and said he had to move his body and hands in order to maintain balance. He stressed that the safety of the protestors was his only concern, and said he was not aware that his left hand had landed on the complainant's head when he lost his balance while performing his duty.

The IPCC contacted the man who had taken the photograph of the Sergeant's hand on the complainant's head. Although he declined to attend an IPCC Interview, the photographer verbally volunteered the information that the photograph concerned was one of many he had taken at the scene, though it was the only one published by the local newspaper. Moreover, the photographer personally opined that the photograph was merely a factual reflection of an action of the police officer at the chaotic scene.

After interviewing both the complainant and the Sergeant, hearing their versions of the incident, and examining the relevant news reports, the IPCC considered that the Sergeant's frequent body contacts with surrounding people were inevitable and that his explanation was reasonable and credible. The IPCC was of the view that no reliable evidence had been established to support the allegation of "Assault" against the officer and that he had not intentionally interfered with the complainant's reporting of the protest. CAPO subscribed to the IPCC's view that the allegation should be re-classified as "No Fault".

The IPCC endorsed the findings in the investigation of this case.

CASE 個案 2



投訴指控 Allegation	被投訴人 Complainee	投訴警察課原來分類 Original Classification by CAPO	最後分類 Final Classification
1 濫用職權 Unnecessary Use of Authority	一名警長及五名 警員 A Sergeant and Five Police Constables	並無過錯 No Fault	並無過錯 No Fault
2 疏忽職守 Neglect of Duty	一名報案室警員 A Report Room Officer	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 警務程序 Police Procedures	香港警務處 《警務處程序手冊》 Hong Kong Police Force (Force Procedures Manual)	無 Nil	未經舉報但證明屬實 Substantiated Other Than Reported (SOTR)

個案重點

本個案說明了監警會能指出和糾正警務程序有誤的地方，亦證明監警會抱著持平的態度，考慮被投訴警員的責任問題。

警方扣押了八輛手推車和一輛小販用手推車（物品），這些手推車在公眾地方無人認領，並阻塞通道。但這些手推車其實是屬於一間回收公司的職員，他投訴扣押物品的警員「濫用職權」。經調查後，投訴警察課認為警員按《警務處程序手冊》的條文執行職務，並根據《公眾衛生及市政條例》第22條賦予的權力扣押物品，故把指控列為「並無過錯」。監警會查問之後，投訴警察課深入研究有關的法例，發現警員並沒有相關權力扣押物品，繼而刪除《警務處程序手冊》中相關的條文。投訴警察課接納監警會的建議，把投訴列為對於「警務程序」的「未經舉報但證明屬實」。涉案警員因為按照有誤的《警務處程序手冊》條文執行職務，所以並沒有犯錯。

CASE 個案 2

Highlights of the Case

This case illustrates the IPCC's role in identifying and rectifying procedural errors in police conduct, and demonstrates the IPCC's holistic and fair approach in considering the liability of police officers under complaint.

The Police had seized eight trolleys and one pushcart (the articles) that were left unattended and were obstructing a passage in a public area. The complainant, the employee of a recycling company to which the articles belonged, lodged an allegation of "Unnecessary Use of Authority" against the police officers who seized the articles. After investigation, CAPO recommended that the allegation be classified as "No Fault", since the police officers concerned acted in accordance with a provision in the Force Procedures Manual (FPM), which confers the power of seizure under Section 22 of the Public Health and Municipal Services Ordinance. Following the IPCC's queries, CAPO examined relevant laws and realised that police officers are not endowed with such power, and undertook to delete the related provision in the FPM. CAPO subscribed to the IPCC's recommendation that a count of "Substantiated Other Than Reported" be registered against "Police Procedures", though the police officers concerned should not be faulted, as they had followed an erroneous provision in the FPM.

個案背景 Case Background

2008年，一名警長在尖沙咀巡邏時，發現八輛手推車和一輛小販用手推車（物品）。這些物品無人認領而且阻塞公眾地方的通道，他遂召喚五名警員（警員小隊）協助找尋物主及清理現場。由於找不到物主，警員小隊決定把物品運回警署作棄置物品處理，並把「棄置物品報告」記錄於警署電腦檔案內。這批物品最後被銷毀。

該批物品其實屬於一間回收公司，當日公司的一名職員（被委派的投訴人）卸下物品於該處，後來發現物品不翼而飛。及後附近居民告知投訴人物品已被警方扣押，投訴人遂到警署報失，報案室警員翻查電腦記錄後，指沒有任何相關失物的記錄。

In 2008, a Sergeant on patrol in Tsimshatsui noticed eight trolleys and one pushcart (the articles) left unattended and obstructing a passage in a public area. He summoned five Police Constables (the Police Party) to assist in locating the owner of the articles to clear the obstruction. As the owner could not be located, the Police Party seized the articles and took them to the police station as abandoned articles. An "Abandoned Articles" report was entered in the computer at the police station. The articles were eventually destroyed.

The articles in fact belonged to a recycling company and had been unloaded at the spot on the day in question by a company employee (the complainant, as authorised), who later noticed that the articles were missing. After being informed by somebody living nearby that the articles had been taken away by the Police, the complainant made a "Loss" report to the police station. A report room officer checked computer records and stated that there was no record of the missing articles.

CASE 個案 ②

於是投訴人向投訴警察課投訴，投訴人在其錄取的口供中指該警長及其警員小隊並沒有權力扣押他的物品，所以警方是非法取走他的物品（指控一：濫用職權）。

Subsequently, the complainant lodged a complaint to CAPO. He alleged in a statement that the Sergeant and the Police Party had illegally taken away the articles, as they had no authority to do so (Allegation 1: Unnecessary Use of Authority).

投訴警察課的調查
CAPO's Investigation

投訴警察課的調查發現，報案室警員在處理投訴人的失物報告時有所疏忽，因他沒有從警署電腦檔案內找出「失物報告」，令投訴人未能取回當時仍被扣押在警署內的物品。就該報案室警員的錯失，投訴警察課將指控列為「疏忽職守」（指控二：疏忽職守），並分類為「未經舉報但證明屬實」。該報案室警員就錯失被訓誡，但毋須記錄在他的部門紀錄中。

至於警長及其警員小隊，投訴警察課認為他們根據《警務處程序手冊》第30章的條文，在未能尋回物主的情況下扣押物品，他們亦已妥善地報告及記錄整件事。投訴警察課解釋指《警務處程序手冊》第30章中列明，《公眾衛生及市政條例》第22條授予警方扣押物品的權力，因此把第一項指控列為「並無過錯」。

CAPO's investigation found the report room officer negligent in handling the complainant's "Loss" report, since he had failed to locate the "Abandoned Articles" report in the computer at the police station. As a result, the complainant could not reclaim the articles, which were still being held at the police station at that time. Therefore, a "Substantiated Other Than Reported" (SOTR) count of "Neglect of Duty" was registered against the report room officer (Allegation 2: Neglect of Duty), who was to be advised of his error, but without an entry in his Divisional Record File.

Regarding the Sergeant and the Police Party, CAPO found that they had acted in accordance with a provision in Chapter 30 of the Force Procedures Manual (FPM 30) in seizing the articles after failing to locate the owner. The seizure had also been duly reported and properly documented. CAPO further explained that the power of seizure of the articles was conferred under Section 22 of the Public Health and Municipal Services Ordinance (PHMSO) as listed in FPM 30. Hence, CAPO proposed to classify Allegation 1 as "No Fault".

監警會的觀察
IPCC's Observation

然而，監警會審視《公眾衛生及市政條例》的第22條後發現，條例只賦予扣押物品的權力予食物環境衛生署署長，沒有給予警方此等權力。但該警長及其警員小隊只是遵照了有誤的《警務處程序手冊》第

Nevertheless, the IPCC observed that Section 22 of the PHMSO vested the power of seizure in the Director of Food and Environmental Hygiene, not in police officers. However, the Sergeant and the Police Party should not be held liable for the fault as they had no intention of abusing or misusing police power, but were merely following an erroneous

CASE 個案 2

30條來執行職務，他們沒有意圖濫用或不當使用職權，所以他們並無失責。

經監警會的查詢後，投訴警察課請食物環境衛生署署長澄清相關條文，證實警方並無權行使《公眾衛生及市政條例》第22條的扣押權力。就此，投訴警察課刪除《警務處程序手冊》第30條內的相關條文。投訴警察課接納監警會的建議，除了把指控一列為「並無過錯」外，亦應把「警務程序」的指控（指控三：警務程序）分類為「未經舉報但證明屬實」。

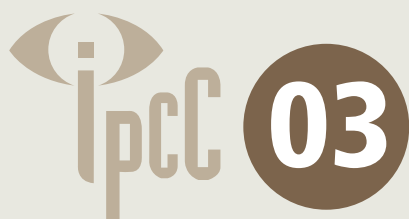
監警會通過這宗個案的調查結果。

provision in the FPM 30.

After the IPCC's queries, CAPO sought clarification from the Director of Food and Environmental Hygiene and confirmed that police officers have no authority to exercise the power of seizure under Section 22 of PHMSO. It then undertook to delete the related provision in FPM 30. CAPO subscribed to the IPCC's recommendations by registering an "SOTR" count of "Police Procedures" (Allegation 3: Police Procedures), on top of the "No Fault" classification of Allegation 1 so as to reflect a complete picture of the case findings.

The IPCC endorsed CAPO's findings in this case.

CASE 個案



投訴指控 Allegation	被投訴人 Complainee	投訴警察課原來分類 Original Classification by CAPO	最後分類 Final Classification
1 無禮貌 Impoliteness	一名警員 A Police Constable	無法證實 Unsubstantiated	無法證實 Unsubstantiated
2 疏忽職守 Neglect of Duty		無法證實 Unsubstantiated	無法證實 Unsubstantiated
3 濫用職權 Unnecessary Use of Authority		無法證實 Unsubstantiated	無法完全證明屬實 Not Fully Substantiated

個案重點

本個案彰顯了監警會可以對警方的工作常規提出建議，以預防相類似的投訴重覆出現。投訴人到訪一座大廈，保安員以保安理由要求她出示身份證，投訴人拒絕並引起糾紛。投訴人不理會保安員阻撓，堅持上樓前往其朋友的單位，保安員因而報警求助。投訴人其後向到場處理糾紛的警員提出三項指控（「無禮貌」、「疏忽職守」和「濫用職權」）。經調查後，投訴警察課把三項指控都列為「無法證實」。經監警會的查詢和建議後，投訴警察課把「濫用職權」的指控改列為「無法完全證明屬實」，並建議警員不可把別人的身份證交給第三者，並訓示他處理不涉及刑事罪行的糾紛時，用詞必需謹慎和得體。投訴警察課其後以本個案作為培訓前線警務人員處理糾紛的教材。

Highlights of the Case

This case highlights the IPCC's role in advising on police practices with a view to preventing the recurrence of similar complaints. The complainant, while visiting a building, was requested by the security guard to produce her ID card for security purposes. She refused and a dispute ensued. The complainant ignored the security guard and proceeded upstairs to her friend's flat. The security guard reported the incident to the Police. The complainant later lodged a complaint with three allegations ("Impoliteness", "Neglect of Duty" and "Unnecessary Use of Authority") against a Police Constable (PC) who handled the dispute.

