

**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, 25<sup>th</sup> June 2015**

Present :

Mr Larry KWOK Lam-kwong, BBS, JP (Chairman)  
Hon Tony TSE Wai-chuen, BBS (Vice-chairman)  
Mr Lawrence MA Yan-kwok  
Mr IP Shing-hing, JP  
Ms LAU Yuk-kuen  
Dr MA Hok-ka  
Dr Hon Helena WONG Pik-wan  
Mr Adrian YIP Chun-to, BBS, MH, JP  
Mr Edwin CHENG Shing-lung, MH  
Dr Eugene CHAN Kin-keung, JP  
Ir Dr Vincent Simon HO  
Miss Lisa LAU Man-man, BBS, MH, JP  
Ms SO Lai-Chun, MH, JP  
Prof Alfred CHAN Cheung-ming, BBS, JP  
Mr Richard HO Kam-wing  
Mr Herman HUI Chung-shing, SBS, MH, JP  
Ir Edgar KWAN Chi-ping, JP  
Mr Ricky CHU, SG  
Ms Rebecca LUK, DSG (Joint Secretary)  
Mr Henry SO, ASG  
Ms Cherry CHAN, LA  
Ms Pauline WAN, SVO(3)  
Ms CHIU Wai-yin, DMS  
Mr CHEUNG Kin-kwong, CSP C&IIB  
Mr WONG Kwok-yin, SSP CAPO  
Ms LAI Pik-ngor, SP CAPO HQ (Joint Secretary)  
Ms YAU Sin-man, SP CR PPRB

In Attendance :

Mr SO Chun-kwong, SP CAPO HKI  
Mr CHAN Kwok-ho, SP CAPO K  
Ms AU Siu-ping, SP CAPO NT  
Mr TSE Chun-chung, SP MLC PPRB  
Ms MAN Ngar-man, CIP CAPO HQ (1)  
Mr HUI Chun-ho, CIP CAPO HQ (2)  
Ms WAT Yin-kum, CIP K3 CAPO K  
Ms MAO Lee-sha, CIP NT3 CAPO NT  
Mr LAW Rocken, SIP IPCC CAPO

Absence with  
apologises: Hon CHAN Kin-por, BBS, JP (Vice-chairman)  
Hon Christopher CHEUNG Wah-fung, SBS, JP (Vice-chairman)  
Dr CHAN Pui-kwong  
Hon Kenneth LEUNG Kai-cheong  
Ms WONG Hang-yee  
Ms Mary Teresa WONG Tak-lan  
Mr Clement TAO Kwok-lau, BBS, JP  
Mr John YAN Mang-yee, SC  
Mr Arthur LUK Yee-shun, BBS, SC  
Mr Peter YAN King-shun  
Dr Eric CHENG Kam-chung, BBS, MH, JP  
Mr Daniel MUI, DSG

## **PART A OPEN MEETING**

### **Opening Address**

The Chairman welcomed all to the meeting.

#### **I. Confirmation of Minutes of the Meeting held on 17<sup>th</sup> March 2015** **(Open Part)**

2. The minutes of the last meeting were confirmed.

#### **II. Presentation on ‘Role of Media Liaison Team in Public Order** **Event’**

3. CSP C&IIB briefed the meeting that the Force had placed much emphasis on building a long-term constructive relationship with the media. The set up of Media Liaison Team (MLT) was to enhance communication during the Public Order Events (POEs) so as to prevent avoidable complaints arisen from misunderstanding. He then introduced Ms. Connie Yau, Superintendent of Police, Community Relations, Police Public Relations Branch [SP CR PPRB] to introduce the work of MLT.

4. SP CR PPRB gave an overview of the Police Media Strategy. In order to engage and build a long-term constructive relationship with the media for the purpose of enhancing public

confidence and securing support to the Force, a three-pronged approach was formulated. They were Professional Communication, Capacity Building and IT Application.

5. The set up of MLT was under the approach of Professional Communication. PPRB would conduct regular sharing sessions with the media, while the Force Management would hold meetings with different media associations. Training will also be provided to frontline officers to enhance their skills in dealing with the reporters. Furthermore, the social media including the 'Police Public Page' (PPP) and Police You Tube were used to enhance communication with the public.

