

**122nd MEETING OF  
THE INDEPENDENT POLICE COMPLAINTS COUNCIL (IPCC) MEETING WITH  
THE COMPLAINTS & INTERNAL INVESTIGATIONS BRANCH (C&IIB) HELD  
AT THE IPCC SECRETARIAT OFFICE  
AT 1543 HOURS ON THURSDAY 20 JULY 2006**

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Present: Mr Ronny WONG Fook-hum, SC, JP (Chairman)  
Hon Alan LEONG Kah-kit, SC (Vice-chairman)  
Dr LO Wing-lok, JP  
Dr SHUM Ping-shiu, BBS, JP  
Mr Daniel CHAM Ka-hung, MH, JP  
Dr Charles KOO Ming-yan, MH  
Mr Edward PONG Chong, BBS, JP  
Dr Michael TSUI Fuk-sun  
Dr TSE Tak-fu, BBS  
Mrs Helena YUEN CHAN Suk-ye  
Mr Frederick TONG Kin-sang, Assistant Ombudsman  
Mrs Brenda FUNG YUE Mui-fun, Secy IPCC  
Ms Angela HO, SGC IPCC  
Mr Brandon CHAU, Deputy Secy IPCC (Joint Secretary)  
Mr Michael B.DOWIE, DMS  
Mr WONG Doon-ye, ACP SQ  
Mr S.A. CARRUTHERS, CSP C&IIB (Ag)  
Mr J.P. RIBEIRO, SSP CAPO  
Mr Oscar KWOK Yam-shu, SP CAPO HQ (Joint Secretary)

In Attendance: Mr Eddie WONG, SAS (PS)  
Mr Michael TONG, SAS (1)  
Mr Henry CHAN, SAS (1) (Des)  
Ms Fiona LI, SAS (2)  
Mr Bernard KAN, SAS (3)  
Miss Mary KWOK, AS (PS) 1  
Mr David LEE Woon-luen, SP CAPO HKI  
Mr Samson CHO Ming-lung, SP CAPO K  
Mr TONG Chi-chung, CIP CAPO HQ  
Mr WONG Kai-man, CIP Team 1 CAPO K (Ag)  
Mr LEE Hang-lam, CIP Team 3 CAPO K  
Ms CHAN Po-chu, CIP Team 9 CAPO NT  
Ms Rene LAM Suk-man, SIP A&S C&IIB  
Ms Mandy CHIANG Lai-shan, SIP IPCC C&IIB  
Mr AU Wing-leung, SIP SUP CAPO  
Mr NG Hoi-wai, SIP Team 5a CAPO HKI  
Ms WONG Ching-han, SIP Team 2b CAPO K  
Ms KWAN Yuen-fun, SIP Team 10b CAPO NT

Absent with Apologies: Hon Daniel LAM Wai-keung, SBS, JP (Vice-chairman)  
Dr Hon LUI Ming-wah, SBS, JP (Vice-chairman)  
Mr YEUNG Yiu-chung, BBS, JP  
Ir Edgar KWAN  
Prof Daniel SHEK Tan-lei, BBS, JP  
Mr HUI Yung-chung, BBS, JP  
Prof Benjamin TSOU Ka-yin, BBS  
Ms Priscilla WONG Pui-sze, JP  
Mr FAN Sik-ming, CSP C&IIB

## **PART A: CLOSED MEETING**

This was the Closed Part of the meeting for the IPCC and representatives of C&IIB to discuss matters of mutual concern. The minutes of the meeting will not be uploaded onto the IPCC Homepage.

## **PART B: OPEN MEETING**

### **OPENING ADDRESS**

The Chairman welcomed all to the meeting.