CASE 個案 ㊦

After investigation, CAPO classified the three allegations as “Unsubstantiated”. In response to the IPCC’s queries and suggestions, CAPO reclassified the allegation of “Unnecessary Use of Authority” as “Not Fully Substantiated”, advised the PC not to pass a person’s ID card to a third party, and further advised him to be more cautious and tactful in his choice of words, when handling disputes that did not involve a crime. CAPO also used the instant complaint case as a case study for frontline police officers who handle numerous dispute reports daily.

個案背景
Case Background

投訴人到一座住宅大廈探訪朋友，當她走進地下大堂時，保安員要求她出示身份證以作記錄。投訴人拒絕並與保安員發生爭執，投訴人逕自前往她朋友的單位，保安員遂報警求助。兩名警員到場了解情況，保安員帶領他們到投訴人朋友的單位，其中一名警員要求投訴人走出單位並出示她的身份證以作檢查和記錄。據稱，該警員其後把投訴人的身份證交予保安員作登記。

投訴人就上述的經歷，對該名警員提出三項指控：

1. 喝令投訴人走出單位外（指控一：無禮貌）
2. 不熟悉法律，因該名警員曾錯誤地指出，投訴人拒絕交出身份證明予保安員或已觸犯法例（指控二：疏忽職守）
3. 濫用警權，因為該名警員要求投訴人出示身份證讓保安員作調查和記錄之用（指控三：濫用職權）

The complainant went to a residential building to visit her friend. Upon entering the lobby, she was asked by the building’s security guard to produce her Hong Kong ID card so he could record her visit. A dispute between the complainant and the security guard ensued. Eventually, the complainant refused to comply with the security guard’s request and proceeded upstairs to her friend’s flat. In the meantime, the security guard called the Police for assistance. Two PCs responded and arrived at the scene. The security guard took them to the floor where the flat of the complainant’s friend was situated. One of the PCs asked the complainant to come out of the flat and requested her to produce her ID card for inspection and recording. The PC then allegedly passed the complainant’s ID card to the security guard for recording as well.

In connection with the above encounter, the complainant made three allegations against the PC:

1. He shouted at the complainant when requesting her to come out of the flat (Allegation 1: Impoliteness)
2. He was not familiar with the law, as he commented that the complainant might have broken the law by refusing to provide proof of her identity to the security guard (Allegation 2: Neglect of Duty)
3. He abused his police power in demanding the complainant to show her ID card to the security guard for inspection and recording (Allegation 3: Unnecessary Use of Authority)

CASE 個案

**投訴警察課的調查
CAPO's Investigation**

經調查後，投訴警察課建議把上述三項指控皆列為「無法證實」，因為沒有證據支持投訴人、保安員及警員各自的陳述。

After investigation, CAPO recommended that the three allegations be classified "Unsubstantiated", as there was no evidence to support the various stories of the complainant, the security guard and the PC regarding the above encounter.

**監警會的觀察
IPCC's Observation**

然而，監警會指出該名警員在處理事件中有不當之處，他錯誤地告訴投訴人保安員有權檢查她的身份證，並稱若投訴人未能遵照保安員的要求，保安員可以拒絕她進入大廈。監警會亦發現該保安員的口供證實了投訴人的說法，亦即該名警員在記錄投訴人的身份證號碼後，把她的身份證轉交保安員，而不是投訴人親自把身份證交給保安員。

監警會認為在這種情況下，無論警員或保安員均沒有權力強逼投訴人出示其身份證給保安員作檢查和記錄，因為此舉抵觸了香港的私隱法例。保安員應使用侵擾性較低的方法確保大廈安全，例如要求住戶確認訪客。當警員到投訴人朋友的單位外時，投訴人的朋友（大廈的住戶）已確認訪客的身份，警員應建議保安員毋須記錄投訴人的個人資料，這樣警員便能調解這宗不涉及刑事罪行的紛爭。

此外，監警會從此個案推斷前線警務人員對個人私隱的警覺性和法律知識並不足夠，建議為他們提供更多的培訓和指導。

跟進監警會對指控二的質詢，投訴警察課

Nevertheless, the IPCC suggested that the PC had mistakenly told the complainant that the security guard had the right to inspect her ID card and that the security guard might refuse her entry to the building if the complainant failed to comply with his request. The IPCC also observed that the security guard, in his statement to CAPO, corroborated the complainant's story that the PC, rather than the complainant, had passed the complainant's ID card to the security guard after the PC had recorded its number in his police notebook.

The IPCC's view was that under these circumstances, neither the PC nor the security guard had the right to compel the complainant to show her ID card to the security guard for inspection and recording, as this contravenes the privacy laws of Hong Kong. The guard should consider less intrusive means of ensuring security, such as requiring tenants to identify their visitors. If the complainant's friend (the tenant in the building) had confirmed her visitor's identity when the PC and the security guard went to the friend's flat, the PC should have advised both parties that it was not necessary for the security guard to make a record of the complainant's personal data. In this way the PC could have mediated the dispute, as no crime was involved.

Furthermore, from this case the IPCC inferred that front line police officers' awareness and knowledge of privacy laws might not be adequate, and recommended that they be given more training and guidance in this area.

Following the IPCC's queries, CAPO clarified that the PC was merely citing a notice posted by the Owners' Incorporation of

CASE 個案 ③

澄清該警員只是引用一張貼在電梯大堂的大廈業主立案法團告示，而且他並沒有指出投訴人或已觸犯法例。因缺乏可靠的證據來證明當時的對話，投訴警察課提出指控二的分類應維持「無法證實」。

投訴警察課審閱保安員的口供後認為，有一些可靠的證據證明該警員把投訴人的身份證轉交保安員。投訴警察課接受監警會的意見，把指控三改列為「無法完全證明屬實」。該警員受到訓誡，提醒他在類似情況下，需加倍注意處理身份證及不應將之轉交第三者，訓誡將不記入部門紀錄。

另外投訴警察課認同監警會的意見，指該名警員在處理沒有涉及刑事罪行的糾紛時，用詞應謹慎和得體。警員應特別留意，強制使用警察權力和提供建議或調解的分別，警員應盡量保持中立和公正。

監警會建議以本個案為培訓教材，投訴警察課接納並以此為鑒，訓練所有時常需處理大量糾紛的前線警務人員。

監警會通過這宗個案的修訂調查結果。

the building in the lift lobby, and he had not commented that the complainant might have broken the law. Devoid of reliable evidence to verify the conversation that took place, CAPO proposed that Allegation 2 remain as “Unsubstantiated”.

After reviewing the security guard's statement, CAPO deemed that there was some reliable evidence to support that the PC had passed the complainant's ID card to the security guard. CAPO subscribed to the IPCC's view by reclassifying Allegation 3 as “Not Fully Substantiated”. The PC was to be advised, without a Divisional Record File entry, to be mindful in handling ID cards and not to pass them to third parties in future similar circumstances.

Moreover, CAPO agreed with the IPCC that the PC should be advised to be more cautious and tactful in his choice of words when handling disputes with no crime involved. In particular, he should distinguish between the exercise of coercive police power and the offering of helpful suggestions or mediating on a voluntary basis. He should stay as neutral and impartial as possible.

CAPO also followed up on the IPCC's suggestion that the instant complaint case be used as a case study for training purposes for all frontline police officers who handled numerous dispute reports daily.

The IPCC endorsed CAPO's findings in this case.

第四章 Chapter 4

監警會外展活動 IPCC Reaching Out

女士和黃碧雲博士一同和香港人權監察代表會面。香港人權監察的代表根據他們多次的觀察在會上分享示威人士的意見。監警會委員感謝他們提供的寶貴意見，並呼籲示威人士如有不滿，應主動作出投訴，善用現有的投訴處理機制。監警會要在有正式投訴、有真憑實據的情況下，才能中立持平地審核投訴個案的每項細節，從而客觀地分析事件的情況，積極地與投訴警察課跟進和提出建議。

Eric Cheung Tat-ming, Ms Christine Fang Meng-sang, Ms Noeline Lau Yuk-kuen, and Dr Helena Wong Pik-wan had a meeting with HKHRM. Based on a number of observations, HKHRM representatives relayed the opinions of protestors at the meeting. Council Members expressed gratitude for the sharing of these views, and called upon dissatisfied protestors to make use of the complaints system. Only with formally lodged complaints and evidence on file can the IPCC offer its impartial evaluation of the handling of such cases, and in turn give objective suggestions to CAPO.

15.03
2012



翟紹唐主席、林志傑醫生、方敏生女士、馬恩國先生、葉成慶先生、劉玉娟女士、黃幸怡女士、黃碧雲博士及鄭承隆先生和民間人權陣線代表會面。會上民間人權陣線代表向委員表達對警方處理大型公眾集會的意見，並希望監警會可以觀察這些活動。監警會將積極研究有關建議，期望在不影響中立持平的立場下參與觀察這類活動。

Mr Jat Sew-Tong (Chairman), Dr Lawrence Lam Chi-kit, Ms Christine Fang Meng-sang, Mr Lawrence Ma Yan-kyok, Mr Ip Shing-hing, Ms Noeline Lau Yuk-kuen, Miss Sandy Wong Hang-ye, Dr Helena Wong Pik-wan, and Mr Edwin Cheng Shing-lung attended a meeting with the CHRF. Representatives of CHRF voiced their opinions on the way the Police handle large scale public order events, and hoped the IPCC could observe such events. The IPCC will explore the possibility of observing the Police's handling of public order events without compromising its impartiality and independence.

23.03
2012



翟紹唐主席、林志傑醫生、張達明先生、方敏生女士、吳克儉先生、馬恩國先生、葉成慶先生、馬學嘉博士、黃碧雲博士及葉振都先生和香港記者協會代表會面。香港記者協會代表向委員表達對警方的採訪區安排及消息發放的意見。

Mr Jat Sew-Tong (Chairman), Dr Lawrence Lam Chi-kit, Mr Eric Cheung Tat-ming, Ms Christine Fang Meng-sang, Mr Eddie Ng Hak-kim, Mr Lawrence Ma Yan-kyok, Mr Ip Shing-hing, Dr Carol Ma Hok-ka, Dr Helena Wong Pik-wan, and Mr Adrian Yip Chun-to met with the HKJA representatives, who expressed concerns over the Police's arrangements in setting up Designated Press Areas (DPA) and in releasing information.

