

LCQ16: Law enforcement actions, manpower deployment and investigation work of police

Following is a question by the Hon Charles Mok and a written reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (December 18):

Question:

Regarding the Police's law enforcement actions, manpower deployment and investigation work since June this year in relation to the "anti-extradition to China" movement, will the Government inform this Council:

(1) of the number of operations, since June this year, in which police officers disguised as demonstrators to discharge duties, and set out in Table 1 the following details by the date and location of the public meetings/processions concerned:

- (i) the number of police officers and a breakdown of such number by rank,
- (ii) the costumes and props used for disguising and the costs incurred for procuring such items,
- (iii) the number of private cars used and the department(s) to which such cars belonged,
- (iv) the purposes of the decoy operations, and
- (v) the number of persons arrested in the operations;

Table 1

Date	Location	(i)	(ii)	(iii)	(iv)	(v)

(2) of the number of police officers who have been engaged in crowd management work related to the "anti-extradition to China" movement since June this year, as well as the respective total numbers of hours of (i) overtime and (ii) standby duty they performed for carrying out such work; set out separately the monthly details of (i) and (ii), using tables of the same formats as Table 2 and Table 3; the respective total amounts of allowances granted to date for these two types of work, and the procedure for vetting and approval of applications for stand-by duty allowance;

Table 2

Month:

Police district	Department/Unit	Overtime			
		Number of police officers and their ranks	Total number of hours	Total amount of allowance	Average amount of allowance per person

Table 3
Month:

Police district	Department/Unit	Standby duty			
		Number of police officers and their ranks	Total number of hours	Total amount of allowance	Average amount of allowance per person

(3) of the number of officers from other disciplined services, since November this year, whom the Commissioner of Police has appointed as special constables, and the amount of expenditure so incurred, as well as provide the details set out in Table 4 by disciplined service;

Table 4

Disciplined service	Number of appointees	Appointment period	Appointed officers'		Amount of expenditure
			own ranks and positions	duties as special constables	
The Correctional Services Department					
...					

(4) of the number of retired police officers currently re-employed by the Police, and set out in Table 5 a breakdown of such number by age group; a breakdown of such number by the police department and the rank to which such officers belonged prior to retirement, and their terms of appointment (including contract period, remunerations and benefits); the estimated monthly expenditure on remunerations; whether it has plans to re-employ former police officers who left the service for other reasons (if so, of the

details);

Table 5

Age group	Number of officers re-employed
45 to below 51	
51 to below 56	
56 to below 61	
61 to below 65	
65 or above	

(5) of the number of occasions since June this year on which the Police made applications to panel judges or designated authorising officers for authorisations for interception of communications or covert surveillance in respect of their investigation work, and set out the details of each case in Table 6;

Table 6

Date of application	Type of the case	Number of subjects and the scope of the interception of communications or covert surveillance	Whether the application was approved (if rejected, please specify the reasons)

(6) of the details of the requests for information disclosure made by the Police, since June this year, to Internet service providers/Internet platforms/websites (service providers), including:

- (i) the names and types of service providers,
- (ii) the total number of service providers,
- (iii) the dates on which the requests were made,
- (iv) the last dates on which the requests were processed (irrespective of whether such requests were acceded to or not),
- (v) the types of requests made,
- (vi) the total number of requests made,
- (vii) a breakdown of the number of such requests by reason (i.e. for investigation of cases, law enforcement and other reasons) and by the suspected offence (e.g. (a) access to computer with criminal or dishonest intent, (b) disclosure or conspiracy to disclose personal data obtained without consent from data users, (c) unauthorised access to computer by telecommunications, and (d) others (please specify)),
- (viii) the number of requests made under a court order,
- (ix) the number of accounts involved,
- (x) the volume of information requested for disclosure,
- (xi) the nature of information requested for disclosure (i.e. requests for

providing metadata and/or content of communication),
(xii) the number of requests acceded to,
(xiii) the number of requests not acceded to, with a breakdown by the reason given (e.g. (a) the request was not made under a court order, (b) failure to provide appropriate legal documents, (c) insufficient justifications, (d) not complying with the service provider's policies and (e) other reasons); if such information cannot be provided, of the reasons for that, and
(xiv) the number of persons arrested and/or prosecuted based on the information provided by service providers; and

(7) of the details of the requests for information removal made by the Police, since June this year, to service providers, including:

(i) the names and types of service providers,
(ii) the total number of service providers,
(iii) the dates on which the requests were made,
(iv) the last dates on which the requests were processed (irrespective of whether such requests were acceded to or not),
(v) the types of requests made,
(vi) the total number of requests made, with a breakdown of such number by reason (i.e. for investigation of cases, law enforcement and other reasons) and by the suspected offence,
(vii) the number of requests made under a court order,
(viii) the number of accounts involved,
(ix) the volume of information requested for removal,
(x) the nature and details of the information requested for removal,
(xi) the number of requests acceded to, and
(xii) the number of requests not acceded to, with a breakdown by the reason given; if such information cannot be provided, of the reasons for that?

Reply:

Since early June this year, more than 1 000 protests, processions and public meetings have been staged in Hong Kong, many of which eventually turned into illegal acts of violence. Such violent acts include wantonly blocking roads, paralysing traffic, hurling petrol bombs and bricks at various locations, setting fires, intentionally vandalising and burning shops and MTR and Light Rail facilities, and madly assaulting people with different views. These acts have seriously jeopardised public safety and public order.

The Police have a statutory duty to maintain public safety and public order. When unlawful acts take place, the Police must take appropriate enforcement actions to maintain public order, and safeguard the lives and properties of the public.

