

**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 1555 hours on Tuesday, 26th September 2017**

Present :	Mr Larry KWOK Lam-kwong, SBS, JP	(Chairman)
	Hon CHAN Kin-por, GBS, JP	(Vice-chairman)
	Hon Chris CHEUNG Wah-fung, SBS, JP	(Vice-Chairman)
	Mr Tony TSE Wai-chuen, BBS	(Vice-chairman)
	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	
	Dr Eugene CHAN Kin-keung, BBS, JP	
	Ir Prof Vincent HO	
	Dr Eric CHENG Kam-chung, BBS, MH, OStJ, JP	
	Mr Wilson KWONG Wing-tsuen	
	Ms Ann AU Chor-kwan	
	Mr Alex CHU Wing-yiu	
	Miss Sylvia LEE Hiu-wah	
	Prof Martin WONG Chi-sang	
	Mr Richard YU, CDSM, CMSM, SG	
	Mr Daniel MUI, DSG (OPS)	
	Ms Rebecca LUK, DSG (MGT)	(Joint Secretary)
	Ms Cherry CHAN, LA	
	Mr KWOK Yam-shu, DMS	
	Mr CHUNG Sze-pong, ACP SQ	
	Mr WONG Kwok-yin, CSP C&IIB (Temp)	
	Mr CHAN Chi-yung, SP CAPO HQ	(Joint Secretary)
Absence with apologies:	Mr John YAN Mang-ye, SC	
	Mr Clement TAO Kwok-lau, BBS, JP	
	Ms SO Lai-chun, 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	
	Dr David LEE Ka-yan, BBS, MH, JP	
	Ms Melissa Kaye PANG, MH, JP	

Ms Shalini Shivan SUJANANI
Mr Johnny YU Wah-yung, JP
Mr CHEUNG Kin-kwong, CSP C&IIB
In Attendance : Ms MAO Lee-sha, SP CAPO HKI
Mr YIP Wing-lam, SP CAPO K
Mr WONG Shun-shing, SP CAPO NT
Ms WAT Yin-kum, CIP HQ (1) CAPO
Mr WOO Kin-chung, CIP HQ (1) CAPO (Des)
Mr CHAN Tak-wai, CIP HQ (2) CAPO
Ms LUI Wai-ye, Winnie, CIP K3 CAPO K
Ms WAI Kar-yan, Maria, CIP NT2 CAPO NT
Mr CHAN Hok-lun, SIP IPCC CAPO
Mr SO Ka-fai, SIP H1A CAPO HKI
Mr LEE Lap-man, SIP H4A CAPO HKI
Ms KWOK Ka-wing, Kara, SIP K3A CAPO K
Ms KWOK Chun-ye, Jenny, SIP K5A CAPO K
Ms WONG Kit-ying, Joey, SIP NT1B CAPO NT
Mr POON David Gee-Kwun, SP OS&OSH SUPPORT
Mr LIN Wai-lap, SIP OS SUPPORT

PART B OPEN MEETING

Opening Address

The Chairman welcomed all to the meeting.

I. Confirmation of Minutes of the Meeting held on 20th June 2017 (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. Police Body Worn Video Cameras

4. CSP C&IIB (Temp) briefed the meeting that the Body Worn Video Camera (BWVC) has been introduced in the Force for a while. The equipment had been effective for frontline officers to handle confrontational situations and to secure evidence. To facilitate members of IPCC to thoroughly comprehend the use of BWVC, SP David POON from Support Wing who was the subject officer of BWVC was invited to present the topic.

5. SP POON briefed the meeting that his presentation would cover the background of BWVC, its operating procedures, features and measures to prevent footage from being tampered and way forward on the issue.

6. Prior to the field trial for BWVC in 2013, a feasibility study on the use of BWVC was conducted with a view to enhancing effectiveness on securing evidence and dealing with malicious allegations against police officers. Reference has been made to overseas experience, namely Police Forces in the UK, France, Canada, etc., which revealed positive outcomes in terms of securing evidence. Besides, Department of Justice and Office of the Privacy Commissioner of Personal Data were consulted to ensure that the use of BWVC is consistent with the relevant legal requirement.

7. SP POON briefly introduced the features of BWVC and procedures for operating the device. The device would only be issued to uniformed officers of designated units, namely Police Tactical Unit, Emergency Unit, Quick Reaction Force, Patrol Sub-unit, and Traffic units who had undergone professional training for using BWVC. While encountering confrontational situation, the officer using BWVC should inform the person being filmed whenever reasonably practicable to do so. The outward-facing screen on the device allowed the person being filmed to be aware of the video image captured by the device. Footages without evidential value would be destroyed after retention for 31 days. For those with evidential value, they would

be handled as case exhibit as per the established procedures.