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更嘗試深入了解警方內部投訴處理及預防方面的工作。在2011年6、7月開始，委員開始列席警方研究預防投訴警察委員會會議，並隨警方服務質素監察部助理署長到訪各區警署。

As the Police Force is a major stakeholder of the IPCC, 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 and July 2011, Members have attended Complaint Prevention Committee meetings at various police regions, as well as accompanied the Police Service Quality Wing Assistant Commissioner in his visits to police stations.

19.04
2011

監警會委員參觀香港警察學院，了解警察的培訓。在這半天的參觀，學院代表向委員介紹心理才能訓練課程，武力使用訓練介紹和示範，以及警方的行動演習，如急救、搶劫和處理遊行示威等。監警會委員在參觀後與學員和其他前線警務人員交流預防投訴方面的意見。

IPCC Members visited to the Hong Kong Police College to learn more about police training. During the half-day visit, Members were introduced to a course on psychological competency and a demonstration on the use of force, showing the range of tactics and how decisions are made on the level of force to apply. They also saw a simulation on how the Police handle situations requiring first aid, as well as robberies and protests. IPCC Members exchanged views with police cadets and frontline officers on issues relating to complaint prevention.

31.05
2011

為了加強和警方的溝通，監警會首次和四個警務人員協會的代表會面。警司協會、香港警務督察協會、海外督察協會和警察員佐級協會的代表和監警會委員分享他們在工作上遇到的挑戰。

To better communicate with the Police, the IPCC met with the four police staff associations for the first time, to exchange ideas and opinions. Representatives from the Superintendents Association, the Hong Kong Police Inspectors Association, the Overseas Inspectors Association, and the Junior Police Officers' Association shared with IPCC Members the challenges they faced at work.



02.06

2011

張達明先生、馬恩國先生、劉玉娟女士、黃碧雲博士和葉振都先生五位監警會委員，一同列席九龍西總區研究預防投訴警察委員會會議，進一步認識警方如何在工作層面預防不必要的投訴。

Five IPCC Members, Mr Eric Cheung Tat-ming, Mr Lawrence Ma Yan-kwok, Ms Noeline Lau Yuk-kuen, Dr Helena Wong Pik-wan, and Mr Adrian Yip Chun-to, attended the Kowloon West Complaints Prevention Committee meeting to better understand how the Police could avoid unnecessary complaints at the operational level.

21.06

2011



林志傑醫生和張達明先生跟隨警方服務質素監察部助理署長到訪西區警署，並和前線警員分享處理投訴的觀察和經驗。

Dr Lawrence Lam Chi-kit and Mr Eric Cheung Tat-ming, visited the Western Police Station with the Police Service Quality Wing Assistant Commissioner, and shared their views and experiences on handling complaints with frontline police officers.

24.06

2011

葉振都先生跟隨警方服務質素監察部助理署長到訪秀茂坪警署。

Mr Adrian Yip Chun-to visited the Sau Mau Ping Police Station with the Assistant Commissioner of Police Service Quality Wing.

29.06

2011

馬學嘉博士跟隨警方服務質素監察部助理署長到訪屯門警署。

Dr Carol Ma Hok-ka visited the Tuen Mun Police Station with the Assistant Commissioner of Police Service Quality Wing.

17.07

2011

葉成慶先生和葉振都先生參與新界南總區研究預防投訴警察委員會會議，了解警方如何在工作層面預防不必要的投訴。

Mr Ip Shing-hing and Mr Adrian Yip Chun-to joined the New Territories South Region's Complaints Prevention Committee meeting to learn how the Police prevent unnecessary complaints at the operational level.

12.08

2011



翟紹唐主席、副主席李國麟議員、林志傑醫生、馬恩國先生、黃幸怡女士和黃碧雲博士一同探訪水警總區。先由水警總區代表展示他們的設備，繼而委員和水警總區代表小組展開座談會。



Mr Jat Sew-Tong (Chairman), Dr the Hon Joseph Lee Kwok-long (Vice Chairman), Dr Lawrence Lam Chi-kit, Mr Lawrence Ma Yan-kwok, Miss Sandy Wong Hang-ye, and Dr Helena Wong Pik-wan visited the Marine Region, where they were given a tour of the facilities. Afterwards, the IPCC Members exchanged views with representatives of the Marine Region of the Police.

25.08

2011

張達明先生隨警方服務質素監察部助理署長到訪元朗警署。

Mr Eric Cheung Tat-ming visited Yuen Long Police Station with the Assistant Commissioner of Police Service Quality Wing.

08.11

2011



翟紹唐主席、副主席林大輝議員、林志傑醫生、張達明先生、陳培光醫生、馬恩國先生、馬學嘉博士、黃幸怡女士和葉振都先生一同探訪九龍西總區。先由九龍西總區代表向委員講解在該區和非華裔人士的聯繫，以及新改建的羈留設施。繼而委員和九龍西總區的代表小組展開座談會。

Mr Jat Sew-Tong (Chairman), Dr the Hon Lam Tai-fai (Vice-Chairman), Dr Lawrence Lam Chi-kit, Mr Eric Cheung Tat-ming, Dr Chan Pui-kwong, Mr Lawrence Ma Yan-kwok, Dr Carol Ma Hok-ka, Miss Sandy Wong Hang-ye, and Mr Adrian Yip Chun-to visited the Kowloon West Region. Representatives of the region delivered presentations on communications with non-ethnic Chinese and on their newly refurbished detention facilities. Afterwards, the Council Members exchanged views with representatives of the Kowloon West Region.



18.11

2011

翟紹唐主席擔任警隊督察結業晚宴的嘉賓。

Mr Jat Sew-Tong (Chairman) was a guest at the Police Inspector Mess Night.

13.12

2011

林志傑醫生應邀出席九龍東總區研究預防投訴警察委員會會議。

Dr Lawrence Lam Chi-kit attended the Kowloon East Complaints Prevention Committee Meeting upon invitation.

08.03

2012



翟紹唐主席、副主席石禮謙議員、張達明先生、陳培光醫生、馬恩國先生、劉玉娟女士、鄧麗芳女士、黃德蘭女士、葉振都先生和鍾偉雄先生一同探訪投訴警察課。委員除了參觀投訴警察課的報案室及其他設施，還與投訴警察課的代表進行意見交流。



An IPCC delegation including Mr Jat Sew-Tong (Chairman), the Hon Abraham Shek (Vice-Chairman), Mr Eric Cheung Tat-ming, Dr Chan Pui-kwong, Mr Lawrence Ma Yan-kwok, Ms Noeline Lau Yuk-kuen, Ms Belinda Tang Lai-fong, Ms Mary Teresa Wong Tak-lan, Mr Adrian Yip Chun-to, and Mr Gerard Chung Wai-hung visited CAPO. In addition to viewing the reporting room and other facilities, Council Members met with representatives of CAPO to exchange views and ideas on matters of mutual interest.

09.03

2012

翟紹唐主席、張達明先生、馬恩國先生和劉玉娟女士應邀出席醒目警察大挑戰決賽，支持警隊預防投訴的活動。



Mr Jat Sew-Tong (Chairman), Mr Eric Cheung Tat-ming, Mr Lawrence Ma Yan-kwok, and Ms Noeline Lau Yuk-kuen were invited to attend the Smart Cops Challenge to support the Police Force's campaign in complaint prevention.

16.03
2012



翟紹唐主席、張達明先生和監警會秘書處職員一同參與警方服務質素監察部運動會。

Mr Jat Sew-Tong (Chairman), Mr Eric Cheung Tat-ming and the IPCC Secretariat representatives took part in the Sports Day of the Police Service Quality Wing.



30.03
2012

馬恩國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 Lawrence Ma Yan-kwok attended a meeting of the New Territories North Region Complaint Prevention Committee to better understand the Police's work in complaint prevention.

公開講學 Public Lecture

2011年5月18日，監警會主席翟紹唐和香港人權監察主席兼香港教育學院教育政策與領導學系專業導師莊耀洸，一同就警隊專業化這題目演講。是次「香港的執法體制與警隊的專業化」講座是香港教育學院「人文香港」公開講座系列的其中之一。監警會主席在演講中強調投訴警察制度是警隊專業化不可或缺的一環。講座的觀眾包括香港教育學院的職員、學生和市民，會上大家一同分享警隊專業化這議題上的意見。這些討論和見解對未來監警會在監察警方處理投訴方面的工作計劃有莫大裨益。



On 18 May 2011, Chairman of the IPCC Mr Jat Sew-Tong was invited to deliver a presentation on police professionalism along with Mr Chong Yiu-kwong, the Chairperson of the HKHRM and a teaching fellow in the Department of Education Policy and Leadership at the Hong Kong Institute of Education (HKIEd). The public lecture, "Law Enforcement and Professionalism in the Hong Kong Police Force", was one of the discussion topics under the institute's research project on Hong Kong citizens, institutions and culture. The IPCC Chairman highlighted the importance of a police complaints system to ensure professional and quality service from the Police Force. The lecture was well attended by students, HKIEd staff, and members of the public. It encouraged fruitful discussions on police professionalism in handling various public issues, which are helpful for the IPCC's future planning to oversee the handling of police complaints.

宣傳通訊工作 Publicity

機構形象

Image building

為了突顯監警會的獨立性質和監察職能，監警會以「獨立」和「監察」為主題，製作2010/11年的工作報告，並多用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。

To highlight its independent nature and monitoring role, the IPCC produced a 2010/11 Report with "independent" and "monitor" as the theme. Diagrams and tables were used to explain the IPCC's review procedures and to make the Report more reader friendly.

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。

在監警會通訊推出時，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，會方共舉行了三次監警會通訊傳媒發佈會，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 has become a quarterly publication since 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.

A media briefing will be held upon the release of each IPCC Newsletter. Council representatives will introduce the newsletter contents. During this report period, the IPCC has held three Newsletter media briefings, which were well received and widely reported.

公開會議 Open Meetings

監警會在報告期內共舉行了四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監警會工作的認識。

A total of four 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.

09.06

2011

討論截停搜查及警方處理大型公眾活動的事宜。監警會委員希望警方可以提供有關從截停搜查所發現的罪案和所引致的拘捕行動的數據。警方承諾會查看能否向監警會提供相關數據，但警方重申統計數據並非簡單直接便可得到。會上，監警會主席表示市民關注警方在2011年3月6日的大型公眾活動使用胡椒噴霧，會方要求警方提供使用胡椒噴霧指引的資料，並邀請警方報告情況。警方稱所有監管警方使用武力的規定，已清楚列明在《警察通例》和《警務處程序手冊》中。警務人員應在情況容許下先警告群眾將會使用武力，並且說明所用武力的性質。但警方強調實際環境會有很多突發情況，未必容許給予具體警告。

Discussions were held on "stop and search" procedures and on the Police's handling of public order events. IPCC Members requested the Police to provide statistics on the number of crimes detected and arrests made due to "stop and search" procedures. The Police undertook to provide figures, but reported that compiling the statistics was not straightforward. During the meeting, the Chairman of the IPCC stated that the public was concerned about the use of OC foam by the Police during a public order event on 6 March 2011. The IPCC requested CAPO to provide information regarding the guidelines governing the use of OC foam and invited the Police to report on the incident. The Police stated that the rules governing the use of force are clearly laid down in the "Police General Order" and "Force Procedures Manual". Police officers should, if circumstances permit, give warning before using force and state the nature of the force to be used. The Police stressed that the speed at which such events unfold in reality may not allow the Police to give sufficient warning.

