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**Panel on Security**

**Background brief prepared by the Legislative Council Secretariat  
for the meeting on 5 February 2013**

**Final report of the Independent Police Complaints Council on complaint  
cases arising from the visit by the Vice Premier Mr LI Keqiang**

**Purpose**

This paper gives background information on the final report of the Independent Police Complaints Council ("IPCC") on complaint cases arising from the visit by the Vice-Premier of the State Council, Mr LI Keqiang ("the Vice-Premier"), and summarizes the discussions by the Panel on Security ("the Panel") on the security arrangements during visits of political dignitaries to Hong Kong.

**Background**

2. The Vice-Premier paid an official visit to Hong Kong from 16 to 18 August 2011. There were concerns over the security measures and media coverage arrangements during the official visit, including those at the University of Hong Kong ("HKU") and at Laguna City. A number of complaints were lodged with the Complaints Against Police Office ("CAPO") and the investigation results were reviewed by IPCC in accordance with the police complaints system so as to identify the inadequacies in the practices or procedures adopted by the Police in the security operation. Separately, the Police conducted a review of the policing arrangements in relation to the Vice-Premier's visit ("the Police's Review").

3. Separately, the Council of HKU decided to set up a review panel ("the Review Panel") to conduct its internal review on the issues arising from the Centenary Ceremony on 18 August 2011, including the security arrangements on its campus on 18 August 2011.

### **Deliberations by the Panel**

4. The Panel discussed the security arrangements and handling of public meetings and public processions during visits of political dignitaries to Hong Kong at meetings held between August and October 2011. The report on the Police's Review and the report of the Review Panel were discussed by the Panel at meetings in February and March 2012. The IPCC's interim report on complaint cases arising from the visit by the Vice Premier was discussed by the Panel in June 2012. The deliberations are summarized in the following paragraphs.

#### The Police's Review of the policing arrangements

5. Members noted that the Police's Review was conducted after the visit of the Vice-Premier to Hong Kong in August 2011. Some members expressed strong dissatisfaction that the Police's Review only focused on strategies of communicating with the media and public by expectation management rather than a review on the balance between the right of expression and security concerns. According to the Administration, the security operation was drawn up based on the risk assessment to ensure the personal safety of the Vice-Premier and it was different from the ordinary circumstances under which public meetings and procession could have been allowed closer to the intended object of the demonstration.

6. Members also expressed concern that some issues were not covered in the Police's Review, including the removal of a person at Laguna City, setting up of remote designated press areas and demonstration areas, security checking of reporters and the false imprisonment of three students on HKU campus. The Administration explained that complaints on the relevant issues had been received by CAPO and the investigations into the complaints were yet to be completed. The Police was therefore not in a position to make further comments.

7. The Panel passed a motion moved by Hon LAU Kong-wah, among others, urging IPCC to release to the public and submit to the Legislative Council ("LegCo") the report on the investigation of the complaints about the security arrangements by the Police upon its completion.

### Report of the HKU Review Panel

8. The Report of the Review Panel on the Centenary Ceremony held on 18 August 2011 to the Council of HKU ("the Review Panel Report") was released on 3 February 2012.

9. Members expressed concern about the discrepancies of the views of HKU and the Police in respect of the Police's use of force to push the three students concerned from LG2 of KK Leung Building into the stairwell on HKU campus on 18 August 2011. Members questioned whether there was any agreement between HKU and the Police regarding the use of force on campus and whether the use of force was appropriate. According to HKU, there was an agreement regarding the Police's provision of assistance when HKU staff could not handle the situation. However, the use of force on campus was not preferred. Even though the HKU security staff requested the Police to provide assistance after having repeatedly persuaded the three students concerned to leave without success, there were options other than using force as the behaviour of the three students concerned at that juncture was not provocative but rather peaceful. The Review Panel therefore concluded that the use of force by the Police was unnecessary and unreasonable regardless of the agreement.

10. According to the Administration, the frontline Police officers had reasonable and clear understanding of the request of the HKU security staff for provision of assistance after the three students concerned refused to leave. In the process, effective and appropriate means had been used to remove the three students concerned from the restricted zone. The frontline officers had complied with the internal guidelines governing the use of force by the Police.

11. Members noted with concern about the absence of the relevant records of communication between the Vice-Chancellor of HKU and senior members of G4 (Very Important Person Protection Unit) of the Police with regard to the parameters and protocols of the Police operation on HKU campus. Members urged HKU and the Police to consider drawing up a protocol to specify the preliminary contact between the Vice-Chancellor of HKU and the Commissioner of Police in respect of the security operation for important events on HKU campus in future. Some members called for the extension of such practice to other universities and tertiary institutions in Hong Kong.

### Removal of a person at Laguna City

12. Members expressed concern that on 16 August 2011, a person had been removed by some Police officers from the common area outside Block 26 of

Laguna City where he resided, but he had not been provided with a clear account of the incident by the Police so far.

13. According to the Administration, the preliminary understanding of the incident was that a person appeared in the security zone when the Police was conducting a security operation on the ground floor of Block 26 of Laguna City in the afternoon of 16 August 2011. At that time, the Vice-Premier was visiting a family in one of the units of Block 26. The Police inquired the person, who was then very agitated. He was therefore removed from the security zone for further understanding. The Police's action was purely based on security concern and there was no political consideration.

