

**Meeting of the Independent Police Complaints Council (IPCC)
with the Complaints & Internal Investigations Branch (C&IIB) held at
the IPCC Secretariat Office at 1550 hours on Monday, 19 December 2011**

Present: Mr JAT Sew-Tong, SC (Chairman)
Dr the Hon Joseph LEE Kok-long, SBS, JP (Vice-chairman)
The Hon Abraham SHEK Lai-him, SBS, JP (Vice-chairman)
Dr Helena YUEN CHAN Suk-yee
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
Mr Eddie NG Hak-kim, SBS, JP
Dr CHAN Pui-kwong
Mr Albert Jinghan CHENG, GBS, MHKIE, JP
Mr Lawrence MA Yan-kwok
Mr IP Shing-hing, JP
Ms LAU Yuk-kuen
Dr Carol MA Hok-ka
Dr Helena WONG Pik-wan
Miss Patricia WOO, ASG IPCC (Joint Secretary)
Mr TANG How-kong, DMS
Mr WONG Fook-chuen, ACP SQ
Mr Duncan McCosh, CSP C&IIB
Mr SIU Kit-hung, SSP CAPO
Ms YIP Yuk-ping, SP CAPO HQ (Joint Secretary)

In Attendance: Mr Ricky CHU, SG
Mr Brandon CHAU, DSG
Ms Cherry CHAN, LA
Ms Regina LAU, SVO(1)
Ms Pauline WAN, SVO(3)
Ms Celia LEE, M(P&CS)1
Ms Celia LAW, M(P&CS)2
Mr TSE Ming-yeung, SP CAPO HKI
Mr WONG Chui-hoi, SP CAPO NT
Mr TONG Chi-chung, SP CAPO NT (Des)
Mr CHENG Wai-kin, CIP CAPO HQ (1)
Mr LEUNG Chung-man, CIP CAPO HQ (2)

Mr WONG Kai-man, CIP CAPO SD
Mr KWAN Chung-yin, CIP Team 2 CAPO HKI
Mr CHAN Hin-kwan, CIP Team 3 CAPO K
Mr CHAN Man-sek, CIP Team 4 CAPO K
Ms TAM Mei-po, CIP Team 2 CAPO NT
Ms YAU Hoi-yan, SIP IPCC C&IIB
Mr TSANG Hin-kin, SIP Team 2a, CAPO HKI
Mr CHIU Chi-wing, SIP Team 1a CAPO K
Mr LAW Hiu-fai, IP Team 4a, CAPO NT

Absent with Apologies: Dr the Hon LAM Tai-fai, BBS, JP (Vice-chairman)
Ms Emily CHEUNG Mui-seung
Mr David FONG Man-hung, BBS, JP
Mr Kenneth LEUNG Kai-cheong
Miss Belinda TANG Lai-fong
Miss Sandy WONG Hang-yee
Miss Mary Teresa WONG Tak-lan
Mr Adrian YIP Chun-to, MH, JP

PART B OPEN MEETING

Opening Address

The Chairman welcomed all to the meeting. Before the meeting started, he thanked Dr. Helena YUEN CHAN Suk-yee, who was going to retire from IPCC by the end of the year, and DSG Mr. Brandon CHAU Wan-keung, who was scheduled to be posted back to the Government soon, for their contribution to the work of the Council.

I Confirmation of the Minutes of the Meeting held on 1 September 2011 (Open Part)

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

II Matters Arising

3. The Chairman briefed the meeting about the progress of the proposed

handling protocol for 'Expression of Dissatisfaction'(EOD). At the last Joint Meeting, the CAPO/IPCC Joint Working Group provided a briefing on the background of minor complaint handling and the different levels of approach. Representatives of CAPO also explained the proposed handling protocol for EOD. Currently the Council was following up with CAPO on the proposed handling protocol and the draft introductory pamphlet. It was expected that the pilot EOD scheme could be launched in the first quarter of 2012.

4. The Chairman recalled that the progress of investigation of complaints arising from the Vice Premier's visit was a subject of discussion at the last Joint Meeting. More details would be provided in Agenda Item IV later.

III Centralisation of Complaint Investigation by CAPO

5. CSP C&IIB delivered a presentation on the implementation of centralisation of complaint investigation and several new initiatives introduced by CAPO. He stated that as an evolving and learning organization, CAPO had been upholding the Force's value of being responsive to change and was striving to adapt to developing trends and challenges it faced. The start of 2012 signified a new era for CAPO and a series of new measures would be adopted in complaint handling with a view to enhancing both the integrity of, as well as public confidence in, the complaint system.

