

**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 Tuesday, 21st March 2017**

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 John YAN Mang-yee, SC	
	Miss Lisa LAU Man-man, BBS, MH, JP	
	Mr Herman HUI Chung-shing, SBS, MH, JP	
	Ir Edgar KWAN Chi-ping, JP	
	Mr Arthur LUK Yee-shun, BBS, SC	
	Mr Clement TAO Kwok-lau, BBS, JP	
	Dr Eugene CHAN Kin-keung, BBS, JP	
	Ir Prof Vincent HO	
	Ms SO Lai-chun, MH, JP	
	Mr Wilson KWONG Wing-tsuen	
	Ms Ann AU Chor-kwan	
	Mr Alex CHU Wing-yiu	
	Miss Sylvia LEE Hiu-wah	
	Dr David LEE Ka-yan, BBS, MH, JP	
	Prof Martin WONG Chi-sang	
	Mr Johnny YU Wah-yung, JP	
	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	
	Mr WONG Shun-shing, SP CAPO HQ (Temp)	(Joint Secretary)
Absence with apologies:	Dr Eric CHENG Kam-chung, BBS, MH, JP	
	Mr Richard HO Kam-wing	
	Mr Barry CHIN Chi-yung	
	Mr José -Antonio MAURELLET, SC	
	Mr Clement CHAN Kam-wing	
	Mr Douglas LAM Tak-yip, SC	

Ms Melissa Kaye PANG, MH, JP
Ms Shalini Shivan SUJANANI
In Attendance : Ms MAO Lee-sha, SP CAPO HKI
Ms CHIU Yik-man, SP CAPO K (Temp)
Mr CHAN Chi-yung, SP CAPO NT
Ms WAT Yin-kum, CIP HQ (1) CAPO
Mr LOONG Chan-keung, CIP H2 CAPO HKI
Mr NG Chat, CIP K3 CAPO K
Ms HO Tsz-in, SIP IPCC CAPO
Ms MOK Lai-king, SIP K1A CAPO K
Ms HO Ka-wai Eva, SIP K4B CAPO K

PART B OPEN MEETING

Opening Address

The Chairman welcomed all to the meeting, including the Police representatives and the new IPCC Members, namely Ms Ann AU, Mr Alex CHU, Mr Douglas LAM, SC, Miss Sylvia LEE, Dr David LEE, Ms Melissa PANG, Ms Shalini SUJANANI, Prof Martin WONG and Mr Johnny YU.

I. Confirmation of Minutes of the Meeting held on 19th December 2016 (Open Part)

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

II. Matters Arising

3. Nothing was raised in his part.

III. Update on complaint statistics and progress of complaint investigation arising from the Illegal Occupation in 2014 and Mongkok Riot in 2016

4. CSP C&IIB reported that CAPO had received a total of 529 complaints in relation to the illegal occupation involving 2,080 complainants, including 172 ‘Reportable Complaints’ (RC) that concerned 177 complainants and 357 ‘Notifiable Complaints’ (NC) that concerned 1,903 complainants. Among the 172 RCs, 28 cases were fully investigated; 30 cases were classified as ‘Withdrawn’; 105 cases were classified as ‘Not Pursuable’ and seven cases were dealt with by way of ‘Informal Resolution’. The remaining two cases were still being categorized as ‘Sub-judice’.

5. 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, raising 110 queries which had all been replied by CAPO.

6. CSP C&IIB went on to report the complaint statistics relating to Mongkok Riot. CAPO had received a total of 34 complaints, including 29 RCs involving 31 complainants and five NCs involving 32 complainants. Among the 29 RCs, one case was fully investigated, 15 cases were classified as ‘Not Pursuable’, three cases were classified as “Withdrawn” and 10 cases were ‘Sub-Judice’ in nature.

7. Regarding investigation progress, CAPO had completed the investigation of 18 RC cases, comprising three “Withdrawn” cases and 15 “Not Pursuable” cases, and submitted the investigation reports to IPCC. IPCC had already endorsed three “Withdrawn” cases and 13 “Not Pursuable” cases. For the 10 ‘Sub-Judice’ cases, complaint investigation would be commenced after the conclusion of the criminal cases. For the remaining one case which required full investigation, the investigation was nearly completed and the investigation report would be submitted to IPCC within March. IPCC raised 18 queries and CAPO had replied 16 of them.

