

立法會  
*Legislative Council*

LC Paper No. CB(2) 2096/01-02(04)

Ref: CB2/PL/SE

**Legislative Council Panel on Security**

**Background paper prepared by Legislative Council Secretariat**

**The Provision of Video Interview Rooms in the Police Force**

**Purpose**

This paper provides a summary of past discussions by the Panel on Security on the provision of video interview rooms (VIRs) in the Police Force.

**Background**

Law Reform Commission Report on Arrest

2. Police stations were provided with VIRs as a result of implementing the proposals of the Inter-departmental Working Group on the Law Reform Commission Report on Arrest.
3. In 1988, the Law Reform Commission (LRC) was asked to examine the rights and duties of the Police and other public officers to stop, search, arrest and detention. In August 1992, the LRC published its Report on Arrest. It recommended that the Police and other law enforcement agencies should adopt a number of provisions in the United Kingdom Police and Criminal Evidence Act 1984 (PACE) which set out detailed procedural requirements and safeguards to avoid the possible abuse of police powers.
4. Regarding section 60 of PACE on tape-recording of interviews, the recommendations of LRC were as follows : "tape recording of interviews is seen as an important safeguard against the making of false confessions. The ultimate objective should, in our view, be the video-taping of interviews. Subject to the availability of resources, we believe that tape-recording and video-taping of interviews should be introduced in Hong Kong". The relevant extract from the LRC report is in **Appendix I** for members' reference.

Inter-departmental Working Group on the Law Reform Commission Report on Arrest

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5. The Administration set up an inter-departmental Working Group in April 1993 to study the LRC Report on Arrest. The Working Group was chaired by Security Branch with representatives from the Police, Immigration, Customs & Excise, ICAC and Legal Department. The Working Group issued its report in October 1996 which set out its views on the recommendations of LRC.

6. With regard to the LRC's recommendation of the adoption of section 60 of PACE (paragraph 4 above), the Working Group proposed that "subject to need and availability of resources, tape-recording and video-taping of interviews should be progressively implemented for all law enforcement agencies". Relevant extract from the Working Group report is in **Appendix II**.

**Past discussion**

Meeting of the Panel on Security on 11 November 1996

7. The Working Group report was discussed at the meeting of the Panel on Security on 11 November 1996. Members did not make any comment in relation to the proposal on tape-recording and video-taping of interviews at the meeting.

Meeting of the Panel on Security on 19 February 1998

8. The Panel on Security was briefed by the Administration on the progress of implementing the proposals made in the Working Group report at its meeting on 19 February 1998. Members were informed that originally, it was planned to increase the number of VIRs of the Police to 20 within the financial year of 1997/98 and to provide another 20 in 1998/99. The long term aim was to set up 20 VIRs more by the year 2000, making a total of 60 available to the Police so that at least one VIR would be set up in every major divisional Police station.

9. The Administration further informed Members that following a review, it was decided that 60 of these VIRs would be set up by the end of 1998.

Meeting of the Panel on Security on 21 July 1999

*Progress of provision of VIRs*

10. The subject of provision of VIRs in the Police Force was further discussed at the meeting of the Panel on Security on 21 July 1999. At the

meeting, members were informed that -

- (a) By December 1998, the number of completed and fully operational VIRs had reached 60, with each major divisional Police station housing at least one VIR; and
- (b) Since January 1999, video interview of all suspects arrested in connection with serious criminal offences where the trial was reasonably expected to be in either the District Court or the Court of First Instance were mandatory.

11. Members were also informed that the Police Force had planned to review the VIR scheme at the end of 1999/00, and would revert back to the Panel after completion of the review.

12. Members may wish to refer to the Administration's paper (LC Paper No. CB(2) 2537/98-99(04) -- **Appendix III**) for the meeting on 21 July 1999 for further details about the provision of VIRs, the criteria for using VIRs and cost implications.

*Main views of members*

13. The main views of members are as follows -

- (a) the use of VIRs was mutually beneficial to Police officers and suspects arrested in the course of taking statements;
- (b) the provision of VIRs in all Police stations and a wider use of VIR interviews would enhance the transparency of the statement taking process; and
- (c) apart from using as exhibits for cases tried in the District Court and the Court of First Instance, videotaped interviews might be used for reference purpose in the event of allegations against abuse of power by the Force members.

14. For further details of the deliberation, members may wish to refer to **Appendix IV** for the extract from the minutes of the Panel meeting on 21 July 1999.