IPCC Report (Interim) on Complaint Cases Arising from the Visit by the Vice Premier Mr LI Keqiang

14. The IPCC Report (Interim) on Complaint Cases Arising from the Visit by the Vice Premier Mr LI Keqiang was released on 3 May 2012. At the Panel meeting on 5 June 2012, members noted that CAPO had received 16 reportable complaints in connection with the policing arrangements during the Vice Premier's visit to Hong Kong. Among these, IPCC had endorsed the findings of CAPO on nine reportable complaints and was following up with CAPO on the findings of the other cases. Specifically, IPCC was studying the justification for footbridge closure and pedestrian clearance in the security arrangements during the visit of the Vice-Premier. IPCC was also studying the Police's response to IPCC's suggestion to CAPO of conducting a comprehensive investigation on the removal of a person at Laguna City. IPCC was discussing with the Police its request for CAPO to provide all relevant operational orders under the principle of confidentiality so as to allow IPCC to carry out a thorough and comprehensive assessment of the rationale behind the Police's actions in question, and whether its actions were proportionate to the nature of the security operations.

*Provision of information by the Police to IPCC*

15. Noting that some information on the complaints requested by IPCC was not made available by the Police for IPCC's review of the investigation results, some members considered that it would hinder IPCC from performing its monitoring role.

16. According to the Police, it had all along respected the role of IPCC and its authority under the Independent Police Complaints Council Ordinance (Cap. 604) ("IPCCO"). Regarding IPCC's request for access to the relevant operational orders in relation to the security arrangements during the

Vice-Premier's visit, the Police had concerns that the content of these operational orders involved sensitive information such as details of the Police's security operations and deployment of manpower. In order not to undermine the security operations and for the protection of the personal safety of political dignitaries visiting Hong Kong in future, the Police had reservations about making public the content of the operational orders. The Police would work out a practical option with IPCC to ensure that IPCC would be provided with sufficient information while not undermining the Police's security operations in future.

17. There was a view that whenever IPCC requested the Police to provide relevant information, the Police should provide such information unless it was not permissible under the law, including those confidential in nature, and the Police could remind IPCC of the confidential nature of operational orders when providing such information. Some members considered that as an independent monitoring body, IPCC should be able to decide whether the information provided by the Police was sufficient for it to discharge its function.

18. According to the Police, it respected the law and would provide information to IPCC in accordance with the law. However, it had been specified in the law that under specific circumstances, information relating to the security of Hong Kong was exempted. The Police stressed that it had provided full assistance to IPCC in its reviewing work.

19. Some members were concerned that demonstrators might make false allegation against Police officers. They enquired how IPCC could ensure that these cases would be handled impartially and fairly.

20. According to IPCC, it attached great importance to independent evidence in the review of the handling of complaints, including visual recordings and statement provided by independent parties, before drawing a conclusion. Members of IPCC would consider whether the behaviour of the complainers was reasonable having regard to the circumstances at scene. Review of the handling of complaints would be made in accordance with stipulated procedures. Investigation reports on reportable complaints submitted by CAPO would first be examined by the IPCC Secretariat and a view on each case would be formulated. Most staff of the IPCC Secretariat involved in such review were former members of the disciplined forces and had frontline experience in enforcing the law. Members of IPCC, who came from different backgrounds, were independents.

*Security operations for the visit of the Vice-Premier*

21. Some members were concerned that most of the complainees in connection with the security operation for the visit of the Vice-Premier were of junior ranks. There was a view that orders for the Police's actions should have been given by the senior officers who should be held accountable for any deficiency in operation. Queries were raised over whether the frontline officers had overacted due to pressure exerted by their supervisors.

22. According to the Police, the security operations during the visit of the Vice-Premier were to protect his personal safety. The heavy pressure faced by the Police officers involved was that they might be criticized for either being over-sensitive or having wrongly assessed the situation, regardless of whether the security operation was successful. The Police had conducted a review on the policing arrangement and would make improvement where necessary, including strengthening training for frontline officers.

*Future policing arrangements*

23. Information was sought on whether any new policing arrangements, in the light of experience gained from operations relating to the Vice-Premier's visit, would be adopted for operations in future.

24. According to the Police, there were six main recommendations in the Police's Review on future operations. In response to the recommendations, communication would be initiated with the organizers of the activities as early as possible with a view to reaching common understanding on arrangements for public meetings, procession routes and crowd control so as to facilitate peaceful public order activities. If visits of political dignitaries were involved, the Police would make professional risk assessment and planning on the basis of the latest international situation and past experience. Where activities were to be held in private premises, the Police would discuss with the persons-in-charge the relevant security arrangements and the Police's role. Before the launch of the relevant security operations, information on the agreed security arrangements would be disseminated to the parties involved. Regarding communication with the media, the Police Public Relations Branch would set up Media Liaison Teams to act as bridges for communication at scene between frontline officers and the media so as to facilitate media reporting and avoid misunderstanding.

### **Latest development**

25. The IPCC Final Report on complaint cases arising from the visit by the Vice Premier Mr LI Keqiang, which was released on 19 December 2012, will be discussed at the Panel meeting on 5 February 2013.

### **Relevant papers**

26. A list of the relevant papers on LegCo website is in the **Appendix**.

Council Business Division 2  
Legislative Council Secretariat  
30 January 2013

**Relevant papers on  
Independent Police Complaints Council Final Report on Complaint Cases  
Arising from the Visit by the Vice Premier Mr LI Keqiang**

<b>Committee</b>	<b>Date of meeting</b>	<b>Paper</b>
Panel on Security	29.8.2011 (Item I)	<u>Agenda</u> <u>Verbatim record of the proceedings</u>
	12.9.2011 (Item I)	<u>Agenda</u> <u>Verbatim record of the proceedings</u>
	7.10.2011 (Item I)	<u>Agenda</u> <u>Minutes</u>
	7.2.2012 (Item VI)	<u>Agenda</u> <u>Minutes</u>
	15.3.2012 (Item I)	<u>Agenda</u> <u>Minutes</u>
	5.6.2012 (Item IV)	<u>Agenda</u> <u>Minutes</u>

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