

**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 1520 hours on Thursday, 24th September 2015**

Present :

Mr Larry KWOK Lam-kwong, BBS, JP (Chairman)
Hon CHAN Kin-por, BBS, 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
Dr MA Hok-ka
Ms WONG Hang-ye, JP
Dr Hon Helena WONG Pik-wan
Mr Adrian YIP Chun-to, BBS, MH, JP
Mr Edwin CHENG Shing-lung, MH
Mr Clement TAO Kwok-lau, BBS, JP
Mr John YAN Mang-ye, SC
Dr Eugene CHAN Kin-keung, JP
Ir Dr Vincent Simon HO
Mr Arthur LUK Yee-shun, BBS, SC
Miss Lisa LAU Man-man, BBS, MH, JP
Ms SO Lai-Chun, MH, JP
Prof Alfred CHAN Cheung-ming, BBS, JP
Dr Eric CHENG Kam-chung, BBS, MH, JP
Mr Richard HO Kam-wing
Ir Edgar KWAN Chi-ping, JP
Mr Ricky CHU, SG
Mr Daniel MUI, DSG
Ms Rebecca LUK, DSG (Joint Secretary)
Ms Cherry CHAN, LA
Ms CHIU Wai-yin, DMS
Mr LI Kin-fai, ACP SQ
Mr CHEUNG Kin-kwong, CSP C&IIB
Mr WONG Kwok-yin, SSP CAPO
Ms LAI Pik-ngor, SP CAPO HQ (Joint Secretary)
In Attendance :

Mr CHAN Yan, SP CAPO HKI (Temp)
Mr CHAN Kwok-ho, SP CAPO K
Ms AU Siu-ping, SP CAPO NT
Ms MAN Ngar-man, CIP CAPO HQ (1)

Mr HUI Chun-ho, CIP CAPO HQ (2)
Ms WONG Ping-ping, ADVC OPS YMTDIV
Mr WOO Kin-chung, CIP H1 CAPO HKI
Mr WONG Shun-shing, CIP H3 CAPO HKI
Mr AU YEUNG Siu-kong, CIP K1 CAPO K
Mr WONG Siu-keung, CIP K2 CAPO K
Ms WAT Yin-kum, CIP K3 CAPO K
Mr YIP Wing-lam, CIP K4 CAPO K
Miss HUNG Kit-har, CIP NT4 CAPO NT
Mr LAW Rocken, SIP IPCC CAPO
Mr CHAU Kwok-chung, SIP NT1a CAPO NT
Mr KHAN Kdnan, PC PSU 3 TSTDIV
Mr HUNG Ka-wai, PC MESU YMTDIV
Hon Christopher CHEUNG Wah-fung, SBS, JP
Hon Kenneth LEUNG Kai-cheong
Ms Mary Teresa WONG Tak-lan
Mr Herman HUI Chung-shing, SBS, MH, JP
Mr Peter YAN King-shun

Absence with
apologises:

(Vice-chairman)

PART A OPEN MEETING

Opening Address

The Chairman welcomed all to the meeting.

I. Confirmation of Minutes of the Meeting held on 25th June 2015 **(Open Part)**

2. DSG (MGT) proposed two textual amendments to para 13 and para 85, the revised version was shown as below :

Para 13 :overseas law enforcement agencies (LEAs) had similar disclosures to the public, the Chairman supplemented

Para 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.

3. The amendments were agreed and the minutes were then confirmed.

II. Presentation on ‘Project Gemstone’

4. CSP C&IIB briefed the meeting that Yau Tsim District initiated a Project called ‘Gemstone’ in 2013 to engage the Non-Ethnic Chinese (NEC) youth by organising a series of Chinese lessons and community activities. The project helped improve the community relations which was conducive to preventing avoidable complaints arisen from misunderstanding. The project was a success and had won the gold prize in the 2015 Civil Service Outstanding Service Award. He then invited Ms. WONG Ping-ping, ADVC OPS YMTDIV to introduce the ‘Project Gemstone’.

5. ADVC OPS YMTDIV gave an overview of the ‘Project Gemstone’. She explained the rationale behind this Project as there were many NEC groups in YTDIST. The project aimed to help the NEC youth overcome language barrier so as to facilitate them integrating with the community and seeking employment.

6. ADVC OPS YMTDIV briefly elaborated the programmes of the project and the fruitful results attained in the past two years. The presentation was rounded up with a personal sharing by a police constable Mr. KHAN Adnan who was a successful graduate of the ‘Project Gemstone’ and became a police constable in 2014.

7. Ms. Ann SO, Dr. Hon. Helena WONG, Ms. Sandy WONG and Mr. IP Shing-hing had shown their appreciation and support to the Project in engaging the NEC community. In response to their concerns on :

- i) Future development of the Project; and
- ii) Suggestion to engage younger NEC;

ADVC OPS YMTDIV replied that this was a long term Project to engage the NEC community and hopefully more activities would be organized in the future.

