

Press Release

IPCC published Thematic Study Report

(Hong Kong – 15 May 2020) The Independent Police Complaints Council (IPCC) published its “Thematic Study Report on the Public Order Events (“POEs”) arising from the Fugitive Offenders Bill since June 2019 and the Police Actions in Response” (“the Report”) today. Dr Anthony Neoh, QC, SC, JP, Chairman of the IPCC and members of the Task Force Steering Group, namely Hon Tony TSE Wai-chuen, BBS, Chairman of Serious Complaints Committee; Mr Herman HUI Chung-shing, SBS, MH, JP, Chairman of Operations Advisory Committee; Mr Clement CHAN Kam-wing, MH, Chairman of Publicity and Survey Committee, Mr Douglas LAM Tak-yip, SC, Chairman of Legal Committee, accompanied by Mr Richard Yu, CDSM, CMSM (Secretary-General) and Mr Daniel Mui (Deputy Secretary-General, Operations) attended the press conference for publication of the Report today.

Since 9 June 2019, numerous large scale public order events broke out across the city against the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill (Fugitive Offenders Bill) which the Government introduced into the Legislative Council (LegCo). Despite the Government’s formal withdrawal of the Fugitive Offenders Bill, the protests did not cease. There were public concerns about the Police’s handling of the POEs, resulting in a large number of Reportable Complaints and Notifiable Complaints against the Police Actions during the POEs. In view of such circumstances, the IPCC made a decision in July 2019 to carry out a Thematic Study pursuant to section 8(2) of the Independent Police Complaints Council Ordinance (IPCCO), with the aim of gaining a broad picture of the POEs. The Study is intended to facilitate the Council in performing its functions under section 8(1)(a) of the IPCCO to review related Reportable Complaints investigation reports based on evidence and in a fair and impartial manner. The Study is also intended to facilitate the Council in identifying any practice or procedure adopted by the Police Force that has led to or might lead to Reportable Complaints, and to make timely recommendations to the Commissioner of Police (“the Commissioner”) or the Chief Executive or both of them in accordance with section 8(1)(c) of the IPCCO.

The Study is a fact-finding exercise, not an investigation into complaints or conduct of individual officers in the course of actions. The 16-chapter Report is detailed with a view to collecting facts relating to the public order events of the past months as soon as possible after they have occurred, so as to assist the IPCC in its work in monitoring the investigation of complaints by CAPO now continuing. The IPCC's observations and recommendations, based on the lessons learnt in police operations connected with the Public Order Events, are forward looking with a view to improving future public order policing and strengthening public trust of the police. Chapter 7 to 12 feature six identified incident days, including 9 June 2019, 12 June 2019, 1 July 2019, 21 July 2019 (Yuen Long Incident), 11 August 2019 (Kwai Fong Station and Tai Koo Station) and 31 August 2019 (Prince Edward Station). These six incident days were selected because of the large number of complaints clustered around or widespread public concern drawn over them. The Report also covers two topics of general public concern, including police identification during the POEs and the detention arrangement at San Uk Ling Holding Centre.

The Report also has a chapter on "Police Use of Force in Public Order Policing". The IPCC studied the current laws and manuals of the Force and benchmarked them against the international standards and practices. On police identification, independent academics of Keele University in the United Kingdom were also commissioned to conduct a research on international practices. To support the IPCC's Study on the perception of Police officers, protesters and the general public regarding the Police actions during the POEs, the Council commissioned independent academics from the University College London (UCL) to carry out a survey on the perception of Police Officers and the Centre for Communication and Public Opinion Survey (CCPOS) of The Chinese University of Hong Kong (CUHK) to carry out perception surveys on protesters and the general public. In order to enable the public to understand more about various aspects of the public order events, the Report also contains an Overview Chapter covering POEs which took place between 9 June 2019 and March 2020 to offer a full picture of how the events developed and evolved, and corresponding Police actions in response.

Council Chairman, Dr Neoh, stated that, "The IPCC submitted the Report to the Chief Executive on 15 May pursuant to section 30 of the IPCCO. A copy of the Report had also been delivered to the Commissioner on the same day pursuant to section 8(1)(c) of the IPCCO. This Thematic Study has been an unprecedented task for the IPCC in terms of its complexity and magnitude. It is also the very

first Study that has been carried out before full investigation of complaints under the two-tier System for dealing with complaints against the Police. It was initially planned to publish an interim report covering the 9 June to 1 July 2019 events in early 2020 but this was postponed in light of the judicial review against the Thematic Study. However, the IPCC has continued its work on the Study and is now able to publish a complete study covering all of the incidents intended to be covered.”

“From a forward-looking perspective, this Report aims at offering lessons for the Police to review their role in maintaining law and order so that they could strengthen their future ability to deal with large scale public order events and to build up the public trust. In this regard, the IPCC has put forward 52 recommendations to the Police (details could be found in each of Chapters 6 to 14 and in the Conclusion Chapter).”

Dr Neoh further stated that, “The protests of the last ten months have metamorphosed from initial peaceful processions and public meetings to extreme forms of violent protests in the streets, resulting in destruction of public and private property, disruption of our transport infrastructure, and serious injury (and in one case death) of many citizens holding different views to those of the protesters. It is the duty of the Police Force to keep the peace and maintain law and order, in protection of all. Under the violence they had to face in performance of their duty, the Police had found it necessary to resort on occasions to the use of force. It is hoped that this Study will enable better understanding of the role of the Police in the face of such violence and their accountability under the law.”

“It is plain for all to see that the violence accompanying the protests of the last ten months had brought Hong Kong’s economy to a precipitous state. The COVID-19 epidemic has deepened our economic woes. The image of the Police has lost its lustre and the city of Hong Kong has lost its hard-earned reputation as a peaceful city. Most disheartening, too, is the psychological trauma the violence has wrought, particularly on the minds of young people. Still, the people of Hong Kong have surmounted numerous difficulties of the past by their resilience and capacity for revival. With the outbreak of COVID-19, acts of kindness and community co-operation – conspicuously absent during the months of violence – have resurfaced. Hong Kong remains a community that cares and together we can create a brighter, better future for all.”

The IPCC thanks the Chief Executive and the Commissioner for their support of this Study. The IPCC also expresses its gratitude to the International Expert Panel for their advice and assistance in the initial stage of the Study, and other public and private bodies, including Fire Services Department, MTR Corporation Limited, and Hospital Authority, which provided information to facilitate the Council in reconstructing facts relevant to the Study. The IPCC also expresses its appreciation for the significant support from members of the public who answered the Council's appeal or specific request by providing information for this Study.

Upon completion of the Report, the Council will focus on reviewing Reportable Complaints investigation reports submitted by Complaints Against Police Office (CAPO). Up to 8 May, CAPO has received 584 Reportable Complaints stemming from POEs related to the Fugitive Offenders Bill (refer to Annex for latest complaint figures). The Council decided that all such complaints would be handled by the Serious Complaints Committee and would arrange Members and IPCC Observers to observe interviews and collection of evidence in relation to the investigation of Reportable Complaints by CAPO. The Council, in performing its statutory functions, will ensure all complaints be processed based on evidence and in a fair and impartial manner.

As to the 52 Recommendations made by the IPCC, the Council will follow up these recommendations with the Commissioner through the current mechanism which has been running effectively through the years. It will of course continue to make observations in the course of monitoring the Complaints being investigated and make further recommendations when necessary.

The Report is now available on the IPCC's website at:

http://www.ipcc.gov.hk/en/public_communications/ipcc_thematic_study_report.html

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