### **(I) CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 18 MAY 2006**

2. The minutes of the last meeting (Open Part) were confirmed without amendment.

### **(II) CAPO's CRIMINAL AND DISCIPLINARY CHECKLIST**

3. ACP SQ tabled the Checklist and invited the meeting to comment. The Chairman invited CAPO to comment on case A22 in which the police officer concerned was to be advised that he should not arrange or allow parties involved in a traffic accident with person injured to have the case settled between themselves

4. ACP SQ stated that case A22 was a traffic accident investigation in which a pedestrian was injured after being knocked down by a taxi. The investigating officer then brought the taxi driver to the hospital to meet the pedestrian for a settlement. It was very clearly

stipulated in the Traffic Procedures Manual (Part II) that in traffic accidents involving injury to a person, officers should not arrange or allow the parties involved in the traffic accident to have the case settled between themselves as an investigation must be conducted in this type of cases. The officer concerned had violated the laid down procedures and he was accordingly advised.

5. The Chairman went on to invite CAPO to comment on case A51 in which the officer concerned was to be advised that the driving licence check should not normally involve the examination of an identity card unless it was reasonably suspected that the driving licence did not belong to the driver or the driver had committed an offence under the Road Traffic Ordinance.

6. ACP SQ explained that police officers were empowered under the Road Traffic Ordinance to demand the production of driving licence from a driver. It was stipulated in the Police Manual that a police officer in uniform had the power to demand the production of a driving licence if he reasonably suspected a person had committed an offence under the Road Traffic Ordinance. The Police Manual specifically stated that although the driving licence did not contain a photograph, the police officer should not automatically ask for the identity card unless he had reason to suspect that the person was not the holder of the driving licence. The officer in this case contravened the police order and should therefore be advised.

7. The Chairman then invited CAPO to comment on case A54 concerning the police handling of a traffic accident involving a taxi and a motorcycle in which the investigator failed to make enquiry with the taxi passenger before letting him go.

8. ACP SQ replied that enquiry with witnesses was an important part of any police investigations. In the instant case, the most basic investigation would have entailed obtaining the particulars of the passenger and his account of the incident. The sergeant concerned failed to obtain the particulars of the passenger before letting him go. The sergeant should therefore be advised.

9. Mr Daniel CHAM Ka-hung raised query on case A66 which was related to the police handling of a sexual assault case where the officers concerned had failed to follow the guidelines to arrange a female officer to accompany the complainant during the investigation due to the

unavailability of a female officer. He invited CAPO to comment on this case and how this could be prevented in the future.

10. ACP SQ responded by saying that a female victim in a sexual offence should be accompanied by a female officer to give assurance to the victim and to attend to her needs because of the sensitive nature of the case. In the instant case, the officer failed to arrange a female officer to accompany the victim when a female officer was not immediately available. There should indeed have been other female officers on duty in the Force, and if there was no female officer immediately available in his unit, the officer should have asked other units or other police stations to give assistance. Arranging a female officer to accompany a victim of a sexual offence should not be a problem. The officer concerned had failed to suitably exercise his discretion and therefore was to be advised.

11. Dr LO Wing-lok said that he wished to follow up on the two cases just discussed. The first case was A54 concerning a traffic accident involving a taxi with a passenger on board. While the passenger could act as a witness to the accident, the passenger would most likely have left immediately after the accident. He asked if the Police would appeal to taxi drivers to as far as possible request their passengers to remain at the scene as witnesses after a traffic accident. The other case he wished to enquire was case A51. It was stated that generally a police officer was only empowered to demand the production of driving licence during traffic enforcement but not the identity card unless there was such a need or suspicion. He requested the Police to provide figures relating to the use of false driving licences in traffic accidents resulting in the failure to trace the drivers involved.

12. ACP SQ replied that for case A54, it would be good if taxi passengers could remain at the scene after a traffic accident but this might be unreasonable as the passengers could be in a rush, otherwise the passengers might not have taken a taxi. Therefore, taxi drivers should as far as possible request the passengers to provide their personal particulars for the Police to follow up. It was stipulated in the Traffic Procedures Manual that it was not necessary for officers attending a scene of a traffic accident to take statements from witnesses immediately. When witnesses wished to leave the scene, the officers should record the personal particulars of the witnesses for further enquiry. The handling of this kind of incidents would depend on the circumstances of individual cases. It would be best to obtain the statements immediately as this would help

