

LCQ17: Statistics on social incidents

Following is a question by Dr the Hon Priscilla Leung and a written reply by the Secretary for Security, Mr Tang Ping-keung, in the Legislative Council today (September 29):

Question:

Regarding the relevant statistics on the three series of social incidents, namely the Occupy Central Movement in 2014, the Mong Kok disturbance on the night of the Lunar New Year's Day in 2016 and the disturbances arising from the opposition to the proposed legislative amendments in 2019, will the Government inform this Council:

- (1) among the persons arrested in each series of social incidents, of the respective up-to-date numbers of those who:
 - (i) were released by the Police Superintendent's Discretion;
 - (ii) had to bear legal consequences (i.e. convicted, bound over, and placed under a Care or Protection Order), with a breakdown by consequence;
 - (iii) had the charges against them withdrawn;
 - (iv) were acquitted after trial; and
 - (v) are awaiting trial;
- (2) of a breakdown of the numbers of persons mentioned in part (1) by (i) the age group to which they belonged, and (ii) capacity (i.e. primary student, secondary student, tertiary student, and others), at the time of arrest (set out in a table);
- (3) whether it knows, in respect of the cases relating to each series of social incