

## LegCo committee meetings

The following is issued on behalf of the Legislative Council Secretariat:

The Legislative Council (LegCo) House Committee will hold a special meeting at 2.30pm on Friday (November 29) in Conference Room 1 of the LegCo Complex to continue the election of the Chairman and Deputy Chairman of the House Committee for the 2019-2020 session.

Meanwhile, the meeting of the LegCo Finance Committee (FC) originally scheduled at 3pm on the day in Conference Room 1 of the LegCo Complex will be held at 4pm, whereas the FC meeting scheduled at 8.45am on the day will be held as scheduled.

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## LCQ5: Law enforcement actions by police in public order events

Following is a question by the Hon James To and a reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (November 27):

Question:

It has been almost six months since the eruption of the disturbances arising from the opposition to the proposed legislative amendments. It has been reported that the acts of some police officers in handling public events have aroused public concerns. Such acts include firing a number of tear gas rounds at universities and residential areas, shooting and injuring demonstrators under unwarranted situations, running a motor cycle into demonstrators, firing sponge rounds at journalists who were performing news covering work, spraying pepper sprays at the face of bystanders and journalists at close range, cursing and arresting bystanders, arresting District Council members who were at the scenes of demonstrations observing the situation, and arresting members of the public who donated supplies such as clothes and food. In this connection, will the Government inform this Council:

(1) of the details of the cases in which police officers fired live ammunition and rubber bullets respectively during public events since June this year, including the number of police officers involved, the number of bullets fired, the resultant casualties (with a breakdown by demonstrators, journalists and members of the public), the body parts of the injured to which injuries were sustained, as well as the current number of persons who are now hospitalised;

(2) of the respective numbers of police officers who were subject to complaints, warnings, suspension from frontline duties, orders to take leave, criminal investigations, and punishments, as a result of breaches or suspected breaches of the Police General Orders or the guidelines on the use of force since June this year; whether the newly appointed Commissioner of Police will order police officers to exercise restraint when performing duties, impose severe punishment on the police officers breaching the relevant requirements, and refer cases of police officers being alleged of having committed criminal offences to the Department of Justice for consideration of whether or not prosecutions should be instituted; and

(3) as the International Expert Panel set up by the Independent Police Complaints Council (IPCC) a few months ago has indicated early this month that with a shortfall in IPCC powers and its independent investigative capability, it is necessary to enhance IPCC's capability to gather evidence before IPCC can complete its interim report, and it has also proposed that a more comprehensive inquiry should be conducted by an independent body as a next step, whether the Government will consider the Panel's proposal and make public fully the interim report?

Reply:

President,

Members of the public enjoy the freedoms of expression, speech and assembly but they must exercise them peacefully and lawfully. The Police have a statutory duty to maintain public safety and public order. When unlawful acts take place, the Police must take appropriate actions to restore peace in the community. The Police would not need to use any force if members of the public could express their views in a peaceful and rational manner.

Since June 9 this year, more than 900 protests, processions and public assemblies have been staged in Hong Kong, and many of them ended up in serious violent illegal acts. In the past five months or so, there were numerous severely illegal acts, including wantonly blocking roads, paralysing traffic, hurling petrol bombs and setting fires at various locations, throwing bricks, intentionally vandalising and burning shops and railway facilities, flagrantly assaulting others holding different opinions, seriously wounding others and violently attacking police officers, etc. Recently, a large number of persons occupied university campuses, where they caused extensive damage, stole dangerous chemicals and manufactured petrol bombs on campus targeting the Police on a large scale. For responding to and curbing violent acts, police officers have to deploy appropriate force to control the scene and bring rioters to justice so as to restore public safety and public order. While using force and making arrests, the Police must act according to the law, taking account of the situation at the scene, and in an appropriate manner. They must also comply with relevant internal guidelines of the Police.

The references to the acts of police officers in the reports mentioned

in the preamble of Hon To's question have not taken into consideration the full account of events and have made unfair accusations. I do not agree to these references which do not fully reflect the facts.

