

**Meeting of the Independent Police Complaints Council (IPCC)  
with the Complaints & Internal Investigations Branch (C&IIB) (Open Part) held  
at the IPCC Secretariat Office at 1645 hours on Friday, 8 June 2012**

Present :

Mr JAT Sew-Tong, SC	(Chairman)
Dr Hon Joseph LEE Kok-long, SBS, 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	
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	
Ir Albert Jinghan CHENG, GBS, FHKIE, JP	
Mr Lawrence MA Yan-kwok	
Mr David FONG Man-hung, BBS, JP	
Mr Simon IP Shing-hing, JP	
Ms Noeline LAU Yuk-kuen	
Mr Kenneth LEUNG Kai-cheong	
Dr Carol MA Hok-ka	
Miss Mary WONG Tak-lan	
Mr Adrian YIP Chun-to, MH, JP	
Mr Edwin CHENG Shing-lung	
Miss Patricia WOO, ASG IPCC	(Joint Secretary)
Mr TANG How-kong, DMS	
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	
Ms Cherry CHAN, LA	
Ms Ada LAU, SVO(2)	
Ms Celia LEE, M(P&CS)1	
Miss Kelly NG, AM	
Mr. TSE Ming-yeung, SP CAPO HKI	
Mr CHENG Wai-kin, CIP CAPO HQ (1)	
Mr LEUNG Chung-man, CIP CAPO HQ (2)	

Ms YAU Hoi-yan, SIP IPCC C&IIB  
Mr AU Yeung-hoi, SIP SD 1 CAPO  
Mr NIP Hoi-kwan, SIP SD 2 CAPO  
Ms KENG Lai-nga, IP SD 3 CAPO  
Ms IP Kin-wai, SIP Team 1 CAPO K  
Mr. CHAN Yan, IP Team 3 CAPO K  
Mr MA Kim-wai, IP Team 4 CAPO K  
Mr PANG Chi-hang, IP Team 3 CAPO HKI  
Mr YEUNG Kong ha, IP Team 3 CAPO HKI

Absent with Apologies: Dr the Hon LAM Tai-fai, BBS, JP (Vice-chairman)  
Miss Sandy WONG Hang-ye  
Dr Helena WONG Pik-wan  
Miss Belinda TANG Lai-fong  
Mr Gerard CHUNG Wai-hung

## **PART B OPEN MEETING**

### **Opening Address**

The Chairman welcomed all to the meeting.

#### **I Confirmation of Minutes of the Meeting held on 2 March 2012 (Open Part)**

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

#### **II Matters Arising**

##### **Brief on Disciplinary Action Taken upon IPCC Endorsement in 2009-2011**

3. The Chairman recalled that the matter of disciplinary action taken upon IPCC endorsement was raised at the last Joint Meeting and CAPO was requested to conduct an analysis on the allegations involved and disciplinary proceedings entailed or follow-up actions taken in the past few years. In this regard, CAPO had provided IPCC with the relevant information. The

Chairman invited CAPO to brief the meeting.

4. CSP C&IIB briefed the meeting that on 8 May 2012, CAPO sent a brief on disciplinary actions taken between 2009 and 2011 to the IPCC Secretariat. The brief was basically an analysis on the figures of officers subjected to disciplinary proceedings, which Ms Christine FANG had raised at the last Joint Meeting. To summarise, in the past three years, namely 2009, 2010 and 2011, there were 5, 12 and 19 instances of disciplinary actions taken and these involved 9, 16 and 32 officers respectively. For disciplinary actions taken in 2010, 5 out of the 12 cases stemmed from complaints reported in 2009 whilst others were from cases reported from more historical complaints lodged in 2007 and 2008. It seemed apparent that the rise in number of disciplinary actions in 2010 was mainly attributable to the aftermath effect of the complaints upsurge witnessed in 2009, particularly the later half-year, and to a certain extent this went on to impact 2011 with the upsurge of 2009 extending into 2010. Also of note was that disciplinary actions were taken against 32 officers in 2011 which doubled the figure seen in 2010. However, amongst these 32 officers, a total of 13 of them were involved in just two individual complaint cases reported in 2008 and 2009 respectively. Excluding these two cases, the number of officers disciplined in 2011 was much in line with the figures in 2010, namely 19 and 16 respectively. In 2009 and 2010, almost all the complaint cases entailing disciplinary actions were either 'Neglect of Duty', 'Misconduct' or 'Impoliteness'. As for 2011, about 70% of the complaint cases entailing disciplinary actions were 'Neglect of Duty' and 'Misconduct'. Those relating to serious allegations basically stemmed from one single complaint reported in 2009 (8 officers involved in a case giving rise to serious allegations). Overall speaking, complaint cases that required disciplinary action were mostly minor in nature.