6. MLT was first formed in 2005 to facilitate media coverage of the World Trade Organization's conference in HK. In 2012, the Force conducted a review on the effectiveness of MLT and formally approved the establishment of the unit.

7. Since there were thousands of POEs held on yearly basis, it was important to enhance the communication between reporters and the frontline officers for the purpose of building mutual respect. MLT played a mediating role to resolve differences, minimize misunderstanding and avoid unnecessary conflicts between the two parties. The deployment of MLT had also been regarded as a successful measure for effective liaison and communication with the media on the ground.

8. SP CR PPRB further briefed the meeting on challenges faced by MLT, such as the different roles and duties of the media and police, number of reporters on the ground, and their identification.

9. Dr. Hon. Helena WONG welcomed the proactive strategy in engaging the media and hoped that a more transparent policy on the disclosure of material would be adopted by the Police. She commented that certain information contained in the Force Procedures Manuel (FPM) such as the right of arrested person, principles on 'Use of Force' or 'Specialised Crowd Management Vehicle' (SCMV) were neither available nor could be found in the 'Police Public Page' (PPP).

10. DMS responded that certain chapters of the FPM that were related to the community had been uploaded onto the PPP. However, it was inappropriate to disclose restricted information such as internal operational details. She said that information on locations of police stations and police recruitment procedures could be found on the PPP and Police Mobile App.

11. Mr. Lawrence MA commented that during the illegal ‘Occupy Central Movement’ (OCM), the identities of some reporters were in doubt. While these so-called Internet reporters did not possess any press pass, they were actually engaged in some illegal activities. When the police intended to take action against them, they put up the excuse of press freedom and tried to evade the arrest.

12. DMS responded that the Force had all along respected the freedom of the press. However, if anybody had breached the law, irrespective of his/ her background and occupation, police would take resolute action so as to uphold the rule of law.

13. In response to Dr. Hon. Helena WONG’s further question for not disclosing the Force guidelines on ‘Use of Force’ and SCMV while overseas law enforcement agencies (LEAs) had similar disclosures to the public. The Chairman supplemented that IPCC had conducted a research which did not confirm the disclosure of the guidelines on the ‘Use of Force’ by different overseas LEAs.

14. Dr. Hon. Helena WONG commented that the Police can be more open with the guidelines, as she was able to find the guidelines on the ‘Use of Force’ from other overseas LEAs via some non-official websites.

15. DMS explained again the principle on the ‘Use of Force’ in which only the minimum force necessary to achieve the lawful purpose might be used and once that purpose had been achieved, the use of force should cease. The force used must be reasonable in the circumstances. The use of force in every single incident would be subjected to scrutiny, such as Force internal review, Court examination, etc.

16. Hon. Tony TSE asked if there was an effective way to

distinguish the identity of the reporters such as internet reporters, so as to avoid conflict or misunderstanding between the Police and the media, particularly during POEs.

17. CSP C&IIB responded that the relationship between the Police and the media has been healthy. Regular meetings were held between the Police and media representatives to enhance communication and mutual understanding. During these meetings, reporters were repeatedly reminded to wear their press passes for better identification.

18. Dr. Vincent Simon HO commented that operational guidelines should be held in confidence to prevent criminals from knowing the Police tactics that might impede the operational efficiency.

19. Mr. Lawrence MA said that during the visit of the then Vice-Premier Li Keqiang in 2011, a number of reporters were discontented with the setting up of designated press area. He would like to know the factors for consideration in setting up the area.

20. DMS replied that in general, it was not necessary to designate a press area in the public place where members of the public had free access. Nonetheless, there were circumstances such as during a police operation or an official ceremony where police cordon was required, then a press area might need to be set up within the police cordon zone in order to provide a vantage point for media coverage.

21. Dr. MA Hok-ka asked about the content of the sharing session between PPRB and the media representatives, and whether any measure was in place to gauge the response of the public on the publicity materials that had been uploaded on the PPP.

22. SP CR PPRB responded that during the sharing session, media representatives and officers would reveal their difficulties on the ground for mutual understanding.

