

**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 December 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, JP	(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, JP	
Mr Paul LAM Ting-kwok, SC, 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, BBS, MH, JP	
Prof Martin WONG Chi-sang	
Mr Johnny YU Wah-yung, JP	
Dr Anissa CHAN WONG Lai-kuen, SBS, MH, JP	
Mr Roland WONG Ka-yeung	
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 Rebecca LAM, DMS	
Ms Anna TSANG, ACP SQ	
Ms Monica AU YEUNG, CSP C&IIB	
Ms Tammy MAK, DRC NTN	
Mr Sam LAW, SSP CAPO	
Mr Simon CHAN, SSP SD CAPO	
Mr Jackey TSUE, SP CAPO HQ	(Joint Secretary)
Mr Stephen YU, CSP SUPPORT (Ag.)	
Mr Terry FANG, SSP SD OPS (Temp.)	

Absent with
apologies: Dr Eric CHENG Kam-chung, BBS, MH, OStJ, JP
Mr Richard HO Kam-wing
Mr Douglas LAM Tak-yip, SC
Dr David LEE Ka-yan, BBS, MH, JP
Ms Shalini Shivan SUJANANI
Mr LEE Man-bun, MH, JP
Ms Jane Curzon LO, JP

In Attendance: Mr Alvin WONG, SP SD 3 CAPO
Mr Jamie LEE, SP CAPO HKI
Ms Jenny KWONG, SP CAPO NT
Mr Terence TSANG, CIP HQ (1) CAPO
Mr Alvin WONG, SIP IPCC CAPO
Ms Cynthia SHAM, SIP SD3a CAPO

PART B OPEN MEETING

Opening Address

The Chairman welcomed all to the meeting and congratulated Ms Anna TSANG and Ms Monica AU YEUNG for their promotion and assumption of the office of ACP SQ and CSP C&IIB respectively. On behalf of the Council, he would like to put on record a note of thanks to Ms Tammy MAK for her valuable contributions to safeguard and enhance the police complaints system during her tenure as the then CSP C&IIB and wished her all the best in her new post.

2. The Chairman would also like to put on record a note of thanks to Hon Chris CHEUNG, Hon Tony TSE, Dr Eric CHENG, Mr Herman HUI, Ir Edgar KWAN and Mr Richard HO for their valuable contributions in the past six years as IPCC Members. On behalf of the Police Force, DMS expressed her deep gratitude to the departing members for their supports to CAPO and advices given to improve the service quality of the Police Force.

I. Confirmation of Minutes of the Meeting held on 15 September 2020 (Open Part)

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

II. Presentation on Digital Video Recording Devices of Hong Kong Police Force (the Force)

4. SSP CAPO briefed the Meeting that the Police have been leveraging the use of technology in striving for excellence, including the expanded use of digital video recording devices in enforcement actions. In 2013, the Force piloted the use of Body Worn Video Camera (BWVC) which was proven to be effective in de-escalating confrontational situations and securing evidence. Recently, the Force also deployed the Digital Action Camera (DAC) for anti-riot situation. As such, Mr Stephen YU, CSP SUPPORT (Ag.) and Mr Terry FANG, SSP SD OPS (Temp.) were invited to introduce the application and features of BWVC and DAC in police enforcement.

5. CSP SUPPORT (Ag.) delivered a presentation covering the background of BWVCs, its operating procedures, features, and retention protocol, etc. BWVCs would be used in confrontational scenarios or incidents where a breach of the peace had occurred or was likely to occur, and were considered effective deterrent against aggressive behaviour, resulting in reduced conflicts between police officers and citizens. Providing a comprehensive and fair account of the incidents, BWVCs were able to capture the broader circumstances of incidents. These video footages could also help rebutting false accusations and improve public trust in the Force. BWVCs were proven to be effective in the day-to-day policing works, and the Force had expanded the use of BWVCs to cover all uniformed officers deployed on ground.

6. SSP SD OPS (Temp.) introduced the use of DACs in policing public order events. DACs were put to its trial use during the anti-riot operations in October 2020. The Force has issued stringent guidelines to govern the use of DACs' footages as evidence in subsequent crime investigations. Should the Police decide to prosecute, the footages could be used as evidence in court. For those footages without investigative or evidential value, they would be deleted after 31 days according to the guidelines. DACs could clarify ambiguity in testimony and expedite complaint resolution.

7. Hon Frankie YICK enquired about the ultra-low light feature of BWVCs and the feedback from frontline officers regarding the installation of DACs on helmets. DMS affirmed the automatic

activation of the BWVCs in low light condition and stated that officers had not expressed discomfort in wearing the helmets with the DACs installed.

8. Hon Frankie YICK enquired about the timeline for equipping all police officers with BWVCs and the Police view on the legal proposal to outlaw insults against police officers upon full implementation of BWVCs. DMS replied that the current stock of over 10,000 BWVCs were sufficient in equipping all frontline patrolling officers. The Force remained open towards the proposal.