Frontline police officers have remained steadfast in their duties during the ongoing conflicts in the past few months. While handling massive and unlawful violent acts in various districts, they have also maintained regular police duties and public services in the territory. In addition to flexibly deployed internal manpower and resources when appropriate, the Police have also appointed Special Constables and made use of the "Post-retirement

Service Contract Scheme" to cope with current operational needs.

My consolidated reply to the Hon Charles Mok's question is as follows:

(1) To stop the unlawful acts of rioters, Police officers will be assigned with different roles as required by the operation to combat illegal acts and arrest offenders. This arrangement and deployment are similar to the enforcement operations for combating drug activities, triad society and other serious crimes such as kidnapping and ransoming.

The Police will not disclose specific operational details as it may affect the effectiveness of the Police's operations. The Police stress that the target of their law enforcement actions is to uphold the rule of law. During operations, every police officer must abide by the law and will not stir up trouble. The Police have set a high standard of integrity for all officers, and have put in place a stringent disciplinary system. The Police will not tolerate any breach of law or discipline by police officers.

(2) Overtime (OT) work of police officers is subject to the Civil Service Regulations (CSR), the Civil Service Bureau Circular No. 18/2000, as well as the stringent internal regulations of the Police. OT work of police officers may only be undertaken when it is strictly unavoidable. According to relevant regulations, OT work will normally be compensated by time off in lieu. Where the granting of time off is, or is likely to be, impracticable within 30 days of the date on which OT work is performed, payment of Disciplined Services Overtime Allowance (DSOA) to eligible officers may be approved.

The Hong Kong Police Force (HKPF) has put in place stringent control and approval procedures regarding OT work. Supervisors will follow the requirements of relevant internal orders and criteria in considering OT work applications. According to the existing CSR, only those in ranks whose scale maxima are on or below Point 48 of the Police Pay Scale (i.e. the maximum pay point of Chief Inspector of Police) are eligible for DSOA. The Police will, having regard to operational needs, deploy manpower as appropriate, and permit officers to take time off or receive OT allowance according to individual needs and work situation.

In 2019-20, a provision of around \$20.2 billion was made under Subhead 000 (Operational expenses) for the salaries, allowances and other operating expenses of HKPF. In the past six months (from June to November), HKPF's total expenditure for DSOA was approximately \$950 million, while the average number of recipients was around 11 000 per month. The Police do not maintain or consider it inappropriate to provide the other figures requested in the question.

(3) In view of the Police's manpower needs and the significant number of public order events, the Commissioner of Police, in accordance with section 40 of the Public Order Ordinance (Cap 245), appoints officers of the Correctional Services Department (CSD), Immigration Department (ImmD) and Customs and Excise Department (C&ED) as Special Constables to enhance the

Police's manpower and strength. The Government will appoint Special Constables to cope with the operational needs having regard to the manpower arrangement and operational needs of various departments.

During their appointment as Special Constables, relevant CSD, ImmD and C&ED officers are temporarily on loan to the Police from their own departments on a part-time basis to discharge the duties of Special Constables. In accordance with the operational needs of HKPF, the relevant officers appointed as Special Constables are mainly responsible for guarding government premises or detention facilities as specified by the Commissioner of Police, and/or escorting and guarding persons under Police's custody to and from locations as specified by the Commissioner of Police.

Since the first batch of Special Constables only began to perform duties in mid-November, information on the relevant expenditure is not yet available.

(4) The Government is actively considering various measures to strengthen the Police's strength and support. Short term measures include making use of the "Post-retirement Service Contract Scheme" to increase manpower. Since the introduction of the scheme in 2015 by the Civil Service Bureau, HKPF has created a total of 175 relevant posts. As at November 1 this year, 119 retired police officers were employed. Amongst them, one officer aged below 56, 116 officers aged 56 to 61 and two officers aged above 61. On their pre-retirement ranks, 52 officers were Constables, 33 officers were Sergeants, seven were Station Sergeants and the remaining were Inspectorates or above. In addition, the Police will continue to employ more officers who have retired not more than two years. Details of age group breakdown statistics will be collected after such batch of employment is confirmed.

(5) Section 49 of the Interception of Communications and Surveillance Ordinance (ICS0) (Cap 589) provides that the Commissioner on Interception of Communications and Surveillance should in the annual report set out a list of information on interception and covert surveillance respectively, covering various issues such as the main offences involved, the number of prescribed authorisations issued, the number of applications refused and the number of arrestees.

The checklist in section 49 is prepared after thorough deliberation so as to achieve a balance between confidentiality and transparency. Operations carried out according to ICS0 are of sensitive and confidential nature and the information of which involves law enforcement agencies' (LEAs) covert operations and their contents. The disclosure of such information will very likely reveal to criminals details of LEAs' operations and investigation tactics, thus undermining LEAs' capabilities in combating serious crimes.

(6) Between June and November 30, 2019, the Police made a total of 2 444 requests for information disclosure to Internet service provider/Internet platforms/websites (service providers) for the purpose of preventing and detecting crime. The figure represents the total number of relevant requests made by the Police during that period. Some of the requests are irrelevant

to the public order events took place since June.

Since commercial information of local and overseas service providers and operational details are involved, we could not disclose the names of individual service providers or details on whether the requests were acceded to. Also, the Police do not maintain statistics on the relevant number of persons arrested as requested under part (6) of the question.

(7) Between June and November 30, 2019, the Police made a total of 643 requests for information removal to service providers for the purpose of preventing and detecting crime. The requests involved removal of videos, texts, images, etc. The figure represents the total number of relevant requests made by the Police during that period. Some of the requests are irrelevant to the public order events took place since June.

Since commercial information of local and overseas service providers and operational details are involved, we could not disclose the names of individual providers or details on whether the requests were acceded to. Also, the Police do not maintain other statistics as requested under part (7) of the question.