

立法會
Legislative Council

LC Paper No. CB(2) 1946/98-99

Ref : CB 2/PL/SE
Tel : 2869 9498
Date : 12 May 1999
From : Clerk to Panel
To : Hon James TO Kun-sun (Chairman)
Hon Mrs Selina CHOW LIANG Shuk-ye, JP (Deputy Chairman)
Hon David CHU Yu-lin
Hon Albert HO Chun-yan
Hon LEE Cheuk-yan
Dr Hon LUI Ming-wah, JP
Hon CHEUNG Man-kwong
Hon Gary CHENG Kai-nam
Hon Howard YOUNG, JP
Hon Andrew CHENG Kar-foo

LegCo Panel on Security

Follow-up to meeting on 11 February 1999

I enclose for members' reference the Administration's reply which provides information to the following requests raised by members at the above meeting -

- Annex A** - The Police internal order adopted in the New Territories North Region that explains the Landlord and Tenant (Consolidation) Ordinance and how disputes between landlords and tenants should be processed;
- Annex B** - The Police internal order regarding the handling of reports on debt collecting practices;
- Annex C** - The existing guidelines on the handling of reports on domestic violence by Police officers; and

Annex D A note giving a brief report on the operation of the 999 emergency system when a traffic accident occurred in Happy Valley on 3 February 1999, and describing the operation of the 999 emergency system, its performance pledges and the establishment of the Command and Control Centres.

In addition, in response to Members' enquiry, the Police have confirmed that according to their records, there were no debt collectors who were prosecuted for "disorderly conduct" or "causing a breach of the peace" in the past three years.

I should be grateful if you could circulate the above information to Security Panel Members for reference.

Yours sincerely,

(Philip CHAN)
for Secretary for Security

c.c. C of P(Attn: Mr K K YIP) w/o encl.

Disputes Arising from Land Re-possession

As you may be aware, there has been an upward trend in the number of incidents arising from re-possession of land in the New Territories, particularly in New Territories North Region and the methods adopted by some developers in securing vacant possession of land is an issue of concern within the community.

2. Incidents which have been reported to police mostly concerned damage to property by construction work, the workers or their equipment, obstruction by site fences, disruption of services, rubbish burning and the like. Those cases of actual damage have been resolved by police intervention and the companies have repaired the damage to property or interruption to water and electricity supplies at their own expense. Some cases were resolved by officers attending the scenes while others involving criminal allegations were investigated, albeit that more often than not, there was no evidence to support assertions of criminal acts.

3. Land disputes in the New Territories are complicated, in many cases, by the unusual nature of local land rights titles, tenancy agreements and occupations which are historic. This often makes resolution by officers attending the scenes difficult and even where the parties involved have jointly agreed to desist from their behaviour and so informed the attending officers. The disputes are often so deeply rooted that they will, after a period of reflection, lodge complaints of either police inaction or that they were unfairly dealt with.

4. The primary objective of police in handling land disputes is to maintain order and prevent a breach of the law. whilst sharing the concerns over the possibility that developers may adopt illegal means to facilitate the rapid possession of sites for development, police would not be biased against any parties and will conduct full investigations into all pursuable criminal cases reported to them in connection with such activities.

5. To ensure that all reports of disputes involving land resumption are thoroughly and properly investigated, the following procedures will be adopted w.e.f. 10 April 1997 :-

- (a) Officers attending scenes will in the first instance establish if there is any criminal aspect in the dispute. As far as possible, the PSU on duty or in his absence his 2 i/c should attend scene and direct action to be taken. If in doubt, he should seek advice and guidance from his ADVC Ops.

- (b) If it is established that no criminal acts have been committed, all parties are to be advised that they may take civil action to pursue their cases and that any breach of the peace or violation of law will not be tolerated. Detailed notebook entries and further reports into the MRB are to be made.
- (c) In cases where the officers have reason to believe that a criminal offence has been committed, the case will be referred to the Crime Investigation Team Inspector on duty for action.
- (d) Where sufficient evidence exists of a criminal offence under any legislation, an entry will be recorded in the Crime Complaint Register in accordance with PGO Chapter 21.
- (e) DVCs should monitor action taken on all land dispute cases reported in their divisions.

(Mrs WONG LEUNG Kam-shan)
RC NTN

Distribution

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HEADQUARTERS ORDER NO. 66 OF 1998 PART ONE

BY

MR. HUI KI ON, COMMISSIONER OF POLICE

FORCE PROCEDURES FOR THE HANDLING AND INVESTIGATION OF DEBT COLLECTING RELATED CASES

Introduction

There has been a rising trend in complaints relating to debt collecting malpractices. While most of the debt collection companies employed by banks, mobile phone companies or other commercial institutions usually operate within the law, a number work mainly for criminals such as loansharks and illegal gambling operators to pursue repayment of illegal loans. The latter group is ready to resort to harassment intimidation and violence. Some also collect debts arising from commercial transactions. The increase in their activities and associated malpractices has been of great concern to the local community. The Law Reform Commission of Hong Kong has recommended that the Government propose legislation to control abusive practices by debt collection agencies.

2. The Force takes a serious view towards debt collecting related offences. To ensure a professional response to these reports, this Headquarters Order outlines the procedures for the handling and investigation of debt collecting related cases. In effect, a crime unit *will* investigate all debt collecting related cases.

Handling of Reports

3. When a debt collecting related report is received by a 999 Console operator or Duty Officer it is necessary to establish if it relates to an “Organized Crime” such as syndicated loansharking activity or loansharking involving violence or threat of violence as defined in paragraph 6 of HQO 18,97 Part I (Reporting and Investigative Procedures for OSCO). If it is established that it is an “Organized Crime” the reporting procedures in the said Headquarters Order will be followed. Otherwise, the 999 Console operator or Duty Officer will initiate all necessary action, including deployment of uniformed officers to scene as appropriate and refer the report to a Divisional investigation team for investigation whether or not the information, at that time, constitutes a crime.