8. DMS supplemented that a Force Working Group on NEC led by an Assistant Commissioner of Police had been set up to coordinate Force effort in engaging NEC community. In light of the local features of respective police districts, similar engagement projects were in fact conducted in YLDIST and KWTDIST. She further explained that ‘Project Gemstone’ was designed to assist NEC in seeking employment and therefore, its target participants were the youth aged between 16 and 25. Nonetheless, there were other engagement activities provided by the Junior Police Call for the younger NEC community.

9. Dr. Vincent Simon HO, Mr. Adrian YIP, Ms. Lisa LAU and the Chairman also recognized the Force effort in extending such services to the minority.

10. In response to the Chairman’s suggestion to lower the Chinese language requirement so as to facilitate more NEC in joining the Force, DMS reiterated that the Force was required to observe the Civil Service’s employment requirements. Besides, police officers were required to compile reports in Chinese in many different situations. Therefore, the requirement of language proficiency could not be compromised.

III. Update on complaint statistics and progress of investigation in the Occupy Central Movement (OCM) series of incidents

11. CSP C&IIB reported that as at 21st September 2015, 2,078 complainants had lodged complaints in relation to the illegal OCM. Among them, 1,180 complainants or 57% related to incidents occurred on Hong Kong Island, 898 complainants or 43% related to incidents occurred in Mong Kok area. 172 cases had been classified as ‘Reportable Complaints’ (RC), while 355 cases had been classified as ‘Notifiable Complaints’ (NC).

12. CSP C&IIB went on to report the breakdown of the cases by allegations. For the 172 RCs involving 177 complainants, there were 64 allegations of ‘Assault’, 53 allegations of ‘Misconduct/Abusive Language/Impoliteness’, 39 allegations of ‘Neglect of Duty’, 12 allegations of ‘Unnecessary Use of Authority’, two allegations of ‘Threat’ and two allegations of ‘Fabrication of

Evidence'. As for the 355 NCs, the major allegations included 697 'Assault', 560 'Unnecessary Use of Authority', 359 'Neglect of Duty', 279 'Misconduct/Abusive Language/Impoliteness' and six 'Fabrication of Evidence'.

13. Among the 2,078 complainants, only 177 or 9% were directly affected by the police conduct. The remaining 91% of the complainants lodged the complaints after they had learned the incidents through media reports. For the 172 RCs, 21 cases or 12% would be fully investigated while another 8 cases were categorized as 'Sub-Judice'. 30 cases were classified as 'Withdrawn' and 7 cases were dealt with by way of 'Informal Resolution'. There were 104 cases that the complainants were uncooperative as they did not come forward to give evidence or statements, rendering further investigations not possible. While those cases would be classified as 'Not Pursuable', CAPO was still awaiting the responses of the complainants in the remaining two cases.

14. As at 21st September 2015, CAPO had completed the investigation of 150 cases (87% of all the RCs), and submitted the investigation reports to IPCC for endorsement. Among these 150 reports, 17 were 'Full Investigation' Reports, 30 were 'Withdrawn' Reports, 7 were 'Informal Resolution' Reports and 96 were 'Not Pursuable' Reports. IPCC had endorsed 64 reports with queries raised to 87 cases.

15. The Chairman asked when would the investigation of the remaining 22 RCs be completed.

16. CSP C&IIB responded that the investigation progress had been satisfactory. He anticipated that all the investigation on RCs, except the 'Sub-Judice' cases, would be completed by end of 2015.

17. Dr. Hon. Helena WONG questioned whether the endorsement of the remaining RCs could be completed by end of 2015 while Mr. Lawrence MA asked the reason for a large number of 'Assault' allegations being categorized as NCs.

18. CSP C&IIB reiterated that CAPO would complete the investigation of all the RCs by end of 2015 but the timeline of

endorsement by IPCC was out of the purview of CAPO. He further explained that many complainants lodged the complaints after they had learned the incidents through media reports. Since they were not the aggrieved parties, their reports were categorized as NC.

IV. Monitoring of complaints investigation in connection with Police actions in the Occupy Central Movement (OCM)

19. DSG reported to the meeting on the progress of CAPO investigation and IPCC's monitoring on complaints related to illegal OCM. As at 23rd September 2015, IPCC had received 150 investigation reports from CAPO. Of which, 17 were under 'Full Investigation', 30 were classified as 'Withdrawn', 96 were classified as 'Not Pursuable' and seven were resolved by way of 'Informal Resolution'.

20. Among the 17 cases that were under 'Full Investigation', IPCC had already endorsed three cases. IPCC was still awaiting the reply from CAPO on five queries. For the 30 cases classified as 'Withdrawn', while IPCC was awaiting for the reply from CAPO on five outstanding queries, 17 cases had been endorsed. For the 96 cases classified as 'Not Pursuable', IPCC was waiting for the reply from CAPO on 16 outstanding queries while 40 cases had been endorsed. For the seven cases that were resolved by way of 'Informal Resolution', IPCC was waiting for the reply on one outstanding query and that four cases had been endorsed.

21. For the 172 RCs, IPCC had so far issued 101 queries to CAPO. In addition, 13 Working Level Meetings were held to discuss case progress. For the 355 NCs, IPCC had issued 113 queries with seven Working Level Meetings held to discuss case progress.

