

**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, 19th December 2016**

Present :	Mr Larry KWOK Lam-kwong, BBS, JP	(Chairman)
	Mr Tony TSE Wai-chuen, BBS	(Vice-chairman)
	Mr IP Shing-hing, JP	
	Ms Mary WONG Tak-lan	
	Miss Lisa LAU Man-man, BBS, MH, JP	
	Ms LAU Yuk-kuen	
	Hon Kenneth LEUNG Kai-cheong	
	Ms Sandy WONG Hang-ye, JP	
	Dr Hon Helena WONG Pik-wan	
	Mr Adrian YIP Chun-to, BBS, MH, JP	
	Mr Clement TAO Kwok-lau, BBS, JP	
	Dr Eugene CHAN Kin-keung, BBS, JP	
	Ir Prof Vincent HO	
	Mr Arthur LUK Yee-shun, BBS, SC	
	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, CDSM, CMSM, SG	
	Mr Daniel MUI, DSG (OPS)	
	Ms Rebecca LUK, DSG (MGT)	(Joint Secretary)
	Ms Cherry CHAN, LA	
	Mr LI Kin-fai, DMS	
	Mr KWOK Yam-shu, ACP SQ	
	Mr CHEUNG Kin-kwong, CSP C&IIB	
	Mr WONG Kwok-yin, SSP CAPO	
	Ms AU Siu-ping, SP CAPO HQ	(Joint Secretary)
Absence with apologies:	Hon CHAN Kin-por, BBS, JP	(Vice-chairman)
	Hon Chris CHEUNG Wah-fung, SBS, JP	(Vice-chairman)
	Dr Carol MA Hok-ka	
	Mr John YAN Mang-ye, SC	

Mr Peter YAN King-shun
Mr José-Antonio MAURELLET, SC
In Attendance : 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 HQ (1) CAPO
Mr WONG Shun-shing, CIP HQ (2) CAPO
Mr LOONG Chan-keung, CIP H2 CAPO HKI
Ms HO Tsz-in, SIP IPCC CAPO
Mr HO Tsz-yiu, SIP NT3b CAPO NT

PART B OPEN MEETING

Opening Address

The Chairman welcomed all to the meeting.

I. Confirmation of Minutes of the Meeting held on 3rd October 2016 (Open Part)

2. The minutes of the last meeting (Open Part) were confirmed without amendment.

II. Matters Arising

3. Nothing was raised in this part.

III. Presentation on Police initiative for assisting youths-in-need – Operation Breakthrough

4. SP RT SFT gave a presentation on ‘Operation Breakthrough’ (the project) which aimed at helping and rehabilitating youngsters to turn a new page of life through sports. During the meeting, the foundation background, the objective of the project and its achievement were introduced. The presentation was rounded up with personal sharing by a police constable, Mr Peter YIP Man-kuen, who was once a

participant as a subject of Superintendent's Discretion Scheme. He frankly shared how he corrected his attitude, learnt from the project and successfully joined the Force as police constable in 2014.

5. Ms Ann SO highly appraised the project as it could provide valuable opportunities for the teenagers to re-build their confidence through sports and team work, thereby guiding them back on right track. She also appreciated the work of those Police volunteers and opined the project deserved more promotion. She asked about the procedures to recruit the youngsters to join the project. SP RT SFT replied that all the eligible and suitable youngsters were referred by the social workers. She added that an alumni group of the project had been set up. Sports coaches who were previously the participants of the project would continue teaching those youngsters.

6. HON Kenneth LEUNG enquired if there was any participant who had become a full-time athlete and represented Hong Kong to attend international sports competition. He also asked if there was any initiative to follow up their educational needs such as bridging further studies in the Hong Kong Sports Institute (HKSI) in view of their sports background. SP RT SFT replied that there were several participants who became athletes and represented Hong Kong in boxing and rugby. On case-by-case basis, the project would provide opportunity to the participants to further their studies. There was a successful case in sponsoring a participant to attain a bachelor degree. Hon Kenneth LEUNG recommended that the project could refer those talented participants to the HKSI, given that the ex-IPCC Vice Chairman Dr LAM Tai-fai, SBS, JP was one of the Directors.

7. Ms Sandy WONG also expressed her appreciation to the project as it had provided good opportunities to those youngsters who had committed mistakes. She highly recommended the Police to further develop and widely promote the project. She then asked how the project could help enhancing youth's perception and understanding on the work of IPCC and Police, and what difficulty had the project been

facing. SP RT SFT stated that participation was entirely voluntary, and the volunteers would not compel the youngsters to participate. Therefore, not every single participant could be looked after and followed up. CSP C&IIB supplemented that another limitation of the project was that it only accepted referral from the social workers. Interested youngsters without referral could not apply to join the project directly.