4. When a report is received by an officer on outdoor duty, he will take any necessary immediate action and will then seek further instructions from the Duty Controller by telephone. Under no circumstances will details of the informant of a report of a debt collecting related case be broadcast over the radio.

5. Debt collecting related cases which are reported by mail will be dealt with in accordance to FPM 21-05, 21-06 and 21-07, which deals with the letter handling procedure and the need to ensure CRB is either sent the letter for appropriate action or a copy of the letter is sent for indexing. Action will be taken in consideration with the spirit of this Order and in particular, confidentiality.

Responsibility of Investigation

6. When the case is not an Organized Crime or cannot, at that stage, be established as an Organized Crime, the Divisional investigation team will take the initial action to investigate. As soon as practicable, and in any event within 48 hours, the team inspector will submit the case papers to ADC Crime (via the ADVC Crime). The ADC Crime will, based on the nature and circumstances of the case, decide whether it should be investigated by the Divisional investigation team or taken over by a District Crime unit.

7. As the level of nuisance or illegal action taken by debt collectors often escalates, the ADVC Crime or CIP Crime will ensure that prompt action is taken and the victim is given full support. This will also apply when a case is classified as 'No Offence Disclosed' (NOD) or 'Nuisance only'. The ADVC Crime or CIP Crime will monitor the case until such time that there is a satisfactory conclusion to the investigation. Investigation will not be curtailed unless the ADVC Crime is satisfied that there is an end to the nuisance or harassment.

8. If the ADC Crime is of the view that the case should be investigated by a Regional Crime unit he will consult the Regional SSP Crime. The SSP Crime will then decide whether or not the matter should be investigated by a Regional Crime unit. In these circumstances where the investigation is conducted at Regional level the SP Crime will be responsible to monitor the investigation until there is a satisfactory conclusion of the case.

Indexing Procedures

9. All debt collecting related cases will be indexed in the Force Criminal Intelligence System (FCIS) in a comprehensive and timely manner. A new data-capturing procedure has been devised and it is important that all Formations adhere strictly to the new procedures in order that a useful and accurate database is maintained in the FCIS. This will provide both strategic and tactical intelligence on such activities.

10. The OC case, DISs and RIUs will all be involved in data collection which will then be sent to CIB for indexing using the appropriate proformas. For detailed procedures and the proformas to be used please refer to Annex. A.

Preventive Measures

11. All officers from UB frontline officers, Crime investigators up to Senior Police Management have a role to play in preventing illegal debt collecting activity. Based on the local situation Formation Commanders will formulate a policy on preventive measures which can be implemented.

12. The ADVC Crime or CIP Crime may implement preventive measures to reduce the supply of illegal loans and debt collecting activities such as removing advertisements from walls in public housing estates. It is also possible to include known and convicted Hong Kong loansharks on the Macau Immigration list of “refuse entry” via CIB and Liaison Bureau and also to refuse Macau loansharks’ entry to Hong Kong by liaison with HK Immigration Department via CRB. Organizations which deal with building security, estate management and owners’ associations should also be encouraged to take preventive measures.

13. The OC Case will, after consultation with ADVC Crime or CIP Crime, liaise with PPRB to give successful actions and prosecutions the appropriate publicity, in order that the desired effect of deterrence and the enhancement of the public’s confidence are achieved.

Witness Reassurance/Protection

14. In all cases it is essential to have the full co-operation of the victims/witnesses both at the investigation stage and during the subsequent trial. In order to ensure that members of the public will come forward to report and subsequently assist in testifying as witnesses in court, all possible steps are to be taken to assure victims and witnesses of their confidentiality, well being and, in some cases, safety.

15. The level of action for witness reassurance and protection will vary from case to case. As a standard procedure in the investigation of debt collecting cases, the OC Case, in consultation with ADC Crime. will ensure that a comprehensive programme of action is drawn up and implemented, commensurate with the level of reassurance and or protection each victim/witness will require. For cases which warrant the implementation of a formal Witness Protection Programme, please refer to the D C&S’s Confidential Instruction No. 8 dated 25th April 1995 for details.

Use of OSCO's Powers

16. In cases relating to debt collecting, particularly when investigations are conducted into the operation and backgrounds of such companies and syndicates, the use of special investigative powers such as Witness Order under OSCO may be useful. Also, attempt should be made to seek a higher venue of trial in order that the enhanced sentencing and confiscation provisions under OSCO can be applied.

17. A comprehensive guide on the use of OSCO powers is contained in HQO 18/97 Part I and SP C Division of OCTB is available on telephone number 2860 8780 for advice when necessary.

Investigation Guidelines

18. Investigation Guidelines for debt collecting related cases will be issued by the Organized Crime and Triad Bureau to assist investigators and will be distributed in conjunction with this order.

Implementation

19. This Order will take immediate effect and will be reviewed in 12 months.

(Ref. L/M in (35) in OCTB CON 73/5 III)
(Chinese translation will follow)

(FUNG Siu-yuen)
for Commissioner of Police

HONG KONG 23 December 1998

Annex A**New Procedures on Data Capture and Monthly Statistical Returns on Debt Collecting Related Cases**

When a report relating to debt collecting is received, it will be referred to a Crime team for investigation whether or not a criminal offence is already disclosed. The OC Case will complete a proforma at Annex (A1) after initial enquiry and send it to the OC DIS. This proforma is required as it will keep DIS updated on all pending and non-crime reports handled by crime units. If a case is subsequently crimed, the OC Case will denote in paragraph 4 of the Pen message that it is “**Debt Collecting Related**” as per sample at Annex (A2). He will ensure that CIB is included as one of the addressees in the Pen message.

2. OC DIS will submit a monthly return as per tables at Annex (A3) to the CIP RIU (Region) who will then submit consolidated returns to CIB for indexing and analysis.

