

RESTRICTED

**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 1615 hours on Thursday, 6 September 2012**

Present :

Mr JAT Sew-Tong, SC, JP	(Chairman)
Dr Hon LAM Tai-fai, SBS, JP	(Vice-chairman)
Dr Lawrence LAM Chi-kit, BBS, MH	
Mr Eric CHEUNG Tat-ming	
Professor Stephen CHEUNG Yan-leung, BBS, JP	
Mr Lawrence MA Yan-kwok	
Mr David FONG Man-hung, BBS, JP	
Mr Simon IP Shing-hing, JP	
Ms Noeline LAU Yuk-kuen	
Ms Sandy WONG Hang-yee	
Dr Carol MA Hok-ka	
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 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	
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 CHAN Sau-yuk, SIP Team 4 CAPO K	
Ms LAM Sau-wah, SIP Team 2 CAPO HKI	
Mr PANG Chi-hang, IP Team 3 CAPO HKI	
Mr LAW Rocken, IP Team 4 CAPO HKI	

Absent with Apologies: Dr Hon Joseph LEE Kok-long, SBS, JP (Vice-chairman)
The Hon Abraham SHEK Lai-him, SBS, JP (Vice-chairman)
Ms Christine FANG Meng-sang, BBS, JP
Dr CHAN Pui-kwong
Ir Albert CHENG Jinghan, GBS, FHKIE, JP
Mr Kenneth LEUNG Kai-cheong
Dr Helena WONG Pik-wan
Ms Mary WONG Tak-lan

PART B OPEN MEETING

Opening Address

The Chairman welcomed all to the meeting.

I Confirmation of Minutes of the Meeting held on 8 June 2012 (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 CAPO to update the meeting on the progress of investigation of the complaints.

4. CSP C&IIB reported that IPCC had sent a new round of queries to CAPO regarding the six outstanding complaint cases. CAPO responded to the queries in writing to address the Council's concerns late last month. In the interim, CAPO and IPCC had exchanged information in relation to the ongoing complaint investigations.

Progress Report on Complaints Relating to President HU Jin-tao's Visit

5. The Chairman also invited CAPO to brief the meeting on the progress of investigation into the complaints relating to President HU Jin-tao's Visit.

6. CSP C&IIB briefed the meeting that as at the day of the meeting, CAPO had received a total of six reportable complaints, one notifiable complaint and two miscellaneous reports in relation to the security operation for the visit of President HU. The allegations ranged from 'Impoliteness', 'Misconduct', 'Neglect of Duty' and 'Unnecessary Use Of Authority'. The IPCC had requested two of the complaints to be monitored by the Serious Complaints Committee (SCC). In this respect, CAPO had already furnished the initial information to the Council.

7. The Chairman remarked that IPCC and CAPO were working together on the preparation of the final report relating to the VP's visit. The Chairman highlighted that on 1 July, he and some IPCC members visited the operational ground of the public procession under the arrangement by the Police. On behalf of the Council, he thanked the Police for a series of arrangements including the pre-operation briefing in June and the onsite briefing about the management of the public order event. The visit allowed IPCC members to personally observe the actual situation of the public procession. As a follow-up initiative, IPCC and the Police met and exchanged views in respect of the management of the public order event. It was hoped that in the coming future IPCC could have a role to play and contribute to improvements of the management of public order events in areas such as planning, on-site arrangement and contingency. To achieve this, IPCC would strengthen liaison and cooperation with the Police. The Chairman expressed again his appreciation for the arrangements made by the Police.

8. CSP C&IIB responded by thanking IPCC members for taking part in the visit on 1 July. He pointed out that the Chairman and IPCC members' attendance in the pre-operation briefing and being on the operational field had brought about two major benefits. The visit during that long hot day was a golden opportunity for IPCC members to have a better understanding of how public order events were policed and the difficulties encountered. Another aspect was for police officers themselves to see IPCC members visiting the operational ground to gain an understanding of their working conditions and to appreciate the fact that they were doing the best they could under such

circumstances.

9. The Chairman added that by visiting public order events, IPCC members could have a more comprehensive understanding of the situation and the problems from different standpoints, including from the perspective of participants of the public procession. To this end, IPCC could provide more useful suggestions to improve the management of such events.

10. Mr Eric CHEUNG echoed that the arrangement for IPCC members' visit on 1 July was a good start and the Council should take the initiative to follow up on the visit. As mentioned, IPCC and the Police had held a meeting after the visit and exchanged some views and suggestions. He suggested that further meetings could be held to discuss the issues and suggestions raised at the meeting. He pointed out that with the increase in the number of public order events in Hong Kong, it was necessary to look for improvements to various operational measures such as announcements to the public about arrangements and contingency plan for events. Also, the findings and suggestions concluded in the discussion could be publicized in due course. Though there were not many complaints arising from the events on 1 July, it was important for IPCC and the Police to look forward and seek a better balance between the preservation of public order and the freedom of expression.

