

**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 Friday, 2 March 2012**

Present :

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)
Dr Lawrence LAM Chi-kit, BBS, MH	
Mr Eric CHEUNG Tat-ming	
Professor 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 Simon IP Shing-hing, JP	
Ms Noeline LAU Yuk-kuen	
Miss Sandy WONG Hang-yee	
Dr Helena WONG Pik-wan	
Miss Mary WONG Tak-lan	
Mr Adrian YIP Chun-to, MH, JP	
Mr Edwin CHENG Shing-lung	
Mr Gerard CHUNG Wai-hung	
Miss Patricia WOO, ASG IPCC	(Joint Secretary)
Mr WONG Fook-chuen, DMS (Acting)	
Mr P. R. Morgan, ACP SQ	
Mr D.S. McCosh, CSP C&IIB	
Mr SIU Kit-hung, SSP CAPO	
Mr WONG Chui-hoi, SP CAPO HQ	(Joint Secretary)

In Attendance :

Mr Ricky CHU, SG
Mr Daniel MUI, DSG
Mr Brandon CHAU, DSG(SD)
Ms Cherry CHAN, LA
Ms Pauline WAN, SVO(3)
Ms Celia LEE, M(P&CS)1

Mr S.B. Wordsworth, CSP PR SQ
Mr. TSE Ming-yeung, SP CAPO HKI
Ms LEE Nga-lai, SP CAPO K
Mr TONG Chi-chung, SP CAPO NT
Mr CHENG Wai-kin, CIP CAPO HQ (1)
Mr LEUNG Chung-man, CIP CAPO HQ (2)
Mr KWAN Chung-yin, CIP Team 2 CAPO HKI
Mr KONG Wing-cheung, CIP Team 4 CAPO HKI
Ms YAU Hoi-yan, SIP IPCC C&IIB
Mr AU Yeung-hoi, SIP SD 1 CAPO
Ms KENG Lai-nga, IP SD 3 CAPO
Ms KWECK Kwan, IP Team 2 CAPO K
Ms TSANG Ka-kiu, IP Team 5 CAPO K
Ms CHAN Ka-ying, IP Team 1 CAPO NT
Ms Marin HIRUNPONGSUN, IP Team 2 CAPO NT
Ms CHOI Sau-kuen, SIP Team 3 CAPO NT

Absent with Apologies: The Hon Abraham SHEK Lai-him, SBS, JP (Vice-chairman)
Mr David FONG Man-hung, BBS, JP
Mr Kenneth LEUNG Kai-cheong
Ms Carol MA Hok-ka
Miss Belinda TANG Lai-fong

PART B OPEN MEETING

Opening Address

The Chairman welcomed all to the meeting, particularly Mr. P.R. Morgan, ACP SQ, who was attending the meeting for the first time.

I Confirmation of Minutes of the Meeting held on 19 December 2011 (Open Part)

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

amendment.

II Matters Arising

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

3. The Chairman invited Mr Eric CHEUNG, on behalf of the Chairman of Serious Complaints Committee (SCC), to update the meeting on the progress of complaints relating to the Vice Premier's visit.

4. Mr Eric CHEUNG reported that since the last Joint Meeting on 19 December 2011, IPCC had received five more reports from CAPO in relation to the complaints stemming from the Vice Premier's visit. As at 2 March 2012, IPCC received 15 reports out of the 16 Reportable Complaints concerned. The remaining one was still under 'Sub-judice' procedures pending the criminal proceedings scheduled on 11 April 2012. The SCC had examined 14 of the 15 submitted reports and raised some observations and queries over individual cases as well as the overall security arrangements. A working level meeting was held between the SCC and CAPO on 16 January 2012. The SCC had requested CAPO to revisit the classification of some allegations and furnish further information, including the relevant operational orders. The SCC's comments and queries had been conveyed to CAPO via memo dated 20 January 2012.

5. Mr Eric CHEUNG further reported that between 16 February 2012 and 20 February 2012, IPCC interviews were conducted with 7 persons, including COMs, COMEEs and police witnesses pursuant to s.20 of the IPCCO. A closed-door briefing was also held on 16 February 2012 during which representatives of the Operations Wing of the Police gave a presentation on the general principles on the planning of security operations and basic information on the arrangements relating to the Vice Premier's visit. Information obtained from the IPCC interviews and briefing would facilitate the SCC to consider individual reports and understand the security arrangements from a macro perspective. Further written queries were sent to CAPO on 24 February 2012. On 20 February 2012 the IPCC Secretariat received the report on the 15th case, which was being reviewed by the SCC. Moreover, on 1 March 2012 IPCC received CAPO's responses on the 12 written queries and the SCC would carefully scrutinize the cases. Mr. Eric CHEUNG added that apart from examining the individual cases, the SCC would examine the security arrangements for the Vice Premier or other dignitaries pursuant to s8(1)(c) of the

IPCCO, and would make observations on the appropriateness of the security arrangements and whether police powers were properly executed.

