

Press release

The IPCC releases a special report into complaint cases concerning the policing of public order events

(HONG KONG – 22 October 2015) The Independent Police Complaints Council (IPCC) today released a special report into complaint cases concerning the policing of public order events. This report covers four complaint cases which had caused widespread public concern in the past few years. These four cases arose from the protests outside Central Plaza during the Vice Premier (VP)'s visit, the June 4th candlelight vigil, the video recording outside the Chief Executive (CE)'s office, and the “bear hugging” incident respectively. The purpose of releasing this report is to increase the transparency of the IPCC's work and to discharge its duty of public accountability.

The case concerning the protests outside Central Plaza during the VP's visit was one of the 16 Reportable Complaints that arose from the VP's visit in 2011. It was the last remaining case to receive endorsement since the other 15 cases had been endorsed in 2012. In this case, the complainant charged the police cordon and was arrested for “Resisting or Obstructing a Police Officer in the Execution of Duties”. Since the legal proceedings against the complainant were still ongoing in 2012, this case was not dealt together with the remaining cases that arose from the VP's visit. Once the court proceedings concluded, the Complaints Against Police Office (CAPO) immediately commenced the investigation into this complaint, and the IPCC has completed its examination of CAPO's investigation report. The IPCC is pleased to see that the Police have taken the valuable opportunity to learn from and reflect upon this experience, and to make improvements in the planning and execution of security operations in the future. As a result of the recommendations made by the IPCC in the VP Visit Report, the Police have introduced a number of improvement measures to address public concerns and hopefully to avoid similar complaints in the future.

In the June 4th candlelight vigil case, the IPCC made several observations and suggestions in regards to improving the policing arrangements for the annual vigil. The

Police accepted our views and recommendations, and conducted an internal review in relation to the event. As a result, there has not been any complaint lodged against the Police in relation to the June 4th candlelight vigil after 2011. The IPCC noted that the Police took the opportunity to review the policing arrangements for the vigil and, either as a result of the review or upon the IPCC's recommendations, subsequently adopted measures to improve the crowd control operations. This case exemplifies the merits of the two-tier police complaints system, and the IPCC's role in improving police services and preventing complaints under section 8(1)(c) of the IPCCO.

The other two cases in this report highlight the importance of the assistance and information provided by the complainant to a complaint investigation. In the video recording outside the CE office case, one allegation was found "Substantiated", while in the "bear hugging" case, all the allegations were classified as "Not Pursuable". One of the significant factors marking the difference in the outcomes of the two cases was that in the video recording case, the complainant came forward to provide a detailed statement, whereas in the "bear hugging" case, the complainant did not do so. Generally speaking, the complainant providing a statement to CAPO is of paramount importance because it provides details on the encounters between the complainant and the complainee, and how these encounters led to the complaint. Therefore, in absence of such details from the complainant, a complaint investigation would be handicapped, and in many circumstances, definitive findings could not be reached. The IPCC would therefore like to take this opportunity to appeal to members of the public that, after lodging a complaint, it would be most desirable for the complainant to give a complaint statement or provide detailed information of the events that gave rise to the complaint to facilitate the complaint investigation.

The allegations and the final classifications of the four complaint cases are listed in the tables below. The IPCC's *Special Report on Complaint Cases concerning Policing of Public Order Events* is also uploaded onto the IPCC website: http://www.ipcc.gov.hk/en/public_communications/special_reports.html

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Case 1 – Protest outside Central Plaza during Vice Premier Mr. LI Keqiang’s visit in 2011
Summary of the three allegations and CAPO’s final classifications

| Allegations | Categorisations | Content of allegation | CAPO’s final classifications |
|--------------------|------------------------------|---|-------------------------------------|
| a | Unnecessary Use of Authority | COMEE 1 arrested her without justifiable reason. | No Fault |
| b | Neglect of Duty | COMEE 1 failed to accurately record the location of the arrest in COMEE 1’s statement by stating that COM was arrested on the pavement outside Central Plaza instead of inside the garden of Central Plaza. | No Fault |
| c | Rudeness | COMEEs 1 – 3 treated her rudely in the course of arrest and pressed her head on the floor of the police vehicle. | Unsubstantiated |