23. Dr. Hon. Helena WONG asked whether MLT was present

during a specific incident when a reporter was arrested during OCM period.

24. SP CR PPRB responded that there was insufficient information to identify the incident quoted by Dr. Hon. Helena WONG and thus she was unable to comment further. She added that MLT was in operation throughout the 79 days of illegal occupation.

25. Mr. Lawrence MA proposed to use a register to distinguish who were genuine reporters. This could avoid those self-claimed reporters who broke the law but could evade criminal liability.

26. DMS replied that the Force respected freedom of the press and welcomed reporters carrying their press passes in POEs for easy identification. However, the suggestion for setting up a register for reporters should be an issue to be dealt with and decided by the press associations.

### **III. Update on complaint statistics and progress of complaint investigation in the Occupy Central series of incidents**

27. CSP C&IIB reported that as at 19<sup>th</sup> June 2015, 2,076 complainants had lodged complaints in relation to the illegal OCM. Among 1,177 complainants or 57% were related to incidents occurred on Hong Kong Island, 899 complainants or 43% were related to incidents occurred in Mong Kok area. 169 cases or 32% had been classified as ‘Reportable Complaints’ (RC), while 357 cases or 68% had been classified as ‘Notifiable Complaints’ (NC).

28. CSP C&IIB went on to report the breakdown of the cases by allegations. For the 169 RCs involving 174 complainants, there were 67 allegations of ‘Assault’, 53 allegations of ‘Misconduct/Abusive Language/Impoliteness’, 41 allegations of ‘Neglect of Duty’, 7 allegations of ‘Unnecessary Use of Authority’ and one allegation of ‘Fabrication of Evidence’. As for the 357 NCs, the major allegations including 696 ‘Assault’, 558 ‘Unnecessary Use of Authority’, 363 ‘Neglect of Duty’, 279 ‘Misconduct/Abusive Language/Impoliteness’ and six ‘Fabrication

of Evidence’.

29. Among the 2,076 complainants, only 174 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. For the 169 cases of RC, 24 cases or 14% would be handled by Full Investigation while another 10 cases were categorized as ‘Sub-judice’. 29 cases were classified as ‘Withdrawn’ and 7 cases were dealt with by way of ‘Informal resolution’. There were 94 cases that the complainants were uncooperative as they were unwilling to give evidence or statements, rendering further investigations not possible. Those cases would be classified as ‘Not Pursuable’. CAPO was still awaiting the reply of the complainant in the remaining five cases.

30. As at 19<sup>th</sup> June 2015, CAPO had completed the investigation of 108 cases (64% of all the RCs), and submitted the investigation reports to IPCC for endorsement. Among the 108 investigation reports, 11 were full investigation reports, 24 were withdrawn reports, five were Informal Resolution reports and 68 were Not Pursuable reports. IPCC had endorsed 21 reports and issued queries on 73 cases.

31. The Chairman asked for a projected date of completing the investigation of all RCs.

32. CSP C&IIB responded that the investigation process had been satisfactory. He expected all the investigation on RCs, except those classified as ‘Sub-judice’, would be completed by the end of this year. The investigation of those classified as ‘Sub-judice’ would be subject to the finalization of all legal proceedings.

33. Miss Lisa LAU commented that a relatively large number of RCs had been classified as ‘Not Pursuable’. She would like to know the principle of such classification.

34. CSP C&IIB said that in accordance with the IPCCO and Complaint Manual, CAPO would send out acknowledgement letter to complainant within 2 days from the date the complaint was received. If complainant did not respond to the first letter in 14

days, a second letter for the same purpose would be sent out. If the complainant still made no response to CAPO, the case would be classified as 'Not Pursuable'.

35. Dr. Hon. Helena WONG asked the investigation progress of those cases that were under full investigation. She further asked whether the 'Assault Occasioning Actual Bodily Harm' (AOABH) case involving seven police officers was classified as 'Sub-judice' or otherwise.