15. At the meeting, members also requested the Administration to provide a breakdown of the 322 cases from January to March 1999 where VIRs were used by the criteria set out in paragraph 5 of the Administration's paper. The breakdown (LC Paper No. CB(2) 2416/99-00(01)) is in **Appendix V** for members' easy reference.

**Outcome of review**

16. The Administration will brief the Panel on Security on the review of the Police's Video Interview Scheme at its coming meeting on 6 June 2002.

**Relevant papers**

17. A list of the relevant papers is set out below for members' easy reference -

<b>Meeting</b>	<b>Papers</b>	<b>Website Address/ Remarks</b>
11 November 1996	(a) Law Reform Commission Report on Arrest  (b) Proposals by an Interdepartmental Working Group on Law Reform Commission Report on Arrest  (c) Information paper provided by the Administration on "Law Reform Commission Report on Arrest"  (d) Minutes of meeting of the Panel on Security on 11 November 1996 (LC Paper No. CB(2) 1545/96-97)	Relevant extract in Appendix I  Relevant extract in Appendix II  <a href="http://www.legco.gov.hk/yr96-97/english/panels/se/papers/se11115b.htm">http://www.legco.gov.hk/yr96-97/english/panels/se/papers/se11115b.htm</a>  <a href="http://www.legco.gov.hk/yr96-97/english/panels/se/minutes/se111196.htm">http://www.legco.gov.hk/yr96-97/english/panels/se/minutes/se111196.htm</a>
19 February 1998	(a) Information paper provided by the Administration on "Progress Report on Implementation of Interdepartmental Working Group's Proposals on Law Reform Commission Report on Arrest" (PLC Paper No. CB(2) 1017(03))  (b) Minutes of meeting of the Panel on Security on 19 February 1998 (PLC Paper No. CB(2) 1381)	<a href="http://www.legco.gov.hk/yr97-98/english/panels/se/papers/se1902-4.htm">http://www.legco.gov.hk/yr97-98/english/panels/se/papers/se1902-4.htm</a>  <a href="http://www.legco.gov.hk/yr97-98/english/panels/se/minutes/se190298.htm">http://www.legco.gov.hk/yr97-98/english/panels/se/minutes/se190298.htm</a>

<b>Meeting</b>	<b>Papers</b>	<b>Website Address/ Remarks</b>
21 July 1999	<p>(a) Information paper provided by the Administration on "The Provision of Video Interview Rooms in the Police Force" (LC Paper No. CB(2) 2537/98-99(04))</p> <p>(b) Extract from the minutes of meeting of the Panel on Security on 21 July 1999 (LC Paper No. CB(2) 2805/98-99)</p> <p>(c) Breakdown of the 322 video-interviews conducted in Police stations by nature of cases provided by the Administration (LC Paper No. CB(2) 2416/99-00(01))</p>	<p>Paper in Appendix III</p> <p>Relevant extract in Appendix IV</p> <p>Breakdown in Appendix V</p>

Council Business Division 2  
Legislative Council Secretariat  
30 May 2002  
paper-vir

Extract from the Law Reform Commission Report on Arrest

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SECTION 60

*“Tape-recording of interviews*

60. (1) *It shall be the duty of the Secretary fo State-*
- (a) *to issue a code of practice in connection with the tape-recording of interviews of persons suspected of the commission of criminal offences which are held by police officers at police stations; and*
- (b) *to make an order requiring the tape-recording of interviews of persons suspected of the commission of criminal offences, or of such descriptions of criminal offences as may be specified in the order, which are so held, in accordance with the code as it has effect for the time being.*
- (2) *An order under subsection (1) above shall be made by statutory instrument and shall be subject to annulment in pursuance of a resolution of either House of Parliament.”*

(1) The significance of the section

7.46 This section imposes a duty on the Secretary of State to issue a code of practice in connection with the tape-recording of interviews of suspects which take place at police station and to make a statutory instrument requiring such interviews to be tape-recorded. Code of Practice E has been issued. Tape-recording of interviews has been implemented in England and Wales. Interviews outside police stations are not covered.

(2) Our recommendations

7.47 Tape-recording of interviews is seen as an important safeguard against the making of false confessions. The ultimate objective should, in our views, be the video-taping of interviews. **Subject to the availability of resources, we believe that tape-recording and video-taping of interviews should be introduced in Hong Kong.**

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**Extract from Proposal by an Interdepartmental Working Group  
on the Law Reform Commission Report on Arrest**

**X X X X X X X X**

**13. Detention**

**X X X X X X X X**

- (1) Subject to need and availability of resources, tape-recording and video-taping of interviews should be progressively implemented for all law enforcement agencies.

