

**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, 16 June 2020**

Present: Dr Anthony Francis NEOH, QC, SC, JP (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
Ir Edgar KWAN Chi-ping, BBS, 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
Miss Sylvia LEE Hiu-wah
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
Mr LEE Man-bun, MH, JP
Ms Jane Curzon LO, JP
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 Edwina LAU Chi-wai, DMS
Ms Rebecca LAM Hiu-tong, ACP SUP
Mr Andrew KAN Kai-yan, ACP SQ
Ms Tammy MAK Wai-man, CSP C&IIB
Mr LAW Shui-sum, SSP CAPO
Mr CHAN Wai-ming, SSP SD CAPO
Mr YIP Wing-lam, SP CAPO HQ (Joint Secretary)
Mr LEUNG Chi-hang, SP OPS NTN (Ag.)
Ms HUI Yee-wai, SP HQ CRM (Ag.)

Absent with apologies: Hon Chris CHEUNG Wah-fung, SBS, JP (Vice-chairman)
Mr Douglas LAM Tak-yip, SC
Mr Richard HO Kam-wing
Dr David LEE Ka-yan, BBS, MH, JP
Ms Shalini Shivan SUJANANI
Mr Paul LAM Ting-kwok, SC

In Attendance: Mr TSUE Chun-tung, SP CAPO K
Ms CHIU Yik-man, SP SD 1 CAPO
Mr LAM Chi-ping, SP SD 2 CAPO
Mr WONG Shun-shing, SP SD 3 CAPO
Mr TSANG Kwok-wai, CIP HQ (1) CAPO
Ms MOK Kai-king, SIP IPCC CAPO
Mr WONG Cheung-hing, SIP H2b CAPO HKI

PART B OPEN MEETING

Opening Address

The Chairman welcomed all to the meeting, in particular Ms Rebecca LAM Hiu-tong, ACP SUP who first attended the meeting and would take over the post of DMS. On behalf of the Council, he also thanked Ms Edwina LAU for her valuable contributions to safeguard and enhance the police complaints system during her tenure as DMS and wished her every success in her new post.

I. Confirmation of Minutes of the Meeting held on 17 March 2020 (Open Part)

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

II. Presentations on (a) Death Enquiry and (b) Missing Persons

3. CSP C&IIB briefed the Meeting that since June 2019, there had been rumours attacking the professionalism of the Police in

handling cases involving dead bodies found and missing persons, and accusing the Police of covering up the truth on the causes of death in those cases. To enable the IPCC Members to understand the Police procedures of 'Death Enquiry' and 'Missing Persons' investigation, Ms HUI Yee-wai, Acting Superintendent of Crime Wing Headquarters (SP HQ CRM (Ag.)) and Mr LEUNG Chi-hang, Acting Superintendent of New Territories North (Operations) (SP OPS NTN (Ag.)) were invited to deliver presentations to the Meeting.

Death Enquiry

4. SP HQ CRM (Ag.) delivered a presentation to introduce the police procedures of 'Death Enquiry' and the co-operation with the forensic pathologists, government chemists and other government departments. Between 2015 and 2019, the number of cases involving dead bodies found reported to the Police ranged from 8,210 to 8,885. In 2018, the Coroner directed the Police to submit investigation reports for 1,083 cases and death inquest was held for 161 cases. She explained that the Police was responsible for investigation to reveal any suspicious circumstances surrounding the deaths. On the other hand, the government chemist and forensic pathologist were responsible for examination of the dead bodies to ascertain the causes of death. The Police, government chemist and forensic pathologist would submit reports to the Coroner respectively. After examining all available evidence, the Coroner would direct the Police to curtail the case or conduct further investigation if necessary. The decision of holding death inquest rested upon the Coroner. There were effective checks and balances throughout the death enquiry process.

5. The Chairman enquired about whether the 8,210 to 8,885 cases of dead bodies found reported to the Police had included the deaths certified by the doctors in hospital. SP HQ CRM (Ag.) clarified that it was not included unless there was criminal element disclosed by the doctors.

6. Mr Clement CHAN questioned whether there was any variation on the handling procedures of dead bodies found under different circumstances. SP HQ CRM (Ag.) replied that there was no difference in general but the experts or officers summonsed to the scene might vary in different scenarios, such as officers of the

Electrical and Mechanical Services Department attending a scene with possible electric shock. She added that the Secretary for Justice, the beneficiary such as family members and employers could also request for holding a death inquest through application via the Court of First Instance.

