

**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 1510 hours on Monday, 3rd October 2016**

Present :

Mr Larry KWOK Lam-kwong, BBS, JP	(Chairman)
Hon CHAN Kin-por, BBS, JP	(Vice-chairman)
Hon Chris CHEUNG Wah-fung, SBS, JP	(Vice-chairman)
Mr Tony TSE Wai-chuen, BBS	(Vice-chairman)
Mr IP Shing-hing, JP	
Ms LAU Yuk-kuen	
Ms Sandy WONG Hang-yee, JP	
Dr Hon Helena WONG Pik-wan	
Ms Mary WONG Tak-lan	
Mr Adrian YIP Chun-to, BBS, MH, JP	
Mr Clement TAO Kwok-lau, BBS, JP	
Mr John YAN Mang-yee, SC	
Dr Eugene CHAN Kin-keung, BBS, JP	
Ir Prof Vincent 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 Richard HO Kam-wing	
Mr Herman HUI Chung-shing, SBS, MH, JP	
Ir Edgar KWAN Chi-ping, JP	
Mr Barry CHIN Chi-yung	
Mr Clement CHAN Kam-wing	
Mr Wilson KWONG Wing-tsuen	
Mr Richard YU, 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. HO Kai-hin, SSP FT	
Ms TSANG Chiu-tong, SP RT SPT	
Ms MAO Lee-sha, SP CAPO HKI	
Mr AU YEUNG Siu-kong, SP CAPO K	

Mr CHAN Chi-yung, SP CAPO NT
Ms WAT Yin-kum, CIP CAPO HQ (1)
Mr WONG Shun-shing, CIP CAPO HQ (2)
Mr CHEUNG Ka-ho, CIP H3 CAPO HKI
Ms NG Ching-no, CIP K4 CAPO K
Ms HO Tsz-in, SIP IPCC CAPO
Mr TAI Hung, IP H1a CAPO HKI
Ms LAM Yi Anson, SIP H3a CAPO HKI
Mr LEE Lap-man, SIP H4a CAPO HKI
Ms KWOK Yin-man, SIP K1a CAPO K
Ms LAW Man-ching, SIP K3b CAPO K
Ms WONG Man-yan, SIP K5a CAPO K
Ms TSE Tsz-ching, SIP NT2a CAPO NT
Mr WONG Yat-sang, SIP NT3a CAPO NT
Mr AU YEUNG Ki, SIP NT4a CAPO NT
Hon Kenneth LEUNG Kai-cheong
Dr MA Hok-ka
Mr Peter YAN King-shun
Mr José-Antonio MAURELLET, SC
Ms Cherry CHAN, LA

Absence with
apologies:

PART B OPEN MEETING

Opening Address

The Chairman welcomed all to the meeting, introduced the newly appointed IPCC Secretary-General Mr Richard YU and thanked the former-IPCC Secretary-General Mr Ricky CHU for his contributions to the meeting in the past years.

I. Confirmation of Minutes of the Meeting held on 23rd June 2016 (Open Part)

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

II. Matters Arising

3. CSP C&IIB briefed the meeting that upon IPCC Secretariat's request, written replies had earlier been submitted regarding the issues of "Review on enhancement measures in the handling of MIPs", "Police handling of sexual crime cases committed against minors", "Complaints arisen from Mongkok Riot" and "Police arrangement on the visit of Mr ZHANG Dejiang".

"Review on enhancement measures in the handling of MIPs"

4. Ms Sandy WONG thanked CAPO for the documents provided. She commented that the "Notice to Appropriate Adult" had not mentioned the seeking of legal representation by the appropriate adult when accompanying MIP to give statement. CSP C&IIB replied that he would refer such view to the MIP Working Group for information.

5. Dr Hon Helena WONG asked if there was any limit on the number of appropriate adult and if MIP could be accompanied by both legal representative and appropriate adult at the same time. CSP C&IIB replied that MIP could be accompanied by legal representative and appropriate adult who could offer respective assistance to the MIP. The main purposes were to protect the MIP's interest as well as facilitate communication with the MIP. Ms Sandy WONG opined that suitable guidelines should be given to frontline officers on assessing the number of appropriate adult to be present when interviewing MIPs. DMS supplemented that if that was so required and in the interest of a MIP suspect, the request for more than one legal representative and one appropriate adult would be entertained subject to the circumstances of the case.

