

**Bills Committee on
Independent Police Complaints Council Bill**

**Response to issues raised at the Bills Committee meeting
held on 22 January 2008 (1)**

Purpose

This note provides information in response to a number of issues raised by the Bills Committee at its meetings held on 22 January 2008.

Categorization of complaints

To provide information on the number of cases in the past three years where the Independent Police Complaints Council (IPCC) requested the Complaints Against Police Office (CAPO) to reconsider the categorization of a complaint and the number of cases where the categorization was amended after reconsideration by CAPO; to provide a sample of the list of non-reportable complaints for submission to IPCC under clause 8(1)(b)

2. In 2005, 2006 and 2007, the IPCC requested CAPO to reconsider the categorization of 37, 30 and 6 non-reportable complaints respectively. After reconsideration, CAPO re-categorized one non-reportable complaint as a reportable complaint in 2006. No such re-categorization was made in 2005 and 2007. For all non-reportable complaints that were not re-categorized, CAPO explained to the IPCC the reasons for the original categorization and the IPCC accepted CAPO's explanation. A sample of the list of non-reportable complaints for submission to the IPCC under clause 8(1)(b) is at **Annex A**.

Forewarning of Complainees

To provide information on the number of cases in the past three years where a complainee has been forewarned of the complaint against him by another police officer

3. Police General Order 26-20 stipulates that all complainees should not be forewarned of the complaints against him by another police officer and that a breach of such an order should amount to a disciplinary offence. There has not been any case of contravention of this order since it took effect in October 1997.

Communication between the Police and the Community

To consider establishing a platform or channel for regular communication between the Police and vulnerable groups and to provide information on the Police's work to enhance communication with vulnerable groups and ethnic minorities; to consider including the promotion of communication between the Police and the public as a function of IPCC under the Bill

4. The Police have an established healthy engagement with the community and they take proactive measures to expand their community networks. In this connection, the Police have taken initiatives to enhance communication with specific sectors of the community and to engage concern groups. Details are set out at **Annex B**. The Police will continue to reach out to the community and enhance relationships. They will seek to strengthen the public understanding of and confidence in the Force and, as a result, secure their support and cooperation.

5. Clause 7(1)(c) of the Bill already empowers the IPCC to identify any faulty or deficient police practice or procedure that has led to or might lead to complaints, and to make recommendations to the Commissioner of Police in respect of such practice or procedure. This provides an avenue for the IPCC to make recommendations to the Police on enhancing communication with the community with a view to preventing complaints against the Police. The IPCC may also make recommendations on the Police's engagement with the public under

clause 7(2), which empowers the IPCC to do all such things that are reasonably necessary for, or incidental or conducive to, the performance of its statutory functions. We, therefore, do not consider it necessary to specifically provide for the promotion of communication between the Police and the public as a function of the IPCC under the Bill.

Security Bureau

March 2008

Sample list of non-reportable complaints for submission to the IPCC under clause 8(1)(b)

S/No	NRC Ref.	Reason of Categorization ¹	Date of Report	CAPO Team	Investigation Formation	Complainant	Complainee (Rank / Formation)	Principal Allegation(s)	Gist of Complaint
1	H 08XXXX	(a)	200X-XX-XX	X	XXXX	XX	1 PC of XXXXX	Misconduct	<p>COME² was COM's neighbour. COM³ knew COMEE's police identity. Whilst off duty, COMEE disputed with COM over the use of parking space. COMEE uttered offensive language against COM. COMEE had smelt of alcohol. COM complained against the overall demeanour of COMEE.</p>

¹ The reasons for categorizing a complaint as a non-reportable complaint are explained on page 4.

² COMEE means the complainee.

³ COM means the complainant.

2	H 08XXXX	(b)(i)	200X-XX-XX	X	XXXXX	Anonymous	2 unidentified TWDs of XX	Neglect of Duty	An anonymous COM complained that COMEES failed to take enforcement action against illegal parking.
3	H 08XXX	(b)(ii)	200X-XX-XX	X	XXXX	XX	1 PC of XXXX 2 PCs of XXXX	Neglect of Duty Misconduct Neglect of Duty	COM's brother was involved in a traffic accident. COMEE1 handled the incident at scene. COMEE2 and COMEE3 investigated the case. COM's brother was charged with 'Drunk Driving and Careless Driving' and was convicted after trial in court. COM alleged that COMEE1 had failed to arrange immediate medical treatment for her brother (Neglect of Duty) after the accident, that COMEE2 had recorded the statement under an improper circumstance (Misconduct), and that COMEE3 should not have prosecuted her brother (Neglect of Duty). COM's

