

**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 1705 hours on Thursday, 18th September 2014**

Present :

Mr Larry KWOK Lam-kwong, BBS, JP	(Chairman)
Hon CHAN Kin-por, BBS, JP	(Vice-chairman)
Hon Abraham SHEK Lai-him, GBS, JP	(Vice-chairman)
Dr Eugene CHAN Kin-keung, JP	
Dr CHAN Pui-kwong	
Mr Edwin CHENG Shing-lung, MH	
Mr Eric CHEUNG Tat-ming	
Ir Dr Vincent Simon HO	
Mr Simon IP Shing-hing, JP	
Miss Lisa LAU Man-man, BBS, MH, JP	
Hon Kenneth LEUNG Kai-cheong	
Dr Carol MA Hok-ka	
Mr Lawrence MA Yan-kwok	
Ms Ann SO Lai-chun, MH, JP	
Mr Clement TAO Kwok-lau, BBS, JP	
Miss WONG Hang-yee, Sandy	
Miss Mary WONG Tak-lan	
Mr Adrian YIP Chun-to, BBS, MH, JP	
Mr Ricky CHU, SG	
Mr Daniel MUI, DSG	
Mr Henry SO, ASG	(Joint Secretary)
Ms Cherry CHAN, LA	
Ms CHIU Wai-yin, DMS	
Mr P. R. MORGAN, ACP SQ	
Ms LAM Man-sai, CSP C&IIB	
Mr HO Ying-foo, SSP CAPO	
Ms LAI Pik-ngor, SP CAPO HQ	(Joint Secretary)
Mr LAI Hau-kwong, ADVC OPS NPDIV	

In Attendance :

Mr SO Chun-kwong, SP CAPO HKI	
Mr WONG Kwok-kit, SP CAPO K	
Ms CHENG Lai-ki, SP CAPO NT	
Ms FONG Melinda M.Y., CIP CAPO HQ (1)	
Mr CHAN Man-sek, CIP CAPO HQ (2)	

Mr HUI Chun-ho, CIP Team 3 CAPO HKI
Mr CHAN Shun-ching, CIP Team 4 CAPO K
Mr TAM Wing-leung, CIP Team 2 CAPO NT
Mr CHEUNG Ka-po, SIP IPCC CAPO
Mr LAW Rocken, SIP Team 4B CAPO HKI
Mr CHUNG Chong-kei, SIP Team 1A CAPO K
Miss SZE Cheuk-wa, SIP Team 4A CAPO K
Miss TAM Man-kei, SIP Team 2A CAPO NT

Absence with
apologises: Dr Hon LAM Tai-fai, SBS, JP (Vice-chairman)
Ms Christine FANG Meng-sang, BBS, JP
Ms LAU Yuk-kuen, Noeline
Mr Arthur LUK Yee-shun, BBS, SC
Dr Hon Helena WONG Pik-wan
Mr John YAN Mang-ye, SC

Opening Address

The Chairman welcomed all to the meeting particularly Ms. CHIU Wai-yin, Winnie who has taken up the post of Director of Management Services (DMS).

I Confirmation of Minutes of the Meeting held on 29th May 2014 (Open Part)

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

II Presentation on “Planning of a Public Order Event (POE) Operation by a District”

3. The Chairman invited Police representatives to give a presentation on “Planning of a Public Order Event (POE) Operation by a District”.

4. CSP C&IIB stated that policing public order events (POEs) had always been a concern of the IPCC. The presentation

was conducted with the aim of providing the members of IPCC a better understanding on the planning and liaison process between the Force and the organizers of POEs. CSP C&IIB then introduced Chief Inspector LAI Hau-kwong, Lister, Assistant Divisional Commander, Operations of North Point Division (ADVC OPS NPDIV) to give the presentation.

5. ADVC OPS NPDIV first gave an overview of the number of POEs between 2008 and 2014, the relevant laws and principles governing such events. He then went on to discuss in detail of the liaison process with the organizers including initial assessments and issues of concern from the perspective of the organizers. He emphasized that liaison was the most important tool in planning a POE. Meetings would be held with the organizers as well as scene visits to ensure the events could be held smoothly and safely. He also apprised the Meeting that the Force had constantly secured effective cooperation with the organizers of the POEs by illustrating a few real-life examples. Furthermore, he had explained to the Meeting on the rationale of imposing conditions on the ‘Letter of No Objections’ (LONO). He reiterated that public safety was of paramount importance. Finally, he showed a few examples of crowd management measures that the Force had adopted to assist the organizers in policing the events. ADVC OPS NPDIV concluded his presentation by emphasising that the Police had endeavoured to facilitate POEs through cooperation and communication. The overriding concerns were the preservation of public safety and public order, and the protection of the rights and freedoms of other road users.

6. Hon Kenneth LEUNG responded that he had heard from some of the organizers that the LONO had yet to be issued for the coming POE to be held on 1st October 2014. He asked the Police for the reason of not authorizing the event so far. He also enquired in detail about one of the measures in removing obstructing articles that the Police had shown as an example in the presentation to facilitate the organizer to conduct the POE.

7. ADVC OPS NPDIV stated that the Police had followed the laid down procedures in handling all notifications for POEs.

Each notification would be considered on its own merit and it would not be appropriate to comment on individual notification at the Meeting. He then went on to explain in detail the query raised in relation to the example of assisting the organizer to policing the POE.

8. Hon Kenneth LEUNG raised a follow-up question and asked whether the reason for not issuing a LONO would be included in the objection letter, if this were the case.

9. DMS replied that if an objection was considered by the Police to any POE or if there are special conditions imposed, the reasons for such would be put in writing and revert to the organizers. Any disagreement to the decision made by the Police could be brought up to the Appeal Board on Public Meetings and Processions through the established mechanism.