6. Ms Sandy WONG appreciated the Care Card concept and asked about its adoption rate by relevant organizations. She also suggested using appropriate words in the card in order not to label the MIP. CSP C&IIB replied that there was no immediately available information about the adoption rate. He added that the Care Card was devised after deliberation with relevant NGOs and its purpose was to help MIPs in urgent situations.

7. Dr Hon Helena WONG asked why the Child Abuse Investigation Unit (CAIU), as recorded in the “Behavioural Indicator” form, was to consult in case of doubt. She opined that MIPs were not limited to children. CSP C&IIB explained that CAIU was a specialized unit to handle MIP cases in addition to their core concern on serious child abuse cases. Dr Hon Helena WONG opined that the “CAIU” title could not fully reflect its job responsibility. CSP C&IIB agreed to refer her opinion to Crime Wing HQ for information.

“Police handling of sexual crime cases committed against minors”

8. Ms Sandy WONG asked if there was any consultation with NGOs, which were experienced in dealing with sexual crime victims, in devising the practical tools. CSP C&IIB replied that Crime Wing HQ had consulted with the Social Welfare Department in devising those tools. Ms Sandy WONG further commented that the “Sexual Violence Victim Management Form” had not mentioned how to deal with minor sexual violence victims as the form was only used for adult victims. She also urged Police to re-consider keeping the figure of conviction rate of sexual crime against minors. CSP C&IIB responded that he would refer the matters to Crime Wing HQ for information. He further supplemented the difference and the relationship between detection rate and conviction rate as well as the high standard of proof in criminal courts. In particular, he pointed out that the mere using of conviction rate to assess the police performance was not fair. The Chairman summarized the discussion and asked Police to provide internal guidelines or checklists, if any, in handling sexual crime against victims.

“Complaints arisen from Mongkok Riot”

9. Dr Hon Helena WONG asked if there was any evidence to prove that the riot was organized and premeditated. CSP C&IIB replied that those cases were either on judicial process or under investigation by the Organized Crime and Triad Bureau, therefore, he would not further comment due to its sub-judice nature. Mr Arthur LUK Yee-shun supported that it was inappropriate for the Meeting to further discuss the incident because there were

impending court trials.

10. Mr IP Shing-hing cited the research conducted by CAPO on the necessary installation of CCTV inside police vehicles and asked why Police did not consider installing CCTV inside police vehicles. CSP C&IIB replied that installation of CCTV inside police vehicles involved privacy issue and the Force did not consider the CCTV installation necessary at this stage. He highlighted that assault allegations could take place anywhere and it was impossible to install CCTV to cover everywhere. DSG (OPS) tabled the figures of assault complaints arisen from Mongkok Riot for discussion. He reported that there were 23 complaint cases involving 28 assault allegations, among which only 3 alleged assaults took place inside police vehicles. Dr Hon Helena WONG insisted the necessity to install CCTV inside police vehicles in order to protect both the interest of arrested persons and police against complaints. The Chairman asked if the police would assign the Policy Wing to further look into the matter. CSP C&IIB agreed to reflect Members' opinion to the respective Policy Wing.

“Police arrangement on the visit of Mr ZHANG Dejiang”

11. Dr Hon Helena WONG stated that police had not followed the IPCC's recommendations deliberated after the review of the visit of Mr LI Keqiang in 2011. She was particularly dissatisfied with the distant location of “Designated Public Activity Areas” (DPAA) regarding the visit of Mr ZHANG Dejiang in May 2016. CSP C&IIB responded that Police had adopted all the IPCC's eight recommendations and explained the details of the measures. He stressed that Police had conducted professional risk assessment and considered the related terrorist factor, striking a balance between the safety of NPCSC Chairman and the public's rights to assemble and express their views. He supplemented that there was only one complaint arisen from the visit of Mr ZHANG Dejiang. DSG (OPS) then tabled and compared the previous IPCC's eight recommendations and the measures taken during the visit of Mr ZHANG Dejiang for discussion. Mr IP Shing-hing asked if there was any mechanism to ensure improvements in future operations. CSP C&IIB replied that after the conclusion of each and every operation, Police would conduct an “After Action Review” for the sake of improvement in the future operation.