36. CSP C&IIB replied that IPCC queries were received by CAPO on some of the cases. CAPO was in the process of conducting further enquiries. Reply would be provided expeditiously once the outstanding issues could be cleared. For the quoted 'AOABH' case, CAPO had adopted the approach of criminal investigation and submitted the investigation report to the Department of Justice for advice.

37. Dr. Hon. Helena WONG commented that the identification parade (ID Parade) conducted in this 'AOABH' case was unfair to the complainant as the actors were requested to wear shower cap. She wanted to know whether the issue of unfair ID Parade would be investigated together with the 'AOABH' case, and that if there was any procedural problem with this ID Parade.

38. CSP C&IIB stated that CAPO would not comment on individual case as it was under active investigation.

39. Nonetheless, he explained the general guidelines in conducting ID Parade. The OC Parade would be an officer not connected with the case investigation and not below the rank of Chief Inspector. The number of actors required for the Parade would depend on the number of suspects attending the ID Parade. The description of the suspect including age, height, build, race and any uncommon features such as unusually long or short hair should be communicated to the contractor so that the latter could arrange suitable actors to form up the parade. If the suspect had any distinguishing marks or features, it would also be made known to the contractor for matching up suitable actors. If it was impracticable to find actors with similar characteristics to form up the parade, the OC



Parade should take reasonable steps to cover such feature on both the suspect and the actors with the agreement of the legal representative of suspect, if any.

40. Dr. Hon. Helena WONG commented that the ID Parade held for the 'AOABH' case involving police officers was unfair as the actors were required to wear shower caps and facemasks. Under this arrangement, no identification could be made.

41. CSP C&IIB replied that he was sure that the described scenario of ID Parade was not related to the 'AOABH' case.

42. Ms LAU Yuk-kuen supplemented that it was the right of the suspect and his/ her legal representative to request the actors of the parade to wear shower cap or otherwise. If the OC Parade refused such request, the suspect might challenge the fairness of the ID Parade in court.

43. Hon. Tony TSE commented that during the ID Parade, all suspect, irrespective of his/ her background, should be treated in the same manner according to the Police guidelines. He further remarked that the meeting should not discuss any individual case.

44. Dr. Hon. Helena WONG clarified that the complaint she mentioned was in fact related to a case of 'Common Assault' in which the victim was a NOW TV reporter, and that she apologised for quoting the wrong case. She asked whether the police would accept an ID Parade to be held with actors wearing shower cap and facemask.

45. DMS welcomed the clarification made by Dr. Hon. Helena WONG. She further explained that it was the right of suspect to choose whether or not to participate in an ID Parade. She also quoted some examples on special arrangements that were made for suspects who had uncommon appearances or features. The overriding principle was to conduct the parade in a fair manner, thereby protecting the rights of suspect and witness. In any event, all the actions taken during the ID Parade would be accounted for during the subsequent court proceedings.

46. Dr. Hon. Helena WONG reiterated her stance that it was inappropriate to request actors to wear shower cap and facemask during ID Parade.

47. Mr. Herman HUI opined that, as the Police had clearly explained the ID Parade procedures, the discussion on this subject matter is deemed to be sufficient and should be concluded.

48. Dr. Hon. Helena WONG commented that the Police should review the ID Parade guidelines if there was any flaw in it.

49. Mr. Lawrence MA remarked that more information would be required if the meeting should continue with the discussion on this subject matter.

50. Dr. Hon. Helena WONG expressed her dissatisfaction that the agenda items raised by her in advance, including “right of mentally incapacitated person”, “guidelines on the use of SCMV” and “ID Parade” were not included in the agenda of the Open Part of the Meeting.

51. SG explained that the agenda items raised by Dr. Hon. Helena WONG were included in the Closed Part after consultation with the Police. It was also agreed that the Police would explain the relevant guidelines and related issues in the Closed Part, as well as answer any question to be raised by IPCC Members in the Open Part.

52. Dr. Hon. Helena WONG further commented that it was her intention to raise the items for discussion in both the Closed and Open Part of the Meeting, as such discussion should not be confined to the Closed Part only.

53. Dr. Vincent Simon HO remarked that it was normal for agenda items to be discussed either in the Closed or Open Part of the Meeting.