6. CSP C&IIB went on to explain the new measures and outlined the developments seen within CAPO in terms of 'Centralization of Complaint Investigation', 'Telephone Recording System', 'Expression of Dissatisfaction' and 'Complaint Prevention'.

7. Concluding his presentation, CSP C&IIB remarked that one of the Force's principal values was responsiveness to change, and the Force remained dedicated to quality service and continuous improvement. In the coming five years, the Force would recruit over 5,600 new officers, which would account for 20% of the total disciplined establishment of the organization in the years ahead. It would be important for these facets of service quality and continuous improvement be inculcated as core beliefs with the new generation of the Force. CAPO, as part of the Service Quality Wing, would always see complaints as a great opportunity for service improvements for existing, as well as incoming Force members.

8. The Chairman thanked CSP C&IIB for the presentation. He stated

that the Council welcomed the initiatives and stressed that improvements to overall service quality was the most effective way to prevent complaints. In this regard, IPCC and the Police could work in partnership to identify areas for improving police service. He echoed that in the recent few years, over 70% of the total complaint cases were relatively minor in nature and such complaints could be handled through a more efficient and reasonable manner. Nevertheless, the rights of the public in pursuing their complaints should be respected. There must be no obstacle set to prevent the public from making complaints. He hoped that the agreed handling protocols could on one hand look after the rights of the public, and on the other hand, allow better utilisation of IPCC and Police resources to enhance the efficiency of the complaint handling system.

9. Prof. Stephen CHEUNG welcomed the proposal of EOD as it would streamline the procedures of complaint handling and allow better allocation of resources. He opined that CAPO should handle each complaint seriously irrespective of its nature and how it was resolved, as every complaint was in itself important to the complainant. He suggested that CAPO put forward this message to frontline police officers and impressed upon them that EOD was not offered simply because the complaint was minor in nature. Every complaint should be treated with equal importance.

10. The Chairman agreed that every complaint was a serious issue both to the complainant and the complaine. It was hoped that by dealing with complaints of a minor nature more expeditiously, the complainants, complainees and the general public could have more confidence in the complaint system. Prof Stephen CHEUNG supplemented that the handling officers should properly inform the complainants of their rights, and made it clear that the option of EOD did not mean that their complaints were unimportant. The Chairman remarked that the description of EOD should be carefully worded to reflect that the rights of the public were not affected and that it was an option to more effectively deal with complaints.

11. Mr. Eric CHEUNG shared Prof. Stephen CHEUNG's views. He had scrutinised the proposed handling protocol and the draft introductory pamphlet prepared by CAPO, and was quite satisfied that the content could clearly explain the rights of the public to complaints. He placed high hope on the EOD protocol, hoping that it would not be taken negatively but rather as a proactive measure for the public to express their opinions with a view to improving service quality of the Force as a whole. He pointed out that EOD could be an effective

means for the public to let the Force know when they had unhappy encounters with frontline police officers. The review of such complaints might bring insights into what could be improved in training and police's interaction with the public on a day-to-day basis. In this regard, he hoped that when CAPO reviews the EOD protocol, it could collect and present relevant data, for example, the number of reminders to formations or improvements to police procedures as a result of the implementation of EOD.

12. Mr. Eric CHEUNG also welcomed the other measures introduced by CAPO, particularly the centralisation of complaint investigation. He observed that the general quality of investigation reports compiled by CAPO was higher than that prepared by other police formations. He used to note from some interim reports that the reason given for inability to complete the complaint investigation within 6 months was because of heavy caseload. With this in mind, he highlighted the need for sufficient manpower provision under the centralised mode so that the service pledge could be maintained. Lastly, he requested CAPO to publicize details of the telephone recording system and ensure that complainants were aware of the use of the system.

13. Ms. Christine FANG asked how long would the telephone recordings be retained and how privacy issues were addressed. She welcomed the complaint prevention initiatives. She suggested that apart from training and heightening the awareness of complaint prevention amongst police officers, the public should be made aware of police responsibilities and citizen's rights. From a complaint prevention perspective, she asked if the Force would enhance public education on the procedures and police power in discharging those duties that could easily attract complaints, e.g. management of public order events, stop and search, and ticketing action.

14. CSP C&IIB responded that these areas were exactly what CAPO's publicity materials were about. CAPO was reaching out through internal and external communication channels to disseminate these messages. He agreed that it was essential for police officers to mind their conduct and action with a view to preventing avoidable complaints. Initiatives were underway to educate the public and to enhance their awareness of police responsibilities. The Force would keep working on these issues.