9. Hon Chris CHEUNG enquired whether a notice or warning would be given before the activation of BWVCs. CSP SUPPORT (Ag.) replied that unless impracticable, police officers equipped with BWVCs would notify the persons concerned before the commencement of any recording. The outward-facing screen on the device allowed the person being filmed to be aware of the video image captured by the device. The Chairman requested the Secretariat to obtain the operating details of the BWVCs from the Police.

10. Mr Paul LAM raised concern over the full discretion of the police officers at scene in deciding for the activation and deactivation of BWVCs. CSP SUPPORT (Ag.) reassured that strict guidelines had been put in place which stipulated the conditions for camera activation, coupled with relevant training for frontline officers.

11. Hon Frankie YICK further enquired about the level of police-public confrontation which could justify the activation of BWVCs. CSP SUPPORT (Ag.) replied that the officers had to make threat assessment at scene and strove to adhere to the guidelines.

12. Mr Clement CHAN enquired about the handling of BWVC footages with evidential value. In response, CSP SUPPORT (Ag.) reiterated that the Department of Justice had been consulted to ensure that the present handling of footages was consistent with the court's legal requirement. Footages which were considered to be relevant for investigation would be saved as CD copies.

13. Hon Tony TSE and Mr Herman HUI concerned about whether there was any audit trail or record keeping for the retrieval of footages from BWVCs to prevent unauthorized access or tampering.

CSP SUPPORT (Ag.) replied that any viewing or video editing of footages would be traceable, and any instant viewing of footages could only be possible with prior approval from supervisory officers.

14. Ir Edgar KWAN enquired about the resolution of BWVC and whether its footages would be regarded as the sole evidence at scene. CSP SUPPORT (Ag.) replied that BWVC had full HD 1080p resolution and the Police would endeavour to secure other circumstantial evidence at scene.

15. Prof Martin WONG asked about the successful rate of using BWVCs in handling confrontation. CSP SUPPORT (Ag.) replied that the deployment of BWVCs was effective in de-escalating 80% of the incidents involving confrontations.

16. Ms Melissa PANG and Mr Alex CHU raised concern over the impact of US sanction on the Senior Force Management which might affect the procurement of BWVC constituent parts due to various source of suppliers. CSP SUPPORT (Ag.) reassured that the Force experienced no procurement difficulty at this stage and would keep abreast of the latest technology in order to equip the officers with the best devices. The Chairman added that Hong Kong should have acceded to the Agreement on Government Procurement of the World Trade Organization.

17. SG stated that the use of BWVCs was considered very effective in diffusing confrontations. He enquired whether the use of BWVC would be extended to normal policing duties including stop and search and illegal parking enforcement. DMS replied that frontline officers welcomed the use of BWVCs and they would make practical decisions in using it should situation warrant.

18. The Chairman appreciated the application of both the BWVCs and DACs in policing and emphasized that a delicate balance should be struck between evidence gathering and the protection of personal privacy with advice sought from the Privacy Commissioner for Personal Data (PCPD). DMS replied that the Police had been receiving relevant inputs from PCPD and pledged that the Police would maintain a balance between law enforcement actions and the protection of human rights.

III. Matters for Information

(a) CAPO's Monthly Statistics

19. SSPCAPO reported that in the first eleven months of 2020, 1,055 Reportable Complaints (RCs) were registered, 140 of which were related to public order events (POEs) arising from the Fugitive Offenders Ordinance (FOO), representing a decrease of 493 cases (-31.8%) when compared with 1,548 RCs in the same period of 2019. There were 501 cases resolved by '*Expression of Dissatisfaction Mechanism*' (EDM), representing a decrease of 76 cases (-13.2%) when compared with 577 cases in the same period of 2019.

20. Of the 1,055 RCs, 868 cases (82.3%) were classified as minor complaints while 187 cases (17.7%) were serious complaints. Minor complaints comprised 491 cases of '*Neglect of Duty*' (46.5%), 359 cases of '*Misconduct/Impoliteness*' (34%), and 18 cases of '*Offensive Language*' (1.7%). When compared with the same period of 2019, the minor complaints decreased by 428 cases (-33%). Serious complaints comprised 129 cases of '*Assault*' (12.2%), 10 cases of '*Threat*' (0.9%), 40 cases of '*Unnecessary Use of Authority*' (3.8%), 7 cases of '*Fabrication of Evidence*' (0.7%) and 1 case of '*Other Offences*' (0.1%). The number of serious complaints in the first eleven months in 2020 showed a decrease of 65 cases (-25.8%) when compared with the same period of 2019.

21. Comparing the minor complaint figures with the same period of 2019, '*Neglect of Duty*' decreased by 237 cases from 728 to 491 cases (-32.6%), '*Misconduct/Impoliteness*' decreased by 179 cases from 538 to 359 cases (-33.3%) and '*Offensive Language*' decreased by 12 cases from 30 to 18 cases (-40%).