**X X X X X X X X**

**Extract from the Appendix A of Views of the Inter-departmental Working Group (WG)  
on the Recommendations in the Law Reform Commission (LRC) Report on Arrest**

X X X X X X X X X X X X X X X X X X

<u>Serial</u>	<u>Issue</u>	<u>LRC Recommendations</u>	<u>WG's Views</u>
48	Tape-recording of interviews	LRC recommends adoption of s.60 of PACE which imposes a duty on the Secretary of State to make a statutory instrument requiring interviews to be tape-recorded and to issue a code of practice with tape recording of interviews. Subject to availability of resources, tape-recording and video-taping of interviews should be introduced in Hong Kong.	Subject to need and availability of resources, tape-recording and video-taping of interviews should be progressively implemented for all new enforcement agencies.

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For discussion  
on 16 July 1999

**Legislative Council Panel on Security**

**The Provision of Video Interview Rooms  
in the Police Force**

**Purpose**

This note informs Members of the provision of video interview rooms (VIRs) in the Police Force.

**Background**

2. The Police Force began the use of VIRs, as a pilot programme, in 1993 with a single VIR unit installed in the Organized Crime and Triad Bureau. The number of VIRs was expanded in phases. By December 1998, the number of completed and fully operational VIRs had reached 60. To provide the highest degree of geographical and operational coverage, each major divisional Police station now houses at least one VIR. It has the capacity to deal with all projected interviews for cases in the two higher courts (i.e. District Court and the Court of First Instance) and provides for the simultaneous interviewing of multiple suspects in serious cases. The distribution of VIRs is shown in **Annex A**.

3. Video-interviewing suspects is conducted by Policed officers who have received an intensive training course in taking statements recorded on videotape. At the conclusion of the interview, the officer must decide by

reviewing the tape whether to release or charge te suspect. Should it be decided to charge the suspect, the officer will have to prepare a verbatim transcription of the interview process, to be followed by translation in case expatriate lawyers or judges are involved in the case. In general, a one-hour videotaped interview record would take three hours to transcribe, to be followed by translation. The translation will have to be certified by the Court Interpreter's Office.

4. **Annex B** shows the distribution of Police stations which do not have VIRs. These stations are not provided with VIR facilities because they are either located in sparsely populated area where the need for VIR facilities is low, or there are physical constraints for the construction of such facilities. Having regard to the resources available then, they are not included in Annex A. Although these stations are not equipped with such facilities, they can still make use of VIRs in other Police stations in the vicinity without delay. It should also be noted that three more Police stations (i.e. Lantau North, the Airport and Central) in Annex B will be installed with VIRs in the third quarter of 1999. Subject to availability of resources and physical constraints, we would try to install VIRs in the remaining stations.

### **Criteria for Using VIRs**

5. Since January 1999, video interview of all suspects arrested in connection with serious criminal offences where the trial is reasonably expected to be in either the District Court or the Court of First Instance are mandatory. As a general guideline, VIRs may also be used to take statements from suspects if one or more of the following apply :-

- (a) the offence involves a penalty of five years or more;
- (b) the nature of the case is likely to attract significant public interest; or
- (c) as directed by a Chief Inspector of Police or above who is commanding the investigation.

### **Review**

6. The Police Force has planned to review the VIR scheme at the end of 1999 / early 2000. This will allow sufficient time for the scheme to be thoroughly tested. In planning the further expansion of video interview facilities, we will need to consider the views of the Judiciary, Department of Justice, the Law Society and the Bar Association as the wider use of VIR interviews will have an impact on their work. In particular, the Judiciary will need to ensure that they have the necessary facilities to cope with the increased use of videotaped interviews. We will also need to take into account the resource implications for the Police Force.

7. In expanding the provision of VIRs, there are four main areas of costs incurred for the Police Force. These are the capital costs of renovating and equipping the VIRs, the maintenance costs, the operational costs (consumables and transcription) and the notional cost of removing the staff from existing duties for a two-day training programme. If we are to expand the VIR facilities from 60 to 120 to cater for all cases (i.e. cases tried in Magistrate, District Court and Court of First Instance), we will need \$17 million renovation and equipment cost as well as \$51.2 million notional cost for training in video interview techniques. As regards the recurrent cost

each year, we will need \$31.1 million consisting of \$5 million consumables, \$25.7 million transcription and \$0.41 million for maintenance. We would, however, emphasize that these are only very rough estimates which are based on a number of assumptions, for example, the number of crime cases and arrests. As these figures may fluctuate considerably, the estimates should be treated as indicative only.