III. Presentation on Complaint Prevention Training for New Recruits

12. SSP FT introduced the foundation training for recruits in Police College and highlighted Project LEAP in relation to prevention of complaints. Project LEAP, co-organized by CAPO and Police College, aimed at enhancing the professionalism of frontline officers when dealing with incidents that might develop into a complaint. The project consisted of two main parts, namely, practical exercise and service enhancement workshop. In September 2015, Project LEAP was incorporated into the syllabus of the foundation training for police recruits.

13. Ms Sandy WONG asked if there was any measurement on the effectiveness of the Project. SSP FT replied that assessment would be conducted during the training sessions and comments would be given to recruits for future improvement. Dr Hon Helena WONG asked if there was any training on handling MIP and sexual violence crime whereas Mr IP Shing-hing enquired if there was any training on the handling of NECs. SSP FT replied both in affirmative.

IV. Update on complaint statistics and progress of complaint investigation arising from Occupy Central series of incidents and Mongkok Riot on 8 February 2016

14. CSP C&IIB reported that as at the end of September 2016, CAPO had received a total of 529 complaints in relation to the OCM involving 2,080 complainants, including 172 ‘Reportable Complaints’ (RC) that concerned 177 complainants and 357 ‘Notifiable Complaints’ (NC) that involved 1,903 complainants.

15. CSP C&IIB further reported that among the 172 RCs, 27 cases were fully investigated; 30 cases were classified as ‘Withdrawn’; 106 cases were classified as ‘Not Pursuable’ and 7 cases were dealt with by way of ‘Informal Resolution’. The remaining 2 cases were still being categorized as ‘Sub-judice’.

16. Regarding the investigation progress, CAPO had completed the investigation of 169 cases and submitted the investigation reports to IPCC. IPCC had already endorsed 168 reports with 110 queries raised. For the 2 ‘Sub-judice’ cases, one was related to a criminal case and the other was related to a civil case.

17. CSP C&IIB went on to report the complaint statistics relating to Mongkok Riot. As at the end of September 2016, CAPO had received a total of 33 complaints, including 28 RCs involving 30 complainants and 5 NCs involving 32 complainants.

18. CSP C&IIB further reported that among the 30 complainants in the 28 RCs; one opted for full investigation, 9 agreed to adopt ‘Sub-Judice’ procedure; 3 opted to withdraw their complaints and 16 were classified as ‘Not Pursuable’. CAPO was still waiting for the response from one complainant.

19. Regarding the investigation progress, CAPO had completed the investigation of 17 cases, comprising 3 cases of “Withdrawn” and 14 cases of “Not Pursuable”, and submitted the investigation reports to IPCC. IPCC had already endorsed one case of “Withdrawn” and 3 cases of “Not Pursuable”. CAPO would commence complaint investigation of the 9 ‘Sub-Judice’ cases after the conclusion of the criminal cases.

20. Ms Sandy WONG commented that for the “Not Pursuable” cases, there might be certain information that required to be followed up. CSP C&IIB responded that all the complaint cases related to OCM and Mongkok Riot were subject to close examination by the Serious Complaints Committee and some queries were raised from “Not Pursuable” cases.

V. **Monitoring of complaint investigation work of CAPO in connection with Occupy Central series of incidents and Mongkok Riot on 8 February 2016**

21. DSG (OPS) reported that IPCC was still examining one case in connection with OCM and requested CAPO to conduct further investigation on that case. Besides, there were 3 other cases

in the hands of CAPO, namely, one re-opened case after the conclusion of civil suit and two “Sub-judice” cases. He supplemented that among the remaining 168 submitted RCs, 30 cases were classified as “Withdrawn” and “105” cases were classified as “Not Pursuable”. Notwithstanding the classifications of “Withdrawn” or “Not Pursuable”, CAPO had put extra efforts to contact the complainants and IPCC had examined the available evidence to see if a definite finding could be reached prior to the endorsement of the investigation result.