15. The Chairman stated that complaint prevention publicity and public education should be enhanced. He noted that recently the Road Safety Patrol had held a large-scale campaign to promote road safety and complaint

prevention. These initiatives could allow the public to understand more, and allow their expectations to be managed.

16. The Chairman invited CSP C&IIB to explain on the retention of telephone recordings and the privacy issue as raised by Ms. Christine FANG.

17. CSP C&IIB stated that as he had mentioned in his presentation telephone recordings would be kept for two years. The person concerned would be advised that the telephone conversation would be recorded.

18. There being no further question on the presentation, the Chairman thanked CAPO for the information.

IV Progress Report on Complaints Relating to the Vice Premier's Visit

19. The Chairman noted that CAPO had set up a special duty team to handle the complaints arising from the Vice Premier's visit. The Serious Complaints Committee (SCC) under IPCC was closely monitoring these complaint investigations. He invited CSP C&IIB to update progress.

20. CSP C&IIB reported that a special duty team, led by SP CAPO HKI, had been formed to handle and investigate all the complaints arising from the Vice Premier's visit. A total of 16 reportable complaints had been received with allegations ranging from 'Mannerism' (3), 'Neglect of Duty' (22), 'Misconduct' (6), to 'Unnecessary Use of Authority' (6) and 'Assault' (3). CAPO had been providing the SCC with monthly updates on the progress of investigation since August 2011. For IPCC Observers, a total of 84 notifications had been sent to IPCC advising them of investigation activities by CAPO including 54 incidences of statement-taking, 18 scene visits and 12 Informal Resolution interviews. IPCC Observers had attended 80 of these and 3 of the statement-taking occasions were attended by more than one Observer. A total of 82 observation reports by IPCC Observers were received rating the observations as satisfactory and commenting that the investigating officers were very serious and that the investigations were conducted fairly and impartially.

21. CSP C&IIB said that CAPO had so far completed investigations into 14 out of the 16 reportable complaint cases with reports submitted to IPCC for endorsement over a period of time since 14.9.11. These included 5 cases which had been 'Informally Resolved', 5 cases which were found 'Not Pursuable',

1 case which had been 'Withdrawn' and 3 cases which were fully investigated. Classifications in the latter three cases ranged from 'No Fault' to 'Substantiated'. Since then, IPCC had referred a number of these cases back to CAPO with a range of queries and observations, which CAPO intended to address through dialogue with IPCC at the working level.

22. CSP C&IIB reported that for the remaining two complaint cases, one involved on-going criminal proceedings and therefore the complaint investigation had been suspended. It would be re-opened once the criminal process was concluded. Due to the complexity and scope of investigation into the second case, enquires were actively underway and it was expected to be completed in the coming weeks. CAPO would endeavour to complete all investigations and reply to all the queries from the IPCC as soon as practicable.

23. The Chairman asked if there were any difficulties or problems encountered by CAPO during the course of investigation.

24. CSP C&IIB briefly reported on a problem CAPO encountered in the course of complaint investigation concerned scene visits. CAPO had intended to conduct a scene visit in a private place for in-depth enquiry but failed to secure the cooperation from the management company and the Owner's Committee. For the thoroughness of the investigation CAPO was actively pursuing a solution to resolve the problem.

25. As the Chairperson of the SCC Hon Abraham SHEK Lai-him has left earlier, the Chairman invited SCC member Mr. Eric CHEUNG to report on the part of SCC in respect of the complaint investigation concerned.

26. Mr. Eric CHEUNG reported that the relevant complaint cases had been put under close monitoring by the SCC from the very beginning. The SCC recently reviewed 10 non-fully investigated reports received from CAPO, which were either resolved by Informal Resolution, classified as Not Pursuable or the complaint withdrawn by the complainant. Although the complaints had drawn a lot of public attention and required IPCC's close monitoring, IPCC's way of review of the cases would comply with existing protocols within the complaint handling mechanism.

27. He further stated that in respect of the 10 cases, the SCC considered that CAPO should obtain additional information

for clarification on some issues before the cases could be endorsed. One of the main reasons was that the SCC believed some complainees might not have been appropriately identified. For instance, a complaint, which had been informally resolved, was about the complainant's dissatisfaction over the set up of the Designated Public Activity Area (DPAA), which was too far away from the actual venue. A police inspector responsible for that particular operational area was identified as the complainee. The SCC would like to ascertain whether the decision on the setting up of the DPAA was made by an inspectorate officer or indeed by a more senior officer and the considerations involved. Another example mentioned by Mr. Eric CHEUNG was about the closure of a footbridge leading to the Immigration Tower. A sergeant manning the footbridge was identified as the complainee. The SCC would like to know who had made the decision, who decided for how long the footbridge was to be closed, and the factors considered before it could endorse these cases. In short, the SCC would examine the investigations to see if the complainees were appropriately identified.

