

LCQ17: Sexual violence allegations

Following is a question by the Professor Hon Joseph Lee and a written reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (December 11):

Question:

An online questionnaire survey on sexual violence in the movement of opposition to the proposed legislative amendments (the movement) was conducted from August to September this year. Sixty-seven respondents indicated that they had been subject to sexual violence (including sexual intercourses under threats or intimidation, threatened or attempted sexual assaults, touching of sensitive body parts, provocation and insults by remarks with sexual connotations). Besides, the respondents indicated that their reasons for not reporting such mishaps to the Police included that: they considered letting the Police handle their cases to be ineffective, they worried that the Police would conversely charge them with other offences, they lost confidence in the Police's capability in enforcing the law, they lacked the personal information of the perpetrators, and the perpetrators were in fact police officers or other law enforcement officers. In this connection, will the Government inform this Council:

(1) of the number of sexual violence cases relating to the movement received by the Police since June this year; the details of the Police's current procedure for handling such type of cases (including reporting the case to the Police, conducting medical examination, collecting evidence and conducting investigations);

(2) as a female demonstrator openly alleged some time ago that police officers had inflicted sexual violence on her during her detention, whether the Police will take the initiative to investigate such type of allegations; if so, of the details; if not, the reasons for that;

(3) as it is learnt that at present, most police officers tasked with handling demonstrations neither wear warrant cards nor display their police identification numbers on their uniforms and even cover their faces while on duty, whether such practices of the police officers comply with the relevant requirements in the Police General Orders and the Hong Kong Police Force Procedures Manual; if not, of the follow-up actions; and

(4) as the findings of the aforesaid survey have shown that quite a number of members of the public have lost confidence in the fairness of the Police's law enforcement, and that there are allegations that the perpetrators of sexual violence are in fact police officers, whether the Government will consider afresh the establishment of an independent commission of inquiry to investigate such allegations?

Reply:

President,

Sexual violence is a serious allegation. The complainant shall formally provide the Police with information, so that the Police may conduct a full investigation. This would not only protect the interests of the victim but also ensure that the complainee will not be falsely accused, which is fair to both the complainant and the complainee. Both parties shall bear the legal responsibilities and be protected.

As recently seen in the media, there are occasions when people claim that they have been sexually assaulted. Nevertheless, they are unwilling to contact the Police or provide information, making it impossible to verify the authenticity of these claims. It is an offence to provide false information or make a false report to the Police but a real victim will be duly protected by law. The Police also have a duty to protect the real victims' interests and rights.

The Government attaches importance to combating cases involving sexual offences. In each case, the Police will conduct full investigation, protect the victim's rights and safety, and alleviate the stress and psychological trauma faced by the victim when assisting in the investigation. The Police will handle all sexual violence cases with a serious and sensitive professional attitude. When investigating sexual violence cases, the Police will take various measures to ensure that the rights and safety of the victims are fully safeguarded. The Police have formulated a series of relevant procedures and guidelines.

My reply to various parts of the question raised by Professor Hon Joseph Lee is as follows:

(1) Since early June this year, more than 900 protests, processions and public assemblies have been staged in Hong Kong, many of which eventually turned into severe and illegal violent acts. As at November 28, the Police arrested more than 5 800 people in large-scale public order events, of which 939 have been charged. As for sexual offence cases, the Police do not maintain breakdown statistics on whether they are related to public events.

(2) As stated previously, sexual violence is a serious allegation, therefore the complainant should contact the Police and provide information to allow the Police's investigation and collection of evidence. The Police will follow up in a serious, fair and impartial manner. While we will not comment on individual cases, past experience shows that some alleged victims of sexual abuse never contacted the Police to provide information, some repeatedly revised the account of their alleged experience after making the allegation on the media, or some ceased to provide information to the Police after lodging their complaints through lawyers. We appeal to alleged victims of sexual violence to provide information to the Police. This would then be fair to both the complainant and the complainee. The Police will ensure that the victims' interests and rights are fully protected.

(3) At present, there are ways to identify every police officer regardless of the officer's post. In recent large-scale public order events, uniformed police officers on duty would display their unique identification numbers or identifiable operational call signs. When plainclothes police officers exercise police powers, they would identify themselves and produce warrant cards, or display identifiable operational call signs, as long as doing so would not be infeasible under operational circumstances.

Operational call signs are identifiable call signs for all police officers participating in an operation which enable effective identification of an officer. Operational call signs are as effective as unique identification numbers. Apart from enhancing the overall effectiveness of the Police in large-scale operations, this arrangement also strikes a reasonable balance between ensuring the identification of police officers by members of the public, and protecting their personal data from malicious disclosure on the other. This new mechanism applies to the current special operational period and does not contravene the Police General Orders or the Force Procedures Manual. The Police will continue to listen to the views from within and from members of the public and conduct a review in due course having regard to operational needs.

On the other hand, since June this year, rioters have charged police officers with extreme means. The level of violence has escalated over time and they even launched personal attacks against police officers. When police officers perform their duties, their personal safety and even lives come under severe threat. From June 9 to November 29, a total of 483 police officers were injured in operations, some of whom are still unable to return to work. To ensure the personal safety of police officers, the Police procured protective face masks for front-line officers to protect their face from being attacked by rioters. Earlier, a police officer was hit by metal beads in the mouth injuring his lips and teeth. Subsequently, after putting on a protective mask, a police officer was protected from being hit by beads in the face. The Police will use different equipment and protective gears based on operational needs to afford the maximum protection to the personal safety of front-line officers who are handling violent incidents, while enhancing their operational capabilities.

(4) There is a well-established two-tier statutory complaints against police mechanism. The first tier of the mechanism is the Complaints Against Police Office (CAPO) of the Police which receives and investigates complaints. 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, which operates independently 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 the independent IPCC. CAPO has set up a designated team comprising 26 members who did not take part in handling the unrest in the past few months. This

designated team is sparing no effort in following up the complaints in relation to the large-scale public order events which have taken place since June this year. If IPCC is of the view that there are deficiencies in CAPO's handling and investigation, it may request CAPO to provide clarification or relaunch the investigation. Meanwhile, IPCC may convey its views and recommendations to the Commissioner of Police and the Chief Executive in respect of any complaint.

The Government considers that having the statutory IPCC to handle complaints against police officers is a well-established and appropriate mechanism. Cases involving criminal elements (including sexual offences) will be handled by the Police's criminal investigation teams in an impartial manner. In handling criminal cases over the years, the Police have performed professionally and fairly.