01.09

2011

討論處理市民表達不滿機制的草擬方案。投訴警察課及監警會一直致力改善警隊服務，並成立聯席工作小組檢討處理輕微投訴的機制。為加快處理大量性質輕微的投訴，聯席工作小組自2010年5月起，便開始討論如何改善投訴的處理程序。聯席工作小組參考外國經驗，建議成立一個機制，讓公眾人士可選擇對服務質素、警方程序、個別警務人員的行為、或其他的警方行為表達不滿。這機制提供一個處理某些輕微性質投訴的途徑，免卻全面調查這類投訴。



Discussions were held on a proposed protocol for handling Expressions of Dissatisfaction (EOD). CAPO and the IPCC had been working towards enhancing the service quality of the Police. A Joint Working Group was formed to review the protocol for handling minor complaints. Since the set up of the Working Group in May 2010, it has been discussing ways to handle large numbers of minor complaints. With reference to overseas jurisdictions, the Working Group introduced a mechanism whereby a member of the public would have the option of making an EOD about service quality, police procedures, individual police officers' conduct, or other police conduct in general. The mechanism could offer a way of addressing certain minor complaints without having to conduct a full investigation.

19.12
2011

討論投訴警察課把投訴調查中央化，和副總理訪港安排相關投訴的進度報告。會上警方介紹了投訴警察課引進的投訴調查中央化以及幾項新措施，包括中央處理投訴調查、電話錄音系統、表達不滿及投訴預防等。監警會歡迎這些措施，並且強調全面改善服務質素是預防投訴的最有效方法。在副總理訪港安排相關投訴的進度報告方面，投訴警察課已成立專責小組，處理有關副總理到訪的16宗須匯報投訴。監警會轄下的嚴重投訴個案委員會密切監察這些投訴的調查工作。嚴重投訴個案委員會建議，監警會撰寫詳盡報告，逐一檢討16宗須匯報投訴，並作全面審視，找出不足或須加改善的地方。

Discussions were held on CAPO's centralisation of complaint investigations and the progress on complaint investigations related to police arrangements during the visit to Hong Kong by the Vice Premier. During the meeting, the Police gave a briefing on new initiatives including the centralisation of complaint investigations, a telephone recording system, expressions of dissatisfaction, and complaint prevention. The IPCC welcomed the initiatives and stressed that improvements in overall service quality were the most effective way to prevent complaints. On the progress regarding complaints related to the Vice Premier's visit, CAPO had set up a special duty team to handle the 16 Reportable Complaints. The Serious Complaints Committee (SCC) under the IPCC was closely monitoring these complaint investigations. The SCC recommended a comprehensive IPCC report on the incident, covering the reviews of each of the 16 Reportable Complaints and giving an overview of the event from a wider perspective, including any inadequacies or areas for improvement.



02.03
2012

討論副總理訪港安排相關投訴的進度報告。嚴重投訴個案委員會表示在審閱有關調查報告時，會考慮是否同意投訴警察課所作的分類建議。如在投訴個案中發現警隊採納的常規或程序中有缺失或不足之處，委員會將運用《監警會條例》第8條1(c)項所賦予監警會的職能，向行政長官就該等常規或程序作出建議。



Discussions were held on the progress report on complaints relating to the Vice Premier's visit. The Serious Complaints Committee (SCC) stated that in examining the reports, they will consider whether or not to agree with CAPO's classification of the allegations. If a review of the complaints reveals inadequacies in relevant police practices or procedures, the IPCC, in accordance with s.8(1)(c) of the IPCCO, will make recommendations to the Chief Executive on improvements regarding those police practices or procedures.

監警會和投訴警察課聯席會議公開部份的會議議程及會議記錄，均上載至監警會網頁 www.ipcc.gov.hk。歡迎市民瀏覽。

Agendas and minutes of the open part of the IPCC and CAPO Joint Meeting have been uploaded on to the IPCC website www.ipcc.gov.hk for public reference.

其他宣傳途徑 Other Publicity Initiatives

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。監警會的年報、刊物、新聞稿、公開會議的議程及會議記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.

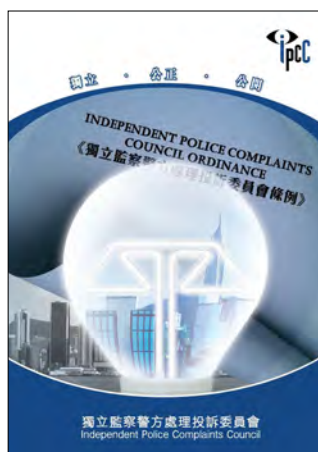


刊物

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年報，報告監警會在該年度的工作詳情。

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



近期宣傳活動

Recent Promotional Activities

監警會在報告期後仍繼續積極加強宣傳工作，以下是下一個報告年度的活動預告。

The IPCC has continued its publicity efforts beyond the current reporting period, and we have additional activities planned for the year ahead.

傳媒訪問

Media Interviews

監警會在2012年4月至7月期間，應多家傳媒機構的邀請接受訪問，並就多個和投訴警察相關的議題表達監警會的立場。

Between April and July 2012, various media have conducted interviews with IPCC representatives, who have expressed our position with regard to a range of issues related to complaints against the Police.



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.

香港電台《監警有道》

RTHK "IPCC Files"



原文刊於爽報(V18) 2012年4月25日
Published in Sharp Daily (V18) on 25 April 2012

監警會和香港電台合作，製作監警會節目《監警有道》。透過投訴警察個案，介紹監警會的職能和它在投訴警察制度中所發揮的作用。一連八集的《監警有道》於2012年8月中開始在亞洲電視本港台和無線電視翡翠台播放。港台網站 <http://ipcc.eTVonline.tv/> 提供節目重溫。

Moreover, the IPCC collaborated with RTHK to produce an IPCC programme "IPCC Files". The programme focused on police complaint cases to introduce the functions of the IPCC and its role in the police complaints system. The programme comprising eight episodes aired in mid-August 2012 on ATV Home and TVB Jade. RTHK also provided online archives at <http://ipcc.eTVonline.tv/>.



加強公眾對監警會的角色認識

Improving public awareness of the role of the IPCC



監警會的前身(警監會)是一個默默耕耘，在幕後審閱投訴警察調查報告的行政組織，站在前台與公眾溝通，向來不是警監會的強項。警監會亦沒有和傳媒及公眾打交道的經驗，增加公眾對警監會的認知，從來都不是工作重點。

《監警會條例》在2009年6月1日生效，確立了投訴警察制度的兩層架構。作為獨立監察機構，監警會其中一項新增的職能是

Before the IPCC became a statutory body, it was an administrative organisation working diligently behind the scenes to review police complaint investigations. At that time, communicating with the public was not a strength of the IPCC. The Council lacked experience in dealing with the media and the public, as promoting public awareness of its work was not a priority.

When the IPCC Ordinance went into effect on 1 June 2009, a two-tier police complaints system was established. As an independent monitoring body, one of the IPCC's new roles was "to promote public awareness of the role of the Council". The

要「加強公眾對監警會的角色認識」。大眾對現時投訴警察制度的最大疑問，是投訴警察的個案由警察「自己人查自己人」，這種處理方式是否可信，因此兩層架構投訴警察制度的成功，有賴公眾對兩層架構中的第二層，即負責獨立監察的監警會的支持和信心。傳訊及宣傳工作對改變大眾的觀感可以發揮很大作用，這些工作實不適宜由警方負責。

過去一年，監警會積極加強宣傳活動。在形象方面，我們以「獨立監察」的鮮明形象推廣監警會，務求增加公眾對我們工作的認識。在加強傳媒關係方面，我們和傳媒合作，以專訪及專欄介紹監警會的工作和審核投訴個案的方式，並定期舉辦新聞發佈會，增加工作的透明度。在傳訊工作方面，我們將監警會通訊由半年刊改為季刊，同時大力改革內容，加入封面故事，務求將監警會的最新資訊迅速發放。同時，我們亦和香港電台合作，製作一連八集由真實投訴個案改編、簡單易明的電視短片，推廣和介紹監警會的工作。

在與持份者聯繫方面，委員去年積極與警察和其他持份者會面，了解他們對投訴警察制度的意見。年內，監警會先後和香港人權監察、民間人權陣線和香港記者協會會面。他們分別向監警會表達對警方處理大型活動、記者的採訪安排和發放消息的意見。這些會面對監警會的工作有啟迪作用，我們將會繼續與持份者保持聯繫。

在市民大眾關注警權和人權的社會氛圍下，我相信監警會的角色在平衡兩者之間的關係至為重要。我期望監警會繼續透過對外的傳訊及宣傳工作，以及定期和持份者聯繫，在兩層架構的投訴警察制度下，發揮獨立監察的作用。

鄭經翰先生，GBS，FHKIE，JP

宣傳及意見調查委員會主席

public's biggest concern about the police complaints system has been that the Police investigate complaints against themselves, which raises questions as to the credibility of the investigations. The success of the two-tier system relies on public confidence in and support of the second tier, the independent monitoring by the IPCC. Publicity plays an important role in shaping public perceptions, but it is not appropriate for this to be done by the Police.

Over the past year, the IPCC has taken an active role in promotional activities. We have strengthened our image as an "independent" and "monitoring" body in order to increase public awareness of our work. We have built up relations with the media, collaborating on feature articles as well as an IPCC column on our work, explaining how we review complaints. We have improved communications by reforming our IPCC Newsletter from a biannual publication to a quarterly one, and enriching the content with a cover story. This allows us more timely communication with the public on the Council's latest endeavours. Moreover, we worked with RTHK to produce a TV programme of eight episodes adapted from actual police complaint cases, highlighting the work of the IPCC.

On engaging stakeholders, Members of the IPCC have held meetings with the Police and other stakeholders in order to understand their views on the police complaints system. During the past year, the IPCC had meetings with the Hong Kong Human Rights Monitor, the Civil Human Rights Front, and the Hong Kong Journalists Association. They expressed their opinions on the way the Police handled public order events, dealings with the media and the dissemination of information. These meetings were inspirational to the IPCC; we will continue our communications with these and other stakeholders.

Given public concerns about police power and human rights, I believe the IPCC plays an important role in striking a balance between the two. I hope that through our continuous efforts in communication and publicity, as well as regular meetings with stakeholders, the IPCC will fulfill its role as an independent monitor in the two-tier police complaints system.