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

5. The Chairman said that IPCC had released the IPCC Report (Interim) on the complaint cases arising from the visit of Vice Premier Mr. LI Keqiang. He invited CAPO to update the meeting on the progress of investigation of the complaints and CAPO's responses to IPCC's queries.

6. CSP C&IIB reported that CAPO acknowledged IPCC's Report (Interim) submitted to the Chief Executive earlier in May. The Force accepted

IPCC's endorsement of nine of the complaint cases submitted by CAPO. CAPO would continue to offer its full support to IPCC in resolving the outstanding cases and bring them to an early conclusion. With regard to the queries concerning the six outstanding complaint cases, CAPO submitted a reply to IPCC on 1 June 2012. The remaining one outstanding case had been placed under the 'Sub-Judice' procedure pending the conclusion of the criminal proceedings. CAPO would reactivate enquiries once the judicial process was completed.

7. Ir Albert CHENG expressed that whilst the IPCC Report (Interim) had been submitted to Chief Executive and presented to the Legislative Council Panel on Security, IPCC was still awaiting CAPO to provide the requested further information for completion of the final report.

8. CSP C&IIB responded that in fact, in CAPO's reply sent to IPCC on 1 June 2012, CAPO, in liaison with the relevant policy wing had supplied supplementary information, in particular details arrived at answering the issues raised in Appendix 7 of the IPCC Report (Interim). If IPCC still required further information, CAPO would facilitate the request.

9. Mr Eddie NG pointed out that it had taken quite sometime to complete the investigation of the complaints. He understood that CAPO had provided IPCC with some further information and enquiries had been scheduled with individual complainants. Nevertheless, it was IPCC's stance that the investigation of outstanding complaint cases should be finished as soon as possible. He urged CAPO and IPCC to expedite the process of investigation in order to complete IPCC's final report. CSP C&IIB acknowledged the point.

10. Mr Eric CHEUNG stated that on 1 June 2012, CAPO gave a comprehensive reply to IPCC's queries regarding the classifications of complaint cases and SCC would carefully examine CAPO's reply. However, he wished to clarify that the request for further information i.e. the operational orders and relevant materials was a separate issue and this request had been raised in the IPCC Report (Interim) in accordance with the law. At present, IPCC was awaiting CAPO's response to the request for further information and would examine CAPO's reply to IPCC's queries in the meantime.

11. CSP C&IIB responded that CAPO, on behalf of the Force, was very well aware of IPCC's concerns and requests made. CAPO fully respected IPCC's

responsibilities under the IPCCO and would seriously consider the requests made. CAPO would refer the requests to the policy wing concerned and outline the Force's response shortly.

12. The Chairman emphasized that for the Vice Premier's visit, the role of IPCC was to monitor. IPCC noted that the number of complaints arising from the Vice Premier's visit might have reflected that some areas of the policing operation could have been done better. Through the process of monitoring the handling of complaints, IPCC hoped to identify areas for improvement and find solutions. As a result of lessons learned, reoccurrence of similar problems or mistakes could be avoided in future. Therefore, from the public interest perspective, IPCC and CAPO should work in cooperation and complete the investigation of all the complaints as soon as practicable.

13. DMS totally agreed with the Chairman's comments and stated that both the Force and IPCC were looking for improvement through the examination of the complaint cases. He expressed that before the Joint Meeting, he had attended the LegCo Security Panel Meeting on 5 June 2012 and made some clarifications regarding LegCo members' concerns about the security operation for the Vice Premier's visit. After the LegCo Security Panel Meeting, some media reported that he had raised some fresh information in the clarifications. He was a bit worried in this respect as the information given in his clarifications was actually the stance which the Force had adopted all along. He took this opportunity to make it clear that the measures taken to handle a general public order event was totally different from the measures taken for a security operation involving a dignitary's visit. Such differences were well known to members of the Force but might be unfamiliar to others, such as LegCo members, the media or even IPCC members. Thus, he would like to clarify the differences in the operational arrangements to this Joint Meeting and the fact that the dignitary visit-related security operations involved many complicated factors and uncertainties. Alternatively, arrangements for a general public order event were much simpler. He noticed that members of the public might not have a clear understanding of these differences in operational arrangements and would expect the Police to adopt the same standard of procedures and practices in the handling of both kinds of operation. As a matter of fact, the approach of handling dignitary-related security operations adopted by all countries was different from the handling of general public order events. The Hong Kong Police had taken the standard of procedures and practices adopted by many democratic cities as reference and executed its own security operations in the same advanced manner.