7. Miss Sylvia LEE enquired about whether the Police was the only party to conclude any suspicious circumstances disclosed during death enquiry. SP HQ CRM (Ag.) replied that the initial assessment at the scene was made by both the frontline uniformed and crime officers and forensic pathologist who was summoned. Regardless of the assessment result, the initial investigation report would be submitted to the Coroner who would decide whether further investigation was required or not. CSP C&IIB explained that patrol sub-unit officers and commander would attend the scene to examine the full circumstances surrounding the death, ascertain the identity of the deceased and secure any evidence at scene. Forensic pathologist would be summoned if suspicion was revealed for preservation of evidence. There were different stakeholders involved at various stages of the investigation.

8. Hon Frankie YICK asked about the causes of death behind the cases reported in 2019. SP HQ CRM (Ag.) replied that 24 cases were classified as ‘Murder’, about 600-700 cases were suicide cases and the remaining cases were mainly stemmed from accidents and death before/after arriving at the hospitals.

9. Mr LEE Man-bun questioned about whether the forensic pathologist and the Coroner were independent from the Police. SP HQ CRM (Ag.) revealed that they were independent. The Chairman added that the government chemist was also independent from the Police.

10. Dr Eric CHENG enquired about the notification mechanism to the media regarding the death cases. CSP C&IIB explained that the Police Public Relations Branch (PPRB) would notify the media and Information Services Department of the cases by the ‘news tagging’ system. DMS added that some reporters might also obtain the news from the Accident and Emergency Department of the hospitals while standing by thereat.

11. Mr Alex CHU enquired about whether there was any complaint arising from the investigation of dead body found cases. CSP C&IIB replied that there was no relevant complaint received. SSP CAPO added that there used to be complaints stemmed from the handling of intestate property.

Missing Persons

12. SP OPS NTN (Ag.) delivered a presentation to introduce the police procedures on handling cases of 'Missing Persons'. He stated that there was a decreasing trend on the number of cases from 3,710 cases in 2015 to 2,643 cases in 2019, probably due to the popularity of social media which facilitated the public to find out the location of their missing relatives/friends and ruled out any misunderstanding. About 92%-94% of the missing persons reported were physically located by the Police in the past 5 years while most of the remaining missing persons were confirmed safe by the Police.

13. SP OPS NTN (Ag.) elaborated that the public could make a report to the Police by various means. The Police had also established liaison with other government departments such as Immigration Department, Social Welfare Department and Correctional Services Department for the purpose of locating missing persons. If any criminal elements were disclosed during investigation, the case would be referred to crime unit for follow-up actions.

14. Mr Clement CHAN enquired about the figures for the successfully located missing persons and whether it was possible that someone was dead without being noticed by anyone. SP OPS NTN (Ag.) replied that between 2017 and 2019, all missing persons aged under 16 were located while 99% of missing persons aged over 16 were found and confirmed safe. He elaborated that during the investigation of death cases, the Police would check with the missing person enquiry unit to confirm whether the deceased had been reported missing. CSP C&IIB added that the investigation of cases between 'Dead Body Found' and 'Missing Person' was highly correlated.

15. The Chairman enquired about how to handle a dead body if there was no document which revealed the identity of the deceased.

CSP C&IIB replied that the Police would obtain DNA sample from the deceased and crime officers would examine other circumstantial evidence such as CCTV footages, octopus card records in order to identify the deceased.

16. Hon Frankie YICK queried about why the schools or Education Bureau did not contact the parents for the cross-boundary students who did not attend the first school day before referring the cases to the Police. SP OPS NTN (Ag.) clarified that initial enquiry with the parents had been conducted by the informant before the case referral.

17. Mr Herman HUI questioned about whether there was any report of dead body or missing person regarding the rumours of deaths at Prince Edward MTR station on 31 August 2019. DMS confirmed that there were no such reports made to the Police.

18. Miss Sylvia LEE asked whether the Police would accept a report of 'Missing Person' if the subject had not been out of reach for over 48 hours and how the Police managed to handle such a huge caseload. CSP C&IIB replied that there was no restriction on the missing duration and the public could make a report anytime if the relatives went missing with safety concerns. She added that for the cases involving children or elderly, the Police would immediately deploy patrol cars to search for the missing persons based on the clues provided by informants. The Police handled every case in a serious manner no matter how heavy the workload was, especially cases involving subject aged under 16 as they were vulnerable to be the victims of crime.

19. The Chairman enquired about whether there was any case of suspected child abduction in Hong Kong. CSP C&IIB replied that there was no such report received in recent years.

