

**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 1545 hours on Tuesday, 15 September 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	
	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	
	Dr David LEE Ka-yan, BBS, 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	
	Mrs Helen YU LAI Ching-ping, SBS	
	Mr Paul LAM Ting-kwok, SC	
	Mr Richard YU, CDSM, CMSM, SG	
	Mr Daniel MUI, DSG(OPS)	
	Ms Rebecca LUK, DSG(MGT)	(Joint Secretary)
	Ms Cherry CHAN, LA	
	Ms Rebecca LAM, DMS	
	Ms Tammy MAK, ACP SQ (Temp.)	
	Mr Sam LAW, SSP CAPO	
	Mr Simon CHAN, SSP SD CAPO	
	Mr Jackey TSUE, SP CAPO HQ	(Joint Secretary)
	Ms Ingrid MAK, SCLINPSY CPSS PSG	
Absent with apologies:	Mr Douglas LAM Tak-yip, SC	
	Mr Richard HO Kam-wing	
	Ms Melissa Kaye PANG, MH, JP	
	Ms Shalini Shivan SUJANANI	

Ms Jane Curzon LO, JP

In Attendance: Mr Alvin WONG, SP SD 3 CAPO
Mr Terence TSANG, CIP HQ (1) CAPO
Mr WONG Cheung-hing, SIP IPCC CAPO

PART B OPEN MEETING

Opening Address

The Chairman welcomed all to the meeting and congratulated Ms Rebecca LAM for her promotion and assumption of the office of DMS. On behalf of the Council, he would like to put on record a note of thanks to Ms Edwina LAU and Mr Andrew KAN for their valuable contributions to safeguard and enhance the police complaints system during their tenure as the then DMS and ACP SQ respectively.

I. Confirmation of Minutes of the Meeting held on 16 June 2020 (Open Part)

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

II. Presentation on Resilience Building Training

3. ACP SQ (Temp.) briefed the Meeting that the Police have been facing unprecedented challenges stemmed from the months-long social unrest, and the police officers had worked prolonged duty hours to counter life-threatening attacks from rioters using lethal force, including bricks, sharp objects, corrosive liquid, petrol bombs, explosives and even genuine firearms. The series of malicious attacks against police quarters, and the unscrupulous disclosure of personal data, including residence and mobile contact numbers, of police officers and their family members on public domains for cyberbullying had severely endangered the physical and mental well-being of police officers and their family members, and not to mention the persistent spreading of hate speech and incitement of revenge

against police officers and their children on social media. During the hardship, the Police clinical psychologists have been rendering wholehearted psychological supports to frontline officers, in particular offering resilience building training to ensure officers' emotional health to withstand these unprecedented challenges. As such, Ms Ingrid MAK, Senior Police Clinical Psychologist of Police Psychological Service Group (PSG) was invited to share her observations from the resilience building training to the Meeting.

4. Ms Ingrid MAK delivered a presentation to introduce the Resilience Building Workshop organized for frontline police officers having participated in curbing the social unrest. She highlighted that the PSG has since June 2019 provided round-the-clock counselling services to police officers, and was for the first time extended services to family members of officers in need of psychological support. Earlier this year, the PSG also took the initiative to design a one-day resilience building workshop, aiming to address officers' psychological needs and prepare them for the changing policing challenges. Between May and July 2020, a total of 20 Workshops were conducted with over 2,000 frontline officers attended.

5. The Workshop was divided into two parts, namely "Know Yourself" and "Know the Protestors". In the first part, participants were given the opportunity to share their feelings in a safe environment and understand the social split through social psychology. Some participants had expressed emotional distress for worrying the safety of their family members and blaming themselves for not able to better protect them during the social unrest. Most importantly, participants were offered a chance to reflect on their sense of purpose for being a police officer. In the second part, guest speakers were invited to share their observations on factors leading to the social unrest and the behavioural traits of protestors. While learning on how to cope with the challenging operating environment from social unrest, participants were encouraged to positively address the problems of relationship splits and recognise the paramount importance of mutual understanding to rebuild public trust.

6. Prof Martin WONG enquired about the number of police officers and their families seeking assistance from the PSG and how effective interaction of the one-day Workshop could be sustained. Ms Ingrid MAK explained that the PSG services were first extended

to family members of police officers during the course of social unrest, and about 17% of the new cases received since June 2019 were related to family members. In order to reinforce the interactions with officers after the Workshops, PSG staff would maintain contacts with those in need and invite them to attend new programme or workshop.