3. Responsibilities for submission of statistical returns are as follows:-

(a) OC Case will :-

- (i) upon receipt of a debt collecting related report and after initial enquiries, submit, within two days of the report, a proforma as at Annex (B1) to OC DIS;
- (ii) upon classification of a debt collecting related report as crime, circulate a Pen message and include in paragraph 4 of the message the phrase ‘**Debt Collecting Related**’. The OC Case will ensure that a copy of the Pen message is circulated to CIB. No details of the victim/witness and/or his address should be disclosed in the message. A sample message is at Annex (A2); and
- (iii) For non-crime incidents or cases which are subsequently classified as NOD, after the proforma to OC DIS has been submitted, there is no need for the OC Case to submit further information to DIS. However, if subsequent enquiries reveal that the report is actually concerned with other motives (such as love affair, personal grudge, etc.), the OC Case should advise OC DIS by memorandum so that the case can be excluded from the returns to RIU/CIB.

(b) OC DIS will :-

- (i) Consolidate all proforma and Pen messages from their respective crime units; and
- (ii) based on the proforma and Pen messages received, he will, by the 7th of each month, submit a monthly return in the format as Annex (A3) to the Regional SSP Crime (Attn : CIP RIU). Copies of all the related Pen messages are to be attached. There is no need to attach documents in non-crime complaints.

(c) CIP RIU will :-

- (i) Consolidate all returns from Districts and ensure that the figures on crime related cases match with the information on the Pen messages;
- (ii) and
Submit a consolidated monthly return in the same format as Annex (A3) to CSP CIB (Attn : CIP C1 CIB) by the 15th day of each month.

(d) CIB :-

- (i) C1 Division of CIB will be responsible for consolidating all monthly returns submitted by Regions; and
- (ii) B2 Division of CIB will be responsible for research and analysis of the information available and to produce intelligence assessment for the information of Force management.

Annex A1

Proforma for Debt Collecting Related Reports

Ref. :

Offence/Incident Heading:

Date of Report:

Informant Details:

Type of Harassment/Nuisance (✓ as appropriate)

Non-crime	Telephone Nuisance <input type="checkbox"/>	Visits <input type="checkbox"/>	Common Assault <input type="checkbox"/>	*Others <input type="checkbox"/>
Crime	Murder <input type="checkbox"/>	Arson <input type="checkbox"/>	False Imprisonment <input type="checkbox"/>	AOABH/Wounding <input type="checkbox"/>
	Criminal Damage <input type="checkbox"/>	Criminal Intimidation/ Blackmail <input type="checkbox"/>	Robbery/Theft <input type="checkbox"/>	*Others <input type="checkbox"/>

* Please specify the activities/offences _____

Type of Loans by Creditors (✓ as appropriate)

Macau Loanshark <input type="checkbox"/>	HK Loanshark <input type="checkbox"/>	Bank <input type="checkbox"/>	Financial Company <input type="checkbox"/>	Credit Card Company <input type="checkbox"/>
Telecommunication Company <input type="checkbox"/>	Debt Arising from Cross Border Trade <input type="checkbox"/>	Business or Individual <input type="checkbox"/>	* Others <input type="checkbox"/>	

* Please specify the activities/offences _____

Matters of Interest:

OC Case : _____

Team : _____

Date : _____

This proforma is to be submitted to OC DIS District as soon as practicable and within two days of receipt of report

Explanatory Notes for Annex A1

Proforma for Debt Collecting Related Reports

- OC Case is required to complete this proforma upon receipt of a debt collecting related report.
- One copy of this Proforma will be incorporated in the case file for reference, whilst another copy will be submitted with the Crime message to OC DIS within 2 days of the report.

Type of Harassment/Nuisance

- OC Case will tick the appropriate box as a result of initial investigation.

Example 1: A report of debt collecting by means of ‘telephone nuisance’, the box of ‘Telephone Nuisance’ will be ticked.

Example 2: Should a report involving ‘telephone nuisance’, ‘visit’, ‘common assault’, and ‘criminal damage’. The four related boxes will be ticked.

Example 3: In case of reports with the activities/ offences not covered by the boxes, the box ‘Others’ will be ticked and the OC Case is required to write down the nature of activities/ offences in the space provided

‘Please specify the activities offences’

Type of Loans by Creditors

- OC Case should try to identify the creditor and tick the appropriate box.

Example 1: Should the case involve a bank (personal loan, credit card repayment, etc), the box ‘Bank’ will be ticked

Example 2: Should the report involve loans which arise at the same time from ‘Macau Loanshark’, ‘Financial Company’ and ‘Individuals’, all these three relevant boxes will be ticked. and highlighted in the box of ‘Matters of Interest’.

Example 3: In cases where loans arise from creditors not covered by the boxes, the box 'Others' will be ticked and OC Case is required to put down the appropriate categories of creditor in the space provided –

'Please specify the creditor's nature'

Matters of Interest

- This box is designed for the OC Case/ OC DIS to input any information or intelligence in relation to the report of debt collecting. For example, details of the debt collection companies and/or creditors, M.O. used in the debt collecting activities, details of the debt collector(s), any previous reports of the same incident, etc.
- OC Case/ OC DIS is encouraged to put down any data/ information of intelligence value which will then be fed into FCIS through normal procedure.
- Where a case is consolidated with previous ones, the OC Case is required to submit a new "Proforma A1", with such fact highlighted in this box, and cross-reference the RN numbers.