In fact, serious violent and illegal acts in the past few months have already resulted in the death of an innocent member of the public who was killed by a brick hurled at him. From June 9 to November 26 this year, more than 2 600 persons were injured in major public order events (POEs) and sought medical consultation or received treatment at public hospitals, including a victim seriously burnt by a rioter who ignited flammable liquid on him. More than 470 of the injured persons were police officers who suffered from knife wounds, corrosive liquid burns, fractures, severe burns, wounds inflicted by arrows, etc.

My reply to the various parts of the question is as follows:

(1) The Police have strict guidelines on the use of force. To restore public peace, the Police will need to deploy appropriate force against violent illegal acts based on actual needs. Police officers will, as far as circumstances permit, give verbal warning before using force, and give the persons so warned the opportunity to obey police orders where practicable. Generally speaking, weapons used are non-lethal equipment, such as rubber bullets. As for the use of live ammunition, the Police have very stringent rules and guidelines. A police officer may use live ammunition to protect any person, including himself or herself, from the threat of death or serious injuries.

From June 9 to November 12 this year, the Police used about 4 800 rubber bullets in response to violent acts of protesters in various POEs. Up to November 18, the Police fired a total of 19 live shots in 13 incidents. Nine incidents involved one live shot, two incidents involved two live shots, and two incidents involved three live shots. All of the police officers concerned were protecting themselves and/or others at the scene from immediate threat of death, or potential threat of death in case the rioters were not stopped. In three incidents, the suspects were hit. A suspect was hit near the left shoulder in Tsuen Wan on October 1; another hit in the left thigh in Yuen Long on October 4; and the other hit in the right abdomen on November 11 in Sai Wan Ho. The three injured persons have been discharged from hospital. The Police do not maintain the other information requested in the question.

(2) The Police do not tolerate any breach of law or offence against discipline by police officers. If individual police officers are suspected of having done so, the Police will make investigation and follow up actively in accordance with the established mechanism, in a fair and impartial manner.

As at November 25 this year, the Complaints Against Police Office (CAPO) received 1 261 complaints in relation to major POEs since June 9. CAPO has set up a designated team of 26 members to follow up these cases. The complaints concerned are still under investigation. CAPO does not maintain the breakdown requested in the question.

Being a professional force, the Police have all along placed emphasis on

discipline and acting in accordance with the law. The new Commissioner of Police will firmly uphold these principles.

(3) The Independent Police Complaints Council (IPCC) operates independently under the Independent Police Complaints Council Ordinance (Cap 604) to perform its statutory functions, which include observing, monitoring and reviewing the handling and investigation of reportable complaints by CAPO and making recommendations on the handling and investigation of complaints. IPCC may also identify any fault or deficiency in any practice or procedure adopted by the Police that has led to or might lead to reportable complaints, and to make recommendations to the Police and/or the Chief Executive.

In response to public concerns regarding law enforcement actions by the Police in major POEs, IPCC has established a Special Task Force and an International Expert Panel (IEP) to proactively study major POEs held since June 9 in Hong Kong and the corresponding actions taken by the Police, and to announce the progress to the public by phases.

In early November this year, an IEP member took his own initiative to upload a document named "Progress Report" onto his personal social media account. IPCC made a statement via the press on November 10, and indicated that the document had not been seen or deliberated by IPCC members. IPCC expressed disappointment about the sharing. IPCC stated that it was fully aware of the limitations of its legal powers and resources as mentioned in the document, and has been continually working to enhance its resources. IPCC stated that it was committed to submitting the preliminary report of the study with sufficient facts and preliminary conclusions to the Chief Executive and publish the details within the original timeframe (i.e. early 2020). The report to be submitted by IPCC to the Chief Executive will be made available to the public for examination in detail.

As a matter of fact, IPCC has rich experience in handling complaints against the Police. We need to give IPCC the necessary time and room so that it can focus on completing its study. The Government will co-operate fully with IPCC to facilitate its work. At present, IPCC should be allowed to perform its statutory functions under the prevailing mechanism. Upon release of the report, the Government will carefully consider the recommendations and follow up as appropriate.

Thank you, President.

