

**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 1550 hours on Tuesday, 17th March 2015**

Present :

Mr Larry KWOK Lam-kwong, BBS, JP	(Chairman)
Hon CHAN Kin-por, BBS, JP	(Vice-chairman)
Hon Christopher CHEUNG Wah-fung, SBS, JP	(Vice-chairman)
Hon Tony TSE Wai-chuen, BBS	(Vice-chairman)
Dr CHAN Pui-kwong	
Mr Lawrence MA Yan-kwok	
Mr IP Shing-hing, JP	
Ms LAU Yuk-kuen	
Hon Kenneth LEUNG Kai-cheong	
Dr MA Hok-ka	
Ms WONG Hang-yee	
Dr Hon Helena WONG Pik-wan	
Ms Mary Teresa WONG Tak-lan	
Mr Adrian YIP Chun-to, BBS, MH, JP	
Mr Edwin CHENG Shing-lung, MH	
Ir Dr Vincent Simon HO	
Mr Arthur LUK Yee-shun, BBS, SC	
Ms Lisa LAU Man-man, BBS, MH, JP	
Ms SO Lai-Chun, MH, JP	
Dr Eric CHENG Kam-chung, BBS, MH, JP	
Mr Richard HO Kam-wing	
Mr Herman HUI Chung-shing, SBS, MH, JP	
Ir Edgar KWAN Chi-ping, JP	
Mr Ricky CHU, SG	
Mr Daniel MUI, DSG	
Mr Henry SO, ASG	(Joint Secretary)
Ms Cherry CHAN, LA	
Ms CHIU Wai-yin, DMS	
Ms CHAN Mei-pui, ACP SQ (Temp)	
Mr CHEUNG Kin-kwong, CSP C&IIB	
Mr HO Ying-foo, SSP CAPO	
Ms LAI Pik-ngor, SP CAPO HQ	(Joint Secretary)
Mr LAU Kam-lun, SCLINPSY PPS PSG	

In Attendance : Mr SO Chun-kwong, SP CAPO HKI

Mr WONG Kwok-kit, SP CAPO K
Ms CHENG Lai-ki, SO CAPO NT
Ms FONG Melinda M.Y., CIP CAPO HQ (1)
Mr CHAN Man-sek, CIP CAPO HQ (2)
Mr HUI Chun-ho, CIP H3 CAPO HKI
Ms WAT Yin-kum, CIP K3 CAPO K
Ms CHIU Yik-man, CIP K5 CAPO K
Ms MAO Lee-sha, CIP NT3 CAPO NT
Ms MAN Ngar-man, CIP NT4 CAPO NT
Mr LAW Rocken, SIP IPCC CAPO
Miss WONG Man-yan, SIP K5a CAPO K
Ms WONG Sau-ling, SIP H4a CAPO HKI
Mr CHAN Chi-him, SIP H4b CAPO HKI
Absence with
apologises: Mr Clement TAO Kwok-lau, BBS, JP
Mr John YAN Mang-ye, SC
Dr Eugene CHAN Kin-keung, JP
Prof Alfred CHAN Cheung-ming, BBS, JP
Mr Peter YAN King-shun

PART A OPEN MEETING

Opening Address

The Chairman welcomed all to the meeting.

I. Confirmation of Minutes of the Meeting held on 11th December 2014 (Open Part)

2. The suggested amendments to the minutes of the last meeting (Open Part) were tabled. The minutes of the last meeting were confirmed and the Chairman asked all members to inform the Secretariat in advance should they have any amendments to propose in the future.

II. Presentation on ‘Expression of Dissatisfaction Mechanism’

3. CSP C&IIB informed the meeting that ‘Expression of Dissatisfaction Mechanism’ (EDM) was officially implemented on 15th January 2015. In order to enhance the public understanding on

the background, purpose, handling and monitoring procedures, CAPO would like to take this opportunity to give an overview on this mechanism. He then introduced Mr. CHAN Man-sek, Chief Inspector of Police, Headquarters, CAPO [CIP HQ (2) CAPO] to give a presentation.

4. CIP HQ (2) CAPO stated that 80% of the complaints were of minor nature commonly made against the attitude and manner of the subject police officers, or stemmed from misunderstanding of police procedures. Many of the complainants only wished to express their dissatisfaction to the seniors of the subject officers with the aim to improving service quality rather than resorted to formal complaint. For the purpose of effective and efficient resource management in dealing with minor complaints, IPCC and CAPO formed a joint working group in May 2010 and conducted a holistic study. 'EDM' was thus introduced as an alternative to resolve minor complaints.

