



14 February 2020

Mr Philip Dykes, S.C.
Chairman
Hong Kong Bar Association

Dear Mr Dykes,

Thank you for your letter of 14 January 2020 to the Chief Executive on the proposed establishment of a Commission of Inquiry. I am authorised to reply.

Hong Kong's well-established two-tier mechanism of complaint against the Police has been in effective operation for more than 10 years. The first tier is the Complaints Against Police Office (CAPO) of the Police which receives and investigates complaints; and the second tier is the Independent Police Complaints Council (IPCC) which is a statutory body. The two-tier complaint mechanism operates effectively under the Independent Police Complaints Council Ordinance (Cap. 604), which provides a clear legal basis to ensure that every complaint against the Police will be handled in a fair and just manner.

Under the two-tier mechanism, when CAPO, the operation of which is independent of other units of the Police, has completed the investigation of each reportable complaint, it will submit a detailed investigation report for the scrutiny of IPCC which is independent. If IPCC is of the view that there is deficiency in CAPO's handling and investigation, it may request CAPO to make clarification or further investigation. Meanwhile, IPCC may convey its views and recommendations to the Commissioner of Police and the Chief Executive in respect of any complaint case.

In response to public concerns regarding law enforcement actions by the Police in major public order events (POEs), IPCC has, pursuant to the powers conferred by IPCC Ordinance, proactively initiated a study on the major POEs in Hong Kong since 9 June 2019

中華人民共和國香港特別行政區行政長官辦公室

Office of the Chief Executive of the Hong Kong Special Administrative Region of the People's Republic of China

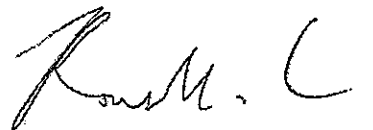
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and the corresponding actions taken by the Police. We note that IPCC, in consideration of the judicial review challenging IPCC's power to carry out the study which is already under court proceedings and respecting the pending judgement, will make the decision on publication arrangement of its first interim report as soon as the court has given judgement in the JR.

IPCC's study and monitoring work as aforementioned are arduous and complex, and the relevant events are still evolving. We need to give IPCC the necessary time and room so that it can focus on completing its work. In any event, the Police has been and continues to provide all necessary support and information to IPCC from the beginning of the study.

We understand the community's concerns about the recent major POEs and the proposals put forward for reviewing the underlying causes of the social incidents in the past few months, identifying deficiencies and deep-rooted social conflicts, etc., such as establishing committees of different natures. We would like to stress that the purpose, nature and scope of the current study of IPCC are different from and cannot be directly compared to those of the different organisations. IPCC has the statutory function to identify any fault or deficiency in any practice or procedure of the Police that has led to or might lead to reportable complaints, and make recommendations. It also has sufficient experience to focus on the handling of complaints against the Police.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ronald Cheng', written in a cursive style.

(Ronald Cheng)
for Private Secretary to Chief Executive