54. Hon. Tony TSE commented that the discussion on Force procedures could either be placed in the Open or Closed Part of the meeting. The Police had already explained thoroughly on all

agenda items.

55. Ir Edgar KWAN commented that the principles and procedures on ID Parade had been explained thoroughly by the Police.

56. SG further explained to the meeting the procedures adopted by the Secretariat in setting up the agenda of the meeting.

57. Mr. Richard HO commented that whilst it was the authority of the Chairman to make a final decision on what items to be discussed during the meeting, Members may seek clarification with the Secretariat in advance of the Meeting on agenda items.

58. The Chairman stated that he did not receive any comment from Members regarding the suggested agenda after it had been circulated.

59. SG clarified that it has always been the established practice to consult the Police on Joint Meeting agenda items, as Joint Meeting has been co-participated by both the IPCC and the Police, albeit the final decision on agenda items has been rested with the IPCC Chairman. It is a matter of fact that all the proposed agenda items had been discussed either in the Closed or Open Part of the meeting or both, and that the Police has agreed that they would make representations on the agenda items in the Closed Part and answer questions from IPCC Members in the Open Part. Hence SG was of the view that there has not been any loss or concealment of information to the public.

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

60. SVO(3) reported to the meeting on the progress of CAPO investigation and IPCC's monitoring on complaints related to illegal OCM. As at 19<sup>th</sup> June 2015, IPCC had received 108 investigation reports from CAPO. Of which, eight were under 'Full Investigation', 22 were classified as 'Withdrawn', 73 were classified as 'Not Pursuable' and five were resolved by way of 'Informal Resolution'.

61. Among the eight cases that were under 'Full Investigation,' IPCC was still awaiting the reply from CAPO on three queries. So far, none of the cases under 'Full Investigation' had been endorsed. For the 22 cases classified as 'Withdrawn', while IPCC was awaiting the reply from CAPO on six outstanding queries, 10 cases had been endorsed. For the 73 cases classified as 'Not Pursuable', IPCC was awaiting the reply from CAPO on 20 outstanding queries with 10 cases endorsed. For the five cases that were resolved by way of Informal Resolution, IPCC was waiting for the reply on one outstanding query with one case endorsed.

62. For the 169 RCs, IPCC had so far issued 73 queries to CAPO. In addition, 10 Working Level Meetings were held to discuss the case progress. For the 357 NCs, IPCC had issued 90 queries and five Working Level Meetings were held to discuss the case progress.

**V. Matters Arising**

63. Nothing was raised in the last meeting.

**VI. CAPO's Monthly Statistics**

64. CSP C&IIB reported that a total of 783 RCs was received in the first five months of 2015. When compared with the same period of 2014, it recorded a decrease of 25.4%.

65. Minor complaints such as 'Neglect of Duty', 'Misconduct and Improper Manner & Offensive Language' constituted 74.7% of the total complaints. 'Neglect of Duty' remained as the most prevalent allegations with 391 cases recorded in the first five months of 2015, representing a decrease of 232 cases or 37.2% when compared with the same period of 2014. 194 cases of 'Misconduct/Improper Manner & Offensive Language' were recorded in the first five months and it marked a decrease of 43 cases or 18.1% when compared with the same period of 2014.

66. 196 cases in the category of serious complaint including 'Assault', 'Threat', 'Unnecessary Use of Authority' and 'Fabrication

of Evidence' were received in the first five months of 2015. When compared with 184 cases in the same period of 2014, it recorded a slight increase of 12 cases or 6.5%. The increase was mainly attributed to the allegations of 'Threat' and 'Unnecessary Use of Authority'.

67. CSP C&IIB stressed that minor complaints such as 'Neglect of Duty' accounted for majority of the complaint. Although there was a slight increase in the number of serious complaints, the figures remained at a relatively low level. CAPO was pleased to observe the continuous decreasing trend in the numbers of complaint, which was a reflection of the complaint prevention efforts. Meanwhile, CAPO would continue to monitor the complaint trend and might introduce thematic complaint prevention projects as and when necessary.