clarify the incident, but if the witnesses had to leave without giving their statements, the instruction was that the officers should record their personal particulars. With regard to the number of cases involving false driving licences, ACP SQ replied that he had no figure in hand but there should not be too many cases of this kind. The absence of a photograph on the driving licence did pose a problem in verifying the driver's identity and police officers had been trained to verify the identity of a driver by assessing his/her demeanour. The police instructions were not meant to disallow officers to demand production of identity card but officers had to account for their actions if they decided to do so. Officers should not routinely demand the production of both driving licence and identity card. If an officer had reason to believe the driving licence did not belong to the driver, such as when the driver's appearance suggested that he had not attained the age required for a driving licence, the demand for production of identity card for inspection was absolutely reasonable. The existing training and instructions should be sufficient to allow officers to identify false driving licences.

13. Dr Charles KOO Ming-yan raised his concern that there were some cases involving police officers failing to make proper records in their police notebooks. He wished to know if the Force would consider strengthening the training in the future as improper records sometimes would affect the handling of cases.

14. ACP SQ replied that the accuracy of the police notebook was very important and any mistakes or inadequacies in the notebook records could result in the defeat of a case in Court. The compilation of police notebooks was a very important topic both in basic training to new recruits and in the continuation training to serving officers. The training method adopted was to show the trainees simulated incidents, and to ask them to record the incidents in their police notebooks. Mistakes made would then be rectified. Officers of sergeant rank were responsible for inspecting the notebooks of constables under their command on a regular basis, and any inadequacies would be rectified forthwith. Officers would also be reminded regularly during unit training days held every six weeks. CAPO would also liaise with the superintendent concerned when inappropriate notebook records had led to any complaints or problems so that remedial measures could be taken. Also, the issue had been included in the 'Tips for Smart Cops' to remind officers of its importance. The mechanism and the training in place should be sufficient. However, officers would be reminded regularly due to its importance.

15. Mrs YUEN CHAN Suk-yee reminded the meeting that it would be the first anniversary by September 2006 of the death inquest of the Tin Shui Wai case and she wished to know the progress of the implementation of the recommendations by the Police.

16. ACP SQ informed the meeting that after the Tin Shui Wai case a cross departmental working group had been set up to review what the Police, the Social Welfare Department and the other Non-government Organisations could do to vulnerable witnesses, including children, women and elderly. All stakeholder organisations had their representatives in the working group to conduct an overall review of the policy and procedures. The review was conducted in accordance with the recommendations made by the Coroner, of which five were related to the Force. On top of taking part in the cross departmental working group, the Force also had its own internal working group to work out how to implement the recommendations. After a period of research and consultation, the Force had worked out a four-point plan, including the strengthening of command, improvement of training, changing of officers' perception and strengthening of procedures. One of the new initiatives was to provide each officer with an all-in-one booklet containing all guiding directives to allow the officer to conduct a risk assessment as well as the forms that an officer needed to refer the matter to appropriate organisations for follow up. With the all-in-one booklet, an officer should be able to do what he was required to do. One of the forms in the booklet was for risk assessment which included a list of questions that could guide the officer to decide if the case should be referred to the appropriate experts in the first instance. The Force was conducting a series of training to all frontline officers. It was expected that all officers would be trained on how to use the booklet by September 2006. All officers would then be required to carry the booklet on duty.

17. The Chairman remarked that the main concern of the Council was whether there were any discrepancies between the booklet and the agreed procedures. He requested CAPO to provide a copy of the booklet for the Council to follow up.

18. ACP SQ replied that the booklet was designed in collaboration with experts on the working group, and a consensus was reached that the experts or the Social Welfare Department would accept the referrals if the agreed procedures in the booklet were followed. There was no

inconsistency with the previously laid down procedures, but rather there was improvement. As he had previously mentioned, this would allow police offices to seek assistance from the experts in the first instance. The risk assessment would allow officers to decide in the first instance which professionals the case should be referred to. The training on this aspect was also strengthened. When the booklet was rolled out, he would provide the booklet to the Council. Arrangement would be made for Council Members to visit the Child Protection Policy Unit so that the concerns of the Members could be answered in detail.

