

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 1655 hours on Thursday, 27 Feb 2014**

Present : Mr JAT Sew-Tong, SC, JP (Chairman)
Hon Abraham SHEK Lai-him, GBS, JP (Vice-chairman)
Mr Eric CHEUNG Tat-ming
Ms Christine FANG Meng-sang, BBS, JP
Mr Lawrence MA Yan-kwok
Mr Simon IP Shing-hing, JP
Ms Noeline LAU Yuk-kuen
Dr Carol MA Hok-ka
Miss Sandy WONG Hang-yee
Dr Hon Helena WONG Pik-wan
Miss Mary WONG Tak-lan
Mr Adrian YIP Chun-to, BBS, MH, JP
Mr Edwin CHENG Shing-lung, MH
Mr Clement TAO Kwok-lau, BBS,JP
Dr Eugene CHAN Kin-keung, JP
Mr Arthur LUK Yee-shun, BBS, SC
Miss Lisa LAU Man-man, BBS, MH, JP
Ms Ann SO Lai-chun, MH
Mr Henry SO, ASG IPCC (Joint Secretary)
Mr LAU Yip-shing, DMS
Mr P. R. Morgan, ACP SQ
Ms LAM Man-sai, CSP C&IIB
Mr HO Ying-foo, SSP CAPO
Mr CHENG Yiu-mo, SSP OPS HKI
Mr YEUNG Man-pun, SP OPS
Mr TONG Chi-chung, SP CAPO HQ (Joint Secretary)

In Attendance : Mr Ricky CHU, SG
Mr Daniel MUI, DSG
Ms Cherry CHAN, LA
Mr WONG Ho-hon, CIP CAPO HQ (2)
Mr CHEUNG Ka-po, CIP CAPO HQ (1) (Ag.)
Mr KWOK Chi-hou, SIP OPS 1 PHQ OPS
Ms MA King-kwan, SIP POES OPS HKI
Mr SIN Chor-ka, SIP HQ EU HKI

Absent with Dr Hon LAM Tai-fai, SBS, JP (Vice-chairman)
Apologies: The Hon CHAN Kin-por, BBS, JP (Vice-chairman)
Dr CHAN Pui-kwong
Hon Kenneth LEUNG Kai-cheong
Mr John YAN Mang-yee, SC
Ir Dr Vincent Simon HO

PART A OPEN MEETING

Opening Address

The Chairman welcomed all to the meeting.

I Confirmation of Minutes of the Meeting held on 31 October 2013 **(Open Part)**

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

II Presentation on Police Arrangement during the Public Procession on 1 January 2014

3. The Chairman invited the Police representative to give a presentation on the 'Police Arrangement during the Public Procession on 1 January 2014'.

4. CSP C&IIB reported to the meeting that in the past two years IPCC had taken part in the preparatory meetings between the Police and the organisers of the major public order events (POEs) and had conducted

on-site observations during those events. IPCC had previously provided to the Police a lot of constructive advice on the communication with the public and the event organizers as well as the policing arrangements during the events. All those advice had been fully implemented by the Police. During the public procession organized by CHRF on 1 January 2014, CAPO had accompanied 12 IPCC members to conduct an on-site observation during which DRC HKI and SSP OPS HKI gave briefings to IPCC members on the Police arrangements. She informed the meeting that CAPO had not received any complaint arising from the event. She went on to introduce Mr CHENG Yiu-mo, SSP OPS HKI, to give a presentation on the Police arrangements during the POE on 1 January 2014.