8. BWVCs and memory cards for recording of footages were programmed with security features to prevent footages from being altered or deleted. Memory cards inserted in the BWVCs were protected with serially numbered security seal to prevent unauthorized access or tampering. Stringent procedures were established for removing memory cards from the devices. Memory cards could be processed only at a designated working station.

9. Having been deployed on the field for four years, BWVC were proven to be effective in facilitating officers to discharge their duties, particularly in handling confrontational scenarios. The Force would continue to extend the use of BWVC in future. Besides, the fourth generation of police radio system, i.e. the fourth generation command and control communication system (CC4), would be enhanced with video recording function.

10. Mr Tony TSE encouraged the use of BWVC in view of its effectiveness in diffusing confrontational situations. He enquired on whether the officer would be issued with the same BWVC every time the officer reported on duty; whether there was any indication on the BWVC showing that it had been used; and whether the capacity of memory was sufficient for an entire duty shift. SP POON explained that officers would not be personally issued with a BWVC. Officers reporting on duty might be issued with a BWVC different from the one he was issued on his previous duty shift. The display on the BWVC would be shown if it had been used. The capacity of memory card could approximately last for filming for four hours.

11. In response to the Chairman's enquiry on whether there was any technology for real-time uploading of video without relying on storage with memory card with the concern that the BWVC could be snatched away from the officer during confrontation, CSP C&IIB (Temp) assured the meeting that officers were well trained for protecting their equipment during

confrontation. While the Force would keep abreast of the technology, security features and stringent procedures in operating the device were currently in place to ensure the integrity of the handling of footages obtained.

12. Hon Chris CHEUNG stated that the use of BWVC was largely considered effective for officers handling confrontational situations during the discussion at the Legislative Council. He raised concern over the privacy issue of using BWVC and enquired on the handling of footages without evidential value. In response, SP POON iterated that the Department of Justice and the Office of the Privacy Commissioner of Personal Data were consulted during the feasibility study to ensure that the use of BWVC is consistent with the relevant legal requirement. With respect to footages without evidential value, they would be destroyed after retention for 31 days. Hon Chris CHEUNG further enquired on what level of confrontation the officers encountered before they were eligible to use BWVC. SP POON replied that the officers had to make assessment at scene to decide if the situation merited using BWVC.

13. The Chairman followed up on the rationale for the retention period of 31 days rather than a longer period, citing examples of Canadian law enforcement agencies that footages with no evidential value would be retained for up to 12 months. SP POON explained that retention period of 31 days allowed sufficient time for investigation team to assess the evidential value of the footages. Ir Edgar KWAN added that retention for footages should make reference to the retention of police notebooks. SP POON replied that BWVC and police notebook were used in different situations. CSP C&IIB (Temp) supplemented that the Force had made reference to overseas experience on retention period of BWVC. When comparing police notebook and BWVC, police notebooks were used for recording details of duties for the officers whilst BWVC might be used to record incidents of breach of peace and confrontation. Since Police notebook and BWVC served different purposes, the retention and administration were handled differently. CSP C&IIB (Temp) reiterated that over

10,000 officers had been trained for using BWVC. The issue of the right to privacy was embedded in the training, and stringent guidelines were in place to ensure BWVC were used properly.

14. Mr Wilson KWONG supported the usage of BWVC and appreciated its effectiveness in defusing confrontation. He suggested the Force should allow the public to access to the operational guidelines on using BWVC to enable their understanding on the issue. CSP C&IIB (Temp) explained that such guidelines were an internal document of the Force, which involved details of police operations. Disclosing such documents could prejudice the proper and efficient conduct of police operations. As such, the internal guidelines for using BWVC would not be made public. That said, members of the public might visit the Police website to obtain background information of BWVC.

15. Ir Prof Vincent HO raised that retention of footages for 31 days was not sufficient as some complaints were lodged after 31 days of the incident. He also suggested using BWVC on every encounter with members of the public rather than merely handling confrontational situations and keeping on recording until the incident concluded. For the sake of safety for officers, he recommended the Force to consider live feeding BWVC footages to a centralized storage location. SP POON replied that recording with BWVC would be conducted for an operational purpose only, taking into account the right to privacy of members of the public. He could look into the feasibility for live feeding BWVC footages. The Chairman opined that the Force should consider using BWVC to replace police notebook in the long run and review the footages retention period.