22. Comparing the serious complaint figures with the same period of 2019, '*Assault*' decreased by 36 cases from 165 to 129 cases (-21.8%), '*Threat*' decreased by 6 cases from 16 to 10 cases (-37.5%), '*Unnecessary Use of Authority*' decreased by 18 cases from 58 to 40 cases (-31%) and '*Fabrication of Evidence*' decreased by 5 cases from 12 to 7 cases (-41.7%).

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

23. SSP SD CAPO updated the Meeting about the figures of FOO related complaints. As at 4 December 2020, there were a total of 1,946 complaints lodged by 9,135 complainants (COMs), including 629 RCs (32.3%) from 684 COMs and 1,317 NCs (67.7%) from 8,451 COMs.

24. For RCs, the majority of the allegations, i.e. 398 (63.3%), was minor in nature which comprised 208 ‘*Misconduct*’ (33.1%); 118 ‘*Neglect of Duty*’ (18.8%); 43 ‘*Impoliteness*’ (6.8%); 16 ‘*Rudeness*’ (2.5%), 12 ‘*Offensive Language*’ (1.9%) and 1 on ‘*Police Procedures*’ (0.2%). Serious allegations had a total of 231 (36.7%), including 111 ‘*Assault*’ (17.6%); 108 ‘*Unnecessary Use of Authority*’ (17.2%); 11 ‘*Threat*’ (1.7%) and 1 ‘*Fabrication of Evidence*’ (0.2%).

25. Amongst 684 COMs involving in the 629 RCs, the Police had contacted 536 COMs (78.4%) including 179 (26.2%) opted for ‘*Full Investigation*’, 147 (21.5%) opted for ‘*Withdrawal*’, 79 (11.5%) opted for ‘*Sub Judice Procedures*’, 10 (1.5%) opted for ‘*Informal Resolution*’, 48 (7%) had yet to express their stances, and 73 (10.7%) were ‘*Not Pursuable*’. 145 (21.2%) had yet to make any reply and CAPO would continue to approach the remaining 3 COMs (0.4%).

(c) Update on 52 Recommendations

26. DRC NTN updated the Meeting that in November 2020, the Task Force had submitted the second progress report to the Chief Executive.

27. Between August and October 2020, the Police had completed seven recommendations [(26), (30), (33), (39), (44), (45) & (47)] and made significant progress for four recommendations [(29), (46), (50) & (51)], and introduced 21 improvement measures covering three aspects, namely (i) Public Information Dissemination and Media Relations, (ii) Arrangements for Temporary Holding Area (THA), and (iii) Operation Planning and Strategy.

28. Regarding Public Information Dissemination and Media Relations, the Police Public Relations Branch (PPRB) had procured a Social Listening Service to help monitoring social sentiments on the

Internet. A new division was also established to conduct live broadcast of police action at scenes for timely PR response and clarification purpose. PPRB had enhanced the usage of social media platforms such as Whatsapp, Facebook, Instagram, Twitter, Weibo and Youtube, and produced a series of thematic videos for public education. PPRB would also set up a command post during major operations to enhance communication with frontline units and the public, and to coordinate social media live broadcast.

29. For the second aspect on THA arrangements, pilot enhancement measures had been implemented at designated THAs with a view to better safeguarding detainees' rights and welfare and enhancing the transparency of police work. The Police had increased the manpower of THA and put in place a computerised system to ensure timely and accurate recording of detainees' movements in THA.

30. On the last aspect, relevant guidelines had been updated to assist Commanders in formulating tactics and deploying appropriate resources in accordance with the risk assessment. In relation to the weapons and equipment for officers to quell disorder, various Personal Protective Equipment and new less lethal weapons were procured.

31. For recommendation (9), the Police would continue to engage with the media association at different levels, aiming to draw up a 'Code of Practice' or a similar agreement in the safety interest of both the Police and the media.

32. The Police would follow-up the remaining recommendations proactively. For the recommendations on 'Use of Force' and 'Operation Planning and Strategy', it might take a considerable length of time to conduct comprehensive reviews and overseas research before considering possible options and their application in the local context.

33. Hon Chris CHEUNG suggested that the Police should consider publishing a report on the follow-up actions in response to the 52 recommendations in order to enhance the transparency to the public. While showing his appreciation towards the efforts of the Police on following up the recommendations, the Chairman expressed that Council members would like to visit the THA to view the new implementation measures.

[Post-meeting note: On 4 February 2021, CAPO and Kowloon City District (KCDIST) conducted a briefing session for the IPCC Chairman and 16 members regarding the enhanced measures made to the THA at Hung Hom Police Station, in response to the recommendation made to the THA in the IPCC Thematic Study Report published in May 2020.]

(d) CAPO's Criminal and Disciplinary Checklist

34. SSP CAPO 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

35. There being no other business, the Meeting concluded at 1705 hrs.

(Jackey TSUE)
Joint Secretary
Complaints and Internal
Investigations Branch

(Rebecca LUK)
Joint Secretary
Independent Police
Complaints Council