5. The prerequisite to apply 'EDM' was that the allegation must be of minor nature and that the complainants were well informed of other available options to deal with the complaint. If 'EDM' had been adopted, complainant's dissatisfaction and request would be referred to the Formation concerned for appropriate action. Accordingly, the Formation should inform CAPO of the action taken within two weeks. If the complainants were not satisfied with the outcome of 'EDM', they could still lodge a formal complaint within two years from the date of the incident.

6. To enhance the supervision on the application of 'EDM', Superintendents of CAPO would conduct periodic checks on the telephone recording messages relating to 'EDM' cases on a monthly basis. A monthly return would be submitted to IPCC in this regard.

7. CIP HQ (2) CAPO then showed an introductory video on 'EDM'. He informed the meeting that such video would be uploaded on the Police public website and Police Youtube, and broadcasted inside the Report Room of Police Stations to enhance public education on 'EDM'.

III. Update on complaint statistics and the approach of complaints investigation in the Occupy Central Movement

8. CSP C&IIB reported that as at 13th March 2015, 2,065 complainants had lodged complaints in relation to ‘Occupy Central Movement’. Among 1,130 complainants or 55% were related to the incidents occurred on Hong Kong Island, 914 complainants or 44% were related to incidents occurred in Mong Kok area while the remaining 21 complainants or 1% were related to other incidents such as the media reports. 160 cases or 31% had been classified as ‘Reportable Complaints’ (RC), 343 cases or 66% had been classified as ‘Notifiable Complaints’ (NC) and 15 cases or 3% had been classified as ‘Potential Notifiable Complaints’ (PNC). In all the ‘Notifiable Complaints’ cases, the complainants were not the directly affected person nor involved in the incidents. Majority of the complaints were made after the complainants had learned the incidents through the media reports.

9. CSP C&IIB went on to report the breakdown of the cases by allegations. For the 160 RCs, there were 66 allegations of ‘Assault’, 51 allegations of ‘Misconduct/Abusive Language/Impoliteness’, 39 allegations of ‘Neglect of Duty’, 7 allegations of ‘Unnecessary Use of Authority’ and one allegation of ‘Fabrication of Evidence’. As for the 343 NCs and 15 PNCs, the major allegations including 691 ‘Assault’, 561 ‘Unnecessary Use of Authority’, 362 ‘Neglect of Duty’, 281 ‘Misconduct/Abusive Language/Impoliteness’ and 6 ‘Fabrication of Evidence’.

10. Among the 2,065 complainants, only 164 or 8% were directly affected by the police conduct. The remaining 92% of the complainants lodged the complaints after they had learned the incidents through media reports. Police had successfully contacted all the complainants of the 160 RCs. The complainants in 79 cases were uncooperative as they were unwilling to give evidence or statements, rendering it not possible to further proceed with the investigations. Those cases would be classified as ‘Not Pursuable’. There were 24 cases classified as ‘Withdrawn’ and 6 cases were dealt with by way of ‘Informal resolution’. 17 cases were of ‘Sub-judice’ nature and 13 cases were still pending for the reply

from the complainants. Full investigation on the remaining 21 cases had commenced. A total of 46 investigation reports had been submitted to IPCC for vetting as at 13th March 2015. Regarding NCs and PNCs, 759 complainants or 40% had been in contact. 1,089 complainants or 57% did not respond to Police while the remaining 53 complainants or 3% did not leave a valid means of contact.

IV. Monitoring of complaints investigation work of CAPO in connection with Police actions in the Occupy Central Movement

11. DSG reported all the cases related to ‘Occupy Central Movement’ would be monitored by the Serious Complaint Committee (SCC). A Special Task Force (STF) under the SCC had been established to examine the cases and assisted by four Vetting Teams in the Secretariat. DSG then introduced the membership of SCC and STF, which consisted of 21 and 14 members respectively. DSG further explained the responsibility of the four Vetting Teams, which were Team 1,3,4 & 6. Team 1 & 3 were responsible for the cases occurred on Kowloon and Hong Kong Island respectively. Team 4 was for administrative support while Team 6 would examine all the NC cases.

12. DSG then highlighted five significant RC cases as follows:

- (a) Video footage captured seven officers assaulting a protester at Lung Wo Road on 15th October 2014;
- (b) A Superintendent was caught on camera using a baton to hit protestors on 26th November 2014;
- (c) Use of tear smoke in Admiralty on 28th September 2014;
- (d) A NOW TV staff was arrested for assaulting a police officer with a ladder in Mong Kok on 25th November 2014;
- (e) The road opening operation in Mong Kok on 25th and 26th November 2014.