8. Mr Clement TAO commented that there were many “Not Pursuable” cases and cases in which the identities of complainees could not be ascertained. He asked if Police had conducted any analysis on the cause of the high ratio of “Not Pursuable” cases and taken any remedial measures to rectify the situation. He also asked if investigators had viewed the footage filmed by Police Video Team

in order to ascertain the identities of complainees.

9. CSP C&IIB responded that all the complaint cases related to the illegal occupation and Mongkok Riot were subject to close scrutiny by the Serious Complaints Committee. For the illegal occupation cases, CAPO had put additional efforts to contact the complainants by making one more call and sending one more call-up letter. Notwithstanding this, many complainants still did not respond to CAPO's calls. For this obvious reason, CAPO was unable to explain why the complainants did not come forward. However, it was worth highlighting that 28 out of the 31 complainants in the 29 RCs in Mongkok Riot were arrested. In response to the complainees' identities, CSP C&IIB stressed that the Mongkok Riot was an unprecedented and extremely chaotic incident. Many officers were summoned to scene in a short notice from various Police Formations. Some of them were even on leave. Therefore, duty lists were not accurate records to show which officers were on or off. More importantly, Police Video Team aimed to film the riot situation so as to collect evidence for the purpose of subsequent prosecution. Therefore, the camera would shoot face of rioters rather than the officers performing their duties. The large number of officers in motion also made the identification of complainees more difficult. CAPO investigators had in fact viewed all the footages available that night and tried their very best efforts to identify complainees but to no avail.

10. Mr Clement TAO further asked whether there was any difference in evidence collection and identification between complaint investigation and criminal investigation. CSP C&IIB replied that it was basically very similar. The only major difference was that officers were duty bound to answer questions during complaint investigation. However, officers had rights to remain silent under caution during criminal investigation.

V. **Monitoring of complaint investigation work of CAPO in connection with Illegal Occupation in 2014 and Mongkok Riot in 2016**

11. DSG (OPS) reported that IPCC had yet to endorse four

cases in total for complaints in connection with the illegal occupation. All these four cases involved serious allegations of “Assault” and “Unnecessary Use of Authority”. IPCC was still examining one case in which the investigation report was received in mid-February 2017 and the case was recently discussed at SCC Meeting in early March. For another case, the investigation was re-opened in August 2016 after the conclusion of civil proceeding and CAPO had yet to submit the investigation report. The remaining two cases were “Sub-judice” with one related to a criminal case concerning the seven police officers and the other one related to a civil suit.

12. The Chairman asked for the progress of the three outstanding cases in which the investigation reports had not yet been submitted. CSP C&IIB replied that one case was re-opened in August 2016 and the investigation was almost completed. Investigation report would be submitted to IPCC within a month. The other two cases were ‘Sub-judice’ in nature, pending court proceedings. Once the judicial processes were concluded, the complaint investigation would be re-opened without delay.

13. DSG (OPS) reported that for the 29 RCs in connection with Mongkok Riot, IPCC had endorsed 16 cases, comprising 13 “Not Pursuable” cases and three “Withdrawn” cases. For the remaining 13 cases, 10 cases were “Sub-judice” in nature, one was subject to full investigation, one “Not Pursuable” case was being examined by IPCC and one “Not Pursuable” case was pending CAPO’s reply. Totally, there were 15 “Not Pursuable” cases, comprising 28 allegations of “Assault”. In eight “Not Pursuable” cases, complainants were charged with “Riot”, “AOABH” or “Assaulting a police officer”. Three cases were concluded with two convictions and one acquittal while the other five cases were pending trials. He further pointed out that complainants did not show up regardless of the court results. Nevertheless, complaint investigation had to be followed up based on the available evidence. IPCC Secretariat expressed concern over such situation as the complaint system was abused and resources of both CAPO and IPCC were wasted. He did hope complainants could come forward to liaise with CAPO to follow up their complaints in order to further improve the police service.