7. Miss Sylvia LEE enquired about the follow-up actions by the PSG on critical incidents, such as police opening fire, and how to assess whether a police officer was fit for discharging constabulary duties after the incidents. Ms Ingrid MAK elaborated that police officers at some point of their career might encounter or witness critical incidents threatening the lives of either themselves or their fellow colleagues. Post Critical Incident Psychological Support Services, including both interview and subsequent assessment, were mandatory to be arranged by the Police clinical psychologists, particularly when officers were involved in open fire incidents, or sustained serious injuries in their course of duty. The services would assess the impact of the incidents on individual officers so as to determine the appropriate level of support on post-incident stress management. Individual counselling services might also be arranged when necessary. The assessment of whether a police officer being fit for duty or carrying firearms would be conducted on a case-by-case basis, where the formation commanders of officers concerned might seek the expert advice from the PSG.

8. The Chairman enquired about the number of injured officers having sought assistance from the PSG since June 2019. Ms Ingrid MAK replied that such data was not available, but there were a total of 278 new cases handled by the PSG in 2019, in which 206 cases involved police officers.

9. Mr Alex CHU enquired whether the present manpower of the PSG was adequate to cater for any follow-up psychiatric support for the officers or their family members with alarming conditions such as depression. Ms Ingrid MAK affirmed that the 11 serving Police clinical psychologists would endeavour to provide support to police officers, and the recruitment to fill the present five vacancies was ongoing. On the other hand, the PSG had worked closely with the Hospital Authority (HA) for years where cases of special needs could be referred directly to HA for follow-up psychiatric services. Ms Ingrid MAK added that the Hong Kong College of Psychiatrists

recently expressed concern over the emotional disturbances experienced by Hong Kong citizens in response to the series of social turmoil and coronavirus outbreak. As a result, the College launched a volunteering programme, namely “Care4ALL”, providing several free psychiatric consultation sessions to the public. The PSG had also referred some cases to the programme.

10. The Chairman enquired about the guideline or manual to which commanding officers could make reference when assessing the psychological needs of their subordinates. Ms Ingrid MAK emphasized that the Force had well-established guidelines in the procedures manual to assist the commanding officers in referring cases to the PSG.

11. Ir Edgar KWAN enquired whether the PSG only rendered post-incident support and the role of the PSG in police training. Ms Ingrid MAK elaborated that the PSG focused on psychoeducation and provided “Stress Management” training sessions to all newly recruited officers during foundation training at the Police College. These were also supplemented by the seminars and sharing sessions organised by the Force “Carelinks Cadre” to promote psychological health for the Force members.

12. Mr Barry CHIN shared the view that the psychological health of police officers was vital, in particular for crime officers taking cautioned statements with suspects after prolonged working hours which might affect their level of professionalism.

13. Mr Clement CHAN enquired whether the PSG, while devising the Workshop, had made reference to the two surveys regarding cognitive self-understanding of police officers conducted by the University College London (UCL) for the IPCC Thematic Study. Ms Ingrid MAK replied that the PSG had made good reference to the survey results where some of the content was incorporated into the Workshops. The Chairman echoed that the psychological health of police officers was essential and should be closely monitored by commanding officers. He also appreciated that the PSG had referred to the reputable survey results.

14. ACP SQ (Temp.) supplemented that “Policing Psychology” was one of the training courses provided to new recruits

during foundation training. “Stress Management” and other advanced courses were also offered as continual training, some of which were tailor-made for supervisory officers of Superintendent or above.

III. Matters for Information

(a) CAPO’s Monthly Statistics

15. ACP SQ (Temp.) reported that in the first eight months of 2020, 763 Reportable Complaints (RCs) were registered, 92 of which were related to public order events (POEs) arising from the Fugitive Offenders Ordinance (FOO), representing a decrease of 266 cases (-25.9%) when compared with 1,029 RCs in the same period of 2019. There were 343 cases resolved by ‘*Expression of Dissatisfaction Mechanism*’ (EDM), representing a decrease of 113 cases (-24.8%) when compared with 456 cases in the same period of 2019.

16. Of the 763 RCs, 624 cases (81.8%) were classified as minor complaints while 139 cases (18.2%) were serious complaints. Minor complaints comprised 351 cases of ‘*Neglect of Duty*’ (46%), 259 cases of ‘*Misconduct/Impoliteness*’ (33.9%), and 14 cases of ‘*Offensive Language*’ (1.8%). When compared with the same period of 2019, the minor complaints decreased by 255 cases (-29%). Serious complaints comprised 93 cases of ‘*Assault*’ (12.2%), 24 of which related to the FOO’s POEs, 8 cases of ‘*Threat*’ (1%), 31 cases of ‘*Unnecessary Use of Authority*’ (4.1%), 6 cases of ‘*Fabrication of Evidence*’ (0.8%) and 1 case of ‘*Other Offences*’ (Theft) (0.1%). The number of the serious complaints in the first eight months in 2020 showed a decrease of 11 cases (-7.3%) when compared with the same period of 2019.