Annex A2Inclusion of Additional Phrase in Pen Message(Example)

From:**To: ALLKWC CIB****Cc:****Subject: CRIME MESSAGE : MKDIST 98002341****CRIME MESSAGE**

1. CRIMINAL DAMAGE

MKDIST

REPORT NO. 98002341

2. FLAT 1, 2/F., NO. 70 SHAN TUNG STREET, MK, KOWLOON WEST (BEAT NO. 10)

3. 30-MAR-98 19:00-21:00

4. **(DEBT COLLECTING RELATED)** VICTIM'S FAMILY MEMBERS HAVE BEEN RECEIVING TELEPHONE CALLS FROM UNKNOWN PERSONS DEMANDING VICTIM'S SON, WHO HAD ALREADY MOVED OUT, TO REPAY DEBT OWED TO THE ABC CREDIT CARD COMPANY SINCE END OF FEBRUARY 98. AT FORMER D/T, VTM'S DAUGHTER LEFT A/L WITH EVERYTHING CORRECT. SHE RETURNED AT THE LATTER TIME AND FOUND THE IRON GRILLE AND WOODEN DOOR OF A/L SPLASHED WITH RED PAINT. A REPORT WAS THEN MADE. VICTIM'S SON CONFIRMED THAT HE OWED ABC CREDIT CARD COMPANY \$50,000.

(motive, details of creditors and details of debt collection company / collector are to be included if available)

5. DAMAGED PROPERTY: IRON GRILLE AND WOODEN DOOR REPAIR V\$300

6. VTM: DETAILS WITH OC CASE

7. NIL

8. NIL

9. NIL

10. NIL

11. IP LEE TAI WAI. OC DVIT 2 MKDIST

12. 30-MAR-98 19:35

REPORTING METHOD: 999 CALL

Explanatory Notes for Annex A3 - Table I

Table I: Monthly Return on Debt Collecting Activities in relation to Creditors

- This table aims to collect data on debt collecting *ACTIVITIES* in relation to different creditors.
- The table will be completed by OC DIS (District) and CIP RIU (Region).
- OC DIS (District) will consolidate the data submitted by different Divisions within the District by completing this table, and on the 7th day of each month, submit this “Proforma A3-Table I” with copies of the crime message to CIP RIU (Region).
- On the 15th day of each month, CIP RIU (Region) will submit a consolidated “Proforma A3-Table I” as a monthly return to CIP CIB C1.

Creditors

Macau Loanshark - All illegal debts obtained from / related to Macau Loanshark

HK Loanshark - All illegal debts obtained from / related to HK Loanshark

Bank- All banks and deposit taking companies registered under the Banking Ordinance

Financial Company- All finance companies registered under the Money Lending Ordinance

Credit Card Company- Companies which issue Visa, MasterCard, Diners, American Express card, etc.

Telecommunication Co.- Portable Phones and Paging companies such as, Hong Kong Telecom CSL
Hutchison Telecommunications Ltd.
Pacific Link Communication Ltd.
Smartone Mobile Phone Communications Ltd, etc.

Commercial Co./ Individuals- Pursuable loans/ legal debts from any legitimate company or individual (may include tenancy debts, etc).

Debt Arising from Cross Border Trade- Creditors / Merchants from China

Outstanding / Unknown Creditors- This category includes cases which require further investigation to identify the creditor(s) or nature of debt(s)

OC DIS (District)

- Upon receipt of the report in Proforma A1, after ensuring the accuracy, OC DIS will add up the total numbers and complete this Proforma A3- Table I

Examples of Completion

- Different cases may show that different creditor(s) are associated with various debt collecting activities. OC DIS is required to scrutinize the nature of the case. The following are some examples:
 - For cases involving one creditor (e.g. bank) and one activity (e.g. Criminal Damage), OC DIS will add [1] to the box related to 'Bank/ Criminal Damage'
 - For cases involving one creditor (e.g. Financial Companies) and three activities (eg. common assault, criminal damage and criminal intimidation), OC DIS will add [1] to *each* of the following box:
 - (i) Financial Company / Common Assault
 - (ii) Financial Company / Criminal Damage
 - (iii) Financial Company / Criminal Intimidation
 - For cases involving two creditors (e.g. Macau Loanshark, Premise Landlord) and two debt collecting activities by one debt collector (eg. Arson, Soiling by human wastes), OC DIS will add [1] to *each* of the box related to:
 - (i) Macau Loanshark / Arson
 - (ii) Outstanding / Other Activities - OC DIS required to put down "Tenancy Harassment - Soiling by human wastes" in the space provided - '*Details of Other Activities*'

- For cases involving two creditors (e.g. Telecommunication Co., Debt arising from cross border trade) and two debt collecting activities by two debt collectors (Telephone Nuisance, False Imprisonment, Common Assault), OC DIS will add [1] to *each* of the relevant box
 - (i) Telecommunication Co. / Telephone Nuisance
 - (ii) Individuals / False Imprisonment
 - (iii) Debt arising from cross-border trade / Common AssaultOC DIS /OC Case has to enquire and satisfy which debt collecting activity is related to which creditor before inputting the data in the relevant box.

- For cases involving one activity (e.g. Murder) but further investigation is required to establish the nature of creditors, OC DIS will add [1] to the box related to “Outstanding / Murder”, and put down the RN no. in the provided space - ‘*Reference No. of Outstanding Cases*’.

CIP RIU (Region)

- Upon receipt of “Proforma A3 - Table I” from OC DIS, CIP RIU is to ensure that the figures match with the debt collecting related reports and submit the consolidated figures (by completing the “Proforma A3 - Table I”) to CIP CIB C1.

Annex A3**Table II : Monthly Return on Number of Cases in relation to Creditors**

District / Region _____ Month _____ Year _____

Creditor	Number of Cases (Non-Crime)	Number of Cases (Crime)	Total
Macau Loanshark	()	()	()
Hong Kong Loanshark	()	()	()
Bank	()	()	()
Financial Company	()	()	()
Credit Card Company	()	()	()
Telecommunication Company	()	()	()
Debt Arising from Cross-border Trade	()	()	()
Commercial Co. / Individuals	()	()	()
* Outstanding / Unknown Creditors	()	()	()
Total	()	()	()

() denotes number of persons arrested

* Reference No. of Outstanding Cases

Explanatory Notes for Annex A3 - Table II

Table II: Monthly Return on Number of Cases in relation to Creditors

- This table aims to collect data on the debt collecting *CASES* and the numbers of arrests in relation to different creditors.
- The table will be completed by OC DIS (District) and CIP RIU (Region).
- OC DIS (District) will consolidate the data submitted by OC Case by completing this “Proforma A3 - Table II”, and have it submitted to CIP RIU on the 7th day of each month.
- Upon receipt of the tables from the respective OC DIS, CIP RIU (Region) will complete another “Proforma A3 - Table II” containing the consolidated figures, and pass the return to CIP CIB C1 on the 15th day of each month.
- The same definitions as in the explanatory notes for “Proforma A3 - Table I” apply.

