

LCQ3: Complaints against police officers

Following is a question by the Hon Pierre Chan and a reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (November 27):

Question:

There have been ongoing demonstrations since June this year. Conflicts and frictions between the Police and members of the public as well as media workers have occurred from time to time. In this connection, will the Government inform this Council:

(1) of the number of complaints against police officers received by the Complaints Against Police Office (CAPO) since June this year; among such complaints, the number of those about police officers violating the Police General Orders by inflicting sexual violence (including sexual insult, indecent assault, sexual harassment and rape) on demonstrators, with a tabulated breakdown by the gender and age group to which the victims belonged and by the rank of the police officers under complaint; the number of such cases which are under investigation;

(2) of the number of complaints received by CAPO since June this year about police officers refusing to produce their warrant cards and not displaying their police identification numbers on their uniforms, thereby making it difficult for the members of the public to identify them; the Police's improvement measures; and

(3) of the number of persons since June this year who were injured during the period from their arrest to their arrival at the hospitals; whether such persons have lodged complaints against the Police for delaying their treatment; if so, of the number of complaints received?

Reply:

President,

Since early June this year, more than 900 protests, processions and public assemblies have been staged in Hong Kong, many of which ended up in serious violent illegal acts. In the past five months or so, rioters engaged in illegal blocking of roads, paralysing the traffic, hurling petrol bombs and setting fires at various locations, throwing bricks, assaulting others holding different opinions flagrantly, wounding with intent, vandalising and burning shops, railway facilities, traffic lights, etc. These acts have posed serious threat to public order and public safety, and caused fear among members of the public. Travelling to work and school, going outdoors and all normal activities have also been gravely affected.

In view of these serious illegal acts, the Police took measures to maintain public safety, stop illegal acts, protect life and property, and bring rioters to justice in accordance with the law. From June 9 to November 21 this year, the Police arrested more than 5 800 persons in major public order events (POEs), and 923 of them had been charged.

My reply to Hon Pierre Chan's question is as follows.

Hong Kong's well-established two-tier mechanism of complaint against the Police has been in effective operation for more than 10 years. The first tier is the Complaints Against Police Office (CAPO) of the Police which receives and investigates complaints; and the second tier is the Independent Police Complaints Council (IPCC) which is a statutory body. The two-tier complaint mechanism operates effectively under the Independent Police Complaints Council Ordinance (Cap 604), which provides a clear legal basis to ensure that every complaint against the Police will be handled in a fair and just manner. Under the two-tier mechanism, when CAPO, the operation of which is independent of other units of the Police, has completed the investigation of each reportable complaint, it will submit a detailed investigation report for the scrutiny of IPCC which is independent. If IPCC is of the view that there is deficiency in CAPO's handling and investigation, it may request CAPO to make clarification or further investigation. Meanwhile, IPCC may convey its views and recommendations to the Commissioner of Police and the Chief Executive in respect of any complaint case.

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IPCC administers an Observers Scheme under which IPCC Members and Observers may attend interviews and observe the collection of evidence in connection with CAPO's investigation of complaints. The observations may be carried out on a surprise or pre-arranged basis. Should there be any irregularities observed by IPCC Members or Observers, IPCC will take the matter up with CAPO accordingly.

IPCC and CAPO hold regular quarterly joint meetings to discuss matters related to complaints against the Police. To enhance transparency and public awareness of the work of IPCC, part of a joint meeting is open to the public and media.

As at November 25 this year, CAPO had received 1 261 complaint cases against the Police related to major POEs that took place since June 9. The subjects of the complaints include "misconduct", "impoliteness", "assault", etc. These complaint cases involve 1 647 allegations. Of which, 467 complaint cases involving 687 allegations were lodged by persons directly affected (reportable complaints). As regards anonymous complaints or complaints lodged by persons who are not directly affected, or complaints which are vexatious and frivolous (notifiable complaints), there were 794 complaints involving 960 allegations. All complaint cases are now under investigation. CAPO does not maintain other figures requested in the question.

Currently, CAPO has set up a designated team of 26 members who did not take part in handling the unrest in the past few months. This designated team is sparing no effort in following up the relevant complaints.

A police officer can be identified regardless of the officer's post. During recent major POEs, uniformed police officers on duty would display their unique identification (UI) numbers or identifiable operational call signs. When plainclothes police officers exercise police powers, they would identify themselves or produce warrant cards, or display identifiable operational call signs, as long as doing so is not infeasible under the operational circumstances.

The operational call signs mentioned above were introduced by the Police as a pilot measure in response to public concerns on the display of UI numbers by police officers at major POEs. Operational call signs are identifiable call signs for all police officers who participate in an operation, and facilitate effective identification of an officer. In respect of identifying a police officer, operational call signs are as effective as UI numbers. Apart from enhancing the overall effectiveness of the Police in large-scale operations, this arrangement also strikes a proper balance between ensuring the identification of police officers on the one hand, and protecting their personal data from malicious disclosure on the other. The Police will continue to listen to views from within and from members of the public, and conduct a review of the arrangement in due course having regard to operational needs.

If members of the public wish to lodge complaints against the conduct of police officers, they may identify the officers concerned based on such information. Even if the information is not provided, the Police will identify the police officers concerned through various avenues, including manpower deployment, duty records, the time and location of the incident in relation to the complaint, etc.

From June 9 to November 26 this year, more than 2 600 persons were injured in large-scale POEs and sought treatment at public hospitals. More than 470 of them were police officers. For all injured persons, the Police uphold the principle that they should be sent to hospital for treatment as soon as possible, and safeguard their right in receiving medical treatment. If an arrestee was injured at the spot or during the arrest, arrangements would be made for sending the arrestee to hospital directly. Moreover, most police officers had received first aid and basic medical training, and are able to provide preliminary treatment for injured persons before the arrival of ambulance personnel. While handling injured arrestees, the Police would also take into account their safety and security. The Police has all along been doing their best to facilitate all ambulance services and assist in rescue efforts where practicable.

Thank you, President.