

# LCQ1: Preventing police officers from performing duties under influence of alcohol or drugs

Following is a question by Hon Jeremy Tam and a reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (June 24):

Question:

It has been reported that some police officers who were on duty at the scenes of public events behaved erratically, including swearing at and violently assaulting members of the public, as well as grinning hideously while pointing arms at crowds, which had aroused suspicion as to whether they were under the influence of alcohol or drugs. In addition, some police officers were arrested in recent months for allegedly stealing methamphetamine exhibits or assaulting their colleagues after drink. In this connection, will the Government inform this Council:

(1) of the number of cases in the past five years in which police officers were convicted of drug-related offences, as well as the details of such cases, including the offence dates, case summaries, types and quantities of the drugs involved, as well as the convicted offence(s);

(2) as it has been reported that the Police intend to implement a scheme for conducting drug tests on those police officers who may be transferred to sensitive positions or be promoted, but the scheme is only voluntary in nature, whether the Police will conduct surprise and mandatory drug tests on police officers randomly selected among all of them, and specify the punishments for refusal to take the tests, so as to enhance the deterrent effect; if so, of the details; if not, the reasons for that; and

(3) whether the Police have prescribed an alcohol concentration limit for on-duty police officers; if so, of the limit; whether it has conducted surprise and mandatory alcohol breath tests on randomly selected on-duty police officers; if so, of the details, including the respective numbers of person-times of police officers taking and refusing to take the tests, the number of person-times of police officers whose alcohol concentration exceeded the limit and the average magnitude by which the limit was exceeded, as well as the disciplinary actions that the police officers concerned were subjected to, in each of the past five years; if it has not conducted tests, the reasons for that?

Reply:

President:

The Police attach great importance to the conduct and behaviour of

officers. Police officers must meet requirements on behaviour and discipline, and must uphold the Police's values in such areas as impartiality and professionalism.

The behaviour of police officers is strictly regulated by the Police (Discipline) Regulations (Cap 232A) and the Police General Orders. In addition, the Hong Kong Police Force manages officers' discipline and conduct through administrative measures, by rebuking officers for their inappropriate behaviour. Rebuke is an administrative measure which aims to immediately intervene in, stop and rectify the inappropriate behaviour of officers, and to let other officers know that such behaviour is inappropriate. If it is found upon further investigations by the Police that other actions are required, disciplinary or criminal investigations and procedures will be carried out.

The Police will follow up on any act of breach of law or discipline in a serious manner and require supervisors to strictly discharge their supervisory duties. The Police will investigate all cases of breach of law or discipline in a serious manner, handling them fairly and impartially.

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

(1) In the past five years (i.e. from 2015 to 2019), a total of six regular police officers were arrested for drug-related offences, which included possession of dangerous drugs. Among them, three were convicted, including:

(i) In 2016, a police officer was sentenced to imprisonment for two months, suspended for two years, for possession of dangerous drugs. The officer was dismissed in the same year;

(ii) In 2018, a police officer was sentenced to imprisonment for eight months for possession of dangerous drugs. The officer was dismissed in 2019; and

(iii) In 2019, a police officer was sentenced to 18-month probation order and a fine of \$5,000 for possession of dangerous drugs and other offences. The officer also had to receive drug treatment. The relevant disciplinary proceedings are ongoing.

During the same period, two officers were released unconditionally after investigation. The remaining one is awaiting trial, and it is thus inappropriate to discuss the case details at the current stage.

(2) The Police have always attached great importance to the integrity management of police officers. The Police have put in place the Integrated Integrity Management Framework (the Framework) to promote integrity and honesty among officers, as well as to monitor their discipline and integrity. The Framework is implemented through a four-pronged approach, namely: –

- (i) "education and culture-building of integrity";
- (ii) "governance and control";
- (iii) "enforcement and deterrence";and

(iv) "rehabilitation and support".

Currently, the Police have three standing committees implementing integrity management. The Force Committee on Integrity Management, with the Deputy Commissioner of Police (Management) as Chairman and three Assistant Directors of the Independent Commission Against Corruption as members, is responsible for formulating and assessing integrity management strategies. The Integrity Management Co-ordinating Committee and the Formation Integrity Committees are responsible for co-ordinating related work and implementing relevant measures in Headquarters formations and various Police Districts respectively.

To further strengthen integrity management, the Police established the Integrity Audit Action Group (IAAG) last month. The objectives of IAAG are as follows:

- (i) to proactively investigate cases of suspected serious breach of discipline or even illegal acts of officers;
- (ii) to identify work procedures with potential risks for rectification as early as possible; and
- (iii) to enhance the monitoring and supervision regime on the behaviour and conduct of officers.

At present, IAAG, under the command of the Assistant Commissioner of Police (Service Quality), comprises 15 members and reports its work directly to the Commissioner of Police. IAAG is conducting feasibility studies on various initiatives, including arranging for officers to undergo voluntary drug tests before appointment or transfer to sensitive positions. These initiatives aim to establish a healthy departmental culture, enhance prevention of misconduct, step up deterrence and maintain public confidence. The Police's management is collecting the views of officers in order to strike a balance between the protection of officers' privacy and the prevention of illegal acts. The scheme is currently under study.

(3) The behaviour of police officers is strictly regulated by the Police (Discipline) Regulations, which specify 13 disciplinary offences, such as "absence from duty without leave or good cause", "conduct to the prejudice of good order and discipline", "contravention of police regulations, or any police orders, whether written or verbal", "conduct calculated to bring the public service into disrepute", etc.; "being unfit for duty through intoxication" is one of the specified disciplinary offences. If officers have committed any one of these specified offences, the Police will take disciplinary actions in accordance with established procedures. If officers are found guilty of a breach of discipline, the Police will award punishment according to the gravity of the offences, including awarding punishment of compulsory retirement, ordered resignation or other punishment for serious offences.

Over the past five years (i.e. from 2015 to 2019), no police officer was found guilty of breaching the disciplinary offence of "being unfit for duty through intoxication".

Regarding mandatory alcohol breath tests, at present there is only such a legal power for drink-driving in Hong Kong, and no such power under other situations. However, the Force will ensure good conduct and discipline of officers in its routine management. Supervisors will brief officers under their command before the latter carry out duty, and will pay attention to officers' mental condition while checking on their dress and appearance. If there is any sign of officers being influenced by alcohol, supervisors will take appropriate follow-up actions including disciplinary investigation.

The HKSAR Government understands that members of the public have very high expectations of the conduct and discipline of the disciplined services. As a professional disciplined force, the Police have rigorous discipline and regime to manage the conduct and behavior of officers. The breach of discipline or illegal act of individual officers does not represent the values of the Police, and we also should not, due to the extremely small number of isolated cases, obliterate the contribution and efforts of other police officers who remain dedicated to their duties. Officers who have committed a breach of law or discipline shall take personal responsibility. If any officer is suspected to have committed a breach of law or discipline, the Police will follow up the matter seriously in accordance with the mechanism, conduct investigations and take appropriate actions.

Thank you President.