

Discovery of Copies of Police Documents

At 0642 a.m. on 3 May 1999 an anonymous telephone call was made to the Castle Peak Police Station report room from a male who alleged that some police documents had been found at the rubbish collection centre at Wu Boon House, Wu King Estate.

2. A beat officer was dispatched to the scene and on arrival found no persons at the rubbish collection centre. After a brief search he located various photocopies of police documents. These documents were seized and taken back to Castle Peak Police Station.

3. It was apparent that all the documents in question related to the work of one particular Police Constable attached to the Police Tactical Unit (PTU) currently under training at PTU Headquarters. Prior to being posted to PTU on 1 March 1999, the officer had been working in Tai Hing Division, Tuen Mun District. He resides in the same housing estate where the documents were found.

4. As a result of enquiries from the press regarding the incident it became apparent that prior to police arriving at the scene, the press had been present and had removed other similar documents.

5. The officer was interviewed later that day. The officer admitted that the seized documents had originated from him and a search of his home recovered further photocopied documents. The officer explained that it was as matter of practice that he made copies of Cautioned Statements (Pol.857s) and Statements (Pol.154s) written or taken by him to use for future reference and preparation for giving evidence in Court. The documents were originally locked in his locker in the station, however, on his transfer to PTU he took these documents home from Tai Hing Police Station and stored them in a wardrobe. The officer did this because there is insufficient storage space in his locker at PTU due to the need to keep additional uniform and accoutrements.

6. The officer resides with his widowed mother and at the end of May this year the family are scheduled to move into another housing development. On 2 May 1999, in preparation for the move, the officer's mother started cleaning out their current flat and packed up the documents in question, along with some other unwanted material, and dumped them at the refuse collection centre at Wu Boon House. His mother had assumed that the documents were rubbish.

7. Subsequent enquiries with the press confirmed that the Apple Daily did have possession of further documents and some of these were subsequently surrendered to the police.

8. There is no reason to doubt the versions of either the officer or his mother, both of whom have been entirely forthcoming and frank in their explanations.

9. A general apology was issued on 4 May 1999 by the Police District Commander Tuen Mun for any embarrassment caused by the incident.

10. With the exception of the press, statements have been taken from all persons involved in the incident and an investigation file compiled. Newspapers have been requested to return any additional documents that they may have in their possession, however, so far, only the Apple Daily has done so.

11. Data users, and in this case the officer concerned, are required to take *reasonably practicable steps* to ensure compliance with the provisions of the Personal Data (Privacy) Ordinance. The requirements under the Ordinance are the subject of a Police order and a continuing programme of education. As a consequence of this case, Police is in discussion with Government as regards the classification of documents containing personal data whilst the need to protect documents containing personal data has been re-emphasised to staff.

12. In the meantime, the disciplinary investigation into possible breaches of Government and/or Police Regulations by the officer continues.

Police Headquarters

27 May 1999