

**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 1600 hours on Tuesday, 18<sup>th</sup> June 2019**

Present:

Dr Anthony Francis NEOH, QC, SC, JP	(Chairman)
Hon Chris CHEUNG Wah-fung, SBS, JP	(Vice-chairman)
Hon Tony TSE Wai-chuen, BBS	(Vice-chairman)
Hon Frankie YICK Chi-ming, SBS, JP	(Vice-chairman)
Miss Lisa LAU Man-man, BBS, MH, JP	
Mr Herman HUI Chung-shing, SBS, MH, JP	
Ir Edgar KWAN Chi-ping, BBS, JP	
Dr Eric CHENG Kam-chung, BBS, MH, OStJ, JP	
Ms SO Lai-chun, MH, JP	
Mr Barry CHIN Chi-yung	
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 Johnny YU Wah-yung, JP	
Dr Anissa CHAN WONG Lai-kuen, BBS, MH, JP	
Mr Roland WONG Ka-yeung	
Mr LEE Man-bun, MH, JP	
Ms Jane Curzon LO, JP	
Mr Richard YU, CDSM, CMSM, SG	
Mr Daniel MUI, DSG(OPS)	
Ms Rebecca LUK, DSG(MGT)	(Joint Secretary)
Ms Cherry CHAN, LA	
Ms LAU Chi-wai, DMS	
Ms MAK Wai-man Tammy, ACP SQ (T)	
Mr LAW Shui-sum, SSP CAPO	
Mr WONG Shun-shing, SP CAPO HQ	(Joint Secretary)

Absent with  
apologies:

Mr Douglas LAM Tak-yip, SC  
Mr Richard HO Kam-wing  
Mr José -Antonio MAURELLET, SC  
Mr Clement CHAN Kam-wing  
Dr David LEE Ka-yan, BBS, MH, JP  
Ms Shalini Shivan SUJANANI  
Ms Melissa Kaye PANG, MH, JP  
Mr CHUNG Sze-pong, ACP SQ

In Attendance :

Ms TANG Wai-ying, SP CAPO HKI  
Mr YIP Wing-lam, SP CAPO K  
Ms KWONG Yim-chun, SP CAPO NT  
Ms CHOI Sau-kuen, CIP HQ (1) CAPO  
Ms LUI Wai-ye, CIP HQ (2) CAPO  
Mr LEE Chi-man, CIP K2 CAPO K  
Ms KWONG Suk-ching, CIP H2 CAPO HKI  
Ms YU Yuen-yan, CIP H4 CAPO HKI  
Mr CHAN Hok-lun, SIP IPCC CAPO  
Ms KWOK Ka-wing, IP SUP CAPO  
Mr LAU Hiu-fai, SIP H2b CAPO HKI  
Mr WONG Kin-chung, SIP H4b CAPO HKI  
Ms HO Ka-wai, SIP K4b CAPO K  
Ms KWOK Chun-ye, SIP K5a CAPO K

## **PART B OPEN MEETING**

### **Opening Address**

The Chairman welcomed all to the meeting.

#### **I. Confirmation of Minutes of the Meeting held on 19 March 2019 (Open Part)**

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

#### **II. Presentation on Major Incident Bureau**

3. The Chairman informed the Meeting that the original scheduled presentation by Major Incident Bureau was cancelled due to their pressing operational commitment.

#### **III. Matters for Information**

##### **(a) CAPO's Monthly Statistics**

4. ACP SQ (T) reported that in the first five months of 2019, 576 Reportable Complaints (RCs) were registered, representing a decrease of 28 cases (-4.6%) when compared with 604 RCs in the same period of 2018. There were 281 cases resolved by EDM, representing a decrease of 38 cases (-11.9%) when compared with the same period of 2018.

