

**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 1515 hours on Tuesday, 21 June 2022**

Present:

IPCC

Ms Priscilla WONG Pui-sze, SBS, JP (Chairperson)
Hon Frankie YICK Chi-ming, SBS, JP (Vice-chairman)
Hon Ronick CHAN Chun-ying, JP (Vice-chairman)
Hon Jimmy NG Wing-ka, BBS, JP (Vice-chairman)
Mr Clement CHAN Kam-wing, MH, JP
Mr Alex CHU Wing-yiu
Ms Ann AU Chor-kwan
Miss Sylvia LEE Hiu-wah
Dr David LEE Ka-yan, BBS, MH, JP
Prof Martin WONG Chi-sang
Dr Anissa CHAN WONG Lai-kuen, SBS, MH, JP
Mr Roland WONG Ka-yeung
Ms Jane Curzon LO, JP
Dr Daniel CHAN Ching-yan, MH
Miss Mabel CHAN Mei-bo
Mr Randy YU Hon-kwan, MH, JP

Police

Ms Rebecca LAM Hiu-tong, DMS
Ms Anna TSANG Yim-sheung, ACP SQ
Ms Monica AU YEUNG Mun-ye, CSP C&IIB
Mr Joe CHAN Hin-kwan, SSP CAPO
Mr Simon CHAN Wai-ming, SSP SD CAPO
Mr Terry FANG Chi-kin, SSP OPS
Ms Daisy CHIU Yik-man, SP HQ CAPO

Secretariat

Mr Daniel MUI Tat-ming, SG
Ms Regina LAU Ngai-kit, DSG (OPS) (Atg)
Ms Cherry CHAN Man-yi, LA / DSG (MGT)

**Absent with
apologies**

Mr Wilson KWONG Wing-tuen
Ms Melissa Kaye PANG, BBS, MH, JP
Mr Johnny YU Wah-yung, JP
Mr LEE Man-bun, MH, JP
Mrs Helen YU LAI Ching-ping, SBS

Opening Address

The Chairman welcomed all to the meeting. On behalf of the Council, she would like to put on record her appreciation to Mr Douglas LAM and Mr Paul LAM for their invaluable contribution to the IPCC during their tenures as IPCC Members.

I. Confirmation of Minutes of the Meeting held on 13 December 2021 (Open Part)

2. The minutes of the last meeting were confirmed without amendment.

II. Presentation on ‘IPCC’s Recommendations on Use of Force’

3. SSP OPS gave a presentation on the Police’s follow-up on the 13 recommendations in relation to the use of force highlighted in IPCC’s Thematic Study Report.

4. SSP OPS stressed that the Police had attached great importance to these recommendations and conducted a series of comprehensive reviews on the subject matters. While the policies and tactics of the Police were considered commensurate with international standards, the Police had nevertheless introduced a total of 15 improvement measures in four main areas, namely (i) ‘*Equipment*’, (ii) ‘*Guidelines and Training*’, (iii) ‘*Command and Coordination*’ and (iv) ‘*Publicity and Transparency*’.

5. Both Hon Ronick CHAN and Hon Frankie YICK expressed their concerns about the follow-up actions and record-keeping by the Police following incidents involving the use of force. SSP OPS explained that under the current reporting system, the officer concerned had to prepare and submit an initial report setting out details of the circumstances surrounding the use of force for scrutiny by his supervisors.

6. In response to Hon Frankie YICK’s query as to whether follow-up actions on the 52 recommendations had been completed, DMS advised that the Police had introduced various improvement measures and regular progress reports were submitted to the Security Bureau. All follow-up actions had been completed in respect of the 52 recommendations and further details would be given by CSP C&IIB in the later part of the meeting.

7. Mr Clement CHAN and Mr Alex CHU enquired about training provided to police officers on the use of force. In response, SSP OPS

elaborated that principle-based training programmes catering for a wide range of scenarios had been devised. Such training would be provided to all levels of police officers on a regular basis throughout their career in the Police Force so as to equip them with the ability to apply appropriate level of force to deal with different circumstances.