5. SSP OPS HKI first expressed his gratitude to IPCC members for their valuable advice on the Police arrangements on previous major POEs that facilitated enhancement in the Police arrangements in the subsequent POEs. He reported to the meeting that the POE on 1 January 2014 was generally smooth and he would report to the meeting several issues that had attracted public attention. He informed the meeting that the organiser of the POE submitted the notification on 13 November 2013 and further amendments to the notification on 26 November 2013 and 10 December 2013. The Police held the first preparatory meeting with the organiser on 2 December 2013 and joined a site visit with the organiser on 5 December 2013. IPCC Secretariat staff had attended both the meeting and the site visit. The Letter of No Objection (LONO) was eventually issued to the organiser on 16 December 2013. The organiser was dissatisfied with two conditions in the LONO and lodged an appeal to the Appeal Board on 20 December 2013. The hearing was held on 24 December 2013 when the appeal was dismissed. The Police gave a briefing to the marshals of the organiser about the police arrangements at the Victoria Park on 30 December 2013 so as to facilitate their works in assisting the Police in crowd control.

6. SSP OPS HKI went on to brief the meeting that his presentation would focus on four areas that had attracted public attention, including (a) the arrangement at Tin Hau entrance of the Victoria Park; (b) the arrangement at SOGO crossing; (c) the opening of Hennessy Road east-bound carriageway; and (d) the handling of an opposing organisation that took part in same event. Regarding the arrangements

at the entrance at Tin Hau, given that the Hong Kong Brands and Products Expo (HKBPE) was held at the Victoria Park, the Police had requested the organiser of the HKBPE to allow the procession to pass through the venue to leave the Victoria Park. During the event, the Police had stopped the participants for five times to allow public entry to the HKBPE and to facilitate the traffic flow at Causeway Road east-bound carriageway. The arrangement went smoothly with the procession starting at 3:28 pm and all participants left the Victoria Park by 4:28 pm. Concerning the arrangements at SOGO crossing, according to previous experience many participants would join the procession thereat and that did not only cause serious obstruction and delay to the procession but also created serious risks to the public safety and public order. Moreover, that would also paralyze the traffic flow at Hennessy Road east-bound carriageway and would adversely affect the access of emergency vehicles to the area. To rectify the situation, participants were not allowed to join the procession at SOGO crossing during the POE on 1 January 2014. The organiser was informed of such arrangements in the preparatory meeting and was requested to appeal to the participants to stop joining the procession thereat. The same information was also released through the Police press briefing, the Police press release, HKP YouTube and Police Public Page. On the event date, police officers were specifically posted there to inform participants of such arrangements and no untoward incident had occurred throughout the event.

7. SSP OPS HKI went on to brief the meeting on the arrangements of Hennessy Road east-bound carriageway. He stated that the opening of Hennessy Road west-bound carriageway together with the tramway of both east and west bound was sufficient to accommodate major POEs. The east-bound carriageway was reserved for emergency vehicles and served as a buffer in emergency situation. The opening of the east-bound carriageway for the procession would not only seriously affect the traffic flow at the north side of Hong Kong Island but would unreasonably affect the rights of other members of the public who visited the area for leisure purpose during the public holiday. The Appeal Board also acknowledged the importance of public safety in keeping the traffic flow at Hennessy Road east-bound carriageway and thus dismissed the appeal lodged by the organiser. Regarding the handling of an opposing organization that took part in the procession, SSP OPS HKI

reiterated that similar situation had occurred from time to time and the Police had sufficient experience, manpower and legal basis to ensure public safety and public order. The Police stance in handling POEs was all along to assist all organisations to express their views and to exercise their right of demonstration peacefully. Irrespective of their backgrounds and political stance, the Police would treat all organisations fairly and impartially. He also informed the meeting that information was received before the event that an opposing organisation would set up a street station along the procession route during the POE on 1 January 2014 and the Police thus liaised with the opposing organisation to advise them to set up their street stations away from the procession route to keep a reasonable distance from the participants. The opposing organisation took heed to the advice and set up their street station at a side alley away from the main route during the event. Reasonable measures were put in place during the event with no untoward incident occurred. However, there was an incident where a member of a political party was confronted by some participants for the assistance he had offered in the judicial review against the government policy on welfare assistance to new immigrants. When that member reached Chater Road, some participants became emotional and kept scolding at him, and the Police took prompt action to separate that member from the agitated participants and to escort him to leave the scene. SSP OPS HKI reiterated that the primary concern of the Police in handling POEs were to ensure public safety, including the participants of the POEs and the public at large as well as the residents along the procession route.