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**Two property owners fined \$250,000 and over \$80,000 for not complying with**

## removal orders

Two property owners were fined \$250,000 and over \$80,000 at Kwun Tong Magistrates' Courts last week for failing to comply with removal orders issued under the Buildings Ordinance (Cap 123) (BO).

The first case related to two removal orders that were previously issued in respect of six illegal structures at a three-storey house in a housing estate on Hiram's Highway, Sai Kung. The original size of the premises is about 240 square metres whereas the total size of the illegal structures is about 90 sq m. As the unauthorised building works were erected without prior approval from the Buildings Department (BD), contravening the BO, removal orders were served on the owner under section 24(1) of the BO.

The owner did not comply with the original two removal orders. He was prosecuted by the BD in 2016 and fined over \$90,000 upon conviction at Kwun Tong Magistrates' Courts. However, the owner persisted in not complying with the orders and the BD instigated prosecution against him for the second time. He was convicted again and fined \$250,000 on November 19.

The second case related to another three-storey house of the same estate involving six illegal structures on various floors with a total floor area of about 142 sq m, which is about half of the approved gross floor area of the house. As the structures were erected without prior approval from the BD, a removal order was served on the owner under section 24(1) of the BO.

The owner failed to comply with the removal order and was prosecuted by the BD. The owner was convicted and fined \$80,900 on November 19.

"Unauthorised building works may adversely affect the structural and fire safety of a building, leading to serious consequences. Owners must comply with the removal orders without further delay. The BD will continue to take enforcement action against owners who have failed to comply with the removal orders (including instigation of prosecution) so as to achieve a deterrent effect," a spokesman for the BD said today (November 27).

Pursuant to section 40(1BA) of the BO, any person who, without reasonable excuse, fails to comply with an order served on the person under section 24(1) of the BO, commits an offence and is liable on conviction to a fine of \$200,000 and to imprisonment for one year, as well as a further fine of \$20,000 for each day that the offence has continued.

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## Hong Kong Wetland Park introduces

## birds' parental care (with photos)

The Hong Kong Wetland Park is holding its annual winter highlight event, the Bird Watching Festival, from November 20 until April 20, 2020.

With "Incredible Bird Parents" as the theme this year, the Festival shows how versatile and sophisticated birds are in providing parental care for their offspring. For instance, the Asian koel simply lays eggs in the nest of another host species and then leaves, while the white-breasted waterhen takes care of every aspect for its young, from safety and food to flight learning. The "Incredible Bird Parents" thematic exhibition introduces the above.

Another attraction of the Festival is the display, for the first time, of five unique Lego brick wetland animal models, comprising the celebrity saltwater crocodile Pui Pui, the elegant kingfisher, the relaxed paddy frog, the energetic fiddler crab and the gorgeous common tiger, as well as Lego brick wall art, all co-created by the Hong Kong Wetland Park and Lego Certified Professional Mr Andy Hung, with a view to inspiring kids, and big kids, to contribute to a better nature.

The Festival also has an array of edutainment activities, such as bird watching guided tours, thematic interpretation sessions on birds, bird photography workshops, nesting doll (birds and their chicks) painting workshops, public lectures and a kids reading club, which allow visitors to learn more about birds.

Located next to the Mai Po Inner Deep Bay Ramsar Site, the Wetland Park is an ideal place for bird watching. It has diversified habitats, including mudflats, freshwater marshes, ponds, streams, wet farmlands, reedbeds, mangroves and woodlands, which provide suitable living environments for more than 270 bird species, accounting for almost half of the bird species recorded in Hong Kong.

For details of the Festival, please visit the website of the Wetland Park ([www.wetlandpark.gov.hk](http://www.wetlandpark.gov.hk)) and the Facebook page ([www.facebook.com/HongKongWetlandPark](https://www.facebook.com/HongKongWetlandPark)) of the Park.





