

LCQ13: Police use appropriate force to maintain public safety and public order

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

Question:

Since the eruption of the "anti-extradition to China" movement in June this year, the Police have deployed, for dealing with hundreds of large-scale public events, specialised crowd management vehicles (commonly known as "water cannon vehicles") from August 25 onwards to spray coloured water to disperse crowds, and issued extendable batons and pepper sprays to off-duty police officers from September 10 and October 15 onwards respectively to facilitate their discharge of duties in case of emergency. In this connection, will the Government inform this Council:

(1) as many members of the public who were hit by the coloured water sprayed from water cannon vehicles experienced stinging sensations in their eyes and intense burning sensations on their skin, of the respective chemical compositions of the colouring materials and pepper based solutions in the coloured water; if such information cannot be made public, of the reasons for that;

(2) as the Police have indicated that the coloured water can help the Police identify demonstrators, of the to-date number of demonstrators arrested by the Police by such means, with a tabulated breakdown by the date, time and venue of the relevant public events and the offence allegedly committed by the arrestees;

(3) of the to-date total number of off-duty police officers who have been issued with extendable batons and pepper sprays by the Police;

(4) as the Police have indicated that they will conduct a review of the arrangement one month after issuing extendable batons to off-duty police officers, whether such a review has been conducted as scheduled; if so, of the outcome; if not, the reasons for that;

(5) whether the Police have conducted any review of the arrangement of issuing pepper sprays to off-duty police officers; if so, of the outcome; if not, the reasons for that;

(6) of the utilisation of extendable batons and pepper sprays by off-duty police officers for discharging duties (including the number of off-duty police officers using such weapons in public events, with a tabulated breakdown by the date on which and the place at which those weapons were

used); and

(7) whether police officers will be granted overtime allowances for the off-duty hours during which they discharged duties by using the extendable batons or pepper sprays; if so, of the total amount of payment made so far; if not, the reasons for that?

Reply:

President,

Members of the public enjoy the freedoms of expression, speech and assembly but such freedoms have to be exercised in a peaceful and lawful manner. The Police have a statutory duty to maintain public safety and public order. When public order and public safety are severely threatened by situations such as illegal blockage of roads, paralysed traffic, unlawful assemblies and violent charging of police cordon lines, the Police must take appropriate actions to maintain law and order and safeguard public peace.

The Police emphasised that if members of the public could express their views in a peaceful and rational manner, there would be no need for the Police to use any force.

Since early June 2019 up till now, more than 900 protests, processions and public assemblies have been staged in Hong Kong, and many of them ended up as violent illegal activities. In the past five months or so, rioters repeatedly committed serious unlawful acts including wantonly blocking roads, paralysing the traffic, hurling petrol bombs and bricks and setting fire at different locations, vandalising and burning shops and MTR and light rail facilities with intent, and violently assaulting people holding different opinions. These acts have seriously threatened personal safety, as well as public order and public safety. To curb violence, the Police have to take actions to bring rioters to justice or disperse the crowd and control the situation so as to restore public safety and public order.

The Police have in place prudent and stringent guidelines for the use of force. Police officers will only use appropriate force when it is necessary. Such force is used in response to the prevalent situation, and the place and the level of force used depend on the level of violence committed by rioters and the then circumstances at the scene. To control the scene and disperse violent persons, police officers at the scene will make professional assessment and judgement having regard to the situation at the time and decide on the different levels of force as appropriate, including the use of non-lethal weapons such as pepper sprays, tear gases, bean bag rounds, rubber bullets, pepperballs and specialised crowd management vehicles (SCMVs) for lawful discharge of their duties.

My reply to the various parts of Hon Gary Fan's question is as follows:

(1) and (2) SCMVs are the equipment used to disperse crowd, the purpose of which is to stop people from gathering or committing illegal acts. According to the Police's information, the colourant used in the SCMVs is non-toxic and will not cause bodily harm or pose risks to public health. When using the

SCMVs, the Police may, having regard to the actual situation, also add in pepper-based solution. The main effect of pepper-based solution is similar to pepper spray. Exposure to pepper-based solution will cause brief burning sensation of the skin and discomfort in the eyes. The symptoms will subside after a short period of time. It is not appropriate for the Police to disclose the composition of the solution or else it may undermine the capability of Police operations. The Police have not kept the relevant statistics on using the colourant in the SCMVs to assist their arrest of demonstrators.

(3) to (6) In the past few months, violence of demonstrators was escalating, causing grave threat to public safety and public order. Therefore, the Police consider it necessary to equip their officers with extendable batons and pepper sprays for exercising and discharging police duties in case of emergency during off-duty in order to protect the safety of members of the public more effectively and directly.

As details regarding deployment of extendable batons and pepper sprays involve police operation and tactics, the information cannot be made public as their disclosure will affect the Police's operational capability. Equipment used by police officers are under timely and regular reviews. The Police have maintained the arrangement of issuing extendable batons to off-duty police officers after review having regard to the current situation.

(7) Overtime work of police officers may only be undertaken when it is strictly unavoidable, and is subject to the Civil Service Regulations as well as the stringent control under the relevant internal requirements of the Police. According to the Regulations, overtime work will normally be compensated by time off in lieu. Where the granting of time off is likely to be impracticable within 30 days of the date on which overtime work is performed, payment of Disciplined Services Overtime Allowance to eligible officers may be approved.

The Police will, having regard to operational needs, deploy manpower as appropriate, and permit their officers to take time off or receive overtime allowance according to individual needs and work situation. For the compensation of overtime work, the issue is not whether an officer is equipped with certain equipment during off-duty hours, but whether his or her conduct constitutes to the discharge of police duty.

In 2019-20, a provision of \$20.2 billion was made under Subhead 000 Operational expenses for salaries, allowances and other operating expenses of the Police. The amount of payment for overtime allowance in the 2019-20 financial year will be reflected in the relevant revised estimate.