8. Dr Hon Helena WONG enquired if the Police had any guidelines on how police officers should respond in handling the events with participation of opposing organisations, particularly on when police officers should separate them and when they should not as well as how officers could ensure public safety without obstructing the participants' freedom of expression.

9. SSP OPS HKI replied that once it was known that opposing organisations would take part in the same public order event, Police Community Relations Officers would liaise with the opposing organisations with a view to dissuading them from taking part in the same event to avoid possible conflicts and that had often been effective. However, there were occasions where opposing organisations insisted on

holding their events at the same time and place and in such situation the Police would first conduct a risk assessment to ascertain if public safety could be ensured. If there was any public safety concern, the Police would consider objecting to the organisation's notification that was submitted after other organisations'. Nevertheless, if the assessment indicated that the Police had sufficient measures and ability to ensure public safety and public order, the opposing organisations would be allowed to hold their events at the same venue simultaneously to protect their freedom of expression. He assured that Police would act in accordance with the law to maintain public order and public safety when any disturbance was caused by any persons toward other persons.

10. Dr Hon Helena WONG further enquired about how the risk assessment was conducted in the situation where members of one organisation had caused disturbance to the members of the opposing organisation and when the Police would intervene.

11. SSP OPS HKI responded by saying that if there was information prior to the event that some disturbance would be caused by one organisation towards its opposing organisation, Police would put in place appropriate measures to separate the two parties to avoid unnecessary conflicts. However, if the disturbance was caused spontaneously, then the field commander of the event would decide on the appropriate actions in accordance with the situation and the available manpower. He asserted that the basic principle in handling the situation was to act in accordance with the law in maintaining public order and public safety.

12. Ms Ann SO stated that it was her first time as IPCC member to take part in the on-site observation at the POE on 1 January 2014 and she appreciated the Police arrangements that made the procession proceed smoothly. She also found that the street station of the opposing organisation was set up at a suitable location that had prevented possible untoward incident. She hoped that the Police could make better arrangements in larger scale POEs in the future as the smooth progress on 1 January 2014 might only be due to the relatively low turnout rate of participants.

13. Mr Eric CHEUNG commented that Section 17(b) of the Public

Order Ordinance (POO) exactly empowered the Police to deal with the situation where members of an organisation confronted members of an opposing organisation. That section had been examined several times in court in recent years, including the Court of Appeal and the Court of Final Appeal. He was of the view that there might be a need for the Police to seek advice from the Department of Justice to clarify to what extent that section could be applied and frontline officers might need more training and guidance in enforcing that section.

14. SSP OPS HKI thanked Mr Eric CHEUNG for his valuable comments. He assured that Section 17(b)(1) of POO was not strange to him and the officers working in Hong Kong Island Police Region (HKI Region) and he had made successful prosecutions in relation to that section. However, some new officers might have insufficient knowledge in that regard and HKI Region had organised workshops for officers to enhance their knowledge on Section 17(b)(1) and 17(b)(2) of POO.

15. Mr Lawrence Ma requested the Police to elaborate on the guidelines to police officers for handling abusive behaviour that would soon be rolled out.

16. SSP OPS HKI stated that the guidelines had just been introduced to IPCC members in the closed part of the meeting and he was not in the position to elaborate on it. However, he explained that the guidelines were not applicable in handling POEs that involved more complicated circumstances.

