

**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 1500 hours on Thursday, 17th March 2016**

Present :

Mr Larry KWOK Lam-kwong, BBS, JP (Chairman)
Hon Christopher CHEUNG Wah-fung, SBS, JP (Vice-chairman)
Mr Lawrence MA Yan-kwok
Mr IP Shing-hing, JP
Ms LAU Yuk-kuen
Ms WONG Hang-yea, JP
Ms Mary Teresa WONG Tak-lan
Mr Adrian YIP Chun-to, BBS, MH, JP
Mr Clement TAO Kwok-lau, BBS, JP
Dr Eugene CHAN Kin-keung, JP
Ir Prof Vincent Simon HO
Mr Arthur LUK Yee-shun, BBS, SC
Miss Lisa LAU Man-man, BBS, MH, JP
Ms SO Lai-Chun, MH, JP
Dr Eric CHENG Kam-chung, BBS, MH, JP
Mr Herman HUI Chung-shing, SBS, MH, JP
Ir Edgar KWAN Chi-ping, JP
Mr Barry CHIN Chi-yung
Mr Ricky CHU, SG
Mr Daniel MUI, DSG (OPS)
Ms Rebecca LUK, DSG (MGT) (Joint Secretary)
Mr LI Kin-fai, DMS
Mr CHEUK Hau-yip, ACP SQ
Mr CHEUNG Kin-kwong, CSP C&IIB
Mr WONG Kwok-yin, SSP CAPO
Ms AU Siu-ping, SP CAPO HQ (Joint Secretary)

In Attendance :

Mr SO Chun-kwong, SP CAPO HKI
Mr AU YEUNG Siu-kong, SP CAPO K (Temp)
Mr LAW Shui-sum, SP CAPO NT
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 CHIU Yik-man, CIP K5 CAPO K
Ms MAO Lee-sha, CIP NT3 CAPO NT
Mr LAW Rocken, SIP IPCC CAPO
Ms CHAN Sin-wern, SIP H1b CAPO HKI

Mr CHAN Hok-lun, IP K3a CAPO K
Ms FUNG Kwok-ching, SIP NT4b CAPO NT
Absence with Hon CHAN Kin-por, BBS, JP (Vice-chairman)
apologises: Hon Tony TSE Wai-chuen, BBS (Vice-chairman)
Present : Hon Kenneth LEUNG Kai-cheong
Dr MA Hok-ka
Dr Hon Helena WONG Pik-wan
Mr John YAN Mang-ye, SC
Prof Alfred CHAN Cheung-ming, BBS, JP
Mr Richard HO Kam-wing
Mr Peter YAN King-shun
Mr Jose Antonio MAURELLET
Ms Cherry CHAN, LA

PART B OPEN MEETING

Opening Address

The Chairman welcomed all to the meeting.

I. Confirmation of Minutes of the Meeting held on 8th December 2015 (Open Part)

2. The minutes of the last meeting (Open Part) were confirmed with no amendment proposed.

II. Presentation on 'Project RESPECT'

3. CSP C&IIB briefed the meeting that with a view to providing quality service and reducing avoidable complaints by enhancing the roles of Detective Sergeant in the context of service delivery, professionalism and supervision, the Regional Committee on Complaints Prevention of New Territories North (NTN) had launched a complaint prevention project called 'Project RESPECT' (the Project). A 6-month pilot scheme was first launched in Yuen Long District (YLDIST) in July 2014. A subsequent review showed a notable decline in the number of complaints against the crime officers of YLDIST. In light of the encouraging result, the Project was extended to all crime formations in NTN Region in January 2015. He then invited Chief Inspector WONG Yick-lung,

Andy, CIP CRM TMDIST to give a presentation on the Project.

4. CIP CRM TMDIST gave an overview of the complaints trend in YLDIST and the rationale behind the Project. In order to provide quality service and reduce the number of complaints against the crime officers, a detailed analysis on the complaints trends and nature of allegations was conducted. The analysis revealed that many minor complaints were attributed to the miscommunication with members of the public or misunderstanding on investigators' roles and police procedures in criminal investigation. Therefore, the Project was launched to strengthen the supervisory roles of Detective Sergeant in communicating with members of the public and ensuring the compliance of relevant procedures by their subordinates.

5. CIP CRM TMDIST went on to say that the Project met with positive feedbacks from both the frontline officers and members of the public. It did not only enhance the complaint prevention awareness of the officers but also helped create a harmonic relationship with the public, thereby reducing the number of minor and trivial complaints. The Project had been proven effective in complaints prevention and service improvement, hence, it was given due consideration for Force-wide application.

6. Mr Arthur LUK, and Ms Sandy WONG expressed their support and appreciation to the Project. They noted that general public were not familiar with police work and legal process, which might lead to their dissatisfaction with police services. The Project was a good initiative to enhance communication and manage public expectation. They recommended to incorporate the Project in the appropriate training course and, where appropriate, upload information of criminal investigation procedures on police public page.

