

立法會
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Panel on Security

**Background brief prepared by the Legislative Council Secretariat
for the meeting on 18 March 2014**

Use of body-worn video cameras by Police

Purpose

This paper summarizes past discussions of the Panel on Security ("the Panel") on the 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. Subsequently, the Police conducted a half-year field trial from March to September 2013 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. Upon the completion of the field trial, the Police would conduct a review to explore the way forward.

Deliberations of the Panel

4. Noting that the United Nations Human Rights Committee had raised its concern over the use of video-recording devices by the Police among its concluding observations issued after considering the third report of the Hong Kong Special Administrative Region in the light of the International Covenant on Civil and Political Rights, some members asked whether the Police would in response draw up and make accessible to the public the guidelines on the use of video-recording devices during demonstrations as well as the access to and destruction of the captured footage.

5. The Administration advised that BWVCs would be used in confrontational scenarios, or incidents where a breach of the peace had occurred or was likely to occur. Officers using BWVCs would be in uniform, overtly wore the cameras, and where reasonably practicable, notify the person prior to the commencement of the recording. Footage relating to cases in which there was an investigation would be treated as case exhibit and be retained for investigation and court proceedings, and should then be destroyed. On the other hand, footage relating to an incident in which there was no investigation would be deleted after 31 days from the date of production, unless with the permission of a Senior Superintendent under special circumstances, such as anticipated future investigation.

6. In its reply to the written questions raised at the Council meetings of 24 April 2013 and 19 February 2014, the Administration further advised that the Police had formulated detailed internal guidelines and operational procedures to regulate the use and operation of video-recording devices and the handling of the recorded information in order to ensure, inter alia, compliance with the requirements of the Personal Data (Privacy) Ordinance (Cap. 486) ("PD(P)O") and relevant guidelines of court proceedings by police officers as well as the safe custody, proper handling and timely destruction of captured footage. Information on the background, field trial and operational guidelines on the use of BWVCs were available on the Police's official webpage for public inspection.

7. A member expressed concern that the Police might only retain captured footage in favour of the Police, and delete those to their disadvantage after 31 days from the date it was produced. The Administration stressed that the captured footage in any police investigation including those in criminal nature and the complaints against police officers would be provided to the defence regardless of whether it would be to the advantage or disadvantage of the defence and whether the Police would use it or not as evidence. Captured footage which was retained would be converted by an independent and professional section of

the Police into three copies of CD-ROMs, among which one copy would serve as exhibit while two would be used as working copies for investigation purpose. The Administration pointed out that in accordance with the PD(P)O, any member of the public could request the Police to provide information on his personal data kept by the Police.

Relevant papers

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

Council Business Division 2
Legislative Council Secretariat
14 March 2014

Appendix

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

Committee	Date of meeting	Paper
Panel on Security	5.4.2013	<u>Agenda</u> <u>Minutes</u> <u>CB(2)875/12-13(05)</u>
Legislative Council	24.4.2013	<u>Official Record of Proceedings</u> <u>(Question 10)</u>
Legislative Council	19.2.2014	Official Record of Proceedings (Question 10)

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