17. Dr Hon Helena WONG expressed her regret that there was no formal consultation on the guidelines and the Police had only consulted the relevant stakeholders but not including the IPCC. During the briefing in the closed part of the meeting, IPCC members were only given an outline of the guidelines but not the full contents of the guidelines. She asserted that IPCC hoped to assist the Police in raising their professional standards and in enhancing public relations for complaints prevention. However, she was concerned that frontline officers might not have full understanding about the guidelines to allow them to know exactly when an offence was committed. She was of the view that the Police should enhance relevant training and there should be

formal consultation on the guidelines. She strongly objected to hastily implementing the guidelines in mid-March 2014 as the general public were worried that the Police might abuse their authority in applying the guidelines. She opined that it was necessary to have further discussions in that respect but it was regrettable that even the IPCC members were not given the opportunity to see the guidelines and to provide their comments. She also commented that members of the public should also be informed of the guidelines so that they could know what kinds of behaviour might constitute an offence.

18. DMS thanked Dr Hon Helena WONG for her comments and went on to explain that guidelines had been regularly issued to frontline officers to handle different situations arising from their duties for the purpose of facilitating frontline officers to handle different situations more effectively, professionally and consistently. Guidelines would include the factors that frontline officers should consider in handling a particular situation, including the police internal orders, procedures and legal powers. The main objective of the guidelines was to help officers to quickly and effectively resolve an incident. If an advice could serve the purpose during an incident, then officers should give an advice but if it could not serve the purpose, they would issue a warning. When a warning was not effective in resolving the incident, officers might have to consider taking summons or even arrest actions. He clarified that the guidelines aimed at guiding frontline officers to deal with abusive and uncooperative behaviour in the course of their execution of duties. The application of the guidelines should be based upon the principle and the prevailing circumstances, and officers had to decide if any offences had been committed. Abusive behaviour itself was not an offence under the existing legislation and impolite behaviour towards police officers also did not constitute an offence. Offences would only be committed when there was assault or obstruction against police officers. It was hoped that the guidelines could assist officers in discharging their duties consistently because there had been more and more incidents where frontline officers were confronted.

19. DMS thanked IPCC for the assistance previously offered in enhancing the police service and preventing complaints. He assured that officers were required to make their own professional judgement in deciding the proper course of actions in accordance with the prevailing

situations. They were required to perform their duties legally and in good faith, and should also be prepared to account for their decisions. The formulation of guidelines was based upon principles but not on individual cases because there were far too many possible scenarios. The guidelines for handling abusive behaviour were to deal with abusive behaviour towards police officers during their daily duties when officers encountered abusive or obstructive behaviour but were not applicable in handling cases involving drunk and disorderly, showing of force by triads, late night violence and public order events, which were covered by other existing guidelines. The guidelines did not introduce any new legislation or new procedures but served to remind officers that abusive behaviour itself was not an offence and that they should not take any action merely because there was abusive behaviour. The guidelines had been introduced to IPCC members earlier in the closed part of the meeting as to why the guidelines were necessary, what the purpose of the guidelines was and when the guidelines would be rolled out. Before the guidelines were rolled out, internal consultation had been conducted within the Force to evaluate officers' understanding on the guidelines and the consultation indicated that officers were satisfied with and fully understood the guidelines.

20. The Chairman reminded members to stick to the agenda and enquired if there were any more questions on the police arrangements during the POE on 1 January 2014.

21. Ms Christine FANG noticed that the LONO was issued to the organiser on 16 December 2013 and she enquired if the Police had set any target as to when the LONO should be issued because it would be very important to the event organisers and would prevent unnecessary complaints from the organisers.

22. SSP OPS HKI replied that the Police was required by law to issue the LONO to the organisers at least seven days prior to the events but the Police would not aim at meeting that minimum requirement but would strive to issue the LONO as early as possible. For the POE on 1 January 2014, after the preparatory meeting and the site visit respectively held on 2 and 5 December 2013, the organizer had amended their notification on 10 December 2013 and the Police therefore had to reconsider the conditions in the LONO. Besides, the University of

Hong Kong Public Opinion Programme (HKUPOP) also announced to hold a mock referendum at the Victoria Park and the Police had to liaise with HKUPOP to work out the arrangements. That notwithstanding, the LONO was issued on 16 December 2013, allowing sufficient time for the organiser to lodge an appeal to the Appeal Board if the organiser was not satisfied with the conditions in the LONO. He assured that the Police had all along been striving to issue the LONO as soon as possible but would not withhold the issuance until seven days prior to the events as required by the law.