Ir Albert CHENG, GBS, FHKIE, JP

Chairman of the Publicity and Survey Committee

第五章

Chapter 5

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。當中包括一位主席和三位副主席，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	翟紹唐先生 Mr JAT Sew-Tong, SC, JP	任期：2008年6月1日起 Since 1 June 2008
副主席 Vice-Chairman	李國麟議員 Dr the Hon Joseph LEE Kok-long, SBS, JP	任期：2007年1月1日起 Since 1 January 2007
副主席 Vice-Chairman	林大輝議員 Dr the 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 The Hon Abraham SHEK Lai-him, SBS, 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
委員 Member	阮陳淑怡博士 Dr Helena YUEN CHAN Suk-ye	任期：2006年1月1日至2011年12月31日 Appointment from 1 January 2006 to 31 December 2011
委員 Member	林志傑醫生 Dr Lawrence LAM Chi-kit, BBS, MH	任期：2007年1月1日起 Since 1 January 2007
委員 Member	張妙嫻女士 Ms Emily CHEUNG Mui-seung	任期：2008年1月1日至2011年12月31日 Appointment from 1 January 2008 to 31 December 2011
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 Professor Stephen CHEUNG Yan-leung, BBS, JP	任期：2009年1月1日起 Since 1 January 2009
委員 Member	方敏生女士 Ms Christine FANG Meng-sang, BBS, JP	工作小組監警會方召集人 IPCC Convener, Working Group 任期：2009年1月1日起 Since 1 January 2009
委員 Member	吳克儉先生 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 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 Mr David FONG Man-hung, BBS, JP	任期：2011年1月1日起 Since 1 January 2011
委員 Member	葉成慶先生 Mr IP Shing-hing, JP	任期：2011年1月1日起 Since 1 January 2011
委員 Member	劉玉娟女士 Ms LAU Yuk-kuen	任期：2011年1月1日起 Since 1 January 2011
委員 Member	梁繼昌先生 Mr 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-yee	任期：2011年1月1日起 Since 1 January 2011
委員 Member	黃碧雲博士 Dr 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 Teresa WONG Tak-lan	任期：2011年1月1日起 Since 1 January 2011
委員 Member	葉振都先生 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 Mr Edwin CHENG Shing-lung	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

監警會內務會議出席紀錄

IPCC Members' Attendance at the IPCC In-house Meeting

日期：2011年4月至2012年3月

Date: April 2011 to March 2012

	19 May	11 Aug	3 Nov	17 Jan
主席Chairman				
翟紹唐先生 · SC · JP Mr JAT Sew-Tong, SC, JP	●	●	●	●
副主席Vice-Chairmen				
李國麟議員 · SBS · JP Dr Hon Joseph LEE Kok-long, SBS, JP	○	●	●	●
林大輝議員 · SBS · JP Dr the Hon LAM Tai-fai, SBS, JP	●	●	●	●
石禮謙議員 · SBS · JP The Hon Abraham SHEK Lai-him, SBS, JP	●	●	●	●
委員Members				
阮陳淑怡博士 Dr Helena YUEN CHAN Suk-ye	○	●	●	N.A.
林志傑醫生 · BBS · MH Dr Lawrence LAM Chi-kit, BBS, MH	●	●	●	●
張妙嫻女士 Ms Emily CHEUNG Mui-seung	○	●	○	N.A.
張達明先生 Mr Eric CHEUNG Tat-ming	●	●	●	●
張仁良教授 · BBS · JP Professor Stephen CHEUNG Yan-leung, BBS, JP	●	○	●	●
方敏生女士 · BBS · JP Ms Christine FANG Meng-sang, BBS, JP	●	●	●	●
吳克儉先生 · SBS · JP Mr Eddie NG Hak-kim, SBS, JP	●	●	●	●
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 Mr David FONG Man-hung, BBS, JP	○	●	○	○
葉成慶先生 · JP Mr IP Shing-hing, JP	●	●	●	○
劉玉娟女士 Ms LAU Yuk-kuen	●	●	●	●
梁繼昌先生 Mr Kenneth LEUNG Kai-cheong	●	●	●	●
馬學嘉博士 Dr Carol MA Hok-ka	●	●	●	●
鄧麗芳女士 Miss Belinda TANG Lai-fong	●	○	○	○
黃幸怡女士 Miss Sandy WONG Hang-ye	●	●	●	●
黃碧雲博士 Dr Helena WONG Pik-wan	●	●	○	○
黃德蘭女士 Miss Mary Teresa WONG Tak-lan	●	○	●	●
葉振都先生 · BBS · MH · JP Mr Adrian YIP Chun-to, BBS, MH, JP	●	●	●	●
鄭承隆先生 (2012年1月起委任) Mr Edwin CHENG Shing-lung (since January 2012)	N.A.	N.A.	N.A.	●
鍾偉雄先生 (2012年1月起委任) Mr Gerard CHUNG Wai-hung (since January 2012)	N.A.	N.A.	N.A.	●

● 出席attended ○ 缺席not attended N.A. — 不適用 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：2011年4月至2012年3月

Date: April 2011 to March 2012

	9 Jun	1 Sep	19 Dec	2 Mar
主席Chairman				
翟紹唐先生 · SC · JP Mr JAT Sew-Tong, SC, JP	●	●	●	●
副主席Vice-Chairmen				
李國麟議員 · SBS · JP Dr Hon Joseph LEE Kok-long, SBS, JP	●	●	●	●
林大輝議員 · SBS · JP Dr the Hon LAM Tai-fai, SBS, JP	●	●	○	●
石禮謙議員 · SBS · JP The Hon Abraham SHEK Lai-him, SBS, JP	●	○	●	○
委員Members				
阮淑怡博士 Dr Helena YUEN CHAN Suk-yee	○	○	●	N.A.
林志傑醫生 · BBS · MH Dr Lawrence LAM Chi-kit, BBS, MH	●	●	●	●
張妙嫻女士 Ms Emily CHEUNG Mui-seung	●	●	○	N.A.
張達明先生 Mr Eric CHEUNG Tat-ming	●	●	●	●
張仁良教授 · BBS · JP Professor Stephen CHEUNG Yan-leung, BBS, JP	●	●	●	●
方敏生女士 · BBS · JP Ms Christine FANG Meng-sang, BBS, JP	●	●	●	●
吳克儉先生 · SBS · JP Mr Eddie NG Hak-kim, SBS, JP	●	○	●	●
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 Mr David FONG Man-hung, BBS, JP	●	○	○	○
葉成慶先生 · JP Mr IP Shing-hing, JP	●	●	●	●
劉玉娟女士 Ms LAU Yuk-kuen	●	●	●	●
梁繼昌先生 Mr Kenneth LEUNG Kai-cheong	●	●	○	○
馬學嘉博士 Dr Carol MA Hok-ka	○	●	●	○
鄧麗芳女士 Miss Belinda TANG Lai-fong	○	○	○	○
黃幸怡女士 Miss Sandy WONG Hang-yee	●	●	○	●
黃碧雲博士 Dr Helena WONG Pik-wan	●	●	●	●
黃德蘭女士 Miss Mary Teresa WONG Tak-lan	●	●	○	●
葉振都先生 · BBS · MH · JP Mr Adrian YIP Chun-to, BBS, MH, JP	●	●	○	●
鄭承隆先生 (2012年1月起委任) Mr Edwin CHENG Shing-lung (since January 2012)	N.A.	N.A.	N.A.	●
鍾偉雄先生 (2012年1月起委任) Mr Gerard CHUNG Wai-hung (since January 2012)	N.A.	N.A.	N.A.	●

● 出席attended ○ 缺席not attended N.A.— 不適用 Not Applicable

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，更有效地履行職能。

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專業意見或服務，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 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，SBS，JP

委員

李國麟議員，SBS，JP

張達明先生

張仁良教授，BBS，JP

陳培光醫生

鄭經翰先生，GBS，FHKIE，JP (至2012年1月)

* 馬恩國先生 (由2011年9月至2012年4月)

葉成慶先生，JP

劉玉娟女士

* 馬學嘉博士 (由2011年9月至2012年1月)

鄧麗芳女士

黃碧雲博士

葉振都先生，BBS，MH，JP

鄭承隆先生 (由2012年1月起)

* 特別參與嚴重投訴個案委員會協助處理副總理訪港相關投訴工作的委員

* Members who joined Serious Complaints Committee's work for handling complaints related to Vice-Premier's visit

Membership

Chairman

The Hon Abraham SHEK Lai-him, SBS, JP

Members

Dr the Hon Joseph LEE Kok-long, SBS, JP

Mr Eric CHEUNG Tat-ming

Professor Stephen CHEUNG Yan-leung, BBS, JP

Dr CHAN Pui-kwong

Ir Albert CHENG, GBS, FHKIE, JP (till January 2012)

* Mr Lawrence MA Yan-kwok (from September 2011 to April 2012)

Mr IP Shing-hing, JP

Ms LAU Yuk-kuen

* Dr Carol MA Hok-ka (from September 2011 to January 2012)

Miss Belinda TANG Lai-fong

Dr Helena WONG Pik-wan

Mr Adrian YIP Chun-to, BBS, MH, JP

Mr Edwin CHENG Shing-lung (since January 2012)

管理委員會 Management Committee

- | | |
|--|--|
| <p>(a) 監督監督會秘書處的主要工作；</p> <p>(b) 審議和批准：</p> <ul style="list-style-type: none"> • 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； • 對監督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； <p>(c) 提出委員會認為適當的任何行政及管理事宜，供監督會考慮。</p> | <p>(a) To oversee major areas of work of the IPCC Secretariat;</p> <p>(b) To consider and approve:</p> <ul style="list-style-type: none"> • Any change 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 activities that come under the purview of the Publicity and Survey Committee; <p>(c) To put forward any administrative or management issues for the Council's deliberation as the Committee deems appropriate.</p> |
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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
鄭經翰先生，GBS，FHKIE，JP
馬恩國先生
方文雄先生，BBS，JP
黃德蘭女士
鄭承隆先生 (由2012年1月起)

Membership

Chairman

Mr Eddie NG Hak-kim, SBS, JP (till June 2012)
Mr Ip Shing-hing, JP (since July 2012)

Members

Mr JAT Sew-Tong, SC, JP
Dr Lawrence LAM Chi-kit, BBS, MH
/r Albert CHENG, GBS, FHKIE, JP
Mr Lawrence MA Yan-kwok
Mr David FONG Man-hung, BBS, JP
Miss Mary Teresa WONG Tak-lan
Mr Edwin CHENG Shing-lung (since January 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
 阮陳淑怡博士 (至2011年12月)
 張妙嫦女士 (至2011年12月)
 方敏生女士，BBS，JP
 馬學嘉博士
 黃碧雲博士
 黃幸怡女士
 葉振都先生，BBS，MH，JP
 鄭承隆先生 (由2012年1月起)