10. Mr Lawrence MA stated that he was given to understand that the public Meeting on 1st October 2014 had been rejected by the LCSD since another organizer had already applied for the use of the same venue. Moreover, he also noted that some of the students between the ages of 16-21 had the intention to take part in the Occupy Central Movement on that day. In view of the fact that Hong Kong was one of the signatory cities for the Convention on Protection of Child, he asked whether Police had any plan to avoid complaints arising from students getting involved in the Occupy Central Movement and resorted to arrest action.

11. CSP C&IIB replied that the Force would be mindful and vigilant to handle any incidents arising from the Occupy Central Movement. Warnings would be given if there were any breach of law before taking arrest actions.

III. 1st July POE

(a) IPCC Observation

12. DSG reported that the Chairman and 15 members together with 6 secretariat staff participated in the on-site observation on 1st

July 2014. 13 other secretariat staff conducted their static observation at different designated posts along the procession route. The observation was conducted between 1330 hrs on 1st July 2014 and 0230 hrs on 2nd July 2014. He then summarised the following five observations made by the participating parties:

- (i) There was a large group of people waiting at the Hysan Place to join the procession.
- (ii) Participants had occupied the eastbound of Hennessey Road (between SOGO Department Store to Sugar Street).
- (iii) Opening the tramway outside the Regal Hong Kong Hotel (Yee Wo Street junction Causeway Road).
- (iv) Closure of the west gate (Gate 6) at the Victoria Park and the road nearby.
- (v) The movement of the leading vehicle.

13. CSP C&IIB stated that the details of the arrangement for the 1st July POE had been reported by SSP OPS HKI during the Closed Part of the Meeting. Nevertheless, she would reiterate a few points including the reason for closing the SOGO crossing was purely for the purpose of public safety. Such arrangement had been repeatedly made in the past few years to avoid persons jumping the queue to join the procession. It was noted that the eastbound of Hennessey Road was occupied by the participants at some point causing obstructions to other road users. CSP C&IIB stressed that Police would evaluate the situation and a review would be conducted for better policing in the future. As regards the opening of tramway outside Regal Hong Kong Hotel, it was again for the purpose of public safety to maximize the occupation of the road by the large group of participants. It was the decision of the Field Commander in accordance with the prevailing circumstance. For the closure of Gate 6 at the Victoria Park, it was a crowd management decision as the football pitches inside Victoria Park were fully occupied; the closure of Gate 6 would direct persons to enter the Central Lawn through Gate 7 with a view to alleviating the crowded situation within the Park. Finally, CSP C&IIB concluded that the slow movement of the procession would have been caused by various reasons including inclement weather, street stalls and the large

number of participants. She then informed the Meeting that it took over three hours for the procession to arrive at the Chater Garden while it only took slightly more than an hour for the same procession to complete in 2013.

(b) Complaints from 1st July POE

14. CSP C&IIB reported that there were three Reportable Complaints and five Notifiable Complaints received for the 1st July POE. The three Reportable Complaints involving six allegations namely 3 ‘UUOA’, 1 ‘Assault’, 1 ‘Impoliteness’ and 1 ‘NOD’. Two cases would be classified as ‘Not Pursuable’ and ‘Withdrawn’ while the remaining one was still under active investigation.

15. Mr Eric CHEUNG stated that at one point, a section of the eastbound of Hennessy Road near SOGO was occupied by the participants resulting in vehicles being trapped for a few hours. He was concerned with the safety of the participants. For service improvement perspective, he was of the view that Police could consider closing the eastbound of Hennessy Road solely for emergency purpose and no other vehicles could be allowed to use the road during the procession.

16. Mr Lawrence MA was of the view that it was the leading vehicle purposely moving very slowly. As a result, the participants gathering at the back of the procession were annoyed and agitated. From the perspective of public safety, the negative sentiment of the crowd was a concern. He asked whether or not Police had any future plan to safeguard the public safety in this regard.

17. CSP C&IIB thanked Mr MA for his valuable comment. She undertook to review the situation upon conclusion of the criminal case relating to the movement of the leading vehicle for service improvement in the future.

IV. Matters Arising

18. There was no matter arising from the last meeting.

V. CAPO's Monthly Statistics

19. CSP C&IIB tabled the complaint statistics and trend.

20. CSP C&IIB reported that during the past year, CAPO adopted a proactive approach to manage public expectation, to enhance internal communication and to educate both internal and external stakeholders. CAPO thus had produced a few videos with the aim to enhance public understanding on the difficulties and limitations of police power. These videos had been on display in Police report rooms, Police YouTube Channel, the Police Public Page and 51 government outlets. CAPO would endeavour to utilize existing channels as well as to explore new avenues for service improvement and complaints prevention.

VI. CAPO's Criminal and Disciplinary Checklist

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

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

V. Any Other Business

Service Improvement arising from Case Examination

23. CSP C&IIB reported to the meeting that from time to time, IPCC would make recommendations to improve the quality of service provided to members of the public through examination of complaint cases. One of the examples that she would like to highlight was the enhancement made to the CASEMAN computer system being used by the Police to handle traffic related summons. As a result, the wordings for the offence of 'Failing to Report' under S. 56(2A) of Cap. 374 had been modified in accordance with the proposal from the IPCC in order to avoid misunderstanding. The above example illustrated the effectiveness of the complaint

system and the concerted efforts made by the IPCC and the Force in service improvement.

24. There being no other business, the meeting concluded at 1808 hours. The date of next meeting was scheduled for 11th December 2014.

(LAI Pik-ngor, Jenny)
Joint Secretary
Complaints and Internal
Investigations Branch

(Henry SO)
Joint Secretary
Independent Police
Complaints Council