Examples of Completion

- The following are some examples:-
OC DIS (District) / CIP RIU (Region) will add up the total numbers of debt collecting related cases into the appropriate columns “Number of Cases (Non-Crime)” and “Number of Cases (Crime)” of “Proforma A3 - Table II” respectively. The total number of arrests should be included in the relevant brackets.
- If a report involves a series of activities from “non-crime” to “crime”, only the most serious activity will be counted. For example, if debt collecting activities conducted on behalf of a bank involve visits, common assault and false imprisonment, [1] will be added to the relevant column - ‘Bank / Number of cases (crime)’.
- For cases that are still outstanding or require further investigation, OC DIS (District) and CIP RIU (Region) is to put down the RN number in the provided space-

“Reference No. of Outstanding Cases”

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HEADQUARTERS ORDER NO. 89 OF 1995 PART ONE

BY

MR. HUI KI ON, QPM, CPM, COMMISSIONER OF POLICE

FORCE PROCEDURES IN HANDLING DOMESTIC VIOLENCE INCIDENTS

Introduction

This Headquarters Order defines the role and responsibilities of Police officers attending domestic violence incidents or on receiving such complaints in a Report Room. It introduces new guidelines for officers attending scenes of domestic violence and a new Police form: the Domestic Incident Notice (Pol 915). It is important that all officers are conversant with the new guidelines and are fully aware of the existence of the new Police form.

Definition of Domestic Violence

2. For the purposes of this order, the definition of Domestic Violence is “any incident involving an assault, or breach of the peace between parties who could generally be described as **married or having a family relationship**.” This includes cohabiters or lovers, and a relationship includes spouses who are separated or divorced.

Role of an Officer at the Scene of Domestic Violence

3. The primary concerns of an officer attending the scene of an incident of domestic violence are:-

- (a) to protect the victim from further attack,
- (b) to ensure that the victim and any children are no longer at risk of violence or further violence.
- (c) to take firm and positive action against the alleged offender and to investigate any offences which may have been committed.
- (d) to serve a Domestic Incident Notice on the offender if the victim consents to such course of action; and
- (e) if necessary, to offer medical treatment to the victim(s)

Police Powers

4. Officers are reminded that they have existing powers to arrest any person reasonably suspected of committing an offence which is arrestable by virtue of Section 50(1) of the Police Force Ordinance, Cap. 232.

Police Powers in Relation to a Breach of the Peace (HQO No. 83 of 1995 Part One refers.)

5. There is a breach of the peace whenever harm is actually done or is likely to be done to a person, or in his presence to his property, or a person is in fear of being so harmed through an assault, an affray, a riot, unlawful assembly or other disturbance.

6. If a breach of the peace occurs in private premises, and if for example it takes the form of an assault, criminal intimidation or damage to property, then an officer can effect entry and arrest under Section 50 of the Police Force Ordinance, Cap 232. However, a disturbance amounts to a breach of the peace only if it involves violence or the threat of violence. If no specific criminal offence has been committed, but the behaviour of any person inside the private premises is such as to occasion a reasonable apprehension of a breach of the peace, an officer may by virtue of Section 10 of Cap 232 ask the alleged offender to leave the private premises, to eject him or restrain him. If he is not compliant, a Police officer may arrest him for resisting a Police officer acting in the execution of his duty, contrary to Section 63 of the Police Force Ordinance, Cap 232 or for obstructing a public officer lawfully engaged in a public duty, contrary to Section 23 of the Summary Offences Ordinance, Cap 228.

Action by an Officer at the Scene of Domestic Violence

7. Where practicable, two Police officers, one of either gender, should attend a scene of a domestic incident.

8. Officers should arrange for the victim to be taken to the nearest hospital accident and emergency department by ambulance if medical treatment is needed.

9. Officers should not, if possible, interview either the alleged offender or victim at a location where implements are available which may be used to cause injury, for example in a kitchen.

10. If the victim is female it will be helpful to have a woman officer, if available, to speak to her. The victim and alleged offender must be separated so that the victim does not feel pressurised into relating the incident in front of the alleged offender. The victim should never be asked in the presence or hearing of the alleged offender if she/he wants to bring a criminal complaint against the alleged offender and would be prepared to give evidence at a court hearing

11. Officers should conduct an EPONICS check on all parties concerned. Should this disclose the existence of a Domestic Violence Injunction, issued by a court

under the Domestic Violence Ordinance, Cap. 189, action should be taken in accordance with paragraphs 32 to 40 below.

12. If any party indicates that she/he wishes to prosecute the alleged offender, further action should be taken in accordance with Chapter 27 of the Force Procedures Manual, which covers serious crime. In order to assist in any criminal investigation, officers are reminded of the need to:-

- (a) record details of any questions they asked and the answers of the parties involved;
- (b) caution the alleged offender if there is evidence which would afford reasonable grounds for suspecting the person has committed an offence. Details of any admissions and of the caution and reply should be recorded as soon as practicable;
- (c) record any evidence of a struggle, injuries, and the emotional state of both the victim and alleged offender;
- (d) details of witnesses; and
- (e) preserve the scene for scenes of crime officers/photographers if it would assist in a prosecution.

13. If the alleged offender is arrested for any offence, the arresting officer should explain the procedure to the victim and inform the victim of the arresting officer's number and the name of the Police station to which the alleged offender will be taken.