5. Of the 576 RCs, 504 cases (87.5%) were minor complaints while 72 cases (12.5%) were serious complaints. Minor complaints comprised 319 cases of 'Neglect of Duty' (55.4%), 175 cases of 'Misconduct/Improper manner' (30.4%), and 10 cases of 'Offensive Language' (1.7%). When compared with those of the same period of 2018, the overall minor complaints decreased by 16 cases (-3.1%). Serious complaints comprised 50 cases of 'Assault'

(8.7%), 5 cases of 'Threat' (0.9%), 9 cases of 'Unnecessary Use of Authority' (1.6%) and 8 cases of 'Fabrication of Evidence' (1.4%). When compared with those of the same period of 2018, the overall serious complaints decreased by 12 cases (-14.3%).

6. Comparing the minor complaint figures with those of the same period of 2018, 'Neglect of Duty' decreased by 27 cases from 346 to 319 cases (-7.8%) with majority involving complainants' dissatisfaction with the progress and result of crime or traffic investigations. 'Misconduct/Improper manner' increased by 11 cases from 164 to 175 cases (+6.7%) with majority relating to 'Impoliteness' (88 cases or 50.3%) and 'Conduct unbecoming of a police officer' (62 cases or 35.4%). 'Offensive Language' remained the same as 10 cases.

7. Comparing the serious complaint figures with those of the same period of 2018, all were on a decreasing trend or remained unchanged. 'Assault' decreased by 6 cases from 56 to 50 cases (-10.7%), 'Threat' decreased by 3 cases from 8 to 5 cases (-37.5%) and 'Fabrication of Evidence' decreased by 3 cases from 11 to 8 cases (-27.3%). 'Unnecessary Use of Authority' remained the same as 9 cases.

8. In sum, the overall complaint figure in the first five months had slightly dropped when compared with those of the same period of 2018. Having said that, CAPO would continue taking actions with a view to preventing complaints and enhancing service quality through the Force Committee on Complaints Prevention, Outreaching Programme, production of animation clips and Force Training Day packages, etc.

9. In respect of the anti-Fugitive Offenders Ordinance (FOO)-related public order events, 34 complaints were received up to the date of meeting with 16 Reportable Complaints and 18 Notifiable Complaints. Allegations included "Assault", 'Misconduct', 'Impoliteness', 'Unnecessary Use of Authority (UUOA)' and 'Neglect of Duty'. Besides, CAPO had received IPCC's referral of 27 complaints from Hong Kong Journalists Association (HKJA) including allegations of Assault and UUOA.

CAPO fully understood the concerns of the public over the investigation of the relevant complaints and would handle each complaint in an impartial and thorough manner in accordance with the established procedures.

10. The Chairman enquired how the CAPO officers formed up to deal with the FOO-related complaints. DMS replied that CAPO fully understood the concerns of IPCC and members of the public. CAPO would ensure the impartiality of complaint investigation by (1) Setting up a CAPO Special Investigation Team (SD Team); (2) SD Team members did not take part in the FOO-related operations and (3) Arranging the IPCC Members or Observers to attend all the relevant interviews and evidence collection.

11. Mr Alex CHU asked about the manpower and attachment period of the SD Team. DMS replied that the SD Team would comprise one Superintendent, two Chief Inspectors, two Senior Inspectors and eight Sergeants. There was no specific period of attachment period for the time being but SD Team would ensure timely and thorough investigation.

12. Miss Lisa LAU expressed concerns over the large number of complaints lodged by HKJA and enquired about the liaison works conducted by the Force Media Liaison Team (FMLT) with the media and the protestors respectively. DMS responded that the Commissioner of Police in his earlier press interview had stressed that the Police would endeavour to facilitate the work of the media. The Police Public Relations Bureau (PPRB) had communicated and discussed with the media prior to the protest. FMLT was deployed to the ground to facilitate the work of the media.

13. Miss Lisa LAU further asked whether the media was sprayed with tear gas even after they had disclosed their identities. DMS stressed that the Police had pledged to cooperate with the media and CAPO would seriously look into the complaints lodged by HKJA.

14. Hon Tony TSE enquired if the Police had made any assessment of the manpower for handling the media and if there was any protocol for increasing the manpower to assist the media when necessary. DMS responded that FMLT would adopt a flexible deployment to ensure effective coordination and communication with the media.

