

## ***Press Release***

### **IPCC's Statutory Power and Duties to Address Public Concerns The Chairman's Perspective**

(Hong Kong – July 2, 2019) In the course of the last few weeks (between 9 June to 1 July 2019), there had been several large-scale Public Order Events (POEs), nearly all of which had been peaceful. The exceptions were the events of the early morning of 10 June and the afternoon of 12 June when there were violent clashes with the Police and yesterday going on to the early hours of this morning, when the Legislative Council Complex was violently broken into and subsequently damaged by protesters. While joining with the community at large in condemning the violent and obviously illegal actions of the protesters yesterday at the Legislative Council Complex, the Independent Police Complaints Council (IPCC) has taken note of the public concerns of the overall impact of these events in the past few weeks in the maintenance of law and order in Hong Kong. The IPCC therefore proposes to take further steps to strengthen arrangements already in place to deal with the complaints so far received.

First of all, after consultation with the IPCC, the Commissioner of Police (“the Commissioner”) has informed the IPCC that he has decided that the special team in CAPO dealing with the Reportable Complaints arising from the POEs will now directly report to an Assistant Commissioner, to ensure that these complaints are dealt with effectively and efficiently.

Second, in light of the widespread public concerns the IPCC will proactively make a detailed study of the POEs (“The Study”). The Study will cover all relevant facts relating to the POEs from 9 June to 2 July 2019, although a special focus of the Study will be the events of 10 June and 12 June when violent clashes occurred, and the event of 1 July when the Legislative Council Complex was broken into, leading the Police actions after midnight.

The reason for the Study is that the IPCC is unlikely to be able to effectively discharge its statutory functions without a complete picture of the POEs, where all stakeholders, the public and the Police, have had the opportunity to tell their side of the story. The power of the IPCC to undertake this proactive Study is derived from S.8(2) of the IPCC Ordinance (“the Ordinance”), which states:

“The Council may do all such things that are reasonably necessary for, or incidental or conducive to, for the performance of its functions under this Ordinance”

The initial fact-find work of the Study will be undertaken by a Special Task Force within the Secretariat of the IPCC, led by the Deputy Secretary-General (Operations). It is expected that Members of the Council will as needed take part in interviews of all stakeholder for the purpose of the Study.

The IPCC has created a dedicated portal ([taskforce@ipcc.gov.hk](mailto:taskforce@ipcc.gov.hk)) to accept from the public any information they would like to provide to tell their side of the story. In addition, they may ring the IPCC’s Special Hotline [2862 8200] to provide information or to request for an interview with the IPCC Secretariat, if needed. The IPCC will appeal to the media to provide any photographic or video record of the POEs. Confidentiality will be maintained pursuant to Section 40 of the Ordinance. If the Study is eventually published, the IPCC will ensure that the provisions for public use of such information under Section 40 will be deployed to the minimum extent necessary to protect the privacy of the individual providing information for the Study.

The Chairman of the IPCC, Dr Anthony Neoh, QC, SC, JP (“Chairman”) has written to the Commissioner to inform him of the Study and has invited the Commissioner to encourage his officers and staff associations to provide to the IPCC their side of the story for the purposes of the Study. The Commissioner has expressed to the Chairman that the Police Force would support and cooperate with IPCC in the performance of its statutory duties.

It is the intention of the IPCC that the Study should proceed as quickly as possible and the Secretariat will provide interim reports to the relevant committees of the IPCC and eventually to the Council. The three relevant committees are the Serious Complaints Committee, Operations Advisory Committee and the Publicity and Survey Committee (please see: Terms of Reference and Membership of these committees in the website of the IPCC, [www.ipcc.gov.hk](http://www.ipcc.gov.hk)). It is intended that the Study will aid each of these Committees in their work, as the individual complaints, whether Reportable or Notifiable require the context of an overall picture where all the participants have had their say. The oversight of the work of this Special Task Force will be performed by the three Chairs of these Committees, reporting to the Chairman and the Council.

It is also the intention of the Study to identify areas where police procedures may have been deficient. As the IPCC proceeds with the Study an effort will be made to engage international experts, including the heads of relevant bodies to advise on how future events might be better handled and how police procedures may be improved, if the Study does show the need for it. The Council will consider what recommendations are required to be made under Section 8(1) (c) of the Ordinance:

“To identify any fault or deficiency in any practice or procedure adopted by the Police Force that has led to or might to reportable complaints, and to make recommendations (as the Council considers appropriate) to the Commissioner of the Chief Executive or both of them, in respect of such practice or procedure”

The Chairman has also written to the Commissioner to invite him to make submissions to the IPCC in relation to any of the Council’s functions under Section 8(1)(d) of the IPCC Ordinance, if thought fit and at such time as he deems appropriate.

The Chairman has notified the Chief Executive of the HKSAR (“CE”) of the undertaking of the Study. The CE has indicated her full support for the Study and has pledged to the Chairman the full co-operation of her Administration. She will also ensure that the IPCC shall receive all necessary resources to undertake the Study and to produce recommendations under Section 8(1) (c) of the Ordinance.

The CE has also asked the Chairman to convey to the Council her wish that the Council submits under S. 30 of the Ordinance, the Report of the Study together with any recommendations under Section 8(1) (c) of the Ordinance within six months. The CE has also asked the Council to make public the Report and recommendations under Section 8(1) (c) as soon as practicable thereafter. The Chairman will place these requests before the Council as soon as possible.

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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.