11. CSP C&IIB appreciated the comments from Mr Eric CHEUNG and echoed that it was pleasing to see, particularly from the perspective of C&IIB, that there were very few complaints arising from such a large scale public order event. He stressed that the event on 1 July was really a huge undertaking in that the Police had to manage the safety of the huge crowds, facilitate participants to express their opinions and also minimize disruption as far as possible. The Police realised that there was always room for improvement and are open-minded to receive any constructive comments.

12. The Chairman reiterated that after the visit on 1 July, IPCC members had exchanged some views with the representatives of Police about the management of the event and it was agreed that some areas could be done better. Further discussion would be conducted in this regard. At the present stage, he considered that announcements made to the public about arrangements for the event could be an immediate area for improvement. For example, in large-scale public order events, the Police announcement to the public might include more information such as the route of procession and points to note. For the sake of

safety and smooth running of the event, the announcement could also be made earlier by Police or through public media before the event so that the participants could prepare themselves.

13. CSP C&IIB pointed that the Police would do a ‘wash-up’ after each major operation to examine and review the operation as a whole. As a matter of fact, many points learnt from the public order events in last year had been taken forward. The publicity and information to the public were key issues that the Police had been working on and there were improvements made in this respect.

14. Mr Eric CHEUNG raised that one of the main concerns was the opening and closure of roads. Although there were not many reportable complaints stemming from the events on 1 July, the fact was that some parts of the procession were jammed due to various reasons was a concern. Instead of fault-finding through complaint investigation, it was necessary to look into the issue with an improvement perspective to prevent recurrence of similar situations in future.

15. CSP C&IIB responded that the Police was constantly aware that in such large-scale public order events, public safety was always the primary concern. In respect of planning and contingency, sometimes crowds might build up beyond the control of police which can present immediate dangers which have to be dealt with. This might lead to opening and closing of roads to release the pressure of crowds and this would undoubtedly cause inconvenience to others. Every time after an operation, the Police would review the execution to identify areas of concern and put measures in place with the principle of safety as the first concern followed by the convenience and smooth flow of members of the public.

16. DMS supplemented that after the discussion with IPCC members on 1 July, the management of HKI Region had taken some initiatives proactively and reviewed the suggestions raised by IPCC members. In this regard, plans had been formed for crowd management on aspects such as minimizing the impact to traffic flow while facilitating the participants of the procession to proceed to their destination safely. The management of HKI Region had considered a basket of measures including closure of roads and route planning. He was pleased that IPCC members were interested in having further discussions and exchange of views with the Police. The management of HKI Region could

arrange a briefing for IPCC members on the results of their consideration and the measures that could be implemented. However, for measures requiring other parties' cooperation, IPCC might wish to assist by making use of its influence to seek acceptance amongst the public and the different stakeholders. CAPO could arrange meeting with the Secretariat to further discuss.

17. The Chairman concluded that many suggestions and measures have been discussed such as the route of procession and road closure. It was essential for participants of public processions to understand that they had the right of freedom of expression while the Police had to consider the needs of other members of the public. It was not easy to strike a balance between these aspects. For instance, a suggestion being discussed was that if a large number of participants were expected, the Police might consider closing Causeway Road and Hennessy Road altogether, leaving an emergency access only. Such suggestions were being considered with regard to their practicability and the way of implementation. He could see that with better crowd management and earlier announcement to public, there would be better outcomes for all. He looked forward to having further discussion with the Police in this regard.

III CAPO's Monthly Statistics

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

19. CSP C&IIB presented the complaint statistics to the meeting and reported that there was a steady drop in complaint figures over the past three years. Figures in the first seven months of 2012 shared a similar pattern with those of 2011, with ups and downs in the number of complaints received. When comparing complaint cases received in the period between January and July with that of the past two years, there was a significant drop. In terms of the overall complaint cases, there was a drop of 26.9% within this period in 2011 over 2010 and a further 14.5% drop for the 7-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 11.2% and 20.3% respectively from January to July in 2012 when compared with the same period of 2011. For the allegations of 'Threat' and 'Fabrication of Evidence', there was a significant drop of 31.1% and 32.7% respectively when compared with the same period of 2011. There was actually a drop in all types of allegations received in the 7-month period except for 'Assault' which saw an increase of 8.7% (i.e. 13

cases, increased from 149 to 162 cases) in comparison with the same period of 2011. It was noteworthy, however, that for this allegation, there was a substantial drop of 36.6% in 2011 when compared with the same period in 2010. This minor rebound recorded in 2012 would be monitored closely.

IV CAPO's Criminal and Disciplinary Checklist

20. The Chairman invited CAPO to brief the meeting in respect of the Criminal and Disciplinary Checklist.

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

V Any Other Business

22. The date of next meeting is to be confirmed as IPCC will be moving to a new office.

23. The Chairman thanked Dr The Hon Joseph LEE and Dr LAM Chi-kit, whose six-year tenure in IPCC will complete by the end of this year, for their support and contribution.

24. There being no other business, the meeting concluded at 1640 hours.

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

(Patricia WOO)
Joint Secretary
Independent Police Complaints Council