14. It was more than one year since the Mongkok Riot and in view of public concern and serious allegations of “Assault”, the Chairman asked for the reason and the apparent slow progress of the investigation. CSP C&IIB replied that for those “Sub-judice” complaints, the investigation could only be re-opened after the conclusion of the criminal cases. In respect of the case which required full investigation, he stressed that the Mongkok Riot was an unprecedented incident involving extreme violence on the streets, large number of radical rioters and massive police responses. CAPO handled the complaint in a very serious manner including viewing all CCTVs and conducting substantial number of interviews with witnesses. The investigation was close to completion and the investigation report would be submitted to IPCC for scrutiny within March.

15. Miss Lisa LAU expressed concern over the disparity between the versions of COM and COMEE in some cases and asked how CAPO would deal with them. She further asked how CAPO would make use of the court documents for complaint investigation. CSP C&IIB replied that different versions between COM and COMEE were not common in Mongkok Riot complaints as there was only one case that needed full investigation. For “Sub-judice” cases, CAPO would obtain court documents to see if any allegations had been raised during the court hearings. If affirmative, CAPO would make reference from the court comments to assess the credibility of the allegation. If negative, the court document would have no bearing on the allegation. After conclusion of the court case, CAPO would approach the complainant in order to re-open the investigation. However, many complainants chose not to respond.

16. Ir Edgar KWAN echoed that the large number of “Not Pursuable” cases was contributed by irresponsible complainants, wasting the valuable resources of both CAPO and IPCC. He asked if IPCC Secretariat had any comments on that issue. DSG (OPS) responded that it could be a strategic complaint for the purpose of criminal defence. Hence, some complainants would not pursue their complaints after they could get rid of the criminal charges.

17. Mr Wilson KWONG asked if there was any review in

connection with the Mongkok Riot for the sake of fine-tuning of police response and complaint prevention. CSP C&IIB replied that a Review Committee chaired by the Deputy Commissioner of Police had been set up. The review focused on three areas, namely, operational issues, arms, equipment and training issues and support issues for lesson learnt and areas for improvement. With regard to complaint prevention, CSP C&IIB stated that he would not speculate the purpose behind those complaints but stressed that normal citizens would not put themselves in such a chaotic situation or get embroiled in the riot. The Chairman asked when the review would be completed. CSP C&IIB responded that the Review Committee was still operating. Once the review was completed, IPCC would be updated.

18. Mr Alex CHU suggested promoting the education to the public about the complaint system in the sense that complainants had their rights to lodge complaint but they also had the responsibility to assist in the complaint investigation. CSP C&IIB undertook that CAPO would work together with the IPCC Secretariat to look into the matter and see what could be done better in accordance with the IPCCO. DSG (OPS) added that prolonged complaint investigation was indeed unfair to all parties and would cause intangible pressure to the complainees. Complainants had responsibilities to cooperate and provide statement to CAPO. IPCC Secretariat would work together with CAPO in order to speed up the investigation process.

19. Hon CHAN Kin-por expressed concern over the Police morale in view of the substantial number of public order events and asked what Police Management had done. CSP C&IIB replied the Force Management was very concerned about the staff morale and fully realized the difficulties and challenges faced by the frontline officers. Various measures including psychological service and training package had all along been taken to alleviate the pressure and enhance their professionalism. He also highlighted the Project “Lighthouse” which was launched in order to recognize frontline officers’ commendable performance in confrontational situation. Hon CHAN Kin-por suggested publishing real life examples of police stories in order to let the public know the challenges of police work. He also asked to extend the use of body worn camera. DMS responded that the Force Management was very concerned

about staff morale and understood malicious complaints would have great impact on them. PPRB officers adopted an initiative to interview officers who became a subject captured in Youtube video during some confrontational situations. The purpose was to share their good EQ with others. Relevant training was also included in Police College and Formation Training Day. Besides, the Senior Force Management would conduct regular visits to the frontline in order to better understand their feeling. The management would endeavour to help frontline officers deal with confrontational situations through education and training. In respect of the body worn camera, DMS stated that the new Force Command and Control System would be launched next year subject to approval of funding. The new model of beat radio included video function that could be used as body worn camera. The Chairman fully appreciated the difficulties and challenges faced by frontline officers and urged the Police to take suitable measures to deal with the matter. DMS thanked for the Chairman's appreciation and also welcomed the cooperation of IPCC and CAPO to curb the abuse of the complaint system.