22. He went on to report the monitoring of complaint investigation arisen from the Mongkok Riot. There was a total 28 RCs and CAPO had submitted 17 reports with investigation results of “Withdrawn” or “Not Pursuable”. For “Assault” allegations, there were 28 allegations in 23 cases. The complainants of 21 cases were arrested by police and 18 of them were subsequently charged to court. After legal advice, charges were proceeded in 15 cases while charges were withdrawn in 3 cases. The Chairman supplemented and shared a case with the meeting, indicating the serious attitude adopted by CAPO and close scrutiny by IPCC.

VI. CAPO’s Monthly Statistics

23. CSP C&IIB reported that 936 RCs were registered between January and August 2016. When compared with 1159 RCs in the same period of 2015, it recorded a decrease of 19.2% (223 cases). Besides, 888 EDMs were registered which represented an increase of 8.6% (70 cases) when compared with 818 EDMs in the same period of 2015. The projected RC figure for the year 2016 was about 1400, showing a decrease of about 9%.

24. Minor complaints constituted the majority of the complaints which was 76% of the total complaints between January and August 2016. For ‘Neglect of Duty’, 479 cases were recorded, representing a decrease of 12.4% when compared with 547 cases in the same period of 2015. For ‘Misconduct/Improper Manner and Offensive Language’, 232 cases were recorded, representing a decrease of 25.2% when compared with 310 cases in the same period of 2015.

25. Turning to serious complaints, there was also a decrease between January and August 2016. For ‘Assault’, 138 cases were recorded, representing a decrease of 8% when compared with 150 cases in the same period of 2015. For ‘Threat’, 49 cases were recorded, representing a marked decrease of 41% when compared with 83 cases in the same period of 2015. For ‘Unnecessary Use of Authority’, 25 cases were recorded, representing a decrease of 30.6% when compared with 36 cases in the same period of 2015. For ‘Fabrication of Evidence’, 11 cases were recorded, representing a marked decrease of 64.5% when compared with 31 cases in the same period of 2015.

26. The continuous downward complaint trend in 2016 was a reflection of the implementation of the EDM which had successfully dealt with some potential reportable complaints of minor nature. CSP C&IIB reiterated that CAPO would continue to handle all the complaints professionally and impartially.

27. Dr Hon Helena WONG noted the slight drop of the “Assault” allegations when compared with other allegation types. She enquired if any measures had been taken to further reduce this type of complaint. CSP C&IIB responded that many “Assault” allegations were made after police arrest action and that the purpose of making such complaints was inconceivable. He supplemented that some “Assault” allegations were attributed to the Mongkok Riot incident.

28. It was agreed that CAPO’s powerpoint for the complaint figures showing RC/EDM statistics and statistics on different nature of allegations will be provided prior to Joint Meeting.

VII. CAPO’s Criminal and Disciplinary Checklist

29. CSP C&IIB briefed the meeting that CAPO had earlier submitted a table to IPCC Secretariat outlining the progress of the disciplinary actions taken against various complainees. He had nothing further to highlight.

VIII. Any Other Business

30. CSP C&IIB briefed the meeting on the support and protection of victims or witnesses of criminal case. In line with “Witness Protection Ordinance”, Cap 564, police would devise a witness protection scheme to offer protection to vulnerable victim or witness whose safety was in jeopardy. Police would assess the situation and provide suitable protection as and when necessary.

31. Dr Hon Helena WONG expressed concern over a “Criminal Intimidation” case involving a LegCo Member during the period of his election campaign, alleging police had not taken appropriate action until the case was publicized. CSP C&IIB clarified the facts of relevant case and remarked that police had taken appropriate actions in respect of the series of incidents. The cases were consolidated for investigation by District Crime Squad of Tuen Mun Police District. Dr Hon Helena WONG was pleased to note that Police had followed up the investigation.

32. There being no other business, the meeting concluded at 1715 hours.

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

(Rebecca LUK)
Joint Secretary
Independent Police
Complaints Council