23. Mr Eric CHEUNG expressed his appreciation to the Police arrangements during the POE on 1 January 2014. He noted that the Police had taken heed to most of the previous advice given by the IPCC and that had resulted in the smooth progress of the procession on 1 January 2014. However, he was concerned that the opening of Hennessy Road east-bound carriageway for the procession would remain to be a contentious issue in the future. While the Police had assured that the opening of Hennessy Road west-bound carriageway together with the tramway of both directions should be sufficient to accommodate all major POEs, he wondered if the Police would open the east-bound carriageway like what they did in the POE on 1 July 2013 if the turnout of participants reached the same level in future POEs. He was concerned that if the Police insisted on not opening the east-bound carriageway, large crowd might be created at some choke points and that might create unnecessary safety risk.

24. SSP OPS HKI replied that the opening of Hennessy Road east-bound carriageway for procession was not a simple arithmetic question but a complicated issue that would depend on the prevailing circumstances. Even with a big turnout in a POE, the procession could still proceed smoothly without opening the east-bound carriageway as long as the participants could move forward steadily and peacefully. The width of the route had less impact on the progress of the procession when compared with the demeanours and the speed of the participants as well as other obstructions along the route. The organiser's proposal of using both the west and east-bound carriageway of Hennessy Road for the procession, leaving the tramway as the emergency vehicular access (EVA) was only 15-20% wider than using the west-bound carriageway and the tramway for the procession but the organiser's proposal would

significantly increase the safety risks that he had mentioned in his presentation earlier.

25. Mr Lawrence MA commented that while there were the Eastern Corridor and Stubb Road that linked between the east side and west side of Hong Kong Island, he wondered why there was still such a need to reserve Hennessy Road east-bound carriageway as EVA.

26. SSP OPS HKI replied that Wanchai Fire Station was located at Hennessy Road east-bound carriageway whilst the Central Fire Station was located at Cotton Tree Drive and when there was emergency incident occurred along Admiralty to Causeway Bay, the fire engines of both fire stations had to use Hennessy Road east-bound carriageway to get to the locations concerned.

27. Mr Simon IP recalled that street stations used to be a problem in POEs but the presentation earlier had not mentioned anything about the street stations. He enquired if the Police had already resolved the problem on street stations.

28. SSP OPS HKI asserted that the Police would not obstruct the freedom of speech of the public and had no intention to restrict street stations as long as there was no unreasonable obstruction caused to the procession that would create safety risk. Given the relatively low turnout of participants in the POE on 1 January 2014, there was neither obstruction nor safety concern, and therefore it was not necessary for the Police to take any action against those street stations during the event.

III. Presentation on the Police Video Recording in Public Order Events

29. The Chairman invited SSP OPS HKI to give the presentation on the Police video recording in POEs.

30. SSP OPS HKI first presented to the meeting the legal basis that the Police relied upon in conducting video recording in POEs. It was stipulated in Section 10 of the Police Force Ordinance, Cap 232, that the duties of the Police Force shall be to take lawful measures for preserving the public peace; preventing and detecting crimes and offences; preventing

injury to life and property; regulating processions and assemblies in public places; and preserving order at public meetings. The video recording was also in compliance with Principle 1 in the First Schedule of the Personal Data (Privacy) Ordinance (PDPO), Cap 486, as the purpose for the collection of personal data was directly related to the Police duties. The principle of the video recording in POEs was to ensure that the right to peaceful demonstration of the public was not interfered with and that the personal data collected was protected in accordance with the PDPO.