15. Ms Sylvia LEE asked about the guidelines for police officers to show their warrant cards upon request by members of the public. She also asked which party would have the authority to declare a public order event as a “riot” and whether the Police would take different actions in handling a riot. DMS responded that, in general situations, plainclothes police officers should wear police warrant cards when exercising their duties. However, it sometimes might not be practical for police officers to show their warrant cards under chaotic or certain operational situations. In any complaint against unidentified police officer, CAPO would endeavour to identify the complaine by various means such as checking the duty record, CCTV footage and conducting enquiry at scene. DMS further explained that the Police would declare a “riot” in accordance with S.18 and S.19 of the Public Order Ordinance (Cap. 245) and Police would take appropriate corresponding actions which were commensurable with the circumstances at the specific scene. The Chairman commented that police officers should always disclose their police identities and UIs when they declared arrest or demanded a member of public for proof of identity.

16. Mr Wilson KWONG expressed concerns over the stop and search action against youngsters inside the MTR Admiralty Station on the night of 11 June 2019 and enquired if frontline officers had been reminded to exercise professionalism and to have full justification for taking stop and search action. DMS replied that when a police officer had any reasonable suspicion on a person, he might act according to the law to conduct a search on that person. The Chairman commented that if anyone had experienced improper body search, they would have a right to lodge a complaint against police. DMS supplemented that CAPO had received some complaints in relation to stop and search on members of public inside the MTR Admiralty Station on 11 June 2019 and CAPO would seriously look into those complaints.

17. Mr Alex CHU asked which rank of police officers would have the authority to declare an incident as a “riot” and what kinds of weapon could be used under such circumstances. He further asked if the incident at 1530 hrs on 12 June 2019 was declared as a “riot”. DMS replied in the affirmative that the incident was declared as a “riot” at the material time and the Field Commander at scene would decide on the level of force and types of weapon used accordingly.

18. Hon Frankie YICK asked which part of the protests was declared as a “riot” and what was the difference between “insurrection” and “riot” as said by the Commissioner of Police (CP). DMS explained that CP had earlier clarified that the incident was declared as a “riot”. CP had also made it clear that those protestors who had not uttered violence would not be regarded as rioters. The Chairman and DMS highlighted the elements of the riot offence under the Public Order Ordinance.

19. Hon Chris CHEUNG asked about the disparity of weapons used during “insurrection” and “riot” situations and asked if the protestors had committed breach of the peace when they intentionally blocked the road irrespective of the Police’s repeated warnings. DMS stated that the primary purpose of the meeting was to discuss complaint-related matters; police operational details should not be covered in the meeting.

20. SG stated that CAPO had received a number of FOO-related complaints, including 27 complaints referred by HKJA. There were difficulties in identifying complainees, particularly those “Special Tactical Contingent (STC)” officers whose UI numbers were not conspicuous whereas their uniforms and helmets were identical. DMS explained that the uniforms of STC had been specifically designed to serve their operational and tactical needs. She understood the public concern and a review would be conducted to address the issue accordingly.

21. The Chairman added that the identification of the officers would be subject to the IPCC’s scrutiny of the complaint investigation. He also urged CAPO, through IPCC Secretariat, to

make appointments with IPCC Members or Observers to attend interviews, evidence collection and site visits. The handling of complaints would be closely monitored by IPCC. The Chairman also canvassed support from Members and Observers for enhancing the service quality of the Force. He expected that the complaint investigation process could bring justice to both complainants and complainees. DMS ensured the Meeting that the CAPO would fully cooperate with IPCC in the investigation of all FOO-related complaints.

**(b) CAPO's Criminal and Disciplinary Checklist**

22. ACP SQ (T) briefed the Meeting that the relevant information had been provided to IPCC Members for their reference prior to the meeting. Nothing was raised in this part.

**IV. Any Other Business**

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

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

( Rebecca LUK )  
Joint Secretary  
Independent Police  
Complaints Council