

**Meeting of the Independent Police Complaints Council (IPCC)
with the Complaints & Internal Investigations Branch (C&IIB) held at
the IPCC Secretariat Office at 1555 hours on Tuesday, 1 March 2011**

Present :

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| Mr JAT Sew-Tong, SC | (Chairman) |
| Dr Hon Joseph LEE Kok-long, SBS, JP | (Vice-chairman) |
| Dr the Hon LAM Tai-fai, BBS, JP | (Vice-chairman) |
| The Hon Abraham SHEK Lai-him, SBS, JP | (Vice-chairman) |
| Dr Lawrence LAM Chi-kit, BBS, MH | |
| Mr Eric CHEUNG Tat-ming | |
| Prof Stephen CHEUNG Yan-leung, BBS, JP | |
| Ms Christine FANG Meng-sang, BBS, JP | |
| Dr CHAN Pui-kwong | |
| Mr Lawrence MA Yan-kwok | |
| Mr David FONG Man-hung, JP | |
| Mr Simon IP Shing-hing, JP | |
| Ms Noeline LAU Yuk-kuen | |
| Mr Kenneth LEUNG Kai-cheong | |
| Miss Belinda TANG Lai-fong | |
| Miss Sandy WONG Hang-yee | |
| Miss Mary WONG Tak-lan | |
| Mr Adrian YIP Chun-to, MH, JP | |
| Mr Brandon CHAU, DSG | (Joint Secretary) |
| Mr TANG How-kong, DMS | |
| Mr WONG Fook-chuen, ACP SQ | |
| Mr Duncan McCosh, CSP C&IIB | |
| Mr CHUNG Siu-yeung, SSP CAPO | |
| Ms Elsie YIP Yuk-ping, SP CAPO HQ | (Joint Secretary) |
| Mr Sammy WONG Chui-hoi, SP CAPO NT | |

In Attendance :

- Mr Ricky CHU, SG
- Ms Cherry CHAN, LA
- Mr Eddie WONG, SM(P&CS)
- Ms Celia LEE, M(P&CS)1
- Mr CHENG Wai-kin, CIP CAPO HQ
- Mr MA Chi-wai, SIP IPCC C&IIB
- Mr LI Kar-wai, IP Team 3a CAPO K
- Ms LAM Mei-lai, SIP Team 7a CAPO HKI
- Ms NG Chui-ting, SIP Team 10a CAPO NT

Absent with Apologies:

- Dr Helena YUEN CHAN Suk-yee
- Ms Emily CHEUNG Mui-seung

Mr Eddie NG Hak-kim, JP
Mr Albert Jinghan CHENG, GBS, JP
Dr Carol MA Hok-ka
Dr Helena WONG Pik-wan

PART B OPEN MEETING

OPENING ADDRESS

The Chairman welcomed all to the meeting.

I CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 9th DECEMBER 2010 (Open Part)

2. DSG reported that no comment was received from the retired IPCC Members. The minutes of the last meeting (Open Part) were confirmed without amendment.

II MATTERS ARISING

3. The Chairman asked if CAPO had updates on any matters since last meeting.

4. CSP C&IIB replied in the negative.

5. The Chairman asked if members had any issue to raise since the last meeting. All the attendants responded in the negative. The Chairman then invited Mr Sammy WONG, SP CAPO NT to deliver his presentation on 'Complaints Prevention'.

6. SP CAPO NT introduced to the meeting the Force's complaints prevention framework and initiatives, covering also the four Strategic Directions (SD) of the Force, with particular attention drawn on SD 2 "Enhancing Personal and Professional Qualities of Force Members".

7. The Chairman thanked SP CAPO NT for the presentation on the Force's complaints prevention framework. He said IPCC members would be pleased to have a role to play in any complaints prevention activities organized for Force members. There had been occasions where some of the members participated in discussions with frontline officers and exchanged ideas on those prevalent complaint scenarios. He believed complaints prevention is better than dealing with public dissatisfaction afterwards. He invited comments from members.

8. Dr Lawrence LAM asked if there was any complaints prevention

activities targeting at the public.

9. SP CAPO NT replied that the Working Committee on complaints prevention had proposed initiatives aimed at bringing a better understanding of police work to the public and several proposals were under consultation at the moment.

10. Prof Stephen CHEUNG asked for the English name of the complaints prevention committee.

11. SP CAPO NT replied that the English name is “Force Committee on Complaints Prevention” (FCCP).

12. Prof Stephen CHEUNG stated that both CAPO and IPCC were working towards enhancing the service quality of the Force. He questioned the philosophy of setting up a committee to primarily deal with complaints prevention matters if the Force’s service quality was improving and the number of complaints declining.

13. CSP C&IIB responded that CAPO had been running since the mid 1970s and the Force had made tremendous advances over the years. The public held high expectations of the Force and with Police having over 13,000 contacts with the public on a daily basis it was inevitable that some people would be dissatisfied with the manner in which the Police dealt with them during these contacts. Although officers might be acting in good faith and in accordance with the law, some people might still fail to accept a process and be frustrated. The Committee aims to continue the Force’s ongoing strategy of enhancing the public’s knowledge and understanding of what the Police need to do, and are doing to keep Hong Kong the stable society it is.

14. The Chairman added that promoting a positive image of the Force could probably prevent avoidable complaints. He asked what measures had been taken to promote the Force’s image in the past.