**Security Bureau**

**9 July 1999**

[LPS\_VIR.doc]

**Distribution of VIRs**

<b><u>Major Formation/Region</u></b>	<b><u>Bureau/District</u></b>	<b><u>No. of VIRs</u></b>
<b><u>Crime Wing</u></b>	Narcotics Bureau	4
	Organized Crime & Triad Bureau	3
	Commercial Crime Bureau	2
	<i>Total</i>	<b><i>9</i></b>
		==
<b><u>Training Wing</u></b>	Detective Training School	<b>2</b>
		==
<b><u>Hong Kong Island</u></b>	Eastern	3
	Wanchai	2
	Central	2
	Western	2
	<i>Total</i>	<b><i>9</i></b>
		==
<b><u>Kowloon East</u></b>	Wong Tai Sin	2
	Kwun Tong	4
	Sau Mau Ping	3
	<i>Total</i>	<b><i>9</i></b>
		==
<b><u>Kowloon West</u></b>	Yau Tsim	2
	Mongkok	1
	Sham Shui Po	3
	Kowloon City	5
	<i>Total</i>	<b><i>11</i></b>
		==

<b><u>Major Formation/Region</u></b>	<b><u>Bureau/District</u></b>	<b><u>No. of VIRs</u></b>
<b><u>New Territories North</u></b>	Tai Po	4
	Tuen Mun	3
	Yuen Long	1
	Border	1
	<i><b>Total</b></i>	<b>9</b>
		==
<b><u>New Territories South</u></b>	Tsuen Wan	2
	Kwai Tsing	2
	Shatin	4
	* Lantau	-
	<i><b>Total</b></i>	<b>8</b>
		==
<b><u>Marine</u></b>	Marine Headquarters	<b>2</b>
		==
<b><u>Correctional Services Department at Lai Chi Kok(#)</u></b>	Reception Centre	<b>1</b>
		==

\* Lantau District - one VIR will be built in Lantau District  
(Lantau North Police Station)

# The VIR is Police facility set up in Correctional Services Department setting.

**Police Stations without VIRs**

<b><u>Region</u></b>		<b><u>Police Station</u></b>	<b><u>Total</u></b>
Hong Kong Island	:	Peak	3
		Stanley	
	*	Central	
Kowloon East	:	Tsz Wan Shan	1
Kowloon West	:	Nil	0
New Territories North	:	Yuen Long	6
		Pat Heung	
		Sha Tau Kok	
		Ta Kwu Ling	
		Lok Ma Chau	
		Lau Fau Shan	
New Territories South	:	Tin Sum	4
		Lantau South	
	*	Lantau North	
	*	Airport	
Marine	:	Cheung Chau	6
		Marine East	
		Marine North	
		Marine West	
		Marine South	
		Marine Harbour	
			-----
			<b>20</b>
			==

\* Three VIRs will be built in Central, Lantau North and Airport Police Station in the third quarter of 1999

**Extract from the minutes of  
meeting of the Panel on Security on 21 July 1999**

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Action

**IV. Provision of video-interview rooms in police stations**  
(LC Paper No. CB(2) 2537/98-99(04))

28. Mr CHEUNG Man-kwong said that it was learnt that the Court had questioned the admissibility of confession statements in some 115 cases, of which 40 were acquitted. He further cited that of the investigations endorsed by the Independent Police Complaints Council, 73%, 64% and 58% of complaints against Police officers were classified as “withdrawn” or “not pursuable”, “unsubstantiated” or “not fully substantiated” in 1996, 1997 and 1998 respectively. The substantial amount of unsubstantiated cases were mainly due to a lack of witnesses. Mr CHEUNG considered that the provision of video-interview rooms (VIRs) in all Police stations and a wider use of VIR interviews would enhance the transparency of the statement taking process. As an alternative, suspects should be given the discretion on whether the taking of their statements would be recorded on videotape.

29. The Chairman and Mr Howard YOUNG echoed Mr CHEUNG’s view on the wider use of VIRs. Members considered that the use of videotaped interviews, apart from using as exhibits for cases tried in the District Court and the Court of First Instance, might be used simply for reference purpose in the event of allegations against abuse of power by the Force members. Thus, no verbatim transcription of videotaped interview record was required as the primary use of videotaped interviews was for reference purpose.

