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Panel on Security

**Background brief prepared by the Legislative Council Secretariat
for the meeting on 5 May 2017**

Use of body-worn video cameras by the Police

Purpose

This paper summarizes past discussions of the Panel on Security ("the Panel") on issues relating to the use of body-worn video cameras ("BWVCs") by the Police.

Background

2. According to the Administration, the Police have been using hand-held video-recording devices since 2006 to record incidents with law and order implications for both investigation and evidential purposes. To keep abreast of technology advances, the Police conducted a feasibility study on the use of BWVCs for policing purposes by making reference to overseas experiences and examining aspects of legality, privacy and personal data. The Police concluded that the introduction of BWVCs was anticipated to enhance frontline officers' capability in evidence gathering as well as achieve a higher degree of transparency and accountability of police actions.

3. From March to September 2013, the Police conducted a six-month first-stage field trial to assess the effectiveness of using BWVCs. Under the field trial, uniformed officers from the Emergency Units of New Territories North and Kowloon West Regions as well as Police Tactical Unit of Hong Kong Island Region who had received training on the use and operation of BWVCs would overtly wear and use BWVCs in confrontational scenarios or incidents where a breach of peace had occurred or was likely to occur.

4. In June 2014, the Police launched a one-year second stage field trial on BWVCs. In addition to the original units of Emergency Units of New

Territories North and Kowloon West Regions and Police Tactical Unit of Hong Kong Island Region, participation was extended to various units including Emergency Units and Police Tactical Units of all Regions, as well as frontline operational units responsible for performing tasks of a similar nature, i.e. Quick Reaction Force of New Territories North Region and patrol cars of all Police Districts.

Deliberations of the Panel

Criteria for the use of body-worn video cameras

5. Some members considered that the use of BWVCs was unfair in that it was up to a police officer who wore BWVC to decide whether and when to commence recording. Moreover, BWVCs would only capture images of the person who was video-filmed but not the police officer who wore the BWVC concerned. These members expressed the view that the footage captured should be made available on demand to the person who was video-filmed.

6. Some other members, however, considered that the use of BWVCs was not unfair as the Police had been using hand-held video-recording facilities since 2006 and the cameras of mobile phones had been widely used by members of the public to capture their confrontation with police officers. As police officers were open to the risk of being assaulted when discharging their duties, the use of BWVCs would better protect their personal safety. The use of BWVCs should be extended to police officers on beat duties, who might also come across confrontational scenarios.

7. According to the Administration, the use of BWVCs was fair to both parties as it recorded the event objectively and factually. BWVCs would only be used in confrontational scenarios or incidents where a breach of the peace had occurred or was likely to occur and had been found effective in enhancing police officers' operational efficiency in such scenarios. Although a BWVC was worn by a police officer, it could capture the body movements and voice of the police officer. Guidelines had been issued by the Police to regulate the use and operation of BWVCs. Compliance with such guidelines was monitored by supervisory officers of the Police.

8. Members were also advised that BWVCs were widely used by the police of many other jurisdictions, including the United Kingdom, Holland, France, some provinces of Australia and some states of the United States of America ("USA"). Overseas experience in the use of BWVCs had been

generally positive. A judge in USA had stated that BWVCs provided an objective record of the incident to reviewing officers and the court.

Operation of body-worn video cameras

9. Some members were concerned how a member of the public could know whether he was being video-filmed with BWVC and when video-recording would be stopped. These members sought information on the detailed operation of BWVCs.

10. The Administration advised that only police officers who had received relevant professional training could use BWVCs, which could only be used in confrontational scenarios or incidents where a breach of the peace had occurred or was likely to occur. Police officers using BWVCs should be in uniform, should overtly wear the cameras, and unless impracticable, notify the person concerned prior to the commencement of recording. BWVCs were equipped with red light, which would flash when recording, and an outward-facing screen which enabled the person concerned to know that he was being video-filmed and see the captured images. Furthermore, at the commencement of a video recording, the police officer concerned had to first record his own name, time, place and a description of the incident to be recorded. Recording would cease only when the incident concerned had ended. Any use of BWVCs should be reported and would be reviewed by the supervisor of the police officer concerned.

Footage captured with BWVCs

11. In response to some members' concern how footage captured with BWVCs would be used, the Administration stressed that footage with investigative or evidential value would be treated as case exhibit and be retained for investigation and court proceedings. Any captured footage which was retained for investigation would be converted into two copies of CD-ROMs, one of which would serve as exhibit while the other one would be used as working copy for investigation purpose. Footage carrying no investigative or evidential value would be deleted after 31 days from the date it was produced.

12. Some members expressed concern about whether a person who was video-filmed with BWVCs could request viewing the relevant footage captured. The Administration explained that the Police's webpage on BWVCs had highlighted the rights of members of the public to request access to their own personal data kept by the Police under the Personal Data (Privacy)

Ordinance (Cap. 486) ("PD(P)O"). All such requests would be handled in accordance with PD(P)O, which set out the procedures, time requirements and considerations to comply with the request.

Security of information stored in BWVCs

13. Some members raised concern over the possible loss of memory card inside BWVCs or leakage of information stored inside the memory card by officers who used file-sharing software. There was a view that the Police should strengthen training on the custody of information and maintain statistics on the loss of memory cards and leakage of information by police officers who used file-sharing software. The Administration assured members that all memory cards in BWVCs incorporated digital signature which would detect unauthorized tampering of information stored inside. Police officers were not allowed to use their own memory cards in BWVCs.

Latest development

14. According to the Administration, a detailed review would be conducted by the Police upon completion of the second stage of the field trial with an aim to considering the scope of use of BWVCs and relevant long-term arrangements. The Administration will brief the Panel on the subject at the meeting on 5 May 2017.

Relevant papers

15. A list of relevant papers on the Legislative Council website is in the **Appendix**.

Appendix

Relevant papers on the use of body-worn video camera by the Police

Committee	Date of meeting	Paper
Panel on Security	5.4.2013 (Item V)	Agenda Minutes
Legislative Council	24.4.2013	Official Record of Proceedings (Question 10)
Legislative Council	19.2.2014	Official Record of Proceedings (Question 10)
Panel on Security	18.3.2014 (Item IV)	Agenda Minutes
		LC Paper Nos. CB(2)1265/13-14(01) and (02)
Legislative Council	2.3.2016	Official Record of Proceedings (Question 18)
Legislative Council	9.11.2016	Official Record of Proceedings (Question 16)