15. CSP C&IIB said the Force’s image is in the main a very positive one. Nevertheless, some individuals might still be unhappy with aspect of the police’s approach for a number of reasons. Whilst a number of Force formations, such as the Police Public Relations Branch held primary responsibility for building the Force image, every officer was also responsible for projecting a positive image. The FCCP was set up because complaints prevention continues to be a very important aspect of this.

16. Dr Lawrence LAM suggested to rename the FCCP as the Prevention of Abusive Complaints Committee.

17. CSP C&IIB stated that the Force recognised that members of the public had the right to raise complaints if they were dissatisfied with police actions however within that context abusive complainants exist, the Force has a

mechanism for dealing with them. It was those unnecessary complaints or those arising from misunderstanding that the FCCP wishes to address.

18. Mr Adrian YIP stated that most complaints arose from public's lack of understanding of police work. Whilst continuing to improve service quality, police could consider measures to enhance the public's understanding of police work. The two video clips shown in the presentation could be delivered to the public through Police Magazine and local organizations in districts. He emphasized that communication with the public was important in reducing complaints.

19. CSP C&IIB echoed the comments of Mr YIP and stated that this idea was part of the existing action plan of the FCCP.

20. Miss Sandy WONG asked if a mediation element could be introduced into the framework of complaints prevention to resolve minor complaints.

21. CSP C&IIB responded that training was part of the complaints prevention strategy and a training course on mediation had recently been launched. The Force took complaints prevention very seriously, especially in situations dealing with difficult complainants. He added there was informal resolution in the mechanism to resolve minor complaints. In addition, the IPCC and CAPO were looking at various ways to improve the existing system and the use of mediation was one of the areas being considered.

22. Mr Simon IP asked if there was any other type of misunderstanding, e.g. language barrier or cultural differences that gave rise to complaints apart from the public's misunderstandings on police procedures.

23. CSP C&IIB replied that ignorance and lack of knowledge were some examples of misunderstanding. Members of the public might not realize the limitations, the legal processes or procedures that the police were at times constrained by. Passing knowledge and information to the public was the key to reduce misunderstanding and the Force had been pursuing this direction. He stated that language issues or misinterpretation of procedures would be put into the complaints prevention package for consideration as a whole and promoted to the public.

24. Ms Christine FANG referred to the statistics prepared for the meeting and stated that about 27% of the cases related to 'Improper Manner' while nearly 50% were for 'Neglect of Duty'. She asked if there was any analysis on the circumstances, which commonly gave rise to these complaints. She suggested complaint prevention measures should be targeting police actions which readily attracted complaints, e.g. traffic summons.

25. CSP C&IIB replied that the two videos were just some of the scenarios which complaints prevention publicity would employ.

Traffic enforcement was by nature a key source of complaints. He reiterated that not all of the complaints were substantiated and CAPO was looking at the probable root causes of the complaints, such as misunderstanding, genuine errors or misconduct of the officer. CAPO would look into specific areas and include the result into the complaints prevention messages.

26. Mr Eric CHEUNG suggested there should be more exchanges between FCCP and IPCC on complaints prevention initiatives. He also expressed his concern over the second video shown, which outlined the problem in the officer's manner and his actions at scene. He commented the video had only focused on the improper manner aspect without addressing the proper action issue. It might convey a wrong message to officers in general as the failure to conduct thorough investigation was also a source of many complaints.

27. The Chairman echoed the earlier comment made by Ms FANG. He referred to the complaint figures in 2009, 2010 and January 2011 and stated that whilst the complaint figures dropped significantly, the percentages of 'Neglect of Duty' (50%) and 'Improper Manner' (27%) remained consistent. He requested a breakdown on the circumstances of complaints, e.g. traffic, stop-and-search related, so that appropriate complaints prevention measures and suitable public education could be considered.

28. CSP C&IIB supported the comments made by the Chairman. In response to Mr CHEUNG's view on the video clips, this could be taken on board. In addition, he agreed that there could be more communication between FCCP and IPCC. He further suggested working level discussions on how the complaints prevention strategy could be better focused since the IPCC could provide insights from their own experience of cases reviewed.

29. The Chairman thanked CSP C&IIB for his responses and invited CAPO to report on the complaint statistics.

30. CSP C&IIB briefed the meeting on the complaint figures for 2009 and 2010 and stated that it was encouraging to note an overall decrease of 21.6% in the number of reportable complaints received and the general reduction in numbers in each of the categories. Comparing the figures in 2009 and 2010, 'Neglect of Duty' recorded a fall of about 18%. 'Assault' recorded a decrease of 23.5%. 'Threat' was down by 26.2% and 'Fabrication of Evidence' by 18.6%. The drop of 40.9% in 'Unnecessary Use of Authority' was noticeable. On a monthly basis, the highest number of complaints was recorded in mid 2009 and early 2010 respectively. The complaint figures have, since the middle of 2010 gone down and figures were maintained within a fairly steady band extending between 200 and 260 reportable complaints a month. In respect of the figures seen in January and February 2011, these remained within the consistent band described.

31. The Chairman invited update on the Criminal and Disciplinary Checklist.

32. CSP C&IIB replied that he had nothing specific to highlight.

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

33. There being no other business, the meeting concluded at 1645 hours. The next meeting was scheduled for 9th June 2011 (pm).

(YIP Yuk-ping, Elsie)
Joint Secretary
Complaints and Internal
Investigations Branch

(Brandon CHAU)
Joint Secretary
Independent Police
Complaints Council