7. CSP C&IIB responded that the spirit and useful materials of the Project have been incorporated in the Standard Criminal Investigation Course. He also stated that certain information on police procedures or guidelines, such as Victim's Charter, had already been uploaded to the Police public page for reference.

8. Mr Lawrence MA enquired if complaints against police officer in NTN were mainly related to criminal investigation work conducted by the District Investigation Teams.

9. CSP C&IIB explained that majority of the complaints stemmed from traffic enforcement action, crime prevention operations, such as Stop and Search, and criminal investigation work. Nonetheless, these complaints were of minor nature and attributed to the misunderstanding and misconception on police procedures. In the past, investigators might have focused too much on case detection and therefore showed lesser attention or sympathy to the victims. The spirit of the Project was to enhance communication between police and public, foster a caring culture and strengthen the role of supervisory officers. The success of the Project was indeed one of the contributing factors of the significant decrease of the overall complaint figures in 2015.

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

10. CSP C&IIB reported that as at 11th March 2016, 2,080 complainants lodged complaints in relation to the illegal OCM. A total of 172 cases were classified as 'Reportable Complaints' (RC), while 356 cases were classified as 'Notifiable Complaints' (NC).

11. He went on to report the progress of the investigations. For the 172 RCs, 26 cases or 15.1% were fully investigated. While there were 3 cases still being categorized as 'Sub-Judice', one case was re-opened from 'Sub-Judice' but pending reply from the complainant. There were 30 cases classified as 'Withdrawn', 7 cases dealt with by way of 'Informal Resolution' and 105 cases classified as 'Not Pursuable'.

12. As at 11th March 2016, CAPO had completed the investigation of 168 cases (97.7% of all RCs) and submitted the investigation reports to IPCC for endorsement. Among these 168 reports, there were 26 'Full Investigation' Reports, 30 'Withdrawn' Reports, 7 'Informal Resolution' Reports and 105 'Not Pursuable' Reports. IPCC had endorsed 148 reports with 108 queries raised.

For the remaining 3 ‘Sub-Judice’ cases, CAPO would commence the complaint investigation once the related criminal investigation and proceedings were concluded.

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

13. DSG (OPS) reported that there were 20 outstanding cases being examined by IPCC, including 12 ‘Full Investigation’ Reports and 8 ‘Not Pursuable’ Reports. IPCC had endorsed 148 cases that included 14 ‘Full Investigation’ Reports, 30 ‘Withdrawn’ Reports, 97 ‘Not Pursuable’ Reports and 7 ‘Informal Resolution’ Reports.

14. For the 172 RCs, IPCC had so far issued 133 queries to CAPO. In addition, 16 Working Level Meetings were held to discuss progress of cases.

15. IPCC aimed at completing the scrutiny of all OCM related cases, less the 3 ‘SJ’ cases, in April 2016.

V. Matters Arising

16. SG briefed the meeting that upon the conclusion of all OCM cases, IPCC would consider releasing a report to outline the significant observations arising from the complaints to members of the public.

VI. CAPO’s Monthly Statistics

17. CSP C&IIB reported that a total of 1,547 RCs were received in 2015. When compared with 2,267 RCs in 2014, it recorded a decrease of 31.8%. The complaint figure in 2015 was a record low in the past decade.

18. Minor complaints such as ‘Neglect of Duty’, ‘Misconduct/Improper Manner and Offensive Language’ constituted 73.8% of the total complaints. ‘Neglect of Duty’ remained as the

most prevalent allegation with 733 cases recorded, representing a decrease of 42.4% when compared with 2014. 409 cases of ‘Misconduct/Improper Manner and Offensive Language’ were recorded and it marked a decrease of 20.3% when compared with 2014.

19. Turning to serious complaint, there was a drop in both ‘Assault’ and ‘Fabrication of Evidence’ allegations. 199 cases of ‘Assault’ were recorded, representing a marked decrease of 31.1% when compared with 2014. For ‘Fabrication of Evidence’, 44 cases were recorded which represented a decrease of 8.3% when compared with 2014. 110 cases of ‘Threat’ were recorded which represented an increase of 25% when compared with 2014. Analysis revealed that around 20% of these cases were regarded as technical complaints which were treated as ‘Sub-Judice’. Besides, the allegation of ‘Unnecessary Use of Authority’ saw an increase of three cases from 47 to 50 when compared with 2014.

20. In sum, the continuous downward complaint trend in 2015 was a direct reflection of the effectiveness and achievement of the complaint prevention initiatives adopted by the Force. The decreasing trend was also contributed by the implementation of the ‘Expression of Dissatisfaction Mechanism’ that had effectively resolved some potential reportable complaints of minor nature at its very early stage.

21. CSP C&IIB reiterated that CAPO would continue the complaint prevention initiatives in order to provide quality service to members of the public. CAPO would handle all the complaints professionally and impartially to safeguard the integrity of the two-tier complaints system.

VII. CAPO’s Criminal and Disciplinary Checklist

22. CSP C&IIB briefed the meeting that CAPO had been closely monitoring the progress of those disciplinary actions taken against the police officers as per the checklist.