30. In response, Assistant Commissioner of Police (Crime) (Ag) (ACP(Crime)(Ag)) said that Police stations were provided with VIRs facilities as a result of implementing the proposals of the Interdepartmental Working Group on the Law Reform Commission Report on Arrest. The primary purpose was to enhance the admissibility of confession statements by courts. The Police Force began the use of VIRs in 1993 with only one VIR. The number of VIRs was expanded in phases. The number of completed and fully operational VIRs had reached 60 in 1998 with each major divisional Police station housed at least one VIR. He added that VIR facilities in a particular Police station was not for the exclusive use of Police officers in the station in question.



31. PAS(S)E added that it was the policy intent for using VIR facilities with a view to enhancing the transparency of the statement taking process. In expanding the provision of VIRs, the Administration had to take into account the financial implications. Having regard to the fact that some 45 000 cases were tried in the District Court, the Court of First Instance and the Magistrate in a year, the financial implications were estimated and laid down in para.7 of the information paper. As regards the need for verbatim transcription of videotaped interview record, he said that according to the advice of the Department of Justice, it was not uncommon that the defendants and their legal representatives would request for the transcript of their statements.

32. The Chairman said that the Administration might consider, when expanding the use of VIRs to all criminal cases, confining only to offences of serious nature. PAS(S)E said that as explained in para.5 of the information paper, video interview of all suspects arrested in connection with serious criminal offences where the trial was reasonably expected to be in either the District Court or the Court of First Instance were mandatory. Criteria for exercising the discretion on whether VIRs should be used were laid down in para. 5(a) to (c) of the information paper. Hence, for cases which were likely to attract significant public interest, VIRs might be used when taking statements from suspects regardless of whether the cases were to be tried in the Magistrate.

33. Mrs Selina CHOW enquired about the acceptance of the use of VIRs by the Force members and whether there was any monitoring mechanism for applying discretion on the use of VIRs. ACP(Crime)(Ag) said that a Headquarter Order was issued in early 1999 on the mandatory requirement for the use of VIRs if the cases were expected to be tried in either the District Court or the Court of First Instance. Disciplinary actions would be taken should a Police officer fail to follow the Order. VIRs were used when taking statements from suspects in 322 cases from January to March in 1999.

34. Referring to the 322 cases where VIRs were used, Mrs Selina CHOW asked for a breakdown of the cases by the criteria laid down in para. 5(a) to (c) of the information paper. ACP(Crime)(Ag) said that as far as he was aware, the majority of the use of VIRs was related to offences involving a penalty of five years imprisonment or more. Nevertheless, ACP(Crime)(Ag) agreed to provide further information.

Adm

35 Members were of the view that the use of VIRs was mutually beneficial to Police officers and suspects arrested in the course of taking statements. The Chairman requested the Administration to consider members' views on the wider use of VIRs. PAS(S)E said that in planning

the further expansion of video interview facilities, the Administration would need to consider the views of the Judiciary, Department of Justice, the Law Society and the Bar Association as the wider use of VIR interviews would have an impact on their work. The Administration would also need to take into account the resource implications for the Police Force.

Adm 36. The Chairman requested the Administration to revert back to the Panel after the completion of the review of the VIR scheme.

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附錄 V  
Appendix V

政府總部  
香港下亞厘畢道

GOVERNMENT SECRETARIAT  
LOWER ALBERT ROAD  
HONG KONG

立法會 CB(2)2416/99-00(01)號文件  
LC Paper No. CB(2)2416/99-00(01)

Our Ref: SBCR 2/2801/96

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20 June 2000

By Fax (2877 8024) & By Post

Mrs Sharon TONG  
Clerk to Security Panel  
3<sup>rd</sup> Floor, Citibank Tower  
3 Garden Road  
Central

Dear Mrs. TONG,

**Provision of Video-Interview Rooms in Police Stations**

At the LegCo Security Panel meeting held on 21 July 1999, members asked for the breakdown of the 322 video-interviews conducted by nature of cases. The requested information is provided below –

<b><u>Type of cases</u></b>	<b><u>Number of Cases where video interviews were conducted</u></b>
Offence involving a penalty of imprisonment of five years or more	103
Cases likely to attract significant public interest	6
Cases as directed by a Chief Inspector or above commanding the investigation	73
<b>Total Number of Cases</b>	<b>182</b>

Members may wish to note that the total number of cases in which video interviews were conducted (182) is smaller than the total number of

video interviews (322) since one case may involve more than one interview.

Thank you for your kind attention.

Yours sincerely,

(Miss Angela LEE)  
for Secretary for Security

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