									brother did not lodge a complaint.
4	NT 08XXXX	(b)(ii)	200X-XX-XX	X	XXXXX	XX	2 PC of XXXX	Rudeness	COM was a passer-by who saw COMEEs treating a male rudely and arrogantly during a stop and search.
5	H 08XXXX	(c)	200X-XX-XX	X	XX	XX	XX	Request for Case Review	COM was involved in a 'Traffic Accident Damage Only' case and was informed that the other party was only advised by the Police without prosecution. COM requested for a case review.
6	H 08XXXX	(c)	200X-XX-XX	X	XX	XX	XX	Request for Case Review	COM made a suspected deception report, but was advised to seek assistance from the Consumer Council. The case was classified as 'Miscellaneous Incident – No Follow-up Action'. COM requested a case review.

Examples of reasons for categorizing a complaint as a non-reportable complaint -

- (a): a member of the public complains against a member of the police force who is off-duty and who has not identified himself as a member of the police force;
- (b): a case which has met other criteria of a reportable complaint but
 - (i) the complainant is anonymous; or
 - (ii) the complainant is not the directly affected party;
- (c): a member of the public requests to review a crime investigation or a miscellaneous investigation in which he is a concerned party (“miscellaneous investigation” refers to the investigation into a non-crime case, e.g. review of the investigation of a telephone nuisance case).

Acronym

TWD – Traffic Warden

PC – Police Constable

**Communication between the Police and
specific sectors of the community and concern groups**

Force Strategic Directions

One of the Force Strategic Directions is to actively engage members of the community in policing and carrying out law enforcement duties. Given the nature of their activities, the Police have extensive interaction with members of the public on a day-to-day basis. To help the public understand the work of the Police, and to facilitate the Police in responding to their needs and communicating with them effectively, the Police Force has developed and implemented a strategic community engagement programme. This note outlines the initiatives taken by the Police to enhance communication with specific sectors of the community and concern groups.

Communication with different sectors of the community and concern groups

New arrivals

2. Under the coordination of the Home Affairs Bureau, service handbooks for new arrivals are available for distribution at the Lo Wu Control Point, the District Offices and the service centres of other government and non-governmental organizations (NGOs). The handbook contains details of the services provided by various Government departments, including the Hong Kong Police, and NGOs. It also provides guidance for new arrivals to obtain information on Hong Kong laws to help them adapt to the local environment as early as possible.

3. The District Co-ordinating Committees on New Arrival Services, which are chaired by the respective District Officers and comprise representatives of relevant Government departments, including the Police, and NGOs, meet regularly to formulate and coordinate services for new arrivals. In those districts without such a co-ordinating committee,

issues relating to new arrivals are regularly discussed at the respective quarterly District Management Conferences in which the Police participate. The Police are apprised of the concerns of new arrivals on policing and law enforcement matters through these channels, and take appropriate actions to address these concerns.

Non-ethnic Chinese

4. It is a policing priority of the Police Force to seek the engagement of and co-operation with non-ethnic Chinese (NEC) communities in the fight against crime. Local police representatives in districts with a sizeable NEC population such as Tsim Sha Tsui, Sham Shui Po, Wan Chai and Yuen Long have established strong ties with NEC community leaders. Police Community Relations Officers also actively engage the NEC communities in their districts to enhance mutual understanding and cooperation. Seminars, liaison meetings and other publicity activities are organized for NEC communities from time to time to disseminate crime prevention and anti-drug abuse messages, to assist NEC to integrate with the community and to increase their trust in the Police. Over 1 000 NEC youngsters have joined the Junior Police Call (JPC).

5. Frontline police officers have ready access to interpreters to facilitate their communication with members of the public who do not speak Chinese or English. Individual Police districts have organized NEC language training courses for frontline officers. Crime Information Forms and some other police forms are available in different languages to cater for the needs of NEC communities.

Other Concern Groups

6. In support of the Force's Strategic Direction on "Engaging the Community", police officers in relevant Police formations and Police districts liaise with identified concern groups from time to time to exchange views and to enhance mutual understanding. The Police Public Relations Branch (PPRB) also maintains contact with various stakeholders and interest groups. For example, to enhance mutual understanding, a meeting between PPRB and ten different concern

groups/organizations was held in February 2008 to discuss issues of mutual interest.

Hong Kong Police Force
March 2008