Places of Refuge

14. Whether or not the victim wishes to pursue a criminal complaint against the alleged offender, officers should consider the victim's safety. The offer of Police transport, if available, to take the victim to a local friend or relative or refuge is to be made. If the victim is female, she should be informed of the facilities offered by the Harmony House and the Wai On Home for abused women.

15. Harmony House provides temporary accommodation for up to three months for battered women and their children under 12 years. If the victim requests contact with Harmony House, the officer in charge of the case should telephone the Harmony House hotline (Tel: 2522 0434), briefly outline the circumstances of the case, then hand the telephone to the victim who can then make arrangements for her admission with the staff of Harmony House.

16. Harmony House are unable to accept admissions between 22 00 and 07 00 hrs. If the victim is unable to remain in the family home and has nowhere else to go between these hours, she should be asked if she wishes to wait in the Police station and arrangements should be made with Harmony House for her admission the next morning.

17. The Social Welfare Department operates the Wai On Home for abused women and their children under 12 years. The maximum duration of stay is 3 months. If a female victim requires immediate refuge in the Wai On Home she should be advised to attend the District Family Services Centre of Social Welfare Department, nearest to her home, during office hours. Outside office hours the Duty Officer may refer the case to the social worker on duty at the Home who will arrange to admit the woman and her family if necessary.

18. The Social Welfare Department also operates a hotline (Tel: 2343 2255) between 09.00 and 22.00 hrs. on weekdays and between 13.00 and 22.00 hrs. at weekends and on public holidays. Outside these hours, telephone messages will be tape recorded and dealt with on the following working day.

19. The location of Harmony House and the Wai On Home should not be made known to either the alleged offender or to the general public. Any telephone calls made to either of the two refuges should be made in private, and not in the hearing of the offender, in the Report Room or in the presence of members of the general public.

20. Not all victims of domestic violence are women. In the event of a man making an allegation against a woman, the same action as in the case of a report by a woman victim should be taken. As Harmony House and Wai On Home do not accept male residents, if a male victim requires refuge, he should be referred to the Social Welfare Department who may be able to arrange emergency overnight shelter. If the victim is unable to remain in the family home and has nowhere else to go, he should be asked if he wishes to wait in the Police station until arrangements with SWD can be made the next morning.

Victims of Domestic Violence Advice Card

21. The victim should always be given a copy of the Victims of Domestic Violence Advice Card, Pol 916 (English version) or Pol 917 (Chinese version) if available. If not, the officer should arrange through the Duty Officer to have one posted to the victim, at an address nominated by her/him for the receipt of private mail, upon return to the station.

Legal Aid Department

22. The victim should also be advised of the services offered by the Legal Aid Department. A victim who wishes to seek legal aid in connection with his/her matrimonial problems may apply for legal aid directly or by social workers' referral. In an urgent case they should consult the Legal Aid Department without delay on telephone no. 2537 2677.

Domestic Incident Notice (Pol 915)

23. A Domestic Incident Notice, Pol 915 (a copy of which is attached at **Annex A**) is a Police administrative document, it is not part of a legal scheme and is not established under any legislative provisions. **It is not a warning notice.** It is a record of a victim making an allegation against the offender. It notifies the offender that the allegation has been made and that the victim does not wish the allegation to be

investigated with a view to criminal charges being laid and a prosecution brought. It draws the offender's attention to legislation she/he may contravene if she/he repeats her/his actions.

24. Children living in families where there is evidence of domestic violence are also at risk of abuse. If it is suspected or established that a criminal offence has been committed in respect of a child/children of the family, action should be taken in accordance with Chapter 34-04 of the Force Procedures Manual and immediate steps should be taken to locate the alleged offender. A Domestic Incident Notice is not to be served in respect of any incident involving assaults on children or juveniles.

25. Domestic Incident Notices should be kept in every Report Room. They are to be carried on all mobile patrol and EU vehicles. The document is in Chinese and English and may be completed in either language.

26. Initial action at the scene of a domestic violence incident should be carried out in accordance with the above paragraphs. If the victim does not wish to pursue a criminal complaint against the alleged offender, she/he should be asked if they wish to have a Domestic Incident Notice served on the alleged offender. **This question should never be asked in the hearing or presence of the alleged offender.**

27. If the victim replies affirmatively, the form should be completed by the officer, and signed by both the officer and the victim to signify her/his consent to this course of action. The upper portion is to be given to the offender and the lower perforated portion torn off and given to the victim. No copy is required to be kept by the issuing officer.

28. If the victim replies negatively, she should be given a copy of a Pol 913/Pol 914 as a record of her report.

29. If the offender refuses to accept the top half of the form, this fact should be written on the form and the entire form given to the victim. If the offender rips up the top half of the form after it has been given to him, this fact should be recorded in the officer's note book.

30. In any event, the officer shall record details of the incident and the fact that he has/has not served a notice in his notebook. On return to the station, he should record details in the RB. The Pol 159 relating to the incident shall be copied to ME sub-unit commander for indexing, as monthly returns on the number of Pol 915's issued will be required.

31. If a victim reports domestic violence to a Police station, the Duty Officer will record the victim's allegation in the RB. The victim should be asked if she/he wishes for a Domestic Incident Notice to be served on the alleged offender. If so, the form should be completed as above and the top portion should be sent as soon as possible thereafter by post to the address of the alleged offender, the bottom portion should be given to the victim. If the victim does not wish for the notice to be sent to the alleged offender, she/he should be given a Pol 913/914 as a record of her report.

Domestic Violence Injunction Order

32. Under the Domestic Violence Ordinance, Cap. 189, where a party to a marriage makes an application to a civil court, the court may grant an injunction which either:-

- (a) restrains the other party to a marriage from using violence against the applicant or a child living with the applicant; or
- (b) excludes the other party from the matrimonial home or from a specified part of the matrimonial home or from a specified area.

33. The terms of the injunction and its validity are limited to three months plus one extension of another three months, provided that the total period of validity does not exceed six months.

