

**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 1540 hours on Tuesday, 17 March 2020**

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)
	Mr Herman HUI Chung-shing, SBS, MH, JP	
	Mr Clement CHAN Kam-wing, MH	
	Dr Eric CHENG Kam-chung, BBS, MH, OStJ, JP	
	Mr Barry CHIN Chi-yung	
	Mr Wilson KWONG Wing-tsuen	
	Ms Ann AU Chor-kwan	
	Mr Alex CHU Wing-yiu	
	Ms Melissa Kaye PANG, MH, JP	
	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	
	Ms Jane Curzon LO, JP	
	Mr Paul LAM Ting-kwok, SC	
	Mrs Helen YU LAI Ching-ping, SBS	
	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	
	Mr Andrew KAN Kai-yan, ACP SQ	
	Ms Tammy MAK Wai-man, CSP C&IIB	
	Mr LAW Shui-sum, SSP CAPO	
	Mr YIP Wing-lam, SP CAPO HQ	(Joint Secretary)
Absent with apologies:	Ir Edgar KWAN Chi-ping, BBS, JP	
	Mr Douglas LAM Tak-yip, SC	
	Mr Richard HO Kam-wing	
	Miss Sylvia LEE Hiu-wah	
	Dr David LEE Ka-yan, BBS, MH, JP	
	Ms Shalini Shivan SUJANANI	
	Mr LEE Man-bun, MH, JP	

In Attendance : Ms CHIU Yik-man, SP SD 1 CAPO
Ms TANG Wai-ying, SP CAPO HKI
Ms KWONG Yim-chun, SP CAPO NT
Ms YEUNG Wan-ming, SP CAPO K (Ag.)
Ms CHOI Sau-kuen, CIP HQ (1) CAPO
Ms MOK Lai-king, SIP IPCC CAPO
Ms KWOK Ka-wing, WIP SUP CAPO
Mr LI Kwai-wah, SSP OCTB
Mr CHAU Kwok-yin, CIP SD OCTB

PART B OPEN MEETING

Opening Address

The Chairman welcomed all to the meeting and explained that the meeting would be live broadcasted at the IPCC web site to observe social distancing for health safety considerations.

I. Confirmation of Minutes of the Meeting held on 17th December 2019 (Open Part)

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

II. Presentation on Escalation of Violence at POEs

3. CSP C&IIB briefed the Meeting that frontline officers were facing tremendous challenges and difficulties whilst handling the violent protests since June 2019. It had been observed that the level of violence adopted by the rioters was escalating, endangering the lives and properties of the public, as well as the safety of the officers. To enable IPCC Members to understand the latest situation of the violence adopted by the rioters, Mr LI Kwai-wah, Senior Superintendent of the Organised Crime and Triad Bureau (OCTB), was invited to deliver a presentation to the Meeting.

4. SSP OCTB delivered his presentation by introducing the escalating levels of violence used by the rioters throughout the Fugitive Offenders Ordinance related public order events. He stated that rioters tried to force the government to comply with their demands through disseminating fake information, doxxing law enforcement officers and supporters of the government, torturing people who held opposite views and ultimately paralyzing the society. The daily life of members of public was seriously affected during this period. At the beginning, rioters attacked police officers with materials simply picked up at scene, such as bricks and mills barriers. Handheld weapons included but not limited to laser pointers and slingshots were being used at the later stage. Some rioters even used lethal weapons, such as corrosive liquid, knives, petrol bombs and arrows, etc. The Police recently detected several cases with relatively large amount of firearms and explosives seized. Intelligence suggested that the culprits planned to create chaos and cause harm to others with these deadly weapons during protests. The Police was concerned about the emergence of home-grown terrorism and would closely monitor the situation.

5. Mr Clement CHAN expressed concerns over the escalating level of violence and the adoption of sophisticated devices used by the violent protesters. He questioned whether such violence would persist and if there were enhanced measures to stop the illegal imports of ammunitions and explosives. SSP OCTB replied that many of the rioters had already acquired the techniques to bring forth this violence and to purchase these materials or parts via Internet. In order to eliminate the danger that these offenders might cast to the society, the Police would apprehend them as far as possible.

6. SG asked if there was intelligence about the usage of the recent seizures of 2.6 tonnes of explosive materials at Tai Kok Tsui. SSP OCTB replied that the explosive materials, including acetone and ammonium nitrates, were mainly raw materials and they could be used in many industries. Therefore, it was difficult for the Police to prove that the materials were intended to be used legitimately or illegally. However, in the course of investigation, the Police would look into the channels and people responsible for these imports to ascertain the usage of these explosives.