31. SSP OPS HKI went on to explain that the guidelines stipulated that the video recording should focus on the incident rather than any particular persons except those who had caused the breach of the peace. He further elaborated that the stand-by of the recording team should be approved by an officer of CSP or above while the actual recording should be approved by an officer of SP or above when there was any offence being committed; when public peace had been or would be breached; when traffic congestion had been or might be caused in a vehicle procession; or when it was necessary for after action review. The operators of the video camera were required to receive training and to conspicuously identify themselves during the recording. The recording should be done openly and those who being recorded should be informed of such recording when the situation so allowed.

32. SSP OPS HKI went on to brief the meeting on the storage of the footage. He asserted that the storage of the footage was in compliance with the PDPO. The operators of the video camera should preserve the chain of evidence by putting the SD card into a Tamper Evident Property Envelop which would then be deposited in the safe of the duty officer of the police formation where the POE took place. Irrespective whether the footage had evidential value, no officers would be allowed to do any deletion, alteration or edition to any footage in the SD card which had a programme installed to detect any possible interference. Should any interference be detected during the process of copying the footage to a DVD, the responsible officers should report the matter to his senior officers for further investigation. For footage with evidential value, the footage would be copied to a DVD within 48 hours and the SD card would then be reformatted for reuse. The DVD would be kept until the court case was concluded and thereafter the DVD would be destroyed. For footage without evidential value, the retention of the

SD card concerned would be reviewed after a lapse of 31 days and if the retention was no longer necessary, the SD card would be reformatted for reuse. However, if an officer of SSP or above considered that the retention of the footage was still necessary, the footage would be copied to a DVD for retention. The need for the retention of the DVD would be subject to a monthly review by an officer of SSP or above and it would be destroyed forthwith when its retention was no longer necessary. The retained DVD was required to be stored in a safe place designated by the District Commander and the continuous retention of the DVD would be reviewed monthly by an officer of SSP or above who should record the decision as well as the date of the next review on the register designed for that purpose. The whole regime on video recording in POEs was governed by the related Police Headquarter Orders and Standing Operating Procedures. In Hong Kong Island Police Region, the SD Card and the DVD registers would also be subject to a further biannual inspection to ensure that the procedures and guidelines were properly adhered to. He then passed on to SP OPS to report to the meeting about the situation on the retention of POE related footage.

33. SP OPS reported to the meeting that on average there was video recording in only around 2% of the POEs annually in the last three years. In 2013, there were video recordings on 122 occasions out of 6,166 POEs. On some occasions, there were more than one recording during the POEs. In 2011, video recordings were conducted on 109 occasions with 273 footage, of which only 15 footage in two cases were still being retained for investigation or due to belated complaints. In 2012, out of the 234 footage taken, only one footage was still being retained for investigation. In 2013, 57 footage taken in 15 cases were still being retained of which 56 footage taken in 14 cases were related to crime cases and the remaining one footage was retained due to a possible belated complaint. Generally, the frequency of video recording in POEs and the retention of footage were both very low. He reiterated that the retention of the footage was reviewed regularly and the footage would be destroyed as soon as possible when the retention of the footage was no longer necessary and as a matter of fact most of the footage had been destroyed.

34. Mr Simon IP enquired about under what circumstances the Police would conduct video recording and whether the Police would conduct disciplinary investigation when it was detected that the

footage in the SD card had been tampered with.

35. SSP OPS HKI replied that once it was detected that the SD card had been tampered with, the copying machine would be locked and the officer who operated the copying machine should report to his supervisory officer and investigation must be initiated. Whether criminal investigation or disciplinary investigation would be conducted would depend on the circumstances of the tampering. Regarding the video recording, it would be conducted with the approval of an officer of SP or above in four situations, namely when there was any offence being committed; when public peace had been or would be breached; when traffic congestion had been or might be caused in a vehicle procession; or when it was necessary for after action review.

36. Mr Clement TAO enquired if police officers could use their own mobile phones to take videos during POEs and how the footage would be handled.

37. SSP OPS HKI responded by saying that police officers were not allowed to use their mobile phone for video recording during POEs. The video camera used in video recording in POEs was specified and there was a control register to control the movement of the specified video camera. Normally, the video camera would be stored in the armoury of the police station.

