

Executive Summary

1. This report presents four complaint cases relating to Police's modus operandi in policing of public order events ("POE"). This subject matter has all the time been attracting widespread public interest.
2. These four cases are highlighted for the purpose of enhancing public awareness of the operation of the two-tier police complaints system as well as the IPCC's meticulous approach in determining the outcome of a complaint and proposing improvement measures to the Police for reducing similar complaints in future.
3. The first case stemmed from the Complainant (**COM 1**)'s arrest during her petitioning attempt in August 2011 when Mr LI Keqiang, then Vice Premier (**VP**), visited Hong Kong. COM 1 alleged that, inter alia, her arrest was not justified. The complaint investigation was held in abeyance pending the outcome of her trial.
4. COM 1 was initially convicted after trial but eventually acquitted upon appeal. CAPO, after investigation, recommended that her allegation against the Police for unjustified arrest was "Unsubstantiated" because it was uncertain if COM 1 should be stopped for going to the Hotel (where VP stayed) which was within the Security Zone. IPCC Members' majority view was that the allegation should be classified as "No Fault" because the police officers apprehending COM 1 were frontline officers who simply did what they were instructed to do, as no unauthorized person should be allowed access to the Security Zone. CAPO subscribed to IPCC's view and this allegation was so endorsed.
5. The IPCC also proposed some improvement measures on certain matters pertaining to police actions relating to the VP Visit with a view to reducing similar complaints in the future. The proposals had been agreed with and adopted by the Police. Details of these proposals are contained in the IPCC's final report on the VP visit related complaint cases published in December 2012 (available on the IPCC official website).
6. The second case is related to complaints against Police's crowd control

measures in the Candlelight Vigil held on 4 June 2011 (**The Vigil**). The Complainant (**COM 2**), a representative of the organizer of The Vigil, raised 11 allegations which covered various stages and facets of the Police crowd control operation.

7. To thoroughly and critically examine CAPO's investigation report, the IPCC had (a) compared the Operational Orders in 2010 & 2011 on The Vigils; (b) scrutinized all relevant internal records kept by the Police, including event logs, communication between the Central Command Unit of the police operation and the Police Public Relations Branch, as well as other written records kept before and during the Vigil; and (c) conducted six IPCCO interviews with COM 2, COMEES, and other police witnesses.
8. The IPCC was of the view that similar complaints in the future could be reduced if the Police and the organizer of The Vigil could communicate with each other more structurally so that better coordination and understanding could be achieved in each other's contingency plans and actions.
9. It is worthy to note that there have not been similar complaints since 2012 insofar as policing of The Vigil is concerned.
10. The third case was complained by a protestor (**COM 3**) who was aggrieved by COMEES taking video footage on him whilst he was being interviewed by press at a location adjacent to the Chief Executive's Office (**CEO**), outside which the protest was staged.
11. COM 3 alleged that, on 28 June 2012, he and others protested at the main gate of CEO and someone had thrown two placards over the gate into the CEO. Their protest actions have all along been video-recorded by police officers (**The COMEES**). Immediately after they completed their protest action, COM 3 was interviewed by members of the press at a location adjacent to CEO, during which COMEES continued to video-record the interview in close range. COM 3 was of the view that COMEES' action was unjustified, as the interview was not part of the protest, and therefore lodged a complaint.

12. CAPO initially classified the allegation as “Unsubstantiated”, but registered an “Outwith” against the COMEES for continuing with the video recording on COM 3 in close range.
13. IPCC was of the view that the “Outwith” matter was in fact the essence of the allegation lodged by COM 3. CAPO subscribed to the IPCC’s view and re-classified the allegation as “Substantiated”.
14. IPCC also suggested the Police to consider revising their guidelines on video-recording procedures and disclosing the same (save any confidential clauses) to the public.
15. The Complainant (**COM 4**), an official of the Hong Kong Federation of Students (**HKFS**), in the last case of this report alleged that a female protestor, who was also an official of HKFS, was indecently assaulted by a Police officer during a protest at a college in Tseung Kwan O where the Chief Executive (**CE**) attended an official function on 16 May 2013.
16. COM 4 stated in a letter (**the complaint letter**) hand-delivered to IPCC that, during the protest, the female protestor rushed towards to CE’s vehicle for petitioning purposes but was dragged away by a male police officer who allegedly grabbed her from behind by an act described as “bear-hugging”. A total of three allegations were lodged against the Police.
17. IPCC passed the complaint letter to CAPO for investigation, and advised COM 4 and the female protestor to contact CAPO. However, COM 4 and the female protestor had declined to further assist CAPO.
18. In the absence of any further information from COM 4 and the female protestor, CAPO continued to make enquiries into the matter, but eventually concluded that no definitive findings could be arrived at. Hence CAPO classified the allegations as “Not Pursuable”. IPCC agreed with CAPO’s classification and the case was so endorsed.