

CHAPTER 1

INTRODUCTION

Origins and Scope

1.1 This is the first ever Thematic Study (Study) that the Independent Police Complaints Council (IPCC) has carried out on such an extensive scale and before full investigation of complaints under the Two-Tier System for dealing with complaints against the Police.¹ Under this System, the Complaints Against Police Office (CAPO) of the Hong Kong Police Force (HKPF) receives and investigates complaints; the IPCC monitors the investigations, reviews the findings and provides opinions to the Commissioner of Police (Commissioner) and where necessary, the Chief Executive of the Hong Kong Special Administrative Region (HKSAR). Where appropriate, the IPCC will make recommendations for improvement on practices or procedures of the Police.

1.2 The IPCC statutory functions are set out inter alia in section 8(1)² of the IPCC Ordinance. Section 8 (2) further empowers the IPCC to “*do all such things that are reasonably necessary for, or incidental or conducive to, the performance of its functions under this Ordinance*”. This Study has been undertaken pursuant to these functions and powers.

1.3 In the past, the IPCC has carried out studies over discrete events and subjects, after the complaints have been investigated by CAPO. An example was the Report on the Visit of the then Vice Premier Li Keqiang due not only to complaints against police officers, but also the public concern over the Police handling of the security arrangements for the visit. That study aimed to inform the public of the IPCC review of the complaints received and to recommend improvement for future Police operations from the lessons learnt from the episode.

¹ A detailed explanation on how this “Two-Tier Complaints System” works is given in Chapter 5.

² The functions of the Council are—

- (a) to observe, monitor and review the handling and investigation of reportable complaints by the Commissioner, and to make recommendations (as the Council considers appropriate) to the Commissioner or the Chief Executive or both of them in respect of the handling or investigation of reportable complaints;
- (b) to monitor actions taken or to be taken in respect of any member of the police force by the Commissioner in connection with reportable complaints, and to advise (as the Council considers appropriate) the Commissioner or the Chief Executive or both of them of its opinion on such actions;
- (c) to identify any fault or deficiency in any practice or procedure adopted by the police force that has led to or might lead to reportable complaints, and to make recommendations (as the Council considers appropriate) to the Commissioner or the Chief Executive or both of them in respect of such practice or procedure;
- (d) to review anything submitted to it by the Commissioner pursuant to this Ordinance; and
- (e) to promote public awareness of the role of the Council; and
- (f) (without limiting the generality of the foregoing) any function conferred on it by or under this or any other Ordinance.

1.4 Each year, the IPCC, in the performance of its duties, makes recommendations to the Commissioner on improvement to Police procedures and practices which have led to or might lead to Reportable Complaints (RCs).³ Over the past five years, the number of recommendations made are as follows:

IPCC Annual Report	No. of Recommendations
2018/19	23
2017/18	26
2016/17	10
2015/16	17
2014/15	14

Table 1-1 No. of Recommendations to Police from 2014/15 to 2018/19

1.5 Since 9 June 2019, widespread protests have broken out and accompanied with violence not seen since 1967. As the primary agency for the maintenance of law and order, the Police has had the duty to respond to these protests and the accompanying violence. The protests were triggered by the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill (Fugitive Offenders Bill) which the HKSAR Government (Government) introduced into the Legislative Council (LegCo) on 29 March 2019. Despite the Government's announcement on 15 June 2019 to suspend the Bill and then in early September formally to withdraw the Bill, the protests did not cease but continued with increasing violence. This Study covers facts for six identified incident days and two selected topics during this period of protests with an Overview of the protests from June 2019 to March 2020 and the corresponding Police action in response.

1.6 This Study, covering the public order events (POEs) from 9 June 2019, has three objectives:

- (a) To enable the IPCC to gain a broad picture of the POEs so that it may more effectively perform its duty of reviewing the investigations by CAPO into the complaints received;
- (b) To identify lessons to be learnt and make recommendations to the Police, so that complaints from future operations may be prevented; and
- (c) To promote public awareness of the work of the IPCC.

1.7 The decision for this Study was taken at the IPCC Special Council Meeting on 5 July 2019 because by then there were already 53 RCs and 68 Notifiable Complaints (NCs) related to the POEs. The IPCC considered that such a study would provide the broad picture necessary

³ These recommendations may be found in the Annual Reports of the IPCC.

for it to effectively perform its duty to review the findings of CAPO investigations. It was intended to cover the POEs from 9 June to 2 July and the action of the Police. The decision for the Study was announced by press release on the day.

1.8 A Special Task Force was set up, headed by the Deputy Secretary-General (Operations) with Secretariat staff experienced in vetting CAPO investigations. They were supervised by a Task Force Steering Group comprising the Chairmen of the Serious Complaints Committee (SCC), the Operations Advisory Committee, the Legal Committee and the Publicity and Survey Committee.

1.9 The IPCC decision to undertake the Study was welcomed by both the Chief Executive and the Commissioner. Both pledged to give such support and provide such information as necessary. The IPCC further indicated its intention to publish a report of the Study (Report). As the Study was to cover only the period from 9 June to 2 July 2019, the Chief Executive expressed the wish to see the Report completed and published within six months, by early January 2020.