38. Mr Eric CHEUNG enquired if the Police had any separate figures on the video recordings to distinguish the video recordings in major POEs from those taken in small scale POEs. Regarding the circumstances where video recording would be taken, apart from the first three circumstances where offences might have been committed, he wished to know on how many occasions in the last three years where video recordings were taken for the purpose of after action review. He also enquired about the number of occasions where approvals were given by officers of SSP or above for further retention of the video footage after a lapse of 31 days.

39. SSP OPS HKI replied that he could not tell under what circumstances the video recordings were taken in 2011 and 2012 as

all the footage had been destroyed but reference could be made to the situation in 2013. During the recent biannual inspection, all video footage taken in 2013 were found to be related to breaches of the peace or commission of offences with none of them for after action review. Also, SSP's approvals for extension of the retention period from 2 to 5 months had been given to 10 footage taken in 8 incidents but all, except one footage, had already been destroyed. All those footage were retained for possible belated complaints in response to some public statements made by the concerned persons who indicated their intention to lodge complaints against the police.

40. Mr Eric CHEUNG expressed his gratitude to the Police for taking heed to his suggestion to give a presentation on the police video recordings in POEs in the open part of the meeting. He commented that the public were sceptical in that regard and more transparency would dispel such scepticism. He suggested to make related information available in the public domain so as to let the public know what actually the police were doing in that respect. He was also concerned about the possibility of using the footage for political screening and enquired if the Police had any measures to safeguard the usage of the footage. He also suggested to introduce a system of external audit to ensure the compliance of the whole regime in video recording in POEs.

41. SP OPS responded by saying that on top of the biannual inspection by the Police Regions, the Service Quality Wing of the Police Force would conduct regular inspections in different police formations and the regime in video recording in POEs was one of the topics for the inspection.

42. SSP OPS HKI assured the meeting that the existing legislation and controlling mechanism had already been sufficient to safeguard any unauthorized access to the footage. Not to mention access to the footage, even editing or alteration to the footage was not allowed, and criminal investigation would ensue for any unauthorized editing or alteration. With regard to the suggestion of making the related information in the public domain, that would be seriously considered.

43. Mr Arthur LUK commented that he personally found that there had already been sufficient checks and balances to ensure that the video

recordings in POEs were properly conducted. He was of the view that those participated in POEs were prepared to let the public know what they were striving for and therefore the privacy issue should not be their concern as they should not expect that they took part in the POEs without being known by others. Having said that, the video recording should not cause the participants to fear that their freedom of expression would be unreasonably restricted. Therefore, the operators of the video camera should do the recording appropriately to avoid any participants from suspecting that they were specifically targeted. He also opined that the video recordings were necessary for after action review conducted by the Police and for ensuring that no innocent persons were unreasonably prosecuted. Insofar as the evidence was concerned, he considered the footage was neutral evidence that might be to the advantage of either side but not necessarily for the benefit of the prosecution and also privacy issue should not be a concern in such situation.

44. SSP OPS HKI thanked Mr Arthur LUK for his comments and reassured the meeting that the video recording should be done in a distance focusing on the incidents but not the participants unless there were any breach of the peace or any offences being committed. He echoed Mr Arthur LUK's comments that the video recording was corroboratory evidence that could let the court and the Department of Justice know what exactly had happened during the incident. The video recording was neutral evidence that might be to the advantage to either side.

IV. CAPO's Monthly Statistics

V. CAPO's Criminal and Disciplinary Checklist

45. The Chairman stated that the documents of those two items had been contained in the folders provided to members as Annex IV and V respectively and due to time constraint he was not going to discuss them in details. He enquired if the members had anything to raise and there was nothing raised by the members.

VI. Any Other Business

46. There being no other business, the meeting concluded at 1828 hours.

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

(Henry SO)
Joint Secretary
Independent Police
Complaints Council