

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 1600 hours on Monday, 15 July 2013**

Present : Mr JAT Sew-Tong, SC, JP (Chairman)
The Hon CHAN Kin-por, BBS, JP (Vice-chairman)
Mr Eric CHEUNG Tat-ming
Ir Albert CHENG Jinghan, GBS, FHKIE, JP
Mr Lawrence MA Yan-kwok
Mr Simon IP Shing-hing, JP
Miss Sandy WONG Hang-yee
Ms Noeline LAU Yuk-kuen
Dr Carol MA Hok-ka
Miss Mary WONG Tak-lan
Mr Adrian YIP Chun-to, BBS, MH, JP
Mr Arthur LUK Yee-shun, BBS, SC
Dr Eugene CHAN Kin-keung, JP
Ir Dr Vincent Simon HO
Mr Gerard CHUNG Wai-hung
Hon Kenneth LEUNG Kai-cheong
Dr Hon Helena WONG Pik-wan
Mr Edwin CHENG Shing-lung, MH
Mr Clement TAO Kwok-lau, BS, JP
Mr Henry SO, ASG IPCC (Joint Secretary)
Mr LAU Yip-shing, DMS
Mr Percy FUNG, ACP SQ (Ag.)
Ms LAM Man-sai, CSP C&IIB
Mr SIU Kit-hung, SSP CAPO
Mr HO Ying-foo, SSP CAPO (Des)
Mr TONG Chi-chung, SP CAPO HQ (Joint Secretary)

In Attendance : Mr Ricky CHU, SG
Mr Daniel MUI, DSG
Ms Cherry CHAN, LA
Miss LAI Pik-ngor, SP CAPO NT
Mr WONG Kwok-kit, SP CAPO K
Mr SHUM Hoi-kwong, CIP CAPO HQ (1)
Mr KWAN Chung-yin, CIP Team 2 CAPO HKI
Miss CHUNG Lai-yee, CIP Team 3 CAPO HKI
Ms Melinda FONG, CIP Team 1 CAPO NT
Ms NG Chui-ting, CIP Team 4 CAPO NT
Mr NIP Hoi-kwan, CIP CAPO HQ (2) (Ag.)
Miss YAU Hoi-yan, SIP IPCC CAPO
Mr CHEUNG Ka-po, SIP IPCC CAPO (Des)
Mr NG Ka-hong, SIP POES OPS HKI
Ms MA King-kwan, SIP POES OPS HKI (Des)

Absent with Apologies: Dr Hon LAM Tai-fai, SBS, JP (Vice-chairman)
The Hon Abraham SHEK Lai-him, GBS, JP (Vice-chairman)
Ms Christine FANG Meng-sang, BBS,JP
Dr CHAN Pui-kwong
Mr John YAN Mang-ye, SC

PART A OPEN MEETING

Opening Address

The Chairman welcomed all to the meeting, especially Mr LAU Yip-shing, DMS, who attended the meeting for the first time. Since it would be Mr SIU Kit-hung, SSP CAPO's last attendance of this meeting before his transfer, the Chairman took the opportunity to express his gratitude to Mr SIU for his unwavering support to the IPCC.

I Confirmation of Minutes of the Meeting held on 30 April 2013 (Open Part)

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

II **Matters Arising**

CAPO's Acquisition of ISO 10002:2004 Certification

3. The Chairman invited CAPO to report on the subject matter.
4. CSP C&IIB stated that during the discussion in the last meeting, some IPCC Members enquired whether other organizations, locally or internationally, had attained the same certification. A reply had already been sent to IPCC Secretariat which listed out the organizations awarded with ISO 10002:2004 certification.