13. DSG stated that the above five cases generated majority of the complaints. So far, CAPO had submitted 47 cases to IPCC for

vetting and accordingly, 23 queries had been raised in response to the investigation reports.

V. Matters Arising

14. Nothing was raised in the last meeting.

VI. CAPO's Monthly Statistics

15. CSP C&IIB reported that a total of 2,274 Reportable Complaints was received in 2014. When compared with 2013, it recorded a decrease of 6.1%. Excluding the 137 cases stemmed from 'Occupy Central Movement', 2,137 Reportable Complaints were received in 2014, representing a decrease of 284 cases or 11.7% when compared with 2013. The overall complaint in 2014 was the lowest since 2003, with an average of 189 cases per month.

16. Minor complaints such as 'Neglect of Duty', 'Misconduct and Improper Manner & Offensive Language' constituted to 78.6% of the total complaints. 'Neglect of Duty' remained as the most prevalent complaints with 1,285 cases recorded in 2014, representing a decrease of 106 cases or 7.6% when compared with 2013. It also accounted for 56% of the total complaints. 498 cases of 'Misconduct/Improper Manner & Offensive Language' were recorded in 2014. This marked a decrease of 102 cases or 17% when compared with 2013.

17. 483 cases in the category of serious complaint including 'Assault', 'Threat', 'Unnecessary Use of Authority' and 'Fabrication of Evidence' were received in 2014. When compared with 429 cases in 2013, it recorded an increase of 54 cases or 12.6%. However, if it excluded 70 cases stemming from 'Occupy Central Movement', it stood at 413 cases in 2014, representing a decrease of 16 cases or 3.7% when compared with 2013. As for the complaint of 'Assault', 296 cases were registered in 2014, representing an increase of 60 cases or 25% when compared with 2013. The increase was largely due to complaints arising from 'Occupy Central Movement' with 62 cases registered.

18. CSP C&IIB stressed that complaint prevention was an

important task to improve and enhance the quality and standard of police service. In the past year, CAPO focused on enhancing the professional sensitivity of frontline officers. Internally, complaint prevention efforts had been made through thematic projects and complaint prevention electronic publications. Meanwhile, efforts had also been made to enhance public education on the role of police to manage the public expectation.

19. Dr Hon Helena WONG asked for an update on the investigation progress of the alleged ‘Assault’ case involving seven police officers during ‘Occupy Movement’. She further questioned whether the police had taken any measures to prevent the rising number of complaints of ‘Assault’.

20. CSP C&IIB responded that a special team was assigned to conduct criminal investigation of the alleged ‘Assault’ case. Since criminal proceedings had been initiated, no further comment would be made. Nevertheless, he reiterated that the investigation would be conducted in a fair and impartial manner.

21. CSP C&IIB further explained that many of the complaints of ‘Assault’ were made by arrested persons undergoing criminal proceedings. Hence, some of the complaints were considered as ‘Tactical’ in nature. However, he assured the meeting that complaint prevention efforts would be continued in the future.

VII. CAPO’s Criminal and Disciplinary Checklist

22. CSP C&IIB reported to the meeting that there was nothing particular to highlight.

23. Hon Tony TSE commented that there were a number of complaints stemming from officers failing to make a proper or accurate record on their police notebooks. He asked whether any measures had been in place to raise the awareness of officers. He also raised a query regarding the progress of the disciplinary proceeding on a particular case shown on the Checklist and opined that the case should be dealt with expeditiously as far as practicable.

24. Mr Edgar KWAN echoed the comment raised by Hon Tony TSE and commented that the prolonged disciplinary hearing would likely to bring unnecessary stress to the subject officer.

25. CSP C&IIB responded that officers were regularly reminded of the importance to maintain an accurate record in police notebook through divisional training day. Complaint prevention in such area would also be incorporated in the basic training for new recruits.

26. SSP CAPO supplemented that the disciplinary hearing would be conducted in accordance with the procedures by the relevant Formation after legal advice was sought. CAPO would monitor the progress of the hearing and report to the IPCC later.

(Post Meeting Note: The progress of the concerned disciplinary case was reported to the IPCC in writing on 2015-03-25.)

VIII. Any Other Business

27. There being no other business, the meeting concluded at 1628 hours.

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

(Henry SO)
Joint Secretary
Independent Police
Complaints Council