7. Mr Alex CHU raised concerns over the drastic increase

in the recent explosive cases, particularly most of the explosive manufacturing had been carried out in the industrial or residential areas, which posed significant danger to the public. He suggested that the Police should step up investigation into these cases, raise the public's awareness on the danger of these explosives and solicit the public assistance on reporting suspicious locations where explosives were manufactured or stored. Mr Paul LAM commented that it appeared that the manufacturing of these explosives were done in an organised manner and hence there should be financial backups. He urged the Police to look into the source of financial support in this regard. The Chairman also enquired whether the manufacturing of these explosives met the professional level.

8. SSP OCTB replied that the explosive manufacturing was definitely not carried out professionally and safely. The OCTB was already investigating these cases from the perspective of an organised crime, including the source of these raw materials and the financial associations of these cases. The Chairman recommended the Force to continue reaching out to the public to raise their awareness via online platforms such as Facebook and through the Police Community Relations Offices (PCROs) of various Police Districts.

III. Matters of Information

(a) CAPO's Monthly Statistics

9. CSP C&IIB reported that in the first two months of 2020, 198 Reportable Complaints (RCs) were registered, 28 of which had arisen from the Fugitive Offenders Ordinance related public order events, representing a decrease of 30 cases (-13.2%) when compared with 228 RCs in the same period of 2019. There were 62 cases resolved by '*Expression of Dissatisfaction Mechanism*' (EDM), representing a decrease of 45 cases (-42.1%) when compared with 107 cases in the same period of 2019.

10. Of the 198 RCs, 159 cases (80.3%) were minor complaints while 39 cases (19.7%) were serious complaints. Minor complaints comprised 85 cases of '*Neglect of Duty*' (42.9%), 69 cases of '*Misconduct/Impoliteness*' (34.8%), and 5 cases of '*Offensive Language*' (2.5%). When compared with the same period of 2019,

overall minor complaints decreased by 36 cases (-18.5%). Serious complaints comprised 26 cases of ‘*Assault*’ (13.1%); 9 of which had arisen from the Fugitive Offenders Ordinance related public order events, 4 cases of ‘*Threat*’ (2%), 6 cases of ‘*Unnecessary Use of Authority*’ (3%) and 3 cases of ‘*Fabrication of Evidence*’ (1.5%). The number of overall serious complaints in the first two months in 2020 showed an increase of 6 cases (18.2%) when compared with the same period of 2019.

11. Comparing the minor complaint figures with the same period of 2019, ‘*Neglect of Duty*’ decreased by 46 cases from 131 to 85 cases (-35.1%). ‘*Misconduct/Impoliteness*’ increased by 10 cases from 59 to 69 cases (16.9%) and the number of ‘*Offensive Language*’ cases remained unchanged as 5 cases.

12. Comparing the serious complaint figures with the same period of 2019, ‘*Assault*’ increased by 2 cases from 24 to 26 cases (8.3%). ‘*Threat*’ increased by 3 cases from 1 to 4 cases (300%). ‘*Unnecessary Use of Authority*’ increased by 1 case, from 5 to 6 cases (20%). The number of ‘*Fabrication of Evidence*’ cases remained unchanged as 3 cases.

13. It was anticipated that the overall figure of 2020 would show a slight decrease when compared with 2019.

(b) Statistics – Complaints Arising from Fugitive Offenders Ordinance (FOO) related Public Order Events (POEs)

14. CSP C&IIB reported that on top of the two Special Investigating Teams established in June 2019, a third team was formed in February 2020. The three teams comprised a total of 36 officers, including two superintendents, three chief inspectors, seven senior inspectors and 24 junior police officers. Depending on the number of complaints received, additional teams might be established to handle these complaints arising from the FOO related POEs.

15. As at 6 March 2020, a total of 1,678 complaints from 5,141 complainants (COMs) were received, including 569 RCs (33.9%) from 612 COMs and 1,109 NCs (66.1%) from 4,529 COMs.

16. Of the 569 RCs, 383 cases (67.3%) were minor complaints while 186 cases (32.7%) were serious complaints. Minor complaints comprised 113 cases of *'Neglect of Duty'* (19.9%), 207 cases of *'Misconduct'* (36.4%), 40 cases of *'Impoliteness'* (7%), 12 cases of *'Rudeness'* (2.1%) and 11 cases of *'Offensive Language'* (1.9%). Serious complaints comprised 91 cases of *'Assault'* (16%), 78 (85.7%) of which were lodged by arrested persons in the FOO related POEs, 10 cases of *'Threat'* (1.7%), 83 cases of *'Unnecessary Use of Authority'* (14.6%) and 2 cases of *'Fabrication of Evidence'* (0.4%).