Recording of Injunctions

34. When a District or High Court issues a power of arrest in connection with an injunction, a copy of that power of arrest will be served on the CP (Duty Officer CRB). SP CRB will ensure that details of the power of arrest are included in the CRB Remarks Column of EPONICS in the following format:-

“Subject of Domestic Violence Injunction till.....(date)”

35. A copy of the power of arrest will be retained in CRB.

Power of Arrest Under a Domestic Violence Injunction

36. At the time of granting the injunction, or at any subsequent time during the validity of that injunction, the court may also attach a power of arrest which enables a Police officer to enter, arrest and detain the offender. The power will normally be attached to the injunction if the other party has previously caused actual bodily harm to the applicant or child.

Forced Entry to Premises

37. Where a power of arrest has been attached to an injunction, an officer may arrest without warrant any person whom he reasonably suspects of being in breach of the injunction by reason of that person’s use of violence or, as the case may be, his entry into any premises or area specified in the injunction, and the officer shall have all necessary powers including the power of entry by the use of reasonable force to effect the arrest. However, an officer should not use force to enter a premises for these purposes unless he has :-

- (a) confirmed through an EPONICS check that an injunction has been granted; and

- (b) determined through a telephone call to the Duty Officer CRB, the exact nature of the injunction, his powers of arrest and the date of the validity of any such power.

38. When it is determined that such a power of arrest exists and the person named in the injunction is in breach of the conditions, the officer will arrest the person immediately and take him before the Duty Officer of the nearest Police station. The Duty Officer should inform CRB and make arrangements to obtain a copy of the relevant power of arrest from CRB. The arrested person will be detained.

39. Upon receipt of information that a person has been arrested in accordance with the power of arrest attached to an injunction, the Duty Officer CRB will advise the Chief Bailiff of the High Court on telephone no. 2825 4281.

40. As soon as practicable, but in any case within one working day, the Duty Officer CRB will arrange for the arrested person and the copy of the power of arrest to be escorted to, and handed over to, the Chief Bailiff of the High Court at room LG 227 of the Supreme Court Building in Queensway. If necessary, the Duty Officer will liaise directly with the Chief Bailiff to arrange a suitable time for delivery.

Action by the Duty Officer in a Police Station

41. The above action is equally relevant to a Duty Officer taking a report of domestic violence in a Report Room. Under no circumstances should the victim just be referred to Social Welfare Department without the allegations made first having been investigated and details of the complaint recorded in the RB or CCR as appropriate.

Victim Care

42. Victims of domestic violence, whether male or female, are often distressed and traumatised by a domestic incident, particularly if they have been assaulted. Police should not attempt to advise or coerce a victim into pursuing or dropping a criminal complaint against an alleged offender. All victims should be dealt with compassionately and with sympathy and understanding

43. When dealing with these incidents an officer must not take sides with either party. Each case should be dealt with impartially. Where cases are amicably settled by both parties in the presence of police, officers should recommend that both parties should consider attending their nearest Social Welfare Department Family Services Centre or the Family Service Centres of Non-Government Organisations for counselling.

Binding Over Applications

44. The procedures for applying for binding over applications are laid down in HQO No. 83 of 1995 Part One. Where a victim wishes to pursue a criminal complaint against the alleged offender, and there is sufficient evidence to support a charge and the victim is willing to give evidence in criminal proceedings, then the appropriate criminal charge should be proffered.

45. Where the OC Case considers that a binding over application is the appropriate course of action, he must explain the procedure to the victim.

Implementation and Administration

46. This order and the Domestic Incident Notice (Pol 915) will be introduced with immediate effect. Copies of the notices are now available from CIP Stores. A short training video will be distributed and must be shown to all front line officers as soon as possible.

47. In order to gauge the effectiveness of the Domestic Incident Notice, statistics relating to all instances where Police respond to domestic incidents will be maintained. In this respect directions regarding the collection and collation of statistics will be promulgated in due course.

48. This order will be reviewed in 6 months when inclusion in PGO/FPM will be considered.

Cancellation of Order

49. Headquarters Order No. 158 of 1987 Part One in respect of the Domestic Violence Ordinance, Cap 189, is hereby cancelled.

(Ref. L/M 1 in CP 73/95 Pt. IV)
(Chinese translation will follow)

(D.M. Hodson)
for Commissioner of Police

Hong Kong 22 December, 1995

DOMESTIC INCIDENT NOTICE

I/N; MRB; CCR; CAR OB No:..... Date..... Formation.....

Mr.

You are hereby notified that an allegation of
has been made against you by (*name of complainant*)
at (*location*) on (*date*)

The complainant has not instigated a criminal complaint against you and does not wish at this time for the allegation to be investigated with a view to criminal charges being laid and a prosecution brought.

Your attention is drawn to the undermentioned legislation, contravention of which may result in a term of imprisonment.

Offences Against the Person Ordinance Chapter 212 of the Laws of Hong Kong.

Crimes Ordinance Chapter 200 of the Laws of Hong Kong.

I/N; MRB; CCR; CAR OB No:..... Date.....

A Domestic Incident Notice was served on Mr.....
at (*location*) on (*date*)
by (*officer, name rank & UI*)
of (*formation*) with my permission.

Signed by complainant

Signed by issuing officer

999 Emergency System

An account of the operation of the 999 Emergency System when a traffic accident occurred in Happy Valley on 3.2.99

The Hong Kong Island Regional Command and Control Centre received a total of five calls reporting the traffic incident in Happy Valley between 0847 and 0854 hours on 3 February 1999. The first call was received at 0847 hours. The first Police officer and the ambulance arrived at the scene at 0851 hours. The response time was shorter than the Police's performance pledge of 9 minutes. The injured was brought to the Tang Siu Kin Hospital at 0907 hours.

2. A total of 41 calls were made to the Centre between 0840 and 0900 hours on that day, of which 35 were successfully answered and six were abandoned by callers in less than eight seconds before they could be responded. Any calls to the Centre if not answered after eight seconds will be automatically switched to a call announcer asking the caller to hold the line until the call can be answered. Police records showed that the call announcer at the Centre had not been activated during the period. That means no caller was unable to get through to the Centre during the period.