Case 2 – June 4th candlelight vigil case
Summary of the 11 allegations and CAPO’s final classifications

| Allegations | Categorisations | Content of allegation | CAPO’s final classifications |
|--------------------|------------------------|--|-------------------------------------|
| a | Misconduct | COM alleged that prior to the vigil, agreement had been made between COMEE 1 (an unidentified police officer of Eastern District) and the vigil organiser (“the Alliance”) over the use of Gate 15 as the entrance to the Park on the east. However, on the night of the vigil, the Police breached the agreement by closing Gate 15 and directed participants to use Gate 13 instead. | Unsubstantiated |
| b | Misconduct | COM alleged that prior to the vigil, agreement had been made between COMEE 1 and the Alliance that the Central Lawn would be used only when the six FBPs had been fully | Unsubstantiated |

| Allegations | Categorisations | Content of allegation | CAPO's final classifications |
|--------------------|------------------------|---|-------------------------------------|
| | | filled. However, around 1945 hours on the night of the vigil, the police breached the agreement by directing participants to get into the Central Lawn when the six FBPs had not been fully occupied at that time. | |
| c | Misconduct | COM alleged that prior to the vigil, COMEE 1 had agreed to play a supplementary role in performing crowd management duties inside the Park. However, during the vigil, the Police breached the agreement by taking a dominant role in lieu of the Alliance when conducting crowd management measures in the Park. | Unsubstantiated |
| d | Neglect Of Duty | COM opined that COMEE 2 (a Chief Superintendent) who was the District Commander of Eastern District had decided to use Gate 13 as an entry route, which was inappropriate because the route was not suitable to accommodate the crowd and it would easily cause danger to participants. | Unsubstantiated |
| e | Misconduct | COM alleged that COMEE 2 disallowed participants' entry to the Central Lawn and directed them to use a path north of the Central Lawn to the Band Stand and Hill Knoll areas before the Central Lawn was fully filled. | Unsubstantiated |
| f | Neglect Of Duty | COM accused that COMEE 2 had failed to give due consideration to the safety of the public as the path north of the Central Lawn was rough with insufficient lighting. | Unsubstantiated |

| Allegations | Categorisations | Content of allegation | CAPO's final classifications |
|-------------|-----------------|--|------------------------------|
| g | Misconduct | Marshals of the Alliance had tried to negotiate with police officers at the scene upon discovery of the situation mentioned in Allegations (d) and (e). COM alleged that COMEE 3 (some unidentified police officers) had inappropriately told the marshals that “上頭指示”, “與主辦單位講好”, and “找話事人嚟傾”. | Not Pursuable |
| h | Neglect Of Duty | When participants left the Park at the end of the vigil, COMEE 4 (some unidentified officers of Wanchai District) disallowed participants to leave directly via Great George Street and directed them to use Kingston Street. When the participants reached the Great George Street junction with Kingston Street, COMEE 4 intercepted the crowd, causing them to wait on the street. COM alleged that the act of COMEE 4 had wasted the time of the public. | Not Pursuable |
| i | Misconduct | After the vigil, COMEE 5 (an unidentified police officer) informed the media that the crowd management measures were only implemented at 2000 hours but COM noted that police had started the measures at about 1930 hours. COM alleged that COMEE 5 had delivered wrong messages to the public. | Unsubstantiated |
| j | Misconduct | COM alleged that when the six FBPs were not full, COMEE 6 (a Station Sergeant) had publicised on the display screen next to the Water | No Fault |

| Allegations | Categorisations | Content of allegation | CAPO's final classifications |
|--------------------|------------------------|--|-------------------------------------|
| | | Fountain Plaza that the six FBPs had been fully filled and misled the participants to go into the Central Lawn. | |
| k | Misconduct | COM alleged that all of the above police arrangements hindered participants from joining the vigil and suppressed the number of participants of the vigil. | No Fault |

Case 3 – Video recording outside the CE's office

Summary of the two allegations and CAPO's final classifications

| Allegations | Categorisations | Content of allegation | CAPO's final classifications |
|--------------------|------------------------------|--|-------------------------------------|
| a | Unnecessary Use of Authority | The Police should not record the POE on video at close range when the participants were giving speeches of a political nature. | Substantiated |
| b | Police Procedures | The POE should not be video-recorded by the Police in the absence of a strong reason as it is an infringement of privacy. | No Fault |

Case 4 – The “Bear Hugging” case

Summary of the three allegations and CAPO's final classifications

| Allegations | Categorisations | Content of allegation | CAPO's final classifications |
|--------------------|------------------------------|---|-------------------------------------|
| a | Misconduct | Male police officers (including COMEE) should not have handled female protestors. | Not Pursuable |
| b | Police Procedures | The Police did not give warnings to the protestors before evacuation. | Not Pursuable |
| c | Unnecessary Use of Authority | The Police actions at the scene caused physical danger to the protestors. | Not Pursuable |

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.