16. Dr Eugene CHAN enquired whether members of the public could demand to record with BWVC and whether they were entitled to obtain the footages. SP POON replied that recording with BWVC would be conducted for an operational purpose only and the footages would be handled in accordance with Personal Data (Privacy) Ordinance. DMS appreciated the

recommendations on enhancing the use of BWVC. He supplemented that the Force would adopt a prudent approach on the issue and would strengthen the use of BWVC in a progressive manner. He reiterated that 31 days retention period allowed sufficient time for investigation team to assess the evidential value of the footages. The measures struck a balance between the operational effectiveness and protecting the right to privacy for members of the public. That said, opinions from the meeting would be reflected in the future review of using BWVC and IPCC would be kept abreast of the development.

17. Followed up on the proposal for integrating BWVC with police radio equipment in the fourth generation command and control communication system (CC4), Ms Ann AU enquired on the details of enhancement as opposed to the current system (CC3). CSP C&IIB (Temp) replied that CC3 had been in use for a prolonged period and the system was due for an upgrade as it had lagged behind the current technology. Taking into account that uniformed officers had to carry a lot of equipment on duty, the Force planned to integrate BWVC with the police radios in the next command and control communication system, CC4.

18. Mr Arthur LUK raised that BWVC footages were valuable information for complaint investigations. Taking into account that some complaints were lodged after 31 days from the incident taking place, 31 days retention period for BWVC footages was inadequate. He recommended extending the retention period to six months to facilitate complaint investigation. SP POON replied that the recommendation would be assessed.

19. Prof Martin WONG enquired on the successful rate for handling confrontation upon using BWVC. SP POON replied that the deployment of BWVC was effective in de-escalating aggressive behaviour in confrontational situations. In 2016, 89% of such incidents had attained such result.

20. Mr Alex CHU asked whether there was any example of escalating hostility upon using BWVC and any complaint

arising from using BWVC. CSP C&IIB (Temp) replied that there was no sign showing any correlation between using BWVC and complaint trend, but CAPO would continue to closely monitor the complaint trend. Since the introduction of BWVC four years ago, there were two complaint cases related to BWVC. CSP C&IIB (Temp) had briefly reported that the complainant in one case was not satisfied with the explanation given by the officers for using BWVC, whereas in another case the officer did not use BWVC but the complainant misunderstood that he was filmed.

21. Hon CHAN Kin-por supported the Force for using BWVC, and he enquired on the plan for extending the use of BWVC. The Chairman further enquired how many BWVC in total would be in hand by 2021. SP POON replied that 1,600 BWVCs were currently in use and it would be extended to 3,000 in 2018. CSP C&IIB (Temp) added that the Force planned to integrate BWVC with the police radios along with the rollout of the CC4 so that sufficient numbers of BWVC would be issued.

22. The Chairman asked whether frontline uniformed officers who were not issued with BWVC were allowed to use their private mobile phone when they encountered situations that might merit the use of BWVC. CSP C&IIB (Temp) explained that officers were not allowed to use their private mobile phone for carrying out official duties without authorization. Having received the opinions earlier from IPCC members about the stringent ban on using private mobile phone as stipulated in Police General Orders, a review on the issue had been taking place amongst relevant policy holders of the Force.

IV. Matters of Information

(a) CAPO's Monthly Statistics

23. Relevant figures had been provided to IPCC members for their reference prior to the meeting. CSP C&IIB (Temp) highlighted that the complaint trend had been steady between January and August 2017 with 798 RCs registered, representing an

increase of 45 cases when comparing to the same period of 2016.

24. Minor complaints constituted the majority of the complaints. For serious complaints, figures for allegations of 'Assault', 'Threat' and 'Unnecessary Use of Authority' had recorded a decrease. Whilst 22 cases of 'Fabrication of Evidence' represented an increase comparing to the same period of 2016, the figure in 2017 was the second lowest in the past five years, reflecting a continuous downward trend. In response to remarks from the Chairman on the noticeable rise of 'Fabrication of Evidence' from 9 to 22 cases, CSP C&IIB (Temp) emphasized that the considerably low figure in 2016 had contributed to the rise. Yet, the figure this year was the second lowest in the past five years.

25. The projected RC figure for 2017 was calculated as 1,468, similar to the figure for last year.

(b) CAPO's Criminal and Disciplinary Checklist

26. Nothing was raised in this part.

V. Any Other Business

27. Nothing was raised in this part.

28. There being no other business, the meeting concluded at 1640 hours.

(CHAN Chi-yung)
Joint Secretary
Complaints and Internal
Investigations Branch

(Rebecca LUK)
Joint Secretary
Independent Police
Complaints Council