III **July 1st POE**

5. The Chairman invited the Police to brief the meeting about the improvement measures adopted in the 1st July POE.

6. CSP C&IIB stated that in the last Joint Meeting held on 2013-04-30, SSP OPS HKI briefed the meeting about the handling of street stations during the 1st January POE. IPCC had also given ample constructive advice to Police. During the recent 1st July Procession, Police had implemented all the IPCC's recommendations for improved measures in effectively managing the event. CSP C&IIB briefed the meeting that IPCC and CAPO officers had attended all the preparatory meetings with Civil Human Rights Front (CHRF). Accompanied by CAPO officers, IPCC also conducted an on-site observation on the event day to observe Police's handling of the whole event. Despite the inclement weather, the POE was conducted smoothly. Since the event, CAPO had received one reportable complaint which would be handled impartially in accordance with the established procedures. Police would conduct an After Action Review (AAR) and further advice from IPCC would be welcomed. She asserted that Police would strive for excellence in the policing of future POEs.

7. DSG also reported to the meeting that apart from attending the four preparatory meetings, 12 IPCC Members and 18 Secretariat Staffs also conducted an on-site observation on the event day from 1300 hours to 2200 hours. The Secretariat had also documented their observations and reported to the Council.

8. Hon Kenneth LEUNG declared that he was one of the participants in the procession other than in the capacity of an IPCC Member. He also opined that the procession was smoother than last year. However, the procession became stagnant and he was also stuck at Yee Wo Street between 1600 hours and 1645 hours. He questioned about reason for the stoppage and asked if Police had considered informing the crowd of the same through loudhailers.

9. CSP C&IIB explained that Police had used PA system to pass on important messages to the protestors. She reminded the meeting that there were some street stations erected at Yee Wo Street and some of which were quite large in size. The activities at those stations had apparently attracted many bystanders and members of the procession to stop and listen or participate. This might be the possible reason why the procession progressed slowly, or even in stagnation for some time. CAPO would approach OPS HKI for the details on that situation and give a written reply to IPCC afterwards.

10. Ir Albert CHENG enquired about the confrontation at SOGO crossing involving a radio host and a Legco member, and would like to know whether Police had acted impartially.

11. CSP C&IIB stated there was no record of any complaints as regards this incident. Since IPCC had not indicated that they would like to have information of the incident, CSP C&IIB had no information to supplement. Nevertheless, CAPO would approach the officers handling the incident and revert to IPCC.

12. Dr Hon Helena WONG would like to clarify whether Police had disregarded their agreement with CHRF as regards the opening of eastbound lanes of Hennessey Road, and under what circumstances would Police open it for procession. In addition, she would like to be apprised of whether Police had obstructed CHRF's head counting at Southorn Centre, and of the arrangements and procedure on the use of CCTV.

13. CSP C&IIB reaffirmed that Police had never made any promise to CHRF in respect of the opening of the eastbound lanes. The opening

of the eastbound lanes had not been necessary as the tramway of both east and west bounds were opened for the procession this year. She asserted that the eastbound lanes had to be reserved for use by emergency vehicles for safety reasons. She elaborated that Police and CHRF had agreed to adopt the 'first arrive, first leave' principle for managing the crowd gathered in Victoria Park, and Police was explicitly asked to prevent protestors from jumping the queue at SOGO crossing which would cause unnecessary delay to the procession. Nonetheless, some protestors disregarded Police advice and attempted to storm the cordon at SOGO crossing. Failing to jump the queue, they subsequently walked onto the eastbound lanes through the openings at those bus stops next to East Point Road. Police eventually guided those protestors to the westbound lanes before reaching Percival Street.

14. Concerning the accusation of Police having impeded CHRF's headcount of the procession, CSP C&IIB pointed out that CAPO had not received any complaints to date and asked if Dr Hon Helena WONG could provide information in this regard for CAPO to follow up.

15. CSP C&IIB went on to explain that in all large-scale crowd management operations, Police would install temporary CCTVs for the purpose of monitoring the situation from a bird's eye view as officers on the ground were unable to see far because of the crowd. On the event day, Police had led IPCC members to visit the Command and Control Centre of HKI Region where IPCC members were assured that the CCTVs did not have any recording function and were only for monitoring the crowd and traffic on the ground in order to facilitate swift response and effective police deployment.