Operation of the 999 Emergency System

3. When a caller dial 999, the call will be sent to the local Regional Command and Control Centre (RCCC). The call will be fed into the 999 operator positions - 6 in Hong Kong Island, 8 in Kowloon

and the New Territories respectively. Under the present system, (n+16) callers will be able to get through (where n is the number of 999 operators). If all the operators are busy, the remaining calls will be put in a queue on a first come, first served bases. Callers exceed this number will receive an engaged tone. For more details, please refer to the briefing notes on the operation of the 999 Emergency System at Enclosure I.

999 Call Response and Performance Pledges

4. The Police answer 999 calls with second. On average, 999 calls are answered in 2.9 seconds in Hong Kong Island, 3.1 seconds in Kowloon and 2.7 seconds in the New Territories in 1998.

5. According to the Police's performance pledge, all 999 calls should be answered within 8 seconds. In other words, all 999 calls in 1998 are responded to within the performance pledge.

Manpower of 999 Console

6. There are one 999 Console in each of the three RCCC, viz. Hong Kong Island, Kowloon and the New Territories. Each RCCC has an establishment of 28 Police Communication Officers filling the 999 operator posts. All 999 operators are well-trained with fluency in spoken Cantonese and English. They have received training in handling calls from persons in distress. Currently, there are 184 operators who have received Putonghua training. The Police would arrange the Putonghua training for all operators as soon as possible.

Improvement Measures

7. The Police have introduced a number of measures over the years to improve the 999 emergency services. Examples include -

- (a) installation of calling number display in all three RCCC;
- (b) launching a publicity campaign in early 1997 to educate the public to use the 999 services only in genuine emergency cases and to phone local Police stations in non-emergency cases;
- (c) installation of “Queue” watch board which indicates the number of operators being logged in, the number of queuing 999 calls and the waiting time. This enables the RCCC Duty Controller and the 999 Supervisor to keep tabs on the number of incoming 999 calls so as to make timely decision to activate the system that copes with 999 overflow; and
- (d) creation of five additional 999 operator positions in each RCCC which are not normally manned but will be used when there is a major incident which will generate a large number of 999 calls for a prolonged period.

Briefing Notes on the Operation of 999 Emergency System

1) Operation of the 999 Emergency System

When the caller dials 999, the call is routed through one of the two Integrated Digital Access Primary (IDA-P) trunks with 23 voice channels each, to the local Regional Command and Control Centre (RCCC). Theoretically, the system can allow 46 callers get through simultaneously; however, the present system is being configured to allow only $(n + 16)$ callers to get through (where n is the number of 999 operator). Callers exceed this number will receive an engaged tone. This configuration is based on the past experience where the 999 system is served with 16, 17 and 19 analogue lines in HKI, K and NT respectively.

When the call reaches the Private Automatic Branch Exchange (PABX), the call will be fed into the 999 operator positions - 6 in HKI, 8 in K and NT respectively. The 999 operator positions are manned by Police Communications Officers (PCOs) and are under the supervision of a Senior Police Communications Officer (SPCO). The call management system routes the call to the first free operator and at the same time deliver the caller's number to the display phone of the 999 operator. If all the operators are busy, the remaining calls will be put in a queue on a first come, first served bases. They will hear a recorded message advising them not to hang up.

When the operator receives the call. The call will be taped and timed by a voice activated system. The call details, such as caller's number, the operator and the time of which the call was answered, will be recorded in the 999 Management Terminal.

If the call is for the Fire or Ambulance Services, the operator will immediately transfer the call on a hotline to the associated service. The 999 operator will monitor the call, take the necessary information and enter the details in the Enhanced Computer Assisted Command and Control System (ECACCS). If the incident requires no police response, the 999 operator will complete and end the report.

If the call is for the Police, the operator will enter the case details in the Enhanced Computer Assisted Command and Control System (ECACCS) and route the case to the Police divisional console concerned who will deploy duties to the scene.

2) **999 Overflow Contingency Cluster**

As a result of the review conducted by a Working Group on the Improvement of 999 Response in early 1997, five additional 999 operator positions have been created in each RCCC which are not normally manned. The intention is that these positions shall be used when there is a major incident, such as a large fire, which generated a high number of 999 calls for a prolonged period. In the event which requires the manning of these additional 999 positions, the Duty Controller will temporarily redeploy PCOs from quieter Divisional consoles to man the 999 Overflow Cluster and thereby enable the RCCC to handle more 999 calls in a shorter time.

3) **999. Busy Pre-Recorded Message**

When all the operators are engaged, the caller will be able to listen a bilingual (Cantonese/English) pre-recorded message “請唔好收線，呢度係九九九，我地會盡快接聽你嘅電話。Do not hang up. This is 999 and your call will be answered shortly 請唔好收線，保持鎮定。Do not hang up. Remain calm” until an operator is free to answer the call.

4) **999 Management Terminal**

Each centre, there are two 999 Management Terminals which are installed in the 999 Supervisor and Police Supervisor desk respectively. The 999 Management terminal can generate the following six types of reports:-

- Agent Group Report
- Queue Report
- Agent Position Report
- Call Details Report
- Frequent Caller Number Report
- Management Summary Report

5) **Training to the 999 Operator**

Under the existing arrangement, all newly recruited PCOs will first perform duties in the divisional consoles in the RCCC. After serving in the divisional console for one year, they will be arranged to attend 5-day 999 Training Course. After attending the training, they will immediately deploy to perform the 999 duties and must

give a satisfactory performance before passing the probation.

Besides the 999 Training Course, PCOs will also arrange to attend a 45-hour functional Putonghua Course organized by Civil Service Training Centre. As at todote, the number of trained 999 operator and PCOs trained on Putonghua are :-

Trained 999 operators	:	281(84%)
PCOs trained on Putonghua	:	184(55%)