68. CSP C&IIB further briefed the meeting that in order to manage public expectation, CAPO would continue to strengthen the communication with the public to enhance their understanding on the complaint handling system. For instance, a video clip on Expression of Dissatisfaction Mechanism had been uploaded onto the Police You Tube and Police Public Web page for public consumption. The video would also be broadcasted at report room of police stations.

## **VII. CAPO's Criminal and Disciplinary Checklist**

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

70. Mr. Lawrence MA asked whether the Disciplinary Checklist was related to criminal cases.

71. CSP C&IIB clarified that the Disciplinary Checklist aimed to record the follow up actions taken after the allegations had been classified as 'Substantiated'.

72. SG briefed the Meeting that he had sent out an explanatory email to Members prior to the meeting regarding the Disciplinary Checklist.

## VIII. Any Other Business

73. Dr. Hon. Helena WONG asked the Police to clarify the operational guidelines of SCMV, the possible harm that it might cause and whether it would be used in a peaceful assembly.

74. CSP C&IIB briefed the meeting on the rationale for the Police to purchase SCMV. The Police had to handle more than 6,000 POEs on yearly basis. Some of the major events had caused serious obstructions to the roads, chaos to traffic and disruption to public order. With a view to effectively policing POEs that lasted for prolonged period or scattered at different places at the same time, the Police had reviewed the current manpower, equipment, and operational plans with references made to overseas LEAs, including but not limited to the UK, Germany, Belgium, Korea and Macau. It suggested that SCMV was an effective measure to handle disorderly protestors when they were charging the police cordon line. The Police had a plan to purchase three SCMVs.

75. CSP C&IIB further elaborated that SCMV was considered as an additional equipment for policing POEs involving serious breaches of peace, particularly in the event that the protestors had occupied major carriageways, attempted in charging police cordon, etc. It provided an alternative in the police operational capability. In addition, SCMV would also help maintaining a safe distance between the disorderly protestors and police, thus lowering the possibilities of injuries for both parties. Guidelines would be drawn up with proper training provided to frontline officers in future after the acquisition. In any event if use of force was considered, only minimum force would be used to achieve the lawful purpose. As far as practicable, warning would also be given, allowing the subjects the opportunity to cease their actions and comply with police instruction. Use of force should cease once the lawful objective had been achieved. The police would not need to resort to use any force if the POEs were conducted in a peaceful and orderly manner.

76. Dr. Hon. Helena WONG requested to have a written reply on the operational guidelines of SCMV.

77. SG clarified that the written reply on SCMV from CAPO had been included in Members' folder.

78. The Chairman agreed that CAPO had already responded to Dr. Hon. Helena WONG's request in writing.

79. DMS further explained that SCMV had yet been procured. Reference would be made with other overseas LEAs before the procurement. She reiterated that the Police would facilitate all lawful and peaceful POEs. Any 'Use of Force' would be compatible with its lawful objective and circumstances. Once the lawful objective was achieved, the use of force should cease.

80. Dr. Hon. Helena WONG requested the Police to provide the guidelines on the use of SCMV when it became available.

81. DMS explained that the guidelines on the use of SCMV would be drawn up after the procurement. However, the guidelines would be for internal operational use and such operational details are restricted information and not suitable for public disclosure. She was of the view that the disclosure of the guidelines would compromise the operational capability and efficiency of the Police.

82. Dr. Hon. Helena WONG commented that the Police should not keep the guidelines confidential.

83. Mr. Richard HO remarked that it would be appropriate for the Police to keep the guidelines confidential. He further opined that it would be unfair for the Police to disclose their 'Use of Force' guidelines.

84. DMS ensured the Meeting that the Police would strive to uphold the integrity of the two-tier complaint system by giving its full support to IPCC in carrying out their statutory functions.

85. The Chairman said that the IPCC Secretariat had conducted a preliminary research of major developed countries on whether their LEAs would upload their 'Use of Force' manuals onto their official webpages. The finding is that there is not such a

practice. There may be similar materials available on internet but these are not from the countries' police website and is difficult to verify the authenticity of the content thereof.

86. There being no other business, the meeting concluded at 1900 hours.

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

( Rebecca LUK)  
Joint Secretary  
Independent Police  
Complaints Council