8. Dr HON Helena WONG queried if the project had any connection with IPCC or complaint against police. CSP C&IIB replied in the affirmative. He elaborated that any meaningful engagement with youngsters would not only facilitate members of the public to understand more of police work but also enhance officers' professionalism and sympathetic listening skills. It was exactly kind of training to police officers that could help reduce complaints.

9. Dr HON Helena WONG asked the Police how to change the youth's perception as there was an increase of grievances against the Police amongst the youths. CSP C&IIB reiterated that the Force had made every endeavour in engaging the youth, the Junior Police Call was a good example. The Chairman rounded up that it was good to see the Police had various initiatives in engaging the youngsters and projecting their professionalism. Mr Clement CHAN, Mr Barry CHIN and Ir Edgar KWAN echoed that they highly appreciated the project which was relevant to broaden Members' horizon on police work and encouraged the Police to keep up the effort.

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

10. CSP C&IIB reported that as at 12th December 2016, CAPO had received a total of 529 complaints in relation to the illegal occupation involving 2,080 complainants, with 172 'Reportable Complaints' (RC) and 357 'Notifiable Complaints' (NC) registered.

11. Among the 172 RCs, 28 cases were fully investigated; 30 cases were classified as 'Withdrawn'; 105 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'.

12. 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. The remaining 1 case was under scrutiny.

13. For the remaining 3 'RC' cases, 1 case was re-opened for investigation after the conclusion of civil claim whereas the other 2 cases remained as 'Sub-Judice'. Investigation would be reactivated after the conclusion of criminal and civil proceedings.

14. HON Kenneth LEUNG enquired the average time for handling the investigation of these complaints. CSP C&IIB replied that CAPO did not maintain such figure. Nevertheless, all the cases were monitored by the Serious Complaints Committee (SCC) and CAPO had to submit the progress reports on monthly basis. In general term, CAPO would endeavour to complete the investigations and submit the report to IPCC in 4 to 6 months. CAPO also pledged to complete all illegal occupation related complaints within one year, except those 'Sub-Judice' cases.

15. CSP C&IIB went on to report the complaint statistics relating to Mongkok Riot. As at 12th December 2016, CAPO had received a total of 34 complaints, including 29 RCs involving 31 complainants and 5 NCs involving 32 complainants.

16. Among the 31 complainants in the 29 RCs; 1 opted for full investigation, 11 agreed to adopt 'Sub-Judice' procedure; 3 withdrew their complaints and 16 were classified as 'Not Pursuable'.

17. Regarding the investigation progress, CAPO had completed the investigation of 17 cases, including 3 cases of 'Withdrawn' and 14 cases of 'Not Pursuable', and submitted the investigation reports to IPCC. IPCC had already endorsed 2 cases of 'Withdrawn' and 8 cases of 'Not Pursuable'. CAPO would

commence complaint investigation of the 11 'Sub-Judice' cases after the conclusion of criminal proceedings.

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

18. DSG (OPS) presented the overview of the endorsed cases relating to illegal occupation. Of the 168 endorsed complaint cases, there were totally 274 allegations, with 171 allegations classified as 'Not Pursuable'. Among the 63 'Assault' allegations, 52 allegations (83%) were classified as 'Not Pursuable' whereas among the 27 'UUOA' allegations, 19 allegations (70%) were classified as 'Not Pursuable'. The reason for classifying as 'Not Pursuable' was mainly because the complainants were unreachable, unwilling to come forward, or the complainees could not be identified. Of the 168 endorsed cases, 4 cases were classified as 'Substantiated' and 27 cases were classified as 'Unsubstantiated'.

19. Dr HON Helena WONG asked DSG (OPS) to explain the findings of the analysis. DSG (OPS) replied that the rate of 'Not Pursuable' (171 out of 274 allegations) was considered high. Many of the complainants did not come forward to provide information or assist in the complaint investigation. Yet, both IPCC and CAPO had taken one step forward to further try to contact them but in vain. He emphasized that IPCC had a duty to protect the integrity of the complaint mechanism and to let the justice be seen in the eyes of both the complainants and complainees. IPCC would not be able to fulfil its roles if the complainants did not come forward to assist the complaint investigation.