16. Mr Eric CHEUNG commented that the opening of tramways this year had facilitated the smooth flow of protestors and from what he could observe in the Police Command and Control Centre, he noticed that those CCTVs employed by Police did not have any recording functions. He pointed out that in order to avoid misunderstanding, Police could consider arranging reporters to visit the Command and Control Centre. He also noted that some important information, such as the SOGO crossing arrangement, was not reported by the media despite being publicized by Police in the press conference.

17. Mr Eric CHEUNG went on to ask Police to review the usage and arrangement for the eastbound lanes. According to his understanding, Police did not rule out the possibility of opening the eastbound lanes as contingency. He suggested that Police should consider opening the eastbound lanes in the future to cater for large scale processions and this would prevent the eastbound lanes from being forced open by protestors causing chaos or even more serious obstructions.

18. The Chairman reiterated that IPCC had previously recommended to the Police to open the eastbound lanes at the early stage of the procession to ease the crowd problem and accepted that it was a professional decision to be made by the Police.

19. CSP C&IIB reiterated that traffic and other arrangements for 1st July Procession had been clearly disseminated to the public via the press briefing held on 30 June 2013. In respect of issues surrounding the eastbound lanes, she would bring the comments to the attention of OPS HKI. CSP C&IIB supplemented that the opening of tramways had facilitated the procession to progress smoothly and orderly. Nevertheless, the inclement weather and other reasons, such as the positioning of some street stations along the procession route, had slowed down the procession.

20. Dr Eugene CHAN commented that after the opening of the tramways, despite the heavy rain and obstructions caused by some street stations, the procession went on reasonably smoothly and orderly, which enabled the protestors to express their respective views during the event. He asked if Police would continue to adopt similar practice in the future.

21. CSP C&IIB thanked Dr CHAN for his comments and asserted that Police would conduct a review on the overall arrangements.

22. Mr Simon IP mentioned that at one point the footbridge at Percival Street was so crowded and danger was caused to the people using the escalator.

23. CSP C&IIB agreed that both sides of the escalators should be switched off for safety reason in future and she had relayed the concern to

OPS HKI to consider in their review.

24. Mr Lawrence MA referred to Ir Albert CHENG's comments earlier on and wondered whether the radio host would be prosecuted after leading a group of protestors purposely challenging the police cordon at SOGO crossing.

25. CSP C&IIB replied that since CAPO did not receive any complaint on this particular issue, there was no information available.

26. Mr Eric CHEUNG cited the temporary closure of some exits of Central MTR Station and wondered whether it was necessary. He asked for a meeting for IPCC to discuss various issues directly with OPS HKI in connection with the POE on 1 July 2013.

27. CSP C&IIB explained that the closure of those MTR exits was the decision of DC CDIST for concern of public safety. Nevertheless, she agreed that there is always room for improvement and undertook to arrange a meeting between IPCC and OPS HKI in this regard.

28. Hon Kenneth LEUNG suggested that the Police and the organiser should prepare a joint minutes in the future after the preparatory meetings so as to maintain a fair record for reference to avoid misunderstanding.

29. The Chairman echoed Hon Kenneth LEUNG's suggestion.

30. Dr Hon Helena WONG commented positively on the four preparatory meetings the Police had held with the organiser. She further suggested Police to have a wash-up meeting with the organiser with a view to fine-tuning the arrangements in the future.

31. CSP C&IIB undertook to relate the suggestion to OPS HKI for consideration.

32. The Chairman welcomed more communication between the Police and the organisers so that consensus could be reached as early as practicable and relevant information could be disseminated to the public to manage public expectation.

33. Mr Eric CHEUNG enquired about the departure and arrival time of the protesters who took part in the procession on 1 July 2012.

34. CSP C&IIB replied that it was relatively difficult to compare the situations between the processions of these two years as the destinations were different. However, she remembered that the last batch last year departed at 1700 hours or 1800 hours and reached Wanchai at about 2200 hours.

35. Dr Hon Helena WONG raised that it was claimed that there were 430,000 protesters for the procession and there was an allegation that Police had underestimated the attendance.