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## LCQ22: Arms and ammunition used by Police

Following is a question by the Hon Hui Chi-fung and a written reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (November 27):

Question:

Regarding the arms and ammunition (including tear gas rounds, rubber

bullets, bean bag rounds and sponge rounds) used by the Hong Kong Police Force, will the Government inform this Council:

(1) of the quantity, name of manufacturer and place of origin of each type of the arms that each operation unit is equipped with (set out in tables);

(2) whether the Police have kept a record of each police officer's use of arms on each occasion and the reason(s) therefor; if so, of the details; if not, the reasons for that;

(3) whether the Police have put in place measures to ensure that all ammunition in stock is within the expiry dates set by the manufacturers; if so, of the details; if not, the reasons for that;

(4) of the Police's considerations for determining the ways to handle the expired ammunition, and whether police officers used any expired ammunition while on duty in the past six months; if so, of the reasons for that;

(5) as some reporters picked up at the scenes of demonstrations some shells of tear gas rounds with the expiry dates scratched off, whether the Police have concealed its continued use of the expired tear gas rounds by scratching off the expiry dates on them; and

(6) as the Commissioner of Police has appointed, under section 40 of the Public Order Ordinance (Cap 245), a batch of officers of the Correctional Services Department as special constables, of the difference between such special constables and police officers in terms of their arms while on duty?

Reply:

President,

It is the Police's statutory duty to maintain public safety and public order. When situations severely threatening public order and public safety occur, such as illegal road blockage, paralysed traffic, unlawful assemblies and violent charging of police cordon lines, the Police must take appropriate actions to maintain law and order and ensure public peace. The Police have stressed that if members of the public could express their views in a peaceful and rational manner, the Police do not have to use any force.

The Police have very stringent rules and guidelines on the use of firearms. In general, police officers may use firearms to protect anyone, including themselves, from the threat of death or serious injury. Police officers will give verbal warning prior to the use of firearms as far as circumstances permit and, where practicable, give the person(s) being warned every opportunity to obey police orders before using firearms.

Every police officer, whether newly recruited or serving, has to go through rigorous training on the use of force in order to fully understand how to use different levels of force in a safe and effective manner, thereby achieving the related lawful purpose.



My reply to the various parts of Hon Hui Chi-fung's question is as follows:

(1) and (2) On the procurement of equipment and ammunitions, the Police have been sourcing globally for safe and suitable equipment and ammunitions in accordance with the established procedures to meet their operational needs. As the procurement details of the equipment used by the Police involve operational deployment, it would be inappropriate to disclose such details as it would affect the Police's operational capability. The Police have in place strict rules and clear guidelines on the use of firearms. Police officers must report to their supervisor after using firearms in their operation. The Police will continue the safe use of firearms in accordance with the manufacturer's guidelines and internal ones.

(3) to (5) The Police have prudent and strict guidelines on the use of force. Police officers will only use appropriate force when it is necessary. The Police use force in response to the prevailing situation; the location and extent of the use of force depend on the acts of the suspected unlawful person(s) and the actual circumstances at the scene.

Regarding the community's concerns about the Police's use of expired tear gas earlier, the Police have contacted the ammunitions manufacturer concerned and received confirmation that the tear gas could still be effectively used in operations after the indicated expiry date. Expired tear gas will only increase the possibility of launch failures but will not pose further harm to the surrounding people and environment. Despite having the confirmation of the ammunitions manufacturer, the Police have clearly indicated at different occasions that in response to public concerns and having regard to the Police's overall operational efficiency, they have ceased to use expired tear gas since August 12, 2019.

(6) The ongoing riots over the past few months, with their massive scale, simultaneous occurrence in various districts and grave severity of violence, make it necessary to strengthen the support for front-line police officers. The Commissioner of Police, authorised by the Chief Executive under section 40 of the Public Order Ordinance (Cap 245), has appointed in writing a batch of Correctional Services Officers (CSD Officers) as Special Constables so as to strengthen the manpower and strength of the Police force. In accordance with the operational needs of the Police, CSD officers appointed as Special Constables on this occasion are mainly responsible for guarding government premises as specified by the Commissioner of Police currently. Their duties include anti-riot operations, handling of emergencies, etc. Special Constables may use appropriate force when necessary. As details of the firearms used by Special Constables involve operational deployment, it would be inappropriate to disclose such details in order not to affect the Police's operational capability.