8. Miss Mabel CHAN appreciated the Police's additional efforts in enhancing its publicity and transparency via different social media platforms, and enquired about the ways to gauge the effectiveness of relevant measures. SSP OPS advised that the Police would make the best endeavour to connect with the community using an open approach while ensuring that police operations would not be jeopardized. The series of '*A Day in the Life of Police* (同行一天)', a programme featuring the work of police officers at different units which had received positive feedback from the public, was a good example. CSP C&IIB supplemented that the Police had previously briefed IPCC at the IPCC/CAPO Joint Meeting held on 16 March 2021 regarding its media strategy, in particular the proactive monitoring of public sentiment through its social media listening tool.

9. Dr Daniel CHAN thanked the Police for arranging a visit to the Police Tactical Unit Headquarters which had enriched IPCC Members' understanding of the Police's policies and tactics on the use of force. Nevertheless, he was concerned about the continuum of different levels of force which seemed to be tilted towards the use of less-lethal weapons. The Chairman shared the view that it would be vital for the Police to maintain its operational capabilities in upholding law and order by using the appropriate level of force.

10. In response, SSP OPS pointed out that the Police had introduced less-lethal weapons after reviewing the use of force continuum. Police officers were adequately trained to use a level of force which was proportionate to and reasonable in the prevailing circumstances. DMS reassured Members of the Police's confidence and commitment in maintaining law and order in Hong Kong. The introduction of less-lethal weapons would equip the officers with more options in the use of force when discharging their duties under different circumstances.

11. Hon Frankie YICK enquired about the progress in drawing up a 'Code of Practice' between the Police and media practitioners. CSP C&IIB explained that despite the efforts made by the Police, the media had not made any positive response. Nonetheless, several enhancement measures had been put in place to strengthen communication between the Police and the media, such as the frequent deployment of Force Media Liaison Cadre on the ground.

III. Matters for Information

(a) CAPO's Monthly Statistics

12. SSP CAPO reported that in 2021, 1,416 Reportable Complaints ('RCs') were registered, representing an increase of 205 cases (+16.9%) when compared with 1,211 cases in 2020. The 1,416 RCs comprised 1,315 minor complaints (93%) and 101 serious complaints (7%).

13. In the first five months of 2022, 430 RCs were registered, representing a decrease of 86 cases (-16.7%) when compared with 516 cases in the same period of 2021 and a decrease of 48 cases (-10%) when compared with 478 cases in the same period of 2020. There were 191 cases resolved by '*Expression of Dissatisfaction Mechanism*' ('EDM'), representing a decrease of 25 cases (-11.6%) when compared with 216 cases in the same period of 2021 and an increase of 4 cases (+2.1%) when compared with 187 cases in the same period of 2020. Breakdown of RC figures was detailed at Annex – Table 1.

14. Hon Frankie YICK, and the Chairman were of the view that CAPO should include in their future presentation the final classification of these complaints after investigation, so as to reflect more precisely the situation of police malpractice / misconduct. CSP C&IIB agreed. SG added that the final classification could be presented in another pie chart.

(b) Statistics – Complaints Arising from FOO-related POEs

15. SSP SD CAPO updated the meeting on the figures of FOO-related complaints. As at 31 May 2022, there were a total of 1,949 complaints, including 618 RCs (31.7%) and 1,331 NCs (68.3%). Breakdown of the FOO-related RCs was detailed at Annex – Table 2.

(c) Update on 52 Recommendations

16. CSP C&IIB reported that the 7th progress report had been submitted to the Chief Executive in June 2022. It covered the completion of 13 recommendations [(1-4), (6-8), (11), (15), (16), (34), (35) & (40)] with the introduction of eight improvement measures on four areas i.e. '*Use of Force*', '*Handling of Riotous Situations*', '*Command Structure*' and '*Public Education and Publicity*' that were made between December 2021 and May 2022. The Police had thoroughly completed the follow-up on all the 52 recommendations with the implementation of a total of 78 improvement measures.

‘Use of Force’

17. With regard to the *‘Use of Force’*, CSP C&IIB further explained that the Police had formulated additional guidelines on the circumstances under which tear gas and other irritant devices could be used. Relevant training for police officers had also been strengthened to enhance their ability to handle riotous situations. Guidelines on the use of pepper ball launcher in confined space had also been revised to take into account the safety guidelines and warnings. In addition, the Police had made suitable amendments to the preliminary report on the use of force to ensure officers’ compliance with such guidelines. The policies and guidelines adopted were on par with those of overseas jurisdictions and the Police would continue with its principle-based guidelines supplemented by strengthened scenario-based training.

