

**Press release**

## **IPCC work update on the Occupy Movement**

### *Processes and principles behind the review of Occupy Movement complaints*

(HONG KONG – 12 October 2015) The Independent Police Complaints Council (IPCC) today released its seventeenth issue of the *IPCC Newsletter*. The cover story provides an update on the IPCC's work in relation to the complaint cases arising from the Occupy Movement. The Viewpoint from IPCC features an interview with Mr Arthur Luk Yee-shun, Senior Counsel, Chairman of the Special Task Force (STF) within the Serious Complaints Committee (SCC), and Mr Ricky Chu, the Secretary-General, on how the IPCC ensures efficiency, impartiality and meticulousness in handling the Occupy Movement cases. The Council's recent activities, the IPCC's online activities, and a real complaint case are also included.

Mr Larry Kwok Lam-kwong, Chairman of the IPCC, said that over the past year, both the Complaints Against Police Office (CAPO) and the IPCC have been working tirelessly to handle all the complaints arising from the Occupy Movement. Mr Kwok stated, "In view of the widespread public interest, the IPCC has put all the Occupy Movement complaints under the Serious Complaints Committee's purview, which means CAPO must report to the IPCC on the progress with their complaint investigations on a monthly basis."

The STF, which comprises 14 SCC Members, was established to focus on Occupy Movement complaints that have been classified as "Withdrawn", "Not Pursuable" or "Informally Resolved", as well as complaints categorised as "Notifiable Complaints", to make sure that such categorisations were proper and fully justified. Mr Kwok explained, "This special measure ensures that all Occupy Movement complaints, regardless of their categorisations, would receive prompt attention by the Serious Complaints Committee without hampering the efficiency of the vetting process for cases requiring full investigation."

Echoing what the STF Chairman, Mr Arthur Luk, had said in this issue's Viewpoint from IPCC, Mr Kwok emphasised that, "The review of the Occupy Movement complaints is no different from normal cases. We must adhere to the principles of independence, impartiality and fairness. These are the basic principles that must be applied to every case. We look at the evidence and whether the investigation had been properly carried out."

Mr Kwok thanked the Council for their tireless efforts in handling the Occupy Movement complaints. “I would like to express my gratitude to the Special Task Force Chairman Mr Arthur Luk, Members of the Special Task Force, the Chairman and Members of the Serious Complaints Committee, all Council Members and the Secretariat for their hard work and commitment in the handling of Occupy Movement complaints.”

Mr Daniel Mui, Deputy Secretary-General (Operations) of the IPCC, shared a real complaint case illustrating the IPCC’s scrutiny of the Police’s action in repeatedly extending the bail of an arrested person without sufficient evidence to charge. In this particular case, the complainant was a Hong Kong tour guide who, along with two mainland China tourists and a passer-by, was arrested for “Fighting in a Public Place”. The Police released all the arrested persons on police bail. The two tourists jumped police bail and returned to mainland China. Upon legal advice, the passer-by was released unconditionally, but the complainant was still required to report bail over a period of five months. It was later revealed that a mainland Chinese tour guide was also involved in the fight but had also returned to mainland China.

CAPO found that the Police’s decision to release the passer-by and to extend the complainant’s bail while continuing to seek the return of the three mainland Chinese was fair and reasonable. The IPCC’s view was that the repeated extensions of the complainant’s bail was not justified, because there was no evidence against the complainant and the Police’s attempts to locate the absconded tourists and tour guide did not necessitate keeping the complainant on police bail. According to police procedures, if a bailee answers police bail and there is insufficient evidence to support a charge the bailee should be released unconditionally, instead of extending the bail. CAPO eventually subscribed to the IPCC’s views and undertook to pass on the IPCC’s concerns that the Police should be more vigilant in considering granting police bail when handling cases involving tourists, who would mostly leave Hong Kong shortly after incidents.

The seventeenth issue of the *IPCC Newsletter* is now available on the IPCC’s website at: <http://www.ipcc.gov.hk/en/publications/newsletters/2015.html>

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**Notes to editor:**

#### **About the Independent Police Complaints Council**

The Independent Police Complaints Council (IPCC) is an independent body established under the Independent Police Complaints Council Ordinance (IPCCO) (Cap. 604) to observe, monitor and review the handling and investigation of “Reportable Complaints” (RCs) against the Police by the Commissioner of Police (CP). The IPCC has become a statutory body since the commencement of IPCCO on 1 June 2009.