**(III) CAPO's MONTHLY STATISTICS**

19. ACP SQ briefed the meeting that 209 and 232 complaints were received in May and June 2006 respectively. They represented an increase of 35.7% (+55 cases) and 11.0% (+23 cases) when compared with the statistics of the respective previous months. The figure for April 2006 was 154.

20. The number of 'Neglect of Duty' complaints received in May and June 2006 were 73 cases and 89 cases respectively. They represented an increase of 25.9% (+15 cases) and 21.9% (+16 cases) when compared with the statistics of the respective previous months. The figure for April 2006 was 58 cases.

21. The number of 'Misconduct/Improper Manner & Offensive Language' complaints received in May and June 2006 were 66 cases and 74 cases respectively. They represented an increase of 43.5% (+20 cases) and 12.1% (+8 cases) when compared with the statistics of the respective previous months. The figure for April 2006 was 46 cases.

22. The number of 'Assault' complaints received in May and June 2006 were 51 cases and 58 cases respectively. They represented an increase of 54.5% (+18 cases) and 13.7% (+7 cases) when compared with the statistics of the respective previous months. The figure for April 2006 was 33 cases.

23. A study had been conducted in response to the upsurge and it was clear that the upsurge in May 2006 was seasonal as there had been the same upsurge in May of the previous years. For the upsurge in June 2006, on top of seasonal cause, the strengthened enforcement against drugs and vice activities during the period, both in terms of the frequency and the

number of arrests, were considered the contributing factors to the upsurge. After all, this was only the figure for one single month and CAPO would continue to monitor the situation.

24. ACP SQ went on to brief the meeting of the encouraging figures for the first six months of 2006 in that only a total of 1,164 complaints were received during the period, representing a decrease of 17.1% (-240 cases) when compared with 1,404 cases of the same period in 2005. The total number of 'Neglect of Duty' complaints received in the first 6 months of 2006 was 406, representing a decrease of 20.1% (-102 cases) when compared with 508 cases of the same period in 2005. For 'Misconduct/Improper Manner & Offensive Language', 351 complaints were received in the first 6 months of 2006, representing a decrease of 19.9% (-87 cases) when compared with 438 cases of the same period in 2005. Finally, a total of 273 complaints of 'Assault' were received in the first six months of 2006, representing a decrease of 1.1% (-3 cases) when compared with 276 cases of the same period in 2005.

25. ACP SQ commented that the downward trend could show the effect of continuous complaint prevention efforts of the Force. The increase in enforcement and arrest actions might be the contributing factors to the upward trend in June 2006 but it was still uncertain if there really was such a causal relationship. The situation would be monitored continuously. If there were some other contributing factors, then remedial actions would be done to tackle it.

26. Mr Daniel CHAM Ka-hung expressed concern over the upward trend, in particular the complaints of 'Assault' and 'Misconduct'. However, he noted that there was a decrease in the complaint figures for the first four months of 2006 and the upsurge only began in May 2006. He further commented that the figures of 2004 and 2005 also showed a decrease in the first four months and then increased in May but the increase in the last two years was not as much as that of 2006. While it was mentioned that the increase in May 2006 was probably due to the increase in the anti-crime operations, he queried if this would imply that there were less police anti-crime operations in the first four months of 2006. He also noted that the figures for lodging of complaints 'By Phone' and 'To Police Station' for 2005 and 2006 remained more or less the same, each accounting for about 30 percents of the overall complaints. However, complaints made to CAPO directly had dropped from 11.7% in 2005 to 8.9% in 2006. He asked CAPO to comment if the decrease was due to the



amalgamation of the CAPO Reporting Centre (CAPO RC).