1.10 The IPCC called for information from the public via a dedicated email portal and a telephone hotline. By mid-August 2019, the IPCC had received more than 24 000 texts, photos, video clips and hyperlinks.

1.11 Meanwhile, all complaints arising from the POEs were viewed as serious complaints by the IPCC and would be overseen by the SCC with interviews or collection of evidence under observation by either a Member of the Council or an Observer from among the 120 Observers, appointed by the Secretary for Security, to assist the IPCC.

1.12 As the protests continued after 1 July 2019 with increasing frequency and ferocity, the complaints against the Police increased. On 21 July 2019, a major incident in Yuen Long sparked accusations of Police collusion with triads and a large number of complaints clustered. Then, on 11 August 2019, there were large-scale protests occasioning the firing of a tear gas canister in the MTR station at Kwai Fong, attracting much public concern. In this light, at another Special Council Meeting on 16 August 2019, the IPCC decided to extend the scope of the Study to include the incidents in Yuen Long and Kwai Fong Station.

1.13 The protests, however, continued and escalated. On 31 August 2019, after another day of city-wide protests, Police action in the Prince Edward Station injured a number of protesters. There was confusion over the number of injured protesters in the reports by the Fire Services Department (FSD) and the Police, giving rise to speculation that some deaths were not accounted for. The refusal of the MTR Corporation Limited (MTRC), for data privacy protection, to publish the closed circuit television (CCTV) recordings of the MTR station,

fuelled the speculation. As this was a matter of serious public concern, the IPCC brought this incident into the Study.

1.14 The protests continued to spread on a wider scale and with increasing ferocity of violence and even vandalism from the end of August going on to March 2020. This Study therefore comprises:

- (a) An overview of the POEs from 9 June 2019 to March 2020 (Chapter 4);
- (b) A study of the events of six identified incident days -
 - (i) 9 June 2019 (Chapter 7);
 - (ii) 12 June 2019 (Chapter 8);
 - (iii) 1 July 2019 (Chapter 9);
 - (iv) 21 July 2019 (Yuen Long Incident) (Chapter 10);
 - (v) 11 August 2019 (Kwai Fong and Tai Koo Stations Incident) (Chapter 11);
and
 - (vi) 31 August 2019 (Prince Edward Station Incident) (Chapter 12).

1.15 These six incident days were chosen because of complaints (both reportable and notifiable) clustering around them and because of the public concern expressed over those incidents. They also evidenced the change of protest action and tactics, followed by some revision of Police strategy.

1.16 In addition to the Overview (Chapter 4) offering a broad perspective and the Incident Days (Chapters 7-12) detailing the individual events, the Study includes two other topics of public interest:

- (a) Police Identification During the Public Order Events (Chapter 13); and
- (b) Detention Arrangements at San Uk Ling Holding Centre (Chapter 14).

These two topics have figured in complaints as well as in expressions of public concern as reported by the media.

Nature of the Thematic Study

1.17 The IPCC has no investigatory powers and this Study does not address the conduct of individual police officers. That is a matter for the Commissioner through CAPO and with disciplinary control over all police officers under the Police Force Ordinance (PFO). The public,

as with the IPCC, would expect him to act firmly with fairness, where action is needed in order to ensure the integrity of the Force and to maintain trust of the public.

1.18 Although the IPCC has no powers of compulsion, it has the support of the Commissioner and other public institutions and much information has also been provided by the public and sourced from public domains including the media. The IPCC also puts on record its appreciation for the advice and assistance of the panel of international experts in this Study.

Perspective of Complaints Received

1.19 The IPCC has yet to review the findings of the ongoing CAPO investigations into complaints received as at 29 February 2020, totalling 542 RCs. Nonetheless, Chapter 5: Synopsis of Complaints gives details of the nature and volume of these complaints to facilitate a better understanding of the POEs over the past months.

Perspective of Principle

1.20 The Police has a public duty to maintain law and order of course, to be discharged within the boundaries of the law. The Police Force has General Orders and Manuals for compliance inter alia on the use of force. Together with the law, they form an important part of the perspective against which to view the action of the Police in response to the POEs. The Report dedicates individual chapters for these different perspectives.

Perspective of Police Officers, the Protesters and the Public

1.21 For better understanding of the POEs and the Police action in response, the IPCC has commissioned independent academics to conduct two surveys, one on how police officers view themselves as officers of the law and the other on how protesters and the general public view the Police action. The results of these surveys are summarised in Chapter 15 of this Report. The full survey reports are available on the IPCC website.

Limitations of the Report

1.22 This Study seeks to provide the fullest view possible of the POEs and the Police action in response. From this view the IPCC distills the lessons to be learnt and makes recommendations to the Commissioner. The IPCC is conscious that this is a collection of the facts available to date and so there could be gaps in the Report.

Adoption of the Report

1.23 At the Special Council Meeting held on 24 April 2020, IPCC Members unanimously adopted this Report and approved it (1) be made to the Chief Executive pursuant to section 30 of the IPCC Ordinance, (2) be made to the Commissioner pursuant to section 8(1)(c) of the IPCC Ordinance, and (3) be published for public information.