Membership

Chairman

Ir Albert CHENG, GBS, FHKIE, JP

Members

Dr the Hon LAM Tai-fai, SBS, JP
 Dr Helena YUEN CHAN Suk-yee (till December 2011)
 Ms Emily CHEUNG Mui-seung (till December 2011)
 Ms Christine FANG Meng-sang, BBS, JP
 Dr Carol MA Hok-ka
 Dr Helena WONG Pik-wan
 Miss Sandy WONG Hang-yee
 Mr Adrian YIP Chun-to, BBS, MH, JP
 Mr Edwin CHENG Shing-lung (Since January 2012)

工作小組 Working Group

監警會和投訴警察課在2010成立了一個工作小組，著力研究一個更有效率的機制，用以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

阮陳淑怡博士 (至2011年12月)

張達明先生

鄭經翰先生，GBS，FHKIE，JP
(至2011年12月)

葉成慶先生，JP

梁繼昌先生

Membership

IPCC Convener

Ms Christine FANG Meng-sang, BBS, JP

Members

Dr Helena YUEN CHAN Suk-yee (till December 2011)

Mr Eric CHEUNG Tat-ming

Mr Albert CHENG, GBS, FHKIE, JP
(till December 2011)

Mr IP Shing-hing, JP

Mr Kenneth LEUNG Kai-cheong

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	
湛家雄先生，BBS，MH，JP	Mr Daniel CHAM Ka-hung, BBS, MH, JP
陳煒文博士，JP	Dr Raymond CHAN, JP
陳耀星先生，SBS，JP	Mr Star CHAN lu-seng, SBS, JP
陳家偉先生	Mr CHAN Ka-wai
陳國旗先生，BBS*	Mr Jacky CHAN Kwok-kai, BBS*
陳理誠工程師，JP	Ir William CHAN Lee-shing, JP
陳文宜女士	Miss Grace CHAN Man-yee
陳文佑先生	Mr Henry CHAN Man-yu
陳茂強先生	Mr Haydn CHAN Mou-keung
陳榮濂先生，JP*	Mr William CHAN Wing-lim, JP*
陳仁川女士*	Ms CHAN Yan-chuen*
陳若瑟先生，BBS	Mr Joseph CHAN Yuek-sut, BBS
周沁女士 ##	Ms CHAU Sum ##
鄭阮培恩女士	Mrs Betty CHENG YUEN Pui-yan
鄭承隆先生 ^	Mr Edwin CHENG Shing-lung ^
張焯堯先生 #	Mr Charles CHEUNG Cheuk-yiu #
張錫容女士*	Ms CHEUNG Sik-yung*
張翼雄先生 #	Mr Jackie CHEUNG Yick-hung #
莊創業先生 #	Mr CHONG Chong-yip #
周浩鼎先生	Mr Holden CHOW Ho-ding
周錦祥先生，MH	Mr CHOW Kam-cheung, MH
周奕希先生，BBS，JP	Mr CHOW Yick-hay, BBS, JP
蔡鳳萍女士 #	Miss Abril CHOY Fung-peng #
朱國樑先生	Mr CHU Kwok-leung

觀察員名單 Name of Observers	
朱德榮先生 #	Mr CHU Tak-wing #
方平先生，JP	Mr FONG Ping, JP
何綺蓮女士	Ms Elaine HO Yee-lin
許嘉灝先生，BBS，MH	Mr HUI Ka-hoo, BBS, MH
熊璐珊女士*	Ms Lusan HUNG Lo-shan *
簡志豪先生，BBS，MH	Mr KAN Chi-ho, BBS, MH
高錦祥先生，BBS，MH	Mr KO Kam-cheung, BBS, MH
高佩璇女士	Ms KO Pui-shuen
江子榮先生，MH，JP	Mr James KONG Tze-wing, MH, JP
顧明仁博士，MH	Dr Charles KOO Ming-yan, MH
關治平工程師，JP	Ir Edgar KWAN, JP
郭靜韻女士	Miss Mable KWOK Ching-wan
郭永強先生，MH	Mr KWOK Wing-keung, MH
龔靜儀女士	Miss Athena KUNG Ching-yee
羅競成先生，MH #	Mr LAW King-shing, MH #
黎樹濠先生，BBS，MH，JP	Mr Patrick LAI Shu-ho, BBS, MH, JP
黎達生先生，MH，JP	Mr David LAI Tat-sang, MH, JP
林亦有先生，BBS，MH，JP	Mr Billy LAM Chek-yau, BBS, MH, JP
林建高先生，MH**	Mr Stewart LAM Kin-ko, MH**
林桂蘭女士*	Ms Julia LAM Kwai-lan *
林國強先生	Mr LAM Kwok-keung
林貝聿嘉女士，GBS，JP*	Mrs Peggy LAM PEI Yu-dja, GBS, JP*
林錫光先生，MH	Mr LAM Sek-kong, MH
林德亮先生，MH，JP	Mr LAM Tak-leung, MH, JP
劉佩芝女士	Miss Julia LAU Pui-g
劉月容博士	Dr Ellen LAU Yuet-yung
劉偉章先生	Mr Peter LAU Wai-cheung
李冠美女士 #	Ms LEE Koon-mei #
李德權先生	Mr LEE Tak-kuen
李偉恩女士*	Miss Susanna LEE Wai-yan *
李永年博士	Dr Francis LEE Wing-lin
李月民先生，MH	Mr LEE Yuet-man, MH
梁志培先生	Mr LEUNG Chi-pui
梁笑詠女士，BBS，MH	Ms LEUNG Fu-wing, BBS, MH
梁皓鈞先生，MH #	Mr LEUNG Ho-kwan, MH #

觀察員名單 Name of Observers	
梁秀志先生，JP	Mr LEUNG Sau-chi, JP
梁秀清女士 #	Ms Martha LEUNG Sau-ching #
梁兆棠先生	Mr LEUNG Siu-tong
李紫媚博士	Dr Jessica LI Chi-mei
李漢雄先生，MH，JP	Mr LI Hon-hung, MH, JP
李婉華女士	Ms Rainbow LI Yuen-wah
廖啟明醫生	Dr LIU Kai-ming
廖金鳳女士	Miss Iris LIU Kam-fung
廖珮珊女士 ##	Ms LIU Pui-shan ##
羅孔君女士	Miss LO Jane Curzon
盧錦華先生，MH，JP	Mr Norman LO Kam-wah, MH, JP
羅世光先生，MH	Mr LO Sai-kwong, MH
盧子安先生	Mr LO Tze-on
盧永文先生，JP	Mr Lawrence LO Wing-man, JP
羅仁禮先生，JP	Mr LO Yan-lai, JP
呂明華博士，SBS，JP	Dr LUI Ming-wah, SBS, JP
馬盧金華女士	Mrs Virginia MA LO Kam-wah
莫仲輝先生，MH	Mr Rex MOK Chung-fai, MH
Mr MOTWANI Raj Sital，BBS，JP	Mr MOTWANI Raj Sital, BBS, JP
吳錦津先生，MH，JP	Mr Stephen NG Kam-chun, MH, JP
顏少倫先生	Mr NGAN Siu-lun
彭長緯先生，BBS，JP	Mr Thomas PANG Cheung-wai, BBS, JP
彭桓基先生	Mr PANG Woon-kei
彭玉榮先生，JP*	Mr Joseph PANG Yuk-wing, JP*
龐創先生，BBS，JP	Mr Edward PONG Chong, BBS, JP
卜坤乾先生	Mr PUK Kwan-kin
蘇麗珍女士，MH	Ms SO Lai-chun, MH
蘇慧賢女士	Ms Herdy SO Wai-yin
司徒建華先生 #	Mr SZETO Kin-wa #
戴依雯女士*	Miss Candy TAI Yee-man *
譚國僑先生，MH，JP	Mr TAM Kwok-kiu, MH, JP
譚兆炳先生	Mr George TAM Siu-ping
鄧振強先生，MH，JP	Mr Teddy TANG Chun-keung, MH, JP
鄧廣成先生	Mr TANG Kwong-shing
鄧珮頤女士	Miss TANG Pui-yee

觀察員名單 Name of Observers

陶嘉穎女士 #	Miss Alice TO Kar-wing #
湯修齊先生	Mr Henry TONG Sau-chai
謝禮良先生，MH	Mr Jimmy TSE Lai-leung, MH
謝永齡博士，MH	Dr John TSE Wing-ling, MH
徐福樂醫生	Dr Michael TSUI Fuk-sun
尹志強先生，BBS，JP	Mr Aaron WAN Chi-keung, BBS, JP
溫國雄先生	Mr Joseph WAN Kwok-hung
王津先生，BBS，JP	Mr Justein WONG Chun, BBS, JP
王振宇教授	Prof WONG Chun-yu
王金文女士	Ms Joan WONG Kam-man
黃健興先生 #	Mr WONG Kin-hing #
黃建彬先生，MH	Mr WONG Kin-pan, MH
黃江天博士	Dr James WONG Kong-tin
黃永灝工程師，JP	Ir Billy WONG Wing-hoo, JP
王婉芝女士	Miss WONG Yuen-chi
黃月華女士	Ms Vienna WONG Yuet-wah
胡楚南先生，JP	Mr WU Chor-nam, JP
吳萬強先生，BBS，MH	Mr John WU Man-keung, BBS, MH
楊志偉先生，MH	Mr Edwin YEUNG Chi-wai, MH
楊學明牧師	Rev David YEUNG Hok-ming
楊耀忠先生，BBS，JP ##	Mr YEUNG Yiu-chung, BBS, JP ##
葉永成先生，BBS，MH，JP	Mr David YIP Wing-shing, BBS, MH, JP
葉曜丞先生，MH*	Mr Chris YIP Yiu-shing, MH*
楊艾文先生	Mr Simon YOUNG Ngai-man
阮陳寶馨女士	Mrs YUEN CHAN Po-hing
翁志明先生，MH	Mr YUNG Chi-ming, MH
翁國忠先生	Mr Roger YUNG Kwok-chung