17. Comparing the minor complaint figures with the same period of 2019, ‘*Neglect of Duty*’ decreased by 167 cases from 518 to 351 cases (-32.2%), ‘*Misconduct/Impoliteness*’ decreased by 82 cases from 341 to 259 cases (-24%) and the number of ‘*Offensive Language*’ decreased by 6 cases from 20 to 14 cases (-30%).

18. Comparing the serious complaint figures with the same period of 2019, ‘*Assault*’ decreased by 11 cases from 104 to 93 cases

(-10.6%). ‘*Threat*’ decreased by 1 case from 9 to 8 cases (-11.1%). ‘*Unnecessary Use of Authority*’ increased by 3 cases from 28 to 31 cases (+10.7%). The number of ‘*Fabrication of Evidence*’ cases decreased by 3 cases from 9 to 6 cases (-33.3%)

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

19. ACP SQ (Temp.) updated the Meeting about the figures of FOO related complaints. As at 4 September 2020, there were a total of 1,895 complaints lodged by 9,070 complainants (COMs), including 609 RCs (32.1%) from 661 COMs and 1,286 NCs (67.9%) from 8,409 COMs.

20. For RCs, the majority of the allegations, i.e. 404 (66.3%), was minor in nature which comprised 212 ‘*Misconduct*’ (34.8%); 118 ‘*Neglect of Duty*’ (19.4%); 43 ‘*Impoliteness*’ (7%); 18 ‘*Rudeness*’ (3%) and 13 ‘*Offensive Language*’ (2.1%). Serious allegations had a total of 205 (33.7%), including 106 ‘*Assault*’ (17.4%); 88 ‘*Unnecessary Use of Authority*’ (14.5%); 9 ‘*Threat*’ (1.5%) and 2 ‘*Fabrication of Evidence*’ (0.3%).

21. Amongst 661 COMs involving in the 609 RCs, the Police had contacted 522 COMs (79%) including 178 (26.9%) opted for ‘*Full Investigation*’, 145 (21.9%) opted for ‘*Withdrawal*’, 81 (12.3%) opted for ‘*Sub-Judice Procedures*’, 9 (1.4%) opted for ‘*Informal Resolution*’, 52 (7.9%) had yet to express their stances, and 57 (8.6%) were ‘*Not Pursuable*’. 131 (19.8%) had yet to make any reply and CAPO would continue to approach the remaining 8 COMs (1.2%).

(c) Update on 52 Recommendations

22. ACP SQ (Temp.) updated the Meeting that the Secretary for Security had established a task force to take forward the review and studies on the follow-up of the 52 recommendations highlighted in the IPCC’s Thematic Study Report on the POEs arising from the Fugitive Offenders Bill. The task force had held two meetings with the Police in May and August 2020 respectively. Each of the 52 recommendations was classified into one of the five areas with each

area to be examined by a dedicated subgroup to ensure focused application of knowledge and expertise: covering (i) Public Information Dissemination and Media Relations; (ii) ‘Use of Force’; (iii) Arrangements for Temporary Holding Areas (THA); (iv) Operation Planning and Strategies; and (v) Internal Management, Coordination and Training.

23. The five subgroups had been proactively following up the recommendations and prioritized the tasks based upon the level of complexity and potential controversies. In August 2020, the task force submitted the first progress report to the Chief Executive.

24. In brief, three of the 52 recommendations were completed. These included recommendation (20) to better utilise water-filled barriers to reinforce police cordon lines and minimise clashes between frontline police officers and violent protesters as the Police had procured 2,200 more water-filled barriers and deployed them at over 60 locations, such as the Central Government Offices and Police Headquarters.

25. For recommendation (48), the Police Public Relations Branch (PPRB) had collaborated with the Information Services Department to review the protocol to stipulate more clearly the circumstances where consideration should be made to organise joint press conferences with other government departments or institutions to dispel rumours and enhance public understanding of government actions involving multiple departments.

26. For recommendation (52), the Police had identified two suitable police stations as designated THAs for mass arrest in each of the five land Police Regions, having considered their distance from hospitals and ambulance depots as suggested by IPCC.