27. ACP SQ responded by saying that the increase in complaints in May 2006 was apparently due to seasonal reason while the increase in June 2006 was believed to be due to the increase in special police operations, both in terms of strength and frequency. However, it was still uncertain if this was the sole or the direct reason for the increase and further study should be conducted to ascertain it. If the increase was really due to the strengthened enforcement or increased arrests on drugs and vice activities, this would not be a problem; otherwise, it would be a cause for concern. The situation was being monitored and further action would be taken when necessary. With regard to the decrease in complaints made to CAPO RC directly, it was indeed the wish of the Force that complainants should make use of police stations as there were 60 odd police stations in the territory. It was a positive sign if complainants were willing to lodge their complaints to police stations as this would reflect their level of trust. There was no evidence thus far to indicate that the decrease was due to the amalgamation of the CAPO RC.

28. Mr Daniel CHAM Ka-hung further commented that complaints made to police stations had not increased. While he would also encourage complainants to lodge their complaints to police stations, he noted that the figures for complaints received by police stations for 2005 and 2006 were both 33% which indicated that complainants had not been attracted to lodge their complaints to police stations. While he appreciated that the increase in complaints might be due to the increased anti-crime operations, he queried whether it would imply that the Police had done less than usual in the first four months of 2006.

29. ACP SQ, referring to the first question, stated that because the decrease in complaints lodged to CAPO RC was slight and therefore the increase of complaints made to the police stations was also minimal. For the second question, he pointed out that it had been made very clearly both in the Central Fight Crime Committee and the District Fight Crime Committees that the Force would make unreserved efforts to fight against crimes. He explained that such efforts might not always result in the rise in arrests as this would depend on the evidence and nature of individual cases. Some cases might result in very few arrests while other cases might result in large number of arrests, and it was believed that the increase of complaints was attributable to the latter.

30. Dr Charles KOO Ming-yan invited CAPO to comment if publicity would be strengthened to encourage members of the public to lodge complaints to the police stations rather than to CAPO as he reckoned that most people would intuitively called on CAPO to lodge their complaints without knowing that they could do it at police stations.

31. ACP SQ replied that continuous publicity had been given to this area and assistance had also been sought from the Hong Kong Tourism Board to advise tourists on how they could lodge their complaints.

32. Dr Charles KOO Ming-yan raised a further question on the seasonal factor that gave rise to the upsurge in complaints. He wished to know if the Force had any measure to tackle the problem. He quoted an example that people are prone to be more aggressive during the Summer and this might push up the complaint figures. While there was a seasonal factor, he asked whether the Force had reminded officers of the possible conflicts during their contacts with members of the public in summer time, and on the better way to handle the situation so that complaint figures could be kept steady.

33. ACP SQ assured the meeting that CAPO had been doing exactly that continuously and that was why the complaint figures had been declining over the past few years from about 16 % decrease in 2005 to 17.1% decrease in 2006. However, the situation should not be assessed solely by reference to the complaint figures as the decrease would not be indefinite. The focus should be put on those preventable complaints and even if there was an increase in complaints, this should not be a problem as long as there was no increase in the preventable complaints. The Force has been aiming at reducing preventable complaints and this has thus far been achieved.

34. Mr Frederick TONG Kin-sang raised query on how the seasonal factor and the strengthened anti-crime operations could have contributed to the increase in complaints in May and June 2006. While he appreciated that the Force might need some more time to study the issue, he wished to know how, from the police perspective, the seasonal factor could have affected the complaint figures in May, and how the increase in the anti-crime operations could have contributed to the increase in complaints. He wished CAPO to provide the result of the analysis when available.

**(IV) A COMPLAINT CASE FOR DISCUSSION WITH CAPO**

35. The Chairman informed the meeting that the Council had discussed the case. He would like to defer the discussion until the next meeting as there were one or two points that the Council wished to clarify and this was agreed by ACP SQ. The deferment was to avoid causing unfairness to any concerned parties.

(V) **ANY OTHER BUSINESS & CONCLUSION OF THE MEETING**

36. There being no other business, the Open Part of the meeting concluded at 1650 hrs. The next meeting would be held on 14 September 2006.

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(Mr Oscar KWOK)  
Joint Secretary  
Complaints and Internal  
Investigation Branch

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(Mr Brandon CHAU)  
Joint Secretary  
Independent Police  
Complaints Council