Newly appointed on 1 April 2011

2011年4月1日新任命

Newly appointed on 1 September 2011

2011年9月1日新任命

** Passed away in May 2011

2011年5月去世

* Retired on 1 September 2011

2011年9月1日退休

^ Became IPCC Member on 1 January 2012

2012年1月1日獲委任為監警會委員

Total number of Observers on 31 March 2012 was 109

截至2012年3月31日監警會共有109名觀察員

監警會秘書處

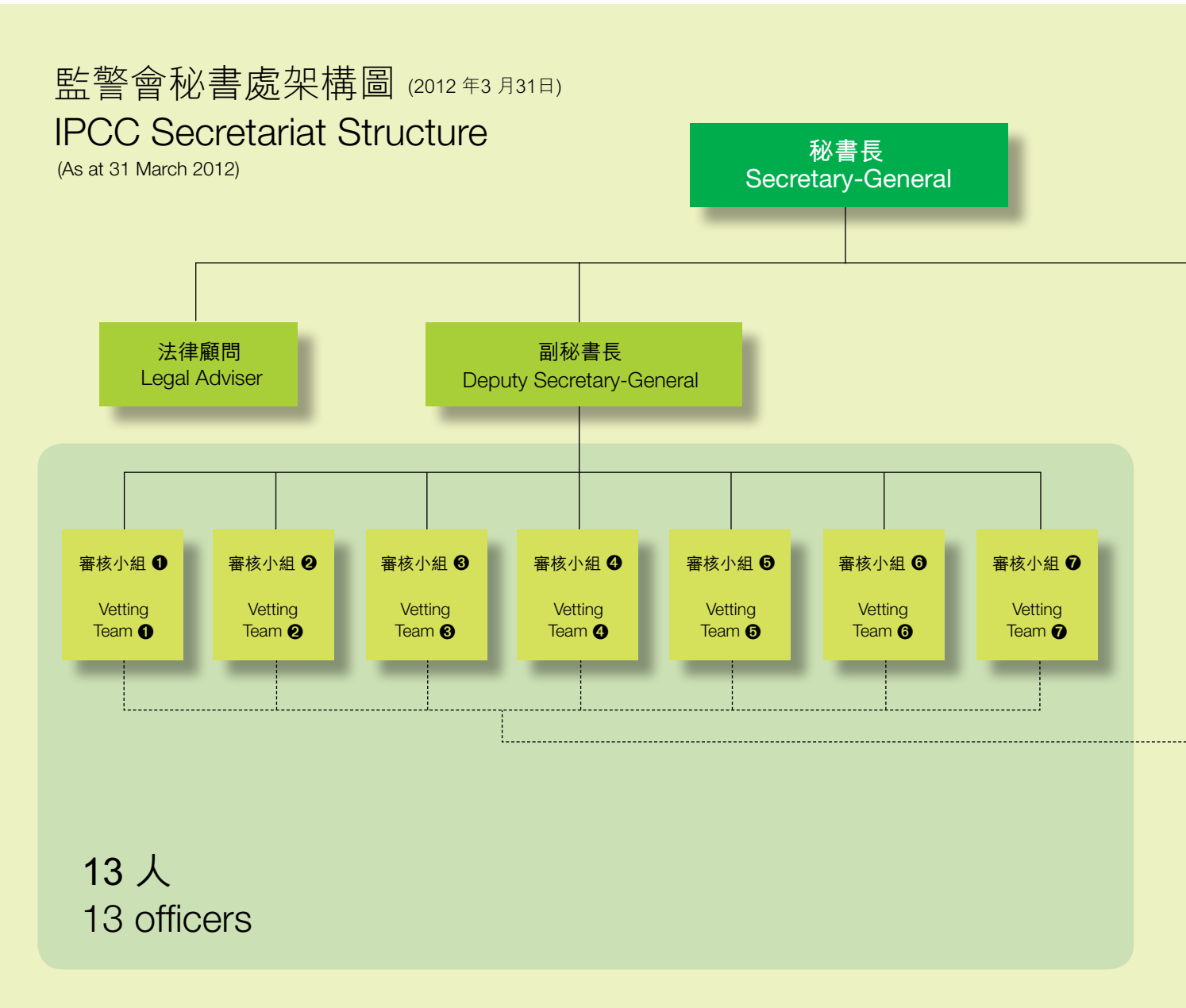
IPCC Secretariat

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，2011/12年編制共有36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 36 staff in 2011/12. The major function of the Secretariat is to assist Council Members in examining complaint investigation reports and in promoting the work of the IPCC.

隨著監警會成為法定機構，監警會在年內

Since the IPCC became a statutory body it has recruited all its own staff, replacing the seconded civil servants who formerly

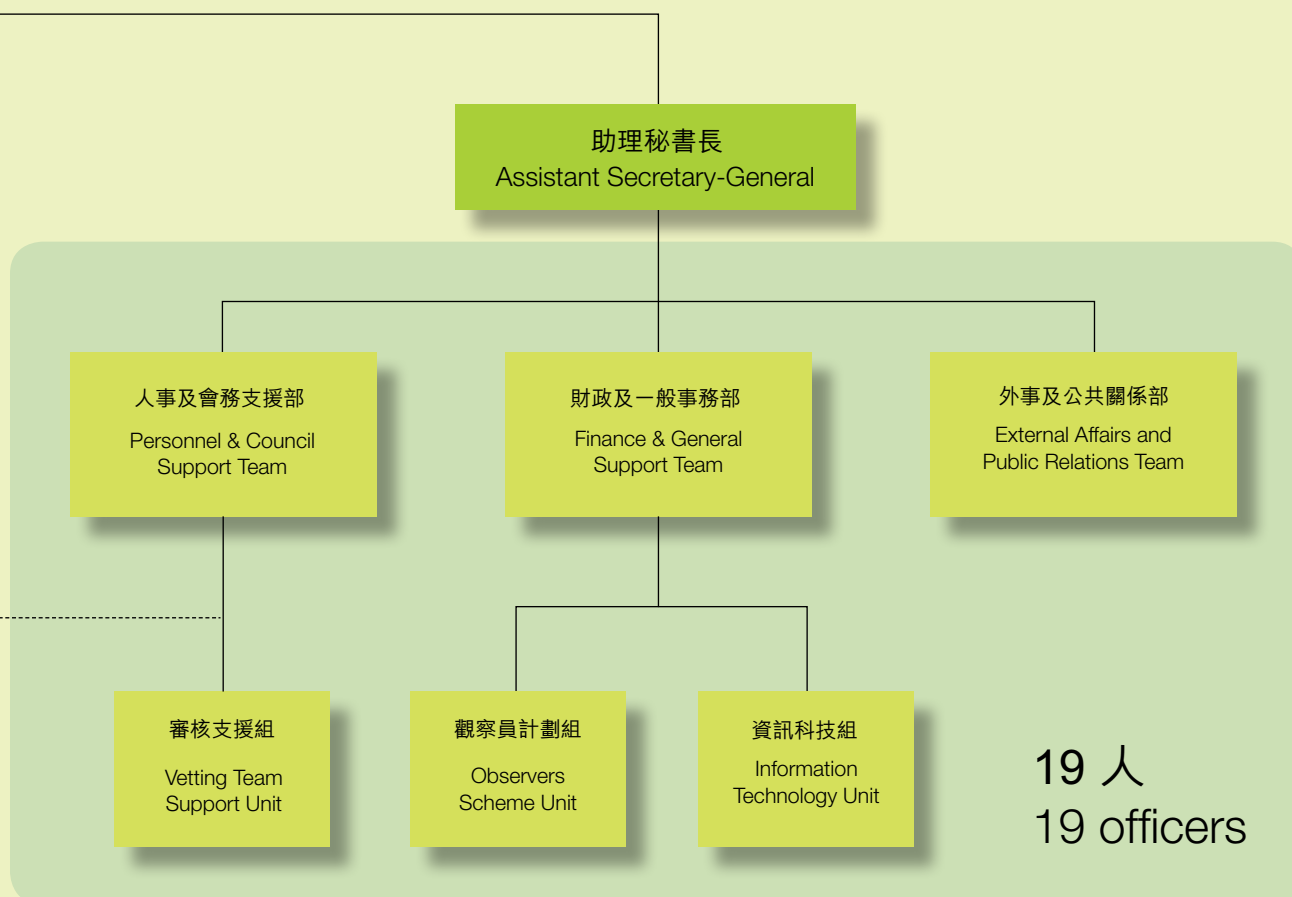


已聘請自己的員工，全數取代由政府借調的公務員，比原來預計於2012年5月底（即法定監警會成立三周年）完成的目標提早完成。

監警會秘書處截至2012年3月31日的組織圖如下：

worked at the Secretariat. This process was completed earlier than the anticipated May 2012 timeline (the third anniversary of the IPCC becoming a statutory body)

The organisational chart of the IPCC Secretariat, as of 31 March 2012, is as below:



第六章

Chapter 6

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

截至二零一二年三月三十一日止年度
Year Ended 31 March 2012



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)

目 錄

Contents

	頁數 Page
獨立核數師報告	
Independent Auditor's Report	101-102
全面收益表	
Statement of Comprehensive Income	103
資產負債表	
Balance Sheet	104
儲備變動表	
Statement of Changes in Reserves	105
現金流量表	
Cash Flow Statement	106
財務報表附註	
Notes to the Financial Statements	107-119

(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103至119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二零一二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有任何重大錯誤陳述。

We have audited the financial statements of the Independent Police Complaints Council (the "Council") set out on pages 103 to 119, which comprise the balance sheet as at 31 March 2012, 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 貴會於二零一二年三月三十一日的財務狀況及截至該日止年度的財務往來情況及現金流量。

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 2012 and of its surplus and cash flows for the year then ended in accordance with Hong Kong Financial Reporting Standards.

黃龍德會計師事務所有限公司

執業會計師

劉旭明

英國特許會計師

香港執業會計師

執業證書號碼：P05468

香港

二零一二年五月三十一日

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

31 May 2012

全面收益表 —— 截至二零一二年三月三十一日止年度

Statement of comprehensive income for the year ended 31 March 2012

	附註 Note	2012 \$	2011 \$
收入 Income			
政府補助 Government grants	6	35,347,054	28,677,410
其他收入 Other income	7	41,127	40,081
		35,388,181	28,717,491
支出 Expenditure			
員工成本 Staff costs	9	19,652,890	17,849,191
一般及行政費用 General and administrative expenses		8,133,113	6,665,467
本會成員酬金 Honorarium to Council members	17	613,400	483,060
		28,399,403	24,997,718
本年度盈餘及其他全面收益總額 Surplus and other comprehensive income for the year	9	6,988,778	3,719,773

資產負債表 —— 於二零一二年三月三十一日
Balance sheet as at 31 March 2012

	附註 Note	2012 \$	2011 \$
非流動資產 Non-current assets			
固定資產 Fixed assets	11	2,820,322	807,394
流動資產 Current assets			
按金及預付款項 Deposits and prepayments		1,882,414	349,740
現金及現金等價物 Cash and cash equivalents	12	12,993,252	7,149,672
		14,875,666	7,499,412
流動負債 Current liabilities			
遞延政府補助 Deferred government grants	13	213,587	193,410
其他應付款項及應計費用 Other payables and accruals	8	1,560,835	369,982
		1,774,422	563,392
流動資產淨值 Net current assets		13,101,244	6,936,020
資產總值減流動負債 Total assets less current liabilities		15,921,566	7,743,414
非流動負債 Non-current liabilities			
遞延政府補助 Deferred government grants	13	379,999	493,900
員工約滿酬金撥備 Provision for staff gratuities	14	2,099,424	796,149
		2,479,423	1,290,049
資產淨值 NET ASSETS		13,442,143	6,453,365
儲備 RESERVES			
累計盈餘 Accumulated surplus		13,442,143	6,453,365

本會於二零一二年五月三十一日批准並授權公佈本財務報表

Approved and authorised for issue by the Council on 31 May 2012.