20. Ms Sandy WONG echoed that the SCC had closely monitored the complaint investigations and was very eager to locate the complainants. She requested DSG (OPS) to provide more information in this regard. DSG (OPS) supplemented that as agreed with CAPO, 2 letters would be sent and 3 calls would be made to contact the complainants. Yet, many of the complainants including those of 'Sub-Judice' case did not come forward to assist complaint investigation. He reiterated that IPCC had a duty to uphold the complaints system and to protect the complainants, but

also had the obligation to defend the frontline police officers from frivolous and vexatious complaints. The Chairman supplemented that IPCC had closely examined each and every complaint case and taken good effort to try locating the complainants.

21. Ir Edgar KWAN enquired if there was any prosecution against the complainant of the case which was classified as 'False'. He reiterated that fabricating the Police was a serious matter that deserved the Police taking stern action. CSP C&IIB reaffirmed that CAPO would take necessary and appropriate action when the available evidence suggested that the complainant had made a false report to the Police.

22. Regarding the Mongkok Riot complaints, DSG (OPS) did not have additional information to supplement.

VI. CAPO's Monthly Statistics

23. CSP C&IIB reported that 1,360 RCs were registered between January and November 2016. When compared with 1,436 RCs in 2015, it recorded a decrease of 5.3% (76 cases). Besides, 1,163 EDMs were registered which represented an increase of 2.6% (30 cases) when compared with 1,133 EDMs in 2015. The projected RC figure for 2016 was about 1,484, showing a decrease of about 4% (62 cases).

24. Minor complaints constituted the majority of the complaints and shared 77.6% of the total complaints registered between January and November 2016. For 'Neglect of Duty', 742 cases were recorded, representing an increase of 9.8% when compared with 676 cases in 2015. For 'Misconduct/Improper Manner and Offensive Language', 313 cases were recorded, representing a decrease of 19.5% when compared with 389 cases in 2015.

25. Turning to serious complaints, there was also a decrease on allegations of 'Threat', 'Unnecessary Use of Authority' and 'Fabrication of Evidence' between January and November 2016. For 'Threat', 55 cases were recorded, representing a marked decrease of 46.6% when compared with 103 cases in 2015. For

‘Unnecessary Use of Authority’, 40 cases were recorded, representing a decrease of 11.1% when compared with 45 cases in 2015. For ‘Fabrication of Evidence’, 19 cases were recorded, representing a marked decrease of 51.3% when compared with 39 cases in 2015. For ‘Assault’ allegation, 188 cases were recorded, representing a slight increase of 3.3% when compared with 182 cases in 2015.

26. The continuous downward complaint trend in 2016 was a reflection of the consequential effect of EDM which had successfully dealt with some potential reportable complaints of minor nature. CSP C&IIB reiterated that CAPO would strive to handle all the complaints professionally and impartially, and to continue the complaint prevention initiatives in order to enhance officers’ professionalism.

27. The Chairman enquired if the overall ‘Assault’ allegations included those arisen from illegal occupation and Mongkok Riot. CSP C&IIB replied in the affirmative. Ms Sandy WONG then proposed CAPO to provide more information on the investigation results, including the figures of substantiation and unsubstantiation relating to ‘Assault’ allegations. CSP C&IIB explained that it would be impracticable to do so as investigation took time. In any event, CAPO would liaise with IPCC Secretariat to work out more.

28. Dr HON Helena WONG enquired why there was a continuous increase on allegation of ‘Neglect of Duty’ in 2016. CSP C&IIB replied that it was difficult to assess the reason of increase or decrease for one single allegation, in particular for ‘Neglect of Duty’ as the term was not specific and each case needed to be examined individually. Nevertheless, the overall complaints figures for 2016 had dropped.

29. Mr IP Shing-hing stated that there was a significant drop in complaints from 2014 to 2015, but not the same case from 2015 to 2016. He asked if there was any particular reason. CSP C&IIB replied that it was not uncommon for the public to lodge complaints against Police as they had the right to do that. Likewise, they had the right to lodge complaints to other bodies including Ombudsman, Consumer Council and Equal Opportunity Council. CAPO would not comment or surmise the motive of the public lodging the

complaints, but would continue to ensure complaint investigation be conducted fairly and impartially.

VII. CAPO's Criminal and Disciplinary Checklist

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

VIII. Any Other Business

31. The Chairman proposed a vote of thanks for the valuable contributions of nine out-going IPCC Members who were Mr IP Shing-hing, Ms LAU Yuk-kuen, Hon Kenneth LEUNG, Dr Carol MA, Ms Sandy WONG, Dr Hon Helena WONG, Ms Mary WONG, Mr Adrian YIP and Mr Peter YAN.

32. There being no other business, the meeting concluded at 1730 hours.

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

(Rebecca LUK)
Joint Secretary
Independent Police
Complaints Council