20. CSP C&IIB concluded that both death enquiry and missing person investigation involved different stakeholders including various government departments, experts and the court. It was therefore impossible for the Police to cover up any dead body found cases or cases of missing person. As mentioned in the IPCC's Thematic Study Report, the claim that the Police had covered up the deaths of members of the public or cases of missing person was an

extraordinary claim. CSP C&IIB emphasised that the Police would continue handling every case in a professional manner.

III. Matters for Information

(a) CAPO's Monthly Statistics

21. CSP C&IIB reported that in the first five months of 2020, 495 Reportable Complaints (RCs) were registered, 85 of which had arisen from the Fugitive Offenders Ordinance related (FOO-related) public order events, representing a decrease of 79 cases (-13.8%) when compared with 574 RCs in the same period of 2019. There were 166 cases resolved by '*Expression of Dissatisfaction Mechanism*' (EDM), representing a decrease of 115 cases (-40.9%) when compared with 281 cases in the same period of 2019.

22. Of the 495 RCs, 387 cases (78.2%) were minor complaints while 108 cases (21.8%) were serious complaints. Minor complaints comprised 213 cases of '*Neglect of Duty*' (43%), 164 cases of '*Misconduct/Impoliteness*' (33.2%), and 10 cases of '*Offensive Language*' (2%). When compared with the same period of 2019, the minor complaints decreased by 114 cases (-22.8%). Serious complaints comprised 67 cases of '*Assault*' (13.5%); 23 of which had arisen from the FOO-related public order events, 7 cases of '*Threat*' (1.4%), 30 cases of '*Unnecessary Use of Authority*' (6.1%) and 4 cases of '*Fabrication of Evidence*' (0.8%). The number of the serious complaints in the first five months in 2020 showed an increase of 35 cases (47.9%) when compared with the same period of 2019.

23. Comparing the minor complaint figures with the same period of 2019, '*Neglect of Duty*' decreased by 96 cases from 309 to 213 cases (-31.1%), '*Misconduct/Impoliteness*' decreased by 16 cases from 180 to 164 cases (-8.9%) and the number of '*Offensive Language*' decreased by 2 cases from 12 to 10 cases (-16.7%)

24. Comparing the serious complaint figures with the same period of 2019, '*Assault*' increased by 15 cases from 52 to 67 cases (28.8%). '*Threat*' increased by 3 cases from 4 to 7 cases (75%). '*Unnecessary Use of Authority*' increased by 20 case, from 10 to 30 cases (200%). The number of '*Fabrication of Evidence*' cases

decreased by 3 cases from 7 to 4 cases (-42.9%)

25. It was anticipated that the overall figure of 2020 would show a decrease of 455 cases (-27.7%) when compared with 2019.

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

26. CSP C&IIB updated the Meeting about the figures of FOO-related complaints. As at 5 June 2020, there were a total of 1,844 complaints lodged by 8,120 complainants (COMs), including 601 Reportable Complaints (RCs) (32.6%) from 647 COMs and 1,243 Notifiable Complaints (NCs) (67.4%) from 7,473 COMs.

27. For RCs, the majority of the allegations was minor in nature which comprised 394 (65.6%), including 113 '*Neglect of Duty*' (18.8%); 210 '*Misconduct*' (34.9%); 41 '*Impoliteness*' (6.8%); 17 '*Rudeness*' (2.8%) and 13 '*Offensive Language*' (2.2%). Serious allegations had a total of 207 (34.4%), including 107 '*Assault*' (17.8%); 10 '*Threat*' (1.7%), 88 '*Unnecessary Use of Authority*' (14.6%) and 2 '*Fabrication of Evidence*' (0.3%).

28. Amongst the 8,120 COMs, only 647 COMs (8%) came from the 601 RCs. The Police had contacted 510 COMs (78.8%); 173 (26.7%) opted for '*Full Investigation*', 83 (12.8%) opted for '*Sub-Judice Procedures*', 144 (22.3%) opted for '*Withdrawal*', 8 (1.2%) opted for '*Informal Resolution*', 50 (7.7%) had yet to express their stances, 52 (8%) were '*Not Pursuable*', 134 (20.7%) had yet to make any reply. CAPO would continue approaching the remaining 3 COMs (0.5%).

29. For NCs, the 1,243 complaints were lodged by 7,473 COMs (92%). The Police had contacted 1,440 COMs (19.3%); 5,427 (72.6%) had yet to make any reply. The Police was unable to contact 322 COMs (4.3%) who had never provided any contact means to the Police. CAPO would continue approaching the remaining 284 COMs (3.8%).