VI. CAPO's Monthly Statistics

20. CSP C&IIB reported that 269 RCs were registered between January and February 2017. When compared with 182 RCs in the same period of 2016, it recorded an increase of 47.8% (87 cases). Besides, 172 EDMs were registered, representing a decrease of 3.9% (7 cases) when compared with 179 EDMs in the same period of 2016. The projected RC figure for 2017 was about 1600, indicating an increase of about 6-7%.

21. Minor complaints constituted the majority of the complaints which was 80% (215 cases) of the total complaints. For 'Neglect of Duty', 139 cases were recorded, representing almost a 100% increase when compared with 69 cases in the same period of 2016. For 'Misconduct/Improper Manner and Offensive Language', 76 cases were recorded, representing an increase of 49% when compared with 51 cases in the same period of 2016.

22. Apart from "Assault" allegation, serious complaints were

on the increase between January and February 2017. For 'Assault', 31 cases were recorded, representing a decrease of 41% when compared with 53 cases in the same period of 2016. For 'Threat', nine cases were recorded, representing an increase of 28% when compared with seven cases in the same period of 2016. For 'Unnecessary Use of Authority', 11 cases were recorded, representing an increase of nine cases when compared with two cases in the same period of 2016.

23. The apparent increasing complaint trend in 2017 was due to the relatively low figure in the same period of 2016. Based on the monthly average of about 130 complaint cases, the total complaint cases for the first two months (269 cases) in 2017 was indeed considered steady. CAPO would continue to monitor the complaint trend and take appropriate action in case of any abnormality observed.

VII. CAPO's Criminal and Disciplinary Checklist

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

VIII. Any Other Business

25. The Chairman noted that about 50%-60% of NCs were related to illegal parking and traffic enforcement action. He asked if there were any measures to alleviate the public dissatisfaction. CSP C&IIB replied that 40%-50% of NCs per month in 2016 relating to traffic matters were indeed normal. Traffic congestion was a long lasting problem and common in all metropolitan cities. Irresponsible and selfish driver(s) was one of the courses. Police would take selective enforcement action against illegal parking with a view to achieving deterrent effect.

26. The Chairman queried that the selective traffic enforcement action could cause unnecessary complaints by public.

ACP SQ clarified that traffic enforcement action was bound to be selective and had to be conducted in a high-profile manner in order to achieve deterrent effect and to educate the public. On the contrary, taking traffic enforcement action against every single incident of traffic contravention was considered impossible and an irresponsible use of public resources. The Chairman opined that the traffic enforcement action in the past few years were on the decrease and urged Police to take more stringent traffic enforcement action. ACP SQ stressed that stringent traffic enforcement actions were actually in place against irresponsible drivers who caused obstruction to major roads.

27. Ir Edgar KWAN commented that the traffic matter was closely related to government policy. He saw the need of more collaboration amongst concerned bureaux to deal with the parking problem. The Chairman agreed that enforcement action by the Police alone could not solve the problem but still, he expected the Police would take appropriate action against illegal parking. DMS responded that the purpose of traffic enforcement action was to ensure smooth traffic flow and minimize traffic accidents instead of penalizing the public. If drivers did not take heed of advice, they would be ticketed. The Chairman supplemented that majority of the traffic complaints were lodged by the public, instead of drivers, due to the serious problems caused by illegal parking.

28. Mr Tony TSE wondered if Police resource was able to cope with the upsurge of vehicles. The Chairman added that advanced technology such as e-ticketing and CCTV could help prevent CAPO complaint by minimizing the confrontation between police officers and public. DMS replied that Government resource was not unlimited and should be used effectively. Police had been working with the Transport Advisory Committee and Transport Department, exploring the feasibility of applying advanced technology in traffic enforcement action.

29. There being no other business, the meeting concluded at 1645 hours.

(WONG Shun-shing)
Joint Secretary
Complaints and Internal
Investigations Branch

(Rebecca LUK)
Joint Secretary
Independent Police
Complaints Council