翟紹唐 資深大律師
主席

JAT Sew-Tong, SC
Chairman

儲備變動表

截至二零一二年三月三十一日止年度

Statement of changes in reserves for the year ended 31 March 2012

	\$
於二零一零年四月一日之結餘 Balance at 1 April 2010	2,733,592
年內盈餘及其他全面收益 Surplus and other comprehensive income for the year	3,719,773
於二零一一年三月三十一日之結餘 Balance at 31 March 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

現金流量表

截至二零一二年三月三十一日止年度

Cash flow statement for the year ended 31 March 2012

	附註 Note	2012 \$	2011 \$
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		6,988,778	3,719,773
已就下列各項作出調整： Adjustments for:			
- 折舊 Depreciation		535,683	224,009
- 固定資產撥備 Impairment loss on fixed assets		-	1,540,000
- 利息收入 Interest income		(36,182)	(36,561)
- 固定資產勾銷 Loss on disposal of fixed assets		25,783	-
營運資金變動前之營運盈餘 Operating surplus before working capital changes		7,514,062	5,447,221
按金及預付款項之增加 Increase in deposits and prepayments		(1,532,674)	(39,791)
遞延政府補助之減少 Decrease in deferred government grants		(93,724)	(193,410)
其他應付款項及應計費用之增加/(減少) Increase/(decrease) in other payables and accruals		1,190,853	(227,511)
員工約滿酬金撥備之增加 Increase in provision for staff gratuities		1,303,275	446,232
營運活動產生的現金流流入 Net cash from operating activities		8,381,792	5,432,741
投資活動之現金流動 Cash flows from investing activities			
購入固定資產 Purchase of fixed assets		(2,574,394)	(1,640,567)
已收利息 Interest received		36,182	36,561
投資活動之現金流出淨額 Net cash used in investing activities		(2,538,212)	(1,604,006)
現金及現金等價物之增加淨額 Net increase in cash and cash equivalents		5,843,580	3,828,735
年初之現金及現金等價物 Cash and cash equivalents at the beginning of the year		7,149,672	3,320,937
年末之現金及現金等價物 Cash and cash equivalents at the end of the year	12	12,993,252	7,149,672

財務報表附註 — 截至二零一二年三月三十一日

Notes to the financial statements – for the year ended 31 March 2012

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。

於年結日二零一二年三月三十一日，本會已開始採用由香港會計師公會新訂及經修訂後發布的香港財務報告準則及香港會計準則，該準則於二零一一年一月一日或其後開始之會計期間首次生效。因本會應用這些準則而引致的會計政策之變化的概要載於附註4。

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.

In year ended 31 March 2012, the Council has initially applied the new and revised HKFRSs and HKASs issued by the HKICPA that are first effective for accounting periods beginning on or after 1 January 2011. A summary of the changes in accounting policies resulting from the company's application of these HKFRSs and HKASs is set out in note 4.

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壞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的僱員作出最高供款每月\$1,000。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 for employees earning more than \$20,000 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 會計政策的變更

於二零一二年三月三十一日止年度，本會開始採納由香港會計師公會頒布的並於二零一一年一月一日或以後的會計期間生效之已修訂的《香港財務報告準則》及《香港會計準則》，其中有效的財務報告準則包括：

- 香港會計準則第24號 (經修訂) 關聯方披露

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).
- (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 Changes in accounting policies

In year ended 31 March 2012, the Council has initially applied the new and revised HKFRSs and HKASs issued by the HKICPA that are first effective for accounting periods beginning on or after 1 January 2011, including:

- HKAS 24 (Revised) *Related Party Disclosures*

4 會計政策的變更 (續)

- 2010年香港財務報告準則，包括香港財務報告準則第7號：金融工具披露和香港會計準則第1號：呈列財務報表

香港會計準則第24號(經修訂)修改關連方的釋義。經重新評審關聯方的定義後，該準則並無對本會的關聯方披露有重大影響。

採納這些修訂、新準則對本會的財務表現和狀況不會構成重大影響。

5 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。

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16。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。

6 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。

4 Changes in accounting policies (continued)

- Improvements to HKFRSs 2010, including HKFRS 7 *Financial Instruments: Disclosures* and HKAS 1 *Presentation of Financial Statements*

HKAS 24 (Revised) amends the definition of a related party. After re-assessing the identification of related parties, the Council is of opinion that the amendment does not have any material impact on its related party disclosures.

The application of the new and revised HKFRSs has no material effects on the Council's financial performance and positions.

5 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.

Certain key assumptions and risk factors in respect of the financial risk management are set out in note 16. 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.

6 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.

7 其他收入

7 Other income

	2012 \$	2011 \$
利息收入 Interest income	36,182	36,561
雜項收入 Sundry income	4,945	3,520
	41,127	40,081

8 其他應付款項及應計費用

8 Other payables and accruals

	2012 \$	2011 \$
財務負債 Financial liabilities	1,264,771	184,543
未放取的有薪年假 Unutilised annual leave	296,064	185,439
	1,560,835	369,982

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.

9 年內盈餘及全面收益

9 Surplus and other comprehensive income for the year

年內盈餘及全面收益已計入：

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

	2012 \$	2011 \$
僱員福利開支 Employee benefits expense		
- 強制性公積金供款 Contributions to Mandatory Provident Funds	310,493	185,344
- 薪金、工資及其他福利 Salaries, wages and other benefits	19,342,397	17,663,847
	19,652,890	17,849,191
核數師酬金 Auditors' remuneration	35,000	66,000
折舊 Depreciation	535,683	224,009
固定資產撥備 Impairment loss for fixed assets	-	1,540,000
物業的營運租賃費用 Operating lease charges for properties	3,153,593	2,168,532

10 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。

10 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.

11 固定資產

11 Fixed assets

	租賃 裝修工程 Leasehold improvements	傢具及 裝置 Furniture and fixtures	辦公室 設備 Office equipment	電腦設備 Computer equipment	總額 Total
成本 Cost	\$	\$	\$	\$	\$
於二零一零年四月一日 At 1 April 2010	74,800	-	830,945	37,954	943,699
增置 Additions	-	22,485	160,744	1,470,926	1,654,155
減值 Impairment	-	(16,685)	(149,494)	(1,373,821)	(1,540,000)
於二零一一年三月三十一日 At 31 March 2011	74,800	5,800	842,195	135,059	1,057,854
累計折舊 Accumulated depreciation					
於二零一零年四月一日 At 1 April 2010	6,942	-	18,040	1,469	26,451
年內折舊 Charge for the year	24,933	1,933	167,314	29,829	224,009
於二零一一年三月三十一日 At 31 March 2011	31,875	1,933	185,354	31,298	250,460
賬面淨值 Net book value					
於二零一一年三月三十一日 At 31 March 2011	42,925	3,867	656,841	103,761	807,394
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

12 現金及現金等價物

12 Cash and cash equivalents

	2012 \$	2011 \$
銀行存款 Cash at banks	12,993,252	7,148,172
現金 Cash on hand	-	1,500
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	12,993,252	7,149,672

13 遞延政府補助

13 Deferred government grants

	2012 \$	2011 \$
於二零一一年四月一日的結餘 Balance as at 1 April 2011	687,310	880,720
已收補助 Grants received	126,830	-
年內確認為收入的數額 Recognised as income in the year	(220,554)	(193,410)
於二零一二年三月三十一日的結餘 Balance as at 31 March 2012	593,586	687,310
減：歸入「流動負債」的數額 Less: amount included in "current liabilities"	213,587	193,410
歸入「非流動負債」的數額 Amount included in "non-current liabilities"	379,999	493,900

有關補助主要是用作更換即時傳譯及視聽設備。

The grants are mainly for the replacement of simultaneous interpretation and audio-visual equipment.

14 員工約滿酬金撥備

14 Provision for staff gratuities

	2012 \$	2011 \$
於二零一一年四月一日的結餘 Balance as at 1 April 2011	796,149	349,917
已計提撥備 Provision made	1,377,746	537,349
已動用撥備 Provision utilised	(74,471)	(91,117)
於二零一二年三月三十一日的結餘 Balance as at 31 March 2012	2,099,424	796,149

員工約滿酬金撥備是為了支付受聘當日起計已完成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 three-year contract commencing from the date of their employment.

15 承擔

15 Commitments

於二零一二年三月三十一日，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 2012, the total future minimum lease payments under non-cancellable operating leases in respect of properties are payable as follows:

	2012 \$	2011 \$
一年內 Within 1 year	3,631,122	1,296,580
一年後但五年內 After 1 year but within 5 years	969,040	-
	4,600,162	1,296,580

16 金融工具

16 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		
	2012 \$	2011 \$
按金 Deposits	597,585	9,940
現金及現金等價物 Cash and cash equivalents	12,993,252	7,149,672
	13,590,837	7,159,612

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		
	2012 \$	2011 \$
其他應付款項及應計費用 Other payables and accruals	1,264,771	184,543

16 金融工具 (續)

所有金融工具的賬面值相對二零一一年及二零一二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。

16 Financial instruments (continued)

All financial instruments are carried at amounts not materially different from their fair values as at 31 March 2011 and 2012.

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	2012 \$	2011 \$
按金 Deposits	597,585	9,940
銀行存款 Bank balances	12,993,252	7,148,172
	13,590,837	7,158,112

(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 \$
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
2011			
其他應付款項及應計費用 Other payables and accruals	184,543	184,543	184,543

16 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。

16 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	2012 \$	2011 \$
浮息財務資產 Floating-rate financial assets		
銀行結存 Deposits with banks	5,715,700	3,718,745

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.

17 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：

17 Related party transactions

In addition to the transactions and balances disclosed elsewhere in these financial statements, the Council had the following material related party transactions during the year.

	2012 \$	2011 \$
本會成員酬金 Honorarium paid to Council members	613,400	483,060

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.

18 已頒佈但於年內尚未生效之香港財務報告準則

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：

18 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
香港財務報告準則 第7號(修訂本) HKFRS 7 (Amendments) 披露 — 金融資產之轉讓 <i>Disclosure – Transfers of Financial Assets</i>	於二零一一年七月一日 1 July 2011
香港財務報告準則 第9號 HKFRS 9 金融工具 <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19號 (修訂本) HKFRS 19 (revised) 僱員福利 <i>Employee Benefits</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) Amendments to HKAS 1 財務報表的呈列 — 其他全面收益項目的呈列方式 <i>Presentation of financial statements – Presentation of items of other comprehensive income</i>	於二零一二年七月一日 1 July 2012

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。

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.

19 通過財務報表

本財務報表已於二零一二年五月三十一日得到本會的同意下發佈。

19 Approval of financial statements

These financial statements were authorised for issue by the Council on 31 May 2012.

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（例如無禮或疏忽職守）

+ 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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