36. CSP C&IIB made it clear to the meeting that Police conducted the headcount during POEs for manpower deployment and traffic control purposes only. Police had conducted the headcount inside the Victoria Park and near Arsenal Street with a record of 66,000 protesters in the peak hours. She noted that other surveys conducted by the academics also found a similar record of 67,000.

[Post-meeting note: A debriefing session was held for IPCC members on 22 August 2013 during which SSP OPS HKI addressed various concerns raised by members with regard to the police arrangements during the procession on 1 July 2013.]

IV. CAPO's Monthly Statistics

37. The Chairman invited CSP C&IIB to report on the complaint statistics.

38. CSP C&IIB reported that there had been a steady drop in complaint figures over the past three years. There was a drop of 18.6% between the figures of the first half of 2011 and 2012, and a further drop of 6.2% between the same period of 2012 and 2013. There was a total drop of 23.6% from 2011 to 2013. Except 'Neglect of Duty' with a slight increase of 3.4%, all allegations dropped in the first half of 2013 when compared with the same period of 2012. There was however a

drop of 14.4% in ‘Neglect of Duty’ in 2013 when it was compared with the same period in 2011. The figures on all serious allegations dropped in the first half of 2013. There was a significant drop on the allegations of ‘Fabrication of Evidence’ and ‘Unnecessary Use of Authority’ with a drop of 30% and 25% respectively as compared with the same period last year. The allegations of ‘Assault’ and ‘Threat’ continued to fall by 11% and 2.3% respectively. She opined that the decrease in complaint figures in the past years was the result of the joint efforts of IPCC and the Force as well as the understanding and recognition by the public.

39. Mr Eric CHEUNG stated that there was a decrease of ‘Reportable Complaint’ in the first half of 2013. At the same time, CAPO had introduced the “Expression of Dissatisfaction Mechanism” (EDM). He enquired about the number of complaints that had been handled by EDM.

40. CSP C&IIB responded by saying that over 80% of the complaints were minor nature and half of them were handled by EDM. The exact figure regarding the EDM could be provided in writing afterwards.

41. The Chairman agreed that the introduction of the EDM could speed up the complaint handling system for the benefit to both IPCC and CAPO. He hoped that the mechanism could be further enhanced.

42. Mr Eric CHEUNG suggested to include the EDM figure into the monthly statistics and it was agreed by CSP C&IIB.

VI. Any Other Business

Service Improvement arising from Case Examination

43. The Chairman invited CSP C&IIB to brief the meeting on the item.

44. CSP C&IIB briefed the meeting that CAPO would pass on the constructive suggestions by the IPCC through case examination to the responsible units for review to ensure those recommended improvement

measures would be seriously considered for implementation. She quoted a complaint lodged by a complainant (COM) who made a report of loss of his motorcycle. After COM's report, Police made a record in the related computer system that COM's motorcycle was classified as "Missing Vehicle". However, COM later found out that three fixed penalty tickets were issued to the motorcycle after his report was made. Following a review on related procedure, it was emanded that officers were not required to conduct missing vehicle checks before the issuance of fixed penalty tickets. IPCC found areas for improvement in this respect and the whole was referred to Police Traffic Headquarters for follow-up action. After a comprehensive review, the related procedure was amended. Currently, officers are required to check the vehicle status through police console before issuing fixed penalty tickets. She considered the above example could reflect the effectiveness of the two-tier complaints system and the concerted efforts made by IPCC and the Force in service improvement and complaints prevention. She asserted that both parties would continue to cooperate with a view to enhancing the overall service quality of the Force.

45. Mr Eric CHEUNG pointed out that it was important to make continual improvement through the complaints system. CSP C&IIB agreed and thanked Mr CHEUNG for the comments.

46. There being no other business, the meeting concluded at 1730 hours. The date of next meeting was scheduled for 2013-10-31.

(TONG Chi-chung)
Joint Secretary
Complaints and Internal
Investigations Branch

(Henry SO)
Joint Secretary
Independent Police
Complaints Council