The execution of security operations for dignitaries and the performance of the Force had been well praised by many law enforcement agencies. He expressed that if any IPCC members were not familiar with the issue, he hoped that he had made it clear. Given that such kinds of security operations would be conducted in future, if the differences in the handling of these two kinds of operations was confused and there was a disconnect between public expectation and the operational security implemented by the Police, it might cause unnecessary misunderstanding and complaints.

14. The Chairman thanked DMS's clarification. He said that IPCC members were aware of the differences concerned and had taken such factors into consideration when monitoring complaint cases. IPCC members would not have any misperception in this respect but some members of the public might need further clarification.

15. Ir Albert CHENG pointed out that the period of time taken for the investigation of the complaint cases was too long as it had been over 8 months since the complaint cases arising from the Vice Premier's visit were made and IPCC was unable to issue the final report. He reminded the meeting of the public expectation regarding the progress of these investigations. It was agreed that through the investigation and examination of results of all the complaint cases, the handling of security operations involving dignitaries' visit could be improved. As a result, the nuisance or misconception caused to the public would be avoided. Assessing the progress, he did not think it would be possible for IPCC to share its insights through the final report to assist in the preparation for the upcoming procession on 1 July.. Nevertheless, he still hoped that the Police could provide IPCC with the requested information as soon as possible for the completion of the final report.

16. Ms Christine FANG thanked DMS for his explanation. She hoped that not only would the Force provide IPCC with the information relating to individual cases but it would also provide some information about the police procedures for the handling of security operations. She stated that while the public might not have a clear understanding of the measures taken for dignitary-related security operations, some IPCC members were also not very familiar with the operational arrangements such as the differences between the measures taken for dignitaries' visit and public events or crowd management. Such information of operational arrangements was what IPCC really needed. She pointed out that some of the complaint cases did not involve the conduct of

frontline officers but rather the decision-making for the operations, made by senior management. As such, she hoped the Police could provide more information on the operational arrangement as well as the execution in order to facilitate IPCC to complete the final report. As mentioned by Ir Albert CHENG, with 1 July 2012 coming, the Police and event organisers would make some preparations for the relevant public order events. While complaints might stem from such events, IPCC wished to know more about the preparation process of the events made by event organisers and the Police. In this respect, IPCC had already made a written request for knowing more about the preparatory process of public order events to CAPO for consideration.

17. DMS responded that as mentioned earlier by CSP C&IIB, the Force definitely respected IPCC's role under the IPCCO. The Force would cooperate with IPCC and assist IPCC members to understand more about the preparatory process and arrangement for public order events with a view to facilitating IPCC to discharge its statutory functions. He thanked IPCC members' effort to visit various police formations to understand police duties, procedures and problems. The Force would continue to arrange more occasions for IPCC members to understand police duties. He confirmed that the Force had received IPCC's request for opportunity to observe the process of preparation of the public order events by the event organisers and the Force. To his understanding, IPCC's request was to know more about the preparatory process but not on individual event. In this respect, the Force would carefully consider IPCC's request and make proper arrangement such as visit or briefing to fulfil IPCC's requirements.

18. The Chairman responded that IPCC would like to have an overview and comprehensive understanding of the operational arrangement in public order events from its preparation to execution. By following up the event as a whole, IPCC Members could have a better understanding of the circumstances leading to problems and the development of the event. Nevertheless, IPCC members were also well aware of the impartiality required of IPCC's role and would not get involved directly in the event or cause any misconception to the public in respect of IPCC's position. He did not want to see participants of the event having any reaction or change in their behaviour due to the presence of IPCC members and staff. Therefore, while it was IPCC's intention to know more about the public order event, consideration should be given not to cause any unnecessary impact to participants due to IPCC presence. To this end, proper arrangements must be considered.