6. The Chairman invited CAPO to report the progress of the investigation of complaints relating to the Vice Premier's visit.

7. CSP C&IIB confirmed that CAPO had submitted 15 cases to IPCC while the remaining one was under the procedures of 'Sub-judice'. CAPO would re-activate the enquiry of the case following the court proceedings which were scheduled in April 2012. As for IPCC queries, CAPO had responded to all of them and also provided supplementary information as requested by IPCC.

8. The Chairman said that IPCC had decided to adopt a holistic approach in reviewing the complaints concerned. Nevertheless, IPCC would also carefully examine each of the 15 cases in their own right. As the cases were still being reviewed, IPCC would not be making any comment but the final results would be made known to the public. As mentioned by Mr Eric CHEUNG, through reviewing the 15 complaints and based on s.8(1)(c) of the IPCCO, IPCC would consider if there were any inadequacies in the relevant police practices or procedures or possible areas for improvement. CAPO had been cooperative in this regard and he thanked CAPO for its support. He noted that the time taken for investigating the 15th case was longer than expected due to a number of reasons. IPCC would endeavour to finish the review on all the cases and complete its own report as soon as possible, preferably in March. However, as the 15th case, as well as replies to some queries had just been received, additional time for reviewing the cases might be required. He hoped to see the completion by March, or if not possible, an overall examination of the complaints by April. He thanked the SCC and CAPO for the hard work. He also appreciated the good work by IPCC Observers who had attended over 97% of the notified interviews and enquiry sessions, with some attended by more than one Observer.

9. Mr Eric CHEUNG supplemented that according to IPCC records, up to 23 February 2012, IPCC had received 105 notifications and IPCC members/Observers attended 102 events, which amounted to 97% of the total. He added that the SCC and CAPO had been working closely with a view to expediting the investigation and working level meetings were arranged so that direct dialogue on IPCC's concerns and queries could be facilitated. Mr Eric CHEUNG assured the meeting that the SCC would endeavour to draw things to

a conclusion as soon as practicable.

10. The Chairman appreciated the efforts of the SCC and other members involved in the handling of the cases. He emphasised that from a public interest perspective, IPCC would expedite the review of the cases.

III CAPO's Monthly Statistics

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

12. CSP C&IIB presented the complaint statistics to the meeting. There was a consistent drop in complaint figures over the past three years. In the second half of 2009, there was a sharp increase in the complaint figures, which coincided with the implementation of IPCCO. From 2010 onwards, there was a general downward trend with a couple of minor peaks along the way. There was also a general drop in the numbers of all types of allegations over the past three years. For the most prevalent allegations namely 'Neglect of Duty', 'Misconduct, Improper Manner and Offensive Language' and 'Assault', there were decreases of 14.3%, 13.5% and 26.3% respectively in comparison with the same period of 2010. There were even more significant decreases of 32%, 34% and 41% in comparison with the same period in 2009.

13. CSP C&IIB went on to report that in 2011 the Police received 2,771 complaint cases. The complaint number was on a par with the numbers before the implementation of IPCCO, which were around 2,700 complaint cases per year. There were ups and downs in the overall complaint numbers month on month and year on year. However, the percentage of each type of allegation remained consistent. Complaints of minor nature namely 'Neglect of Duty', 'Misconduct, Improper Manner and Offensive Language' had consistently constituted about 80% of the overall complaints over the years. Serious allegations such as 'Assault', 'Fabrication of Evidence', 'Threat' and 'Unnecessary Use of Authority' had never made up more than 20% of the overall cases over the years. It was expected the pattern would be more or less the same in the months and years ahead. Comparison of complaint cases received between December 2011 and February 2012 with corresponding period of the past two years showed a regular decrease in the number of complaints. It was anticipated that there would be a downward trend in the coming months of this year. The Force would continue with its efforts in complaints prevention, service quality improvement and public education.

14. Mr Lawrence MA commented that since 2009, IPCC and CAPO had contributed much to the reduction in the number of reportable complaints. He suggested that such efforts should be made known to the public.