28. Mr. Eric CHEUNG also mentioned that SCC would recommend a comprehensive IPCC report on the incident, covering the review on each of the 16 reportable complaints, as well as a holistic picture from a wider perspective, such as any inadequacy or areas for improvement. This was in line with IPCC's function stipulated under S.8(1)(c) of IPCCO to identify areas for improvement in police practices and procedures to prevent complaints from recurring. Moreover, the SCC considered that in accordance with the IPCCO, the IPCC report would be submitted to the Chief Executive and might be made available to the public and provided to the Legislative Council.

29. CSP C&IIB welcomed the SCC's points. They were valid points for CAPO's consideration. He stressed that in identifying the complainees, CAPO always took the line that the specifics of the allegations and under what context they had been made would determine the appropriateness of complainees identified. CAPO believed that for all the submitted cases and the cases under investigation, CAPO had pitched the complainees at the correct level. As could be seen, the complainees involved ranged from junior, non-commissioned officers to Chief Superintendent depending on their roles. He understood the SCC's concerns and CAPO would work out the issues with IPCC at the working level.

30. Mr. Lawrence MA said that the IPCC report should not only address the result of the complaint investigation. It should provide an opportunity for the Police to explain their actions or deployment for each individual case. So far, he did not see any direct communication channel between the Police and the public in respect of the complaints concerning the Vice Premier's visit. He hoped that the Police, through explaining their actions in the report, could gain better public understanding and trust.

31. Prof. Stephen CHEUNG mentioned that the SCC examined all serious complaints, including the ones arising from the Vice Premier's visit, with the same level of attention and thoroughness. He added that on reviewing the complaint cases relating to the Vice Premier's visit, he wished that IPCC would examine and see if there were any characteristics or common observations amongst them and reflect that in the IPCC report, so that lessons could be learnt and similar complaints avoided.

32. The Chairman stated that the progress of the investigation would continue to be closely monitored.

(V) **CAPO's Monthly Statistics**

33. The Chairman invited CAPO to report on the complaint statistics.

34. CSP C&IIB presented the complaint statistics with the projected complaint trend for the whole year of 2011 as well as year-on-year comparison. A continuing general downward trend following the peak seen in 2009 was noted. Year-on-year figures peaked in 2009 with 4,232 reportable complaints received. This was followed by a drop to 3,320 reportable complaints in 2010, representing a substantial decrease of 21.5%. During the period of January to November 2011, there were 2,550 reportable complaints received. Taking the monthly average for 2011, the projected figure for this year would be around 2,782 cases, representing a further decrease of 16.2% when compared with 2010. These numbers were on a par with three years ago in 2008 before the implementation of the IPCCO when 2,672 reportable complaints were received.

35. CSP C&IIB pointed to a similar pattern in the breakdown of the figures for January to November of the past three years. He saw a downward trend across the board. For the most prevalent allegations, namely 'Neglect of

Duty', 'Misconduct and Improper Manner' and 'Assault', there were decreases of 15.2%, 14.3% and 25.3% respectively in comparison with the same period of 2010. The drops were even more significant when the January to November 2011 statistics were compared with the same period in 2009. There was a noticeable decrease of 33.1% for 'Neglect of Duty', 33.4% for 'Misconduct/Mannerism' and even better, 39.2% for 'Assault' and 43.4% for 'Unnecessary Use of Authority'. He believed that the drop in complaints received reflected positively on the joint efforts of CAPO and IPCC in complaint prevention and heightening understanding amongst the public.

[Post-meeting Note: The total number of reportable complaints received in 2011 was 2,771]

(VI) CAPO's Criminal and Disciplinary Checklist

36. The Chairman asked CAPO if there was anything to brief the meeting in respect of the Criminal and Disciplinary Checklist, which had been tabled.

37. CSP C&IIB replied that there was nothing particular to highlight.

(VII) Any Other Business

38. The next meeting will be held on 2 March 2012.

39. There being no other business, the meeting concluded at 1642 hours.

(YIP Yuk-ping)
Joint Secretary
Complaints and Internal
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(Patricia WOO)
Joint Secretary
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Complaints Council