27. In addition, the Police had clearly re-affirmed that San Uk Ling Holding Centre (SULHC) is not suitable for use as THA for mass arrest after a critical review in June 2020.

28. ACP SQ (Temp.) further reported that PPRB had sought views of four media associations on how to better facilitate the media reportage activities. On 3 September 2020, PPRB sent a letter to the four media associations and explained the difficulties faced by the

Police during POEs where some self-claimed reporters took part in illegal activities and obstructed the work of both the Police and professional reporters. The Police would continue to engage respective media associations aiming to draw up a ‘Code of Practice’ for meeting both the Police and media interests in their respective duties to the community and for ensuring safety of all concerned (recommendation (9)).

29. Mr Clement CHAN enquired about the details of the reviewed protocols mentioned in the follow-up action on recommendation (48). SSP SD CAPO elaborated that five factors would be duly considered before initiating the mechanism of holding an inter-departmental press conference, namely (i) whether any senior government officials or police officers were required to respond to the incident concerned; (ii) whether it was a critical incident involving the cooperation of various government departments; (iii) whether it was an incident arousing significant media interest; (iv) whether clarifications against widespread rumours or false accusations were deemed necessary; and (v) whether elaboration of actions taken or to be taken by the government was essential to avoid the public panic.

30. Mr Clement CHAN enquired about the follow-up progress of recommendation (9) to draw up a ‘Code of Practice’ with the media industry. ACP SQ (Temp.) replied that the Force senior management had a meeting with the representatives of four media associations in May 2020. There were mixed views on the subject issue and obviously more deliberations would be required before a consensus could be reached.

31. Mr Clement CHAN further enquired about the handling of incidents of public interests, such as the use of force against a twelve years-old girl and a pregnant woman during recent protests. ACP SQ (Temp.) replied that the Police had swiftly published relevant clarifications via Police Facebook page in response to the incidents concerned.

32. The Chairman commented that the Police might also consider using its Facebook page to live broadcast press briefings and inter-departmental press conferences in order to disseminate instant information to the public.

33. Hon Tony TSE enquired about the detailed operations of the Integrity Audit Action Group (IAAG) which was recently established for the purpose of early intervention of police misconduct. ACP SQ (Temp.) elaborated that IAAG, established in May 2020, comprised 15 officers including a Superintendent and two Chief Inspectors. The team came under the direct command of ACP SQ and should report directly to the Commissioner of Police. The missions of IAAG included (i) to mount proactive investigation against serious misconduct and illegal activities involving Force members; (ii) to identify and rectify duty related integrity risks; and (iii) to enhance supervisory accountability. ACP SQ (Temp.) added that with effect from July 2020, officers who wished to be considered in promotion exercises should submit financial declaration, and a voluntary drug test for Force members would be rolled out in the fourth Quarter of 2020. Hon Tony TSE commented that enhanced transparency would be beneficial to the Police should there be regular update of investigation results regarding police misconduct to the public.

34. Mrs Helen YU suggested that the Police should consider exploring other social media platforms if the Police Facebook was not considered efficient upon review. ACP SQ (Temp.) would reflect the comments to PPRB, and added that PPRB had set up a Facebook Live Team to provide live broadcasting at scene of protests, enabling the public to have a better understanding of the situation from another angle.

35. Mr Paul LAM expressed concern about the recent acquittals of FOO related crime cases in which the court had given some adverse comments, as it might not only affect the morale of police officers but also have adverse impact on police's image. He enquired about the follow-up mechanism on acquitted cases and any relevant training regarding testifying before court provided to police officers. ACP SQ (Temp.) explained that the formation commander of the responsible crime unit, upon each acquittal, would review the case and consider disciplinary review or proceedings should any misconduct be revealed. The court would also refer any comments to CAPO for follow-up actions, if necessary. While undergoing the foundation training at Police College, 'Mock Court' training was provided to every recruit to equip them with professional knowledge of court related procedures. Junior Police Officers would receive

various on-the-job training subsequently for better preparation before attending court. Recently on 3 September 2020, a Knowledge Management Seminar was held at Police Headquarters, where three guests of the legal profession shared their professional knowledge and experience on testifying in court. DMS stressed that the Police management treated this matter seriously, and the Police would handle and review each and every acquittal prudently.

(d) CAPO's Criminal and Disciplinary Checklist

36. ACP SQ (Temp.) 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

37. There being no other business, the Meeting concluded at 1712 hrs.

(Jackey TSUE)
Joint Secretary
Complaints and Internal
Investigations Branch

(Rebecca LUK)
Joint Secretary
Independent Police
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