IV

CAPO's Criminal and Disciplinary Checklist

15. The Chairman asked CAPO to brief the meeting in respect of the Criminal and Disciplinary Checklist.

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

17. Ms Christine FANG raised that for the substantiated complaint cases, the number of officers subject to disciplinary proceedings in 2011 doubled in terms of the number of figures in 2010 (*Note: from 16 officers in 2010 to 32 officers in 2011*). She invited CAPO to explain the circumstances of the increase, the allegations involved and the disciplinary actions taken.

18. CSP C&IIB responded that he had no detailed statistical information in hand. He pointed out that the decision of taking disciplinary action was CP's prerogative based on the merit of each case. The sanction against the officers would depend on various factors such as the misconduct itself, the service, overall conduct and previous record of the officers, and the damage to the reputation of the Force. For disciplinary matters arising from complaint cases, these considerations were factored in and IPCC's views were also taken onboard. These cases were then referred to the Formations for consideration of appropriate sanctions.

19. Ms Christine FANG stated that for substantiated cases, IPCC was always interested in the follow-up actions taken by police and whether there were deterrent effects. She would like to have some analysis on cases which resulted in disciplinary proceedings as to what were the prevailing allegations. The Chairman requested CAPO to provide at the next meeting a concise list of cases which resulted in disciplinary actions in 2010 and 2011, along with the allegations, what the disciplinary proceedings entailed and the results. If arising from the disciplinary proceedings, improvement had to be made to procedures or other follow-up actions were needed, IPCC would also be interested to know.

20. Mr Eric CHEUNG pointed out that there appeared a rising trend in the number of officers facing disciplinary proceedings in the past three years, i.e. 9 in 2009, 16 in 2010 and 32 in 2011. Although a conclusion could not be drawn with the limited data, he suggested that an analysis be done by CAPO, with which CSP C&IIB agreed.

21. DMS (Acting) reminded the meeting that with the upsurge of complaints in 2009, the figures of disciplinary proceedings for cases endorsed in 2010 and 2011 would be correspondingly high. With the decrease in complaint cases in 2010 and 2011, such figures for cases endorsed in the coming two years might drop.

22. The Chairman noted that following the implementation of the IPCCO, IPCC Secretariat had cleared a large number of backlog cases and endorsed far more cases in 2010 and 2011. Against this background, it was not surprising to see the increasing figure in disciplinary proceedings.

23. Mr Lawrence MA invited CAPO to explain the decrease in reportable complaints since 2010. CSP C&IIB replied that this was the result of the hard work by both IPCC and Police, particularly with the Force taking many initiatives on complaint prevention. However, he did not have a definite answer as the decrease in reportable complaints could be attributed to a range of factors.

24. The Chairman reiterated that the IPCC, as a statutory body, was not merely aiming at reducing the number of complaints or preventing complaints, but to enhance the quality of police service through examination of cases and making suggestions on any inadequacies noted in police practices and procedures. He added that with improved service quality and a higher degree of acceptance by the public, complaints against police would correspondingly drop. Mr Eric CHEUNG noted there might not be a conclusive answer for the decrease in complaint, however he appreciated that the Police had paid great effort in complaints prevention in the past two years. Positive action like ACP SQ's Formation visits and the running of Regional Complaints Prevention Committees, which IPCC members attended from time to time, were examples.

25. Dr Lawrence LAM noted that 'Impoliteness' and 'Offensive Language' had been two prevalent allegations in previous years. He asked what CAPO was planning to do to prevent such complaints.

26. CSP C&IIB said that the Force had many ongoing exercises in complaints prevention including training on how to handle confrontational situations, by frontlines officers. Also, the Force would do more to enhance public understanding about police duties to achieve a reduction in avoidable complaints.

27. DMS (Acting) pointed out that the most prevalent allegation was ‘Neglect of Duty’ which amounted to about 50% of all complaints, while ‘Impoliteness’ and ‘Offensive Language’ constituted around 20-30%. Frontline officers were always reminded of the need to better explain to the public why their action was being taken to prevent ‘Neglect of Duty’ complaints.

V

Any Other Business

Vote of Thanks

28. On behalf of IPCC, the Chairman thanked Mr. WONG Fook-chuen, DMS (Acting), who was attending the meeting for the last time, for his contribution and support to IPCC. He also wished Mr. WONG a long and happy retirement.

29. The next meeting will be held on 8 June 2012. There being no other business, the meeting concluded at 1620 hours.

(WONG Chui-hoi)
Joint Secretary
Complaints and Internal
Investigations Branch

(Patricia WOO)
Joint Secretary
Independent Police
Complaints Council