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INDEPENDENT POLICE COMPLAINTS COUNCIL ORDINANCE 《獨立監察警方處理投訴委員會條例》



IPCC Observers Scheme

Observers Scheme

This leaflet introduces to you the Independent Police Complaints Council (IPCC) Observers Scheme. If you have lodged a reportable complaint* against the Police, or have been invited by the Police to assist in the investigation of a reportable complaint, the information in this leaflet may be of interest to you.

IPCC

IPCC is an independent body established under the Independent Police Complaints Council Ordinance (IPCCO), Cap 604. While complaints are investigated by the Complaints Against Police Office (CAPO) of the Hong Kong Police Force, IPCC will observe, monitor and review the handling and investigation of all reportable complaints to ensure that they are dealt with in a fair, impartial and thorough manner.

Observers Scheme

The IPCC Observers Scheme is provided for under Part 4 of IPCCO. The purpose of the Scheme is to enhance the IPCC's role in monitoring CAPO's investigation of complaints. IPCC Observers attend

interviews and observe the collection of evidence conducted in connection with the investigation of reportable complaints. IPCC Observers will subsequently report to IPCC whether or not relevant parts of the investigation process are conducted in a fair and impartial manner, and whether any irregularities are detected. Under section 25 of IPCCO, IPCC Members may also similarly attend such interviews and observe the collection of evidence.

So please do not feel surprised if you find an IPCC Member or Observer present at CAPO's interview with you. The interviewer stands ready to explain the Scheme to you in greater detail if necessary.

With the large number of interviews arising from investigation of reportable complaints, it is not possible for IPCC Member or Observer to be present at every interview. If you want an Observer to be present during your interview with CAPO, you can raise your request with CAPO. Upon receipt of the referral from CAPO, IPCC will endeavour to make such arrangements.

*A 'reportable complaint' is a public complaint, not vexatious or frivolous, and made in good faith, that relates to the conduct of a police officer while on duty or who identifies himself as a police officer while off duty. The complainant should be the person (or his representative) directly affected by the police misconduct.

Role of Observer

The role of an IPCC Observer is primarily to observe and report. In the interests of fairness and impartiality, IPCC Observers will not interfere with the conduct of interviews/collection of evidence or express personal views during the process. If there are any irregularities reported by the Observers, IPCC will take up the matter with CAPO.

Declaration of Interest

Section 37(3) of IPCCO provides that if an Observer has an interest (whether directly or indirectly) in a reportable complaint, the Observer must not attend the interview or observe the collection of evidence in relation to that complaint. Section 37(4) of IPCCO further provides that if, during the interview or collection of evidence, it comes to the knowledge of the Observer that he has an interest (whether directly or indirectly) in the reportable complaint, he must disclose the nature of his interest, withdraw from the interview or observation of the collection of evidence, and report the nature of his interest to IPCC.

Confidentiality

IPCC Members and Observers are bound by the requirements of section 40(1) of IPCCO and the Personal Data (Privacy) Ordinance. They are required to keep all information acquired in the course of observations confidential.

Enquiry

For more information about the Scheme and IPCC, you can visit IPCC website (www.ipcc.gov.hk) or contact the IPCC Secretariat as follows:

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