23. Ms Sandy WONG commented that CAPO should complete the post-endorsement enquiries as soon as possible. CSP C&IIB responded that CAPO would endeavour to complete the outstanding actions and investigations as far as practicable.

VIII. Statistics – Complaints arising from Mongkok Riot on 9 February 2016

24. CSP C&IIB reported that the riot in Mongkok on 9th February 2016 was an outrageous and condemnable violent crime. Within a span of ten hours, rioters attacked police officers and intentionally set fire on the roadway. These egregious behaviours resulted in the injury of 103 police officers and damage of both private and government properties, such as taxi and police vehicles. An officer who suffered serious injury to his head by a brick thrown by the rioters was immediately sent to hospital for surgery. The riot was a premeditated and organised crime. To date, a total of 76 persons were arrested with 50 of them charged with the offences of ‘Arson’, ‘Riot’ and ‘Unlawful Assembly’, etc. The Police would continue all the effort to investigate the case and bring the rioters to justice as soon as possible.

25. As a result of the riot, CAPO had received a total of 25 ‘Reportable Complaints’ (RC) involving 27 complainants, and 5 ‘Notifiable Complaints’ (NC) involving 30 complainants.

26. Among the 25 RCs involving 27 allegations, there were 20 allegations of ‘Assault’, one allegation of ‘Misconduct’, 4 allegations of ‘Neglect of Duty’ and 2 allegations of ‘Threat’. As for the 5 NCs involving 30 allegations, there were 2 allegations of ‘Assault’, 7 allegations of ‘Unnecessary Use of Authority’, one allegation of ‘Misconduct’ and 20 allegations of ‘Neglect of Duty’.

27. CSP C&IIB further reported the progress of the investigations. For the 25 RCs, one case was under full investigation while another 6 cases were categorized as ‘Sub-Judice’. One case was classified as ‘Withdrawn’ and 14 cases were pending response from the complainants. For the remaining 3 cases, CAPO was unable to contact the complainants as they did not

provide any means of contact. For the 5 NCs, CAPO had contacted 11 complainants while another 14 complainants had not responded to CAPO so far. For the remaining 5 complainants, CAPO was unable to contact them for lacking valid means of contact.

28. Mr Lawrence MA raised concerns on how the Force could better obtain and gather information through the social media so that similar incident could be avoided.

29. CSP C&IIB replied that on that night the rioters were instigated and mobilized through the social media. They gathered very fast, well-equipped and acted violently to make the situation worse quickly. After the incident, an internal review headed by the Deputy Commissioner of Police (Management) would be conducted. To ensure the comprehensiveness and voices of frontline officers could be heard, representatives from the four Police Staff Associations were invited to join the review committee for the first time. The first meeting was indeed held on 19th February 2016.

30. The Chairman asked CAPO when the complaint investigation reports could be submitted to IPCC. CSP C&IIB responded that unlike OCM related cases, complaints arising from Mongkok Riot were mostly 'Sub-judice' in nature. CAPO was unable to provide a time-line for submission of investigation reports at this stage. It was the principle that complaint investigations could only be conducted upon the conclusion of the criminal investigation or court proceedings. Nonetheless, progress of the investigation would be closely monitored by the Serious Complaints Committee (SCC) of IPCC with monthly updates submitted by CAPO.

31. Hon Chris CHEUNG expressed his appreciation to the officers involved in combating the Mongkok Riot. He asked if the Force would consider commending those officers who displayed courage and tenacity of high order in the incident. He expressed his concern if complaint cases would hinder the award of commendation to the officers who did well but were subjects of complaint. CSP C&IIB clarified that the issues of complaint and commendation should be separately dealt with. While senior officers would consider the award to officers for their outstanding

performance, complaint investigation would be impartially investigated.

32. DSG (OPS) supplemented that SCC had already received the progress report on Mongkok Riot related complaints from CAPO. SCC would continue to monitor the progress of investigation and deal with them as soon as possible. CSP C&IIB reassured that CAPO would endeavour to complete the investigation and submit the reports to IPCC without undue delay.

33. Miss Lisa LAU and Ir Edgar KWAN raised that if complainants declined to provide any means of contact or identity, the cases should not be registered as a complaint or at least should not be categorized as a RC. CSP C&IIB stressed that CAPO would adhere to the requirements of IPCCO and follow the standing procedures to deal with all the reports of complaint. CAPO would advise complainant to provide a valid means of contact and proper identity for verification and seek for their assistance as much as possible.

IX. Any Other Business

34. On behalf of the meeting, Dr Eugene CHAN bade farewell to Mr Lawrence MA upon the completion of his 6-years tenure as an IPCC Member.

35. There being no other business, the meeting concluded at 1610 hours.

(AU Siu-ping, Pinky)
Joint Secretary
Complaints and Internal
Investigations Branch

(Rebecca LUK)
Joint Secretary
Independent Police
Complaints Council