19. Mr Eric CHEUNG stated that members of the SCC and IPCC were well aware of the differences between the operational arrangement of public order event and the security operation for dignitaries. However, IPCC members did not have comprehensive knowledge of these operational arrangements. As such, IPCC being a monitoring body needed to have more information from the Police side in respect of the operational arrangement such as the setup of core security zones, designated public activities areas or designated press areas. It was understandable that the Police had the absolute responsibility to protect dignitaries. On the other hand, freedom of expression and assembly is the public's right which has been stipulated in the law. The issue of how the Police seek a balance between the protection of dignitaries' safety and the freedom of expression and assembly of the public under the law was IPCC's concern. For instance, it was noted that dignitaries from foreign countries might have certain encounters with protestors, but similar encounters seemed to be non-existent for dignitaries from Mainland China. IPCC would wish to know more about the consideration and operational measures taken by the Police in striving to achieve the balance between these two aspects. He urged the Police to provide IPCC with information requested for the completion of the final report.

20. DMS responded that it was the mutual understanding and intention of the IPCC and the Force to resolve outstanding issues in this regard. He assured the meeting that the Force would do its best to resolve outstanding issues as soon as possible with a view to completing the investigation of complaints.

21. Mr Lawrence MA raised that according to various media reports, the operational arrangement taken by the Police in 4 June was smooth and successful, and there were no complaints lodged in connection with the event so far. On the other hand, he noticed that some notifiable public processions to Liaison Office of the Central People's Government were held without notifying the Police in advance and these events were considered as a breach of the law. However, the Police still facilitated those events. On behalf of the public, he praised the Police for the arrangement.

22. DMS appreciated Mr MA's comments. He pointed out that apart from public order events like Candle Light Vigil for June 4, the number of public order events was on the upsurge in the past few years. In the past three years, there were some 4,200, 5,200 and 6,800 public order events held. More than 99% of those events were conducted smoothly. Amongst the total number of complaint cases over the past three years, less than five in one thousand



complaint cases were related to public order events and only some of these cases required special examination. With 99.5% of public order events being held without untoward incident, he took this opportunity to assure all that the determination of the Force to protect the core values of freedom of expression and freedom of assembly was unequivocal. It is the duty of the Police to facilitate members of the public to express their opinions peacefully in accordance with the law and ensure their rights are not infringed by others. However, if there were any person who intentionally breached the law by obstructing the traffic or emergency service, or caused threat to public safety, it would be inevitable for police to take necessary action to maintain public order and safety. The Force was pleased to see that the Candle Light Vigil on June 4 this year was conducted smoothly. This reflected that the Force always aimed at facilitating the public to hold public events, upholding the public's right stipulated in the Basic Law for freedom of assembly and freedom of expression. It also reflected that the Force always welcomes suggestions with an open-mind and readily accepts constructive advice for improvement. The past Candle Light Vigil on June 4 was a good example of such improvements being implemented and the Force would continue to consider different suggestions.

23. The Chairman remarked that even with the number of complaint cases arising from public order events only five in one thousand, these five complaint cases might still draw public attention. While he had no doubt about police taking operational measures in the public interest, the small number of complaint cases might still cause the public to have a perception that the Police had taken some kind of political consideration. Therefore, it was vital that the Police avoid causing any wrong perception.

### **III CAPO's Monthly Statistics**

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

25. CSP C&IIB presented the complaint statistics to the meeting. There was a steady drop in complaint figures over the past three years. Figures in the first 4 months of 2012 shared a similar pattern with those for 2011, i.e. with minor ups and downs in the number of complaints received. When comparing complaint cases received in the period between Jan and April in the past few years, there was a steady drop. In terms of overall complaint cases, there was a drop of 32% within this period in 2011 over 2010 and a further 17% drop for the

4-month period in 2012 over 2011. For the most prevalent allegations, namely ‘Neglect of Duty’ and ‘Misconduct and Improper Manner’, there was a decrease of 16.6% and 20.7% respectively in the 4-month period from Jan to April in 2012 when compared with the same period of 2011. For the allegation of ‘Threat’, it saw a drop of 23.3% compared with the same period of 2011. Allegations of ‘Assault’ and ‘Fabrication of Evidence’ remained fairly stable. There was a slight increase of 1.2% and 5% respectively in percentage terms on these two allegations, reflecting a 1-case-increase in each category in comparison with the same period of 2011.

#### **IV CAPO’s Criminal and Disciplinary Checklist**

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

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

#### **V Any Other Business**

28. The next meeting will be held on 6 September 2012. There being no other business, the meeting concluded at 1720 hours.

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

( Patricia WOO )  
Joint Secretary  
Independent Police Complaints Council