17. Out of the 612 COMs of the 569 RCs, CAPO successfully contacted 444 COMs (72.6%); 141 COMs (23%) opted for *'Full Investigation'*, 79 (12.9%) opted for *'Sub-Judice Procedures'*, 129 (21.1%) opted for *'Withdrawal'*, 7 (1.2%) opted for *'Informal Resolution'*, 88 (14.4%) had yet to decide how they would like to deal with the complaints, 52 (8.5%) were *'Not Pursuable'*, 70 (11.4%) had yet to reply CAPO, and CAPO would contact the remaining 46 COMs (7.5%) soon. Out of the 4,529 COMs (88.1%) of the 1,109 NCs, CAPO successfully contacted 738 (16.3%) of them and had verified their complaint details for investigation and follow-up actions. CAPO attempted to contact another 2,204 COMs (48.7%) but had yet to receive any reply from them. 613 other COMs (13.5%) could not be located as they did not provide valid contact means. CAPO would continue to contact the remaining 974 COMs (21.5%).

18. The investigation progress reports of the RCs were submitted to IPCC fortnightly. CAPO had been actively approaching the COMs of all the complaints. As at 6 March 2020, CAPO contacted 444 COMs (72.6%) of the RCs, amongst which 356 COMs (80.2%) had verified their complaint details for investigation and follow-up actions, 88 (19.8%) were contacted but they had yet decided on how they would like to deal with their complaints. 2,942 COMs (65%) of the NCs were contacted, amongst which 738 COMs (16.3%) had verified their complaint details and indicated the way of handling regarding their complaints, 2,204 (48.7%) had yet to make any reply to CAPO, 613 (13.5%) had failed to provide any valid contact means. CAPO would continue to approach the COMs for follow up actions.

(c) CAPO's Criminal and Disciplinary Checklist

19. CSP C&IIB briefed the Meeting that 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

20. The Chairman stated that the Commissioner of Police had recently announced to the public that some of the officers had already been rebuked for their concerned conduct or behaviour. The Chairman sought elaboration of the rebuking in the context of complaint investigation.

21. ACP SQ deliberated that upon noticing any misconduct or wrong-doing, the senior management would immediately rebuke the concerned officer as the first step before proceeding with any further action. Should there be a complaint, the case would be handled and investigated by CAPO. Meanwhile, the disciplinary review would also be initiated if the misconduct was serious.

22. Hon Tony TSE enquired about the implication on the impartiality of the complaint investigation if an officer was rebuked. He further suggested that if there was evidence of any undesirable behaviour, even though no complaint had been made, the Commissioner would be expected to take appropriate action and duly inform the general public for the sake of transparency. The Chairman also asked whether the complaint investigation would be independent from the management's decision of rebuking an officer. ACP SQ explained that though an officer had been rebuked, the complaint investigation or disciplinary review of any alleged misconduct would remain independent by taking into consideration all the available evidence. DMS supplemented that an officer had been rebuked for an alleged misbehaviour and the circumstances giving rise to the rebuking would be taken into consideration during the complaint investigation should a complaint be lodged in similar perspective.

23. SG suggested CAPO to consider including the

background information of rebuking in the complaint investigation report for IPCC's information and consideration in order to avoid any double-punishment. DMS agreed that it would be preferable to include the rebuking in the investigation reports. However, the recommendation of actions to be taken against the officer should be considered on a case-by-case basis.

24. Hon Tony TSE and the Chairman reiterated that the Police should enhance the transparency by informing the public timely after officers had been rebuked for the alleged misbehaviour. DMS replied that this matter would be studied further.

25. Mr Herman HUI understood that any supervisory officers in the Force, regardless of ranks, had always been vested with the authority to rebuke and it appeared to be the daily duties of the supervisory officers to monitor the behaviour of their subordinates. He considered that rebuking was not a new management tool and it was only brought up by the Commissioner of Police on a recent occasion so it had then been widely discussed. He wished the Force to continue managing the officers as such and the public should be informed that rebuking would not be the end result of any police misbehaviour as subsequent complaint investigation or disciplinary review would still be conducted impartially. The Chairman agreed that rebuking, which had always existed, should be considered a usual tool adopted by the police management to enhance the service quality and ensure supervisory accountability. ACP SQ explained that all supervisory officers were responsible and accountable for the behaviour of their subordinates, and the existing mechanism of CAPO and disciplinary review ensured that all alleged misbehaviour were properly investigated and dealt with according to the laws.

26. Mr Paul LAM expressed that the public trust towards the Force was on the low side currently as it appeared that the Force management was not deterring police misbehaviour in order to maintain the morale of the Force. He further stated that the Force should let the public be aware that the Force management had been supervising the officers in an impartial manner and that the misbehaved officers would be dealt with in a timely manner with a view to regaining the public trust. The Chairman concluded that the Commissioner of Police had already been demonstrating impartiality and leading the Force by example.

27. There being no other business, the meeting concluded at 1705 hrs.

(YIP Wing-lam)
Joint Secretary
Complaints and Internal
Investigations Branch

(Rebecca LUK)
Joint Secretary
Independent Police
Complaints Council