22. DSG reiterated that four special vetting teams had been set up to scrutinize all the complaints in relation to OCM so as to speed up the vetting process. He supplemented that IPCC would take around two to three months to scrutinize the final batch of cases expected from CAPO by end of year.

V. Matters Arising

23. Dr. Hon Helena WONG asked about the revised police tactics in the management of Public Order Events (POEs) as reported by the media. She was of the view that the guidelines on the 'Use of Force' should be disclosed to the public.

24. CSP C&IIB explained again the principles on the 'Use of Force' to the Meeting. He reiterated that the Force respected the public's right for expression and freedom of speech. The Force would facilitate and assist in all peaceful public order events. For operational reasons, the guideline on the 'Use of Force' would not be disclosed to the public.

25. DMS further stated that the Force would not resort to using force if the POEs were held peacefully. The police would facilitate lawful and peaceful POEs to ensure the safety of all the participants.

26. Mr. Lawrence MA commented that the police should take resolute action if illegal occupation recurred.

27. In response to Dr. Hon Helena WONG's repeated request to disclose the operational guidelines on the 'Use of Force', the Chairman, Dr. Eugene CHAN, Dr. Vincent Simon HO and Ms. Sandy WONG expressed their opinions that it was neither desirable nor appropriate to press the Force for disclosure. The topic could be discussed if there was any specific complaint related to the 'Use of Force' received in the future.

VI. CAPO's Monthly Statistics

28. CSP C&IIB reported that a total of 1,162 RCs was received in the first eight months of 2015. When compared with the same period of 2014, it recorded a decrease of 26.6%.

29. Minor complaints such as 'Neglect of Duty', 'Misconduct' and 'Improper Manner & Offensive Language' constituted 73.8% of the total complaints. 'Neglect of Duty' remained as the most prevalent allegation with 567 cases recorded in the first eight months

of 2015, representing a decrease of 40.2% when compared with the same period of 2014. 290 cases of 'Misconduct/Improper Manner & Offensive Language' were recorded in the first eight months and it marked a decrease of 16.2% when compared with the same period of 2014.

30. In the category of serious complaint, 156 cases of 'Assault' were recorded in the first eight months of 2015 representing a slight increase of 4% when compared with the same period in 2014. There was a marked decrease (-26%) of 'Fabrication of Evidence' from 34 cases to 25 cases in the first eight months of 2015. 82 cases of 'Threat' were recorded in the first eight months of 2015, which represented an increase of 24% when compared with the same period in 2014. Analysis revealed that one fifth (20%) of those cases were registered as 'Sub-Judice'. There was also an increase of 9 cases for the allegation of 'Unnecessary Use of Authority' when compared with the first eight months of 2014.

31. 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. The continuous decreasing trend in the number of complaint was a reflection of the complaint prevention efforts and the Force dedication to enhance the personal and professional qualities of police officers. Project 'Leap' initiated by CAPO was a fine example that the concept of service quality was inculcated into the police recruits at their very early stage of police career.

32. Dr. Vincent Simon HO commented on a recent deception case involving a visitor being misled to purchase goods at unreasonable price. This trade malpractice was governed under the Trade Descriptions Ordinance (TDO). He would like to enquire the Force procedures in handling such cases.

33. CSP C&IIB explained to the meeting the established referral mechanism in handling the complaints related to TDO. The Customs and Excise Department (C&E) was the enforcement

authority of TDO. The Force would refer cases under TDO to C&E by memo. Nevertheless, depending on the nature and urgency of individual case, such as the informant was a short-haul visitor, then C&E might consider taking instant action if situation so required.

34. The Chairman remarked that the continuous decreasing complaint trend was reflective of persistent complaint prevention effort by CAPO and the effectiveness of the established complaint handling system.

VII. CAPO's Criminal and Disciplinary Checklist

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

36. Mr. Tony TSE enquired the Force appeal mechanism on the findings of disciplinary proceedings.

37. CSP C&IIB explained that should complainee dissatisfy with the findings of complaint investigation, the officer could appeal to ACP SQ. For disciplinary action recommended by CAPO, the case would be referred to the complainee's Major Formation for follow up action. Disposal methods included minor offence report or formal disciplinary proceedings.

38. DMS supplemented that the Force administered disciplinary related matters in accordance with the Police (Discipline) Regulations. Complainee could file an appeal to ACP P or DCP MAN, or in rare cases resort to judicial review if the officer was dissatisfied with the disciplinary findings and awards.

VIII. Any Other Business

39. Vice Chairman CHAN Kin-por enquired the investigation progress of a complaint case involving an "Assault" allegation against a retired Superintendent.

40. CSP C&IIB replied that a comprehensive report was submitted to the Department of Justice on 29th July 2015 for legal

advice and result was awaiting. He reiterated that CAPO respected IPCC's comments. Once the advice from DoJ was available, CAPO would examine it thoroughly and revert to the IPCC timely.

41. There being no other business, the meeting concluded at 1710 hours.

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

(Rebecca LUK)
Joint Secretary
Independent Police
Complaints Council