30. CSP C&IIB updated the Meeting that CAPO would continue submitting progress reports of RC cases to the Secretariat. On 17 March 2020 and 1 June 2020, CAPO had conducted two

meetings for case progress discussion respectively with the Secretariat.

31. CSP C&IIB updated the Meeting the observations by CAPO arising from the investigation of FOO-related NCs. As at 5 June 2020, there were a total of 1,844 FOO-related complaints of which 1,243 complaints (67.4%) were NCs. It was observed that 663 of the 1,243 NCs (53.3%) were lodged by seven habitual COMs, while two of them had already lodged nearly 360 NCs (29%). Such figures revealed that a group of COMs kept lodging complaints stemmed from different incidents.

32. On the other hand, it was of note that 4,301 of 7,473 COMs (57%), who lodged the 1,243 NCs, had made use of templates for their complaints. Since they were not the directly affected party of the police conduct, most of them just lodged the NCs based on the information from the internet or media. They even failed to provide the basic circumstances of the complaints such as date, time and incident location.

33. The Police would contact COMs for the investigation of NCs according to the means of contact provided, such as e-mail, postal address, phone number, while all telephone conversations would be recorded in order to ensure impartiality. However, over 70% of COMs had yet to respond to CAPO. Despite the above, the Police would continue handling all the complaints in a fair and impartial manner.

34. Hon Tony TSE enquired about whether COMs had provided the reason of withdrawing their complaints. SSP CAPO replied that the allegations of these cases were minor in nature and the reason for the majority of withdrawal was due to the previous misunderstanding on police procedures, which were clarified upon explanation by CAPO. If COM decided to withdraw the complaint via telephone call, the supervisor of the CAPO investigator would verify COM's stance via the telephone recording system. COM could also give a statement in the presence of IPCC Observer to confirm the stance of withdrawing the complaint.

(c) Update on 52 Recommendations

35. To begin with the progress update, ACP SQ expressed sincere thanks to the IPCC Chairman, Members and Secretariat for the meeting with the representatives of four Police staff associations on 19 May 2020 for sharing the report content and collecting their feedback. For the 52 recommendations, the Security Bureau had established a task force led by the Secretary for Security and held the first meeting with the Police on 28 May 2020. The task force decided to categorise the 52 recommendations into five areas to be followed up under five sub-groups, namely (i) enhancing release of public information and review of media relations, (ii) review of guidelines on the use of force, (iii) improvement of arrangements for temporary holding areas, (iv) enhancement of police operational deployment and strategies, and (v) strengthening Police's internal management, co-ordination and training.

36. ACP SQ further reported that the five sub-groups had held preparatory meetings between 10 June 2020 and 12 June 2020 to assess the complexity and urgency of relevant issues with a view to determining the review and follow-up arrangements, to enhance the current mechanism, training and strategy. The Police would report progress in July 2020 to the task force, which would regularly submit work progress reports to the Chief Executive. The first progress report would be submitted in August 2020, followed by quarterly reporting. ACP SQ stressed that the Police would follow up the 52 recommendations in a serious manner and proactively co-operate with both the task force and the IPCC.

37. The Chairman supplemented that he, together with the three Vice-Chairmen and Members, had met the Secretary for Security about the same issues, which IPCC would follow up the progress accordingly.

38. Mr Clement CHAN mentioned that after the publication of the Thematic Study Report, the media queried about why IPCC did not interview the protestors and consider their views. He stated that IPCC did not have investigative power which had been clearly explained to the public and the International Expert Panel. IPCC therefore entrusted the Chinese University of Hong Kong and the University College London for conducting researches in order to

gauge the views of the public and police officers respectively. Mr Clement CHAN suggested the Police to consider the views of those research results. The Chairman added that the Police could make reference to the results of those researches while following up the 52 recommendations.

39. Ms Ann AU observed that throughout the past year, there were conflicts among reporters and frontline police officers. She suggested the Police to review the current mechanism and set out proper guidelines so as to minimize any conflicts in future. Mrs Helen YU added that reporters could also beware of their professional behaviour and avoid conflicts with the Police at scenes. ACP SQ pledged that the sub-groups would follow up the matter and the Police had increased the number of Force Media Liaison Cadre (FMLC) officers and kept reminding officers of such.

(d) CAPO's Criminal and Disciplinary Checklist

40. 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

41. There being no other business, the Meeting concluded at 1710 hrs.

(YIP Wing-lam)
Joint Secretary
Complaints and Internal
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(Rebecca LUK)
Joint Secretary
Independent Police
Complaints Council