‘Handling of Riotous Situations’

18. The internal guidelines of the Police had been reviewed and suitably revised to incorporate the observations distilled from the recent court judgments in relation to the interpretation of relevant provisions of the Public Order Ordinance. In this regard, the Police considered the existing laws and police guidelines sufficient in addressing various extent of riotous situations.

‘Command Structure’

19. The *‘Command Structure’* had been formalized to ensure a high level of command readiness through selection, training, enhanced guidelines and accreditation of personnel.

‘Public Education and Publicity’

20. To enhance public understanding of the Police’s policies on the use of force, the Police would continue its efforts in *‘Public Education and Publicity’* through social media platforms.

21. CSP C&IIB opined that the IPCC visit to the Police Tactical Unit Headquarters on 30 May 2022 had enabled Members to acquire a better understanding of the Police’s review on the use of force, the tactical considerations for manpower deployment, as well as the use of less lethal weapons in riotous situations through demonstration of scenario-based training. She also expressed appreciation for IPCC’s constructive and invaluable advice on enhancing police practices and procedures, particularly on its handling of public order events.

22. SG enquired whether the Police had considered using the scenario-based guidelines on the use of force as suggested by the IPCC. CSP C&IIB advised that the principle-based guidelines for the use of force had been widely used by law enforcement agencies in the US and Europe. The Police considered that the use of principle-based guidelines, accompanied by scenario-based training, was effective and appropriate. She further advised that tear gas was commonly used for crowd control worldwide and there was no evidence to suggest that it would cause any long-term harm to human health, or would lead to more complaints.

23. Hon Frankie YICK expressed his concerns about the impact of tear gas on the public in densely populated urban areas and the communication with the public, if any, to forewarn them on the imminent use of force. SSP SD CAPO explained that enhanced training had been provided to frontline commanders to raise their awareness and to take heed of various tactical considerations before and during the operations to minimize any collateral damages. With respect to the communication with the public about the use of force and related precautionary measures, Mr Clement CHAN supplemented that the Police had addressed this issue in the recommendations under ‘*Public Education and Publicity*’.

24. Mr Alex CHU enquired about the way forward upon the completion of the 52 recommendations and the implementation of relevant enhancement measures. CSP C&IIB responded that the Task Force under the Security Bureau had completed its work for the 52 recommendations and the views expressed in this meeting would be further relayed to the Security Bureau for their reference.

(d) CAPO’s Criminal and Disciplinary Checklist

25. SSP CAPO reported that relevant information had been provided to IPCC Members for their reference prior to the meeting. No question was raised under this item.

IV. Any Other Business

26. There being no other business, the meeting concluded at 1645 hours.

(Daisy CHIU)
Joint Secretary
Complaints and Internal
Investigations Branch

(Cherry CHAN)
Joint Secretary
Independent Police
Complaints Council

Table 1 - Detailed Breakdown and Comparison of RC figures

Year (Jan – May)		2022	2022vs2021	2022vs2020
RC (Total)		430	-17%	-10%
Minor	Neglect of Duty	229 (53%)	-20%	+13%
	Misconduct/Impoliteness	168 (39%)	-9%	+8%
	Offensive Language	7 (2%)	-22%	-42%
Sub-total		404 (94%)	-16%	+9%
Serious	Assault	21 (5%)	-13%	-66%
	Threat	0 (0%)	-100%	-100%
	Unnecessary Use of Authority	3 (0.7%)	-57%	-91%
	Fabrication of Evidence	2 (0.5%)	+100%	-60%
Sub-total		26 (6%)	-26%	-76%

Table 2 - Detailed Breakdown and Progress of FOO-related RCs

Minor	Neglect of Duty	105 (17%)
	Misconduct	185 (30%)
	Impoliteness	42 (7%)
	Rudeness	11 (2%)
	Offensive Language	11 (2%)
	Police Procedures	1 (0.2%)
Sub-total		355 (57%)
Serious	Assault	114 (18%)
	Threat	11 (2%)
	Unnecessary Use of Authority	136 (22%)
	Fabrication of Evidence	2 (0.3%)
Sub-total		263 (43%)
Total		618
Submitted to IPCC	Sub-total	583 (94%)
Yet to be submitted to IPCC	Suspended under 'Sub-Judice'	31 (5%)
	Investigation Ongoing	2 (0.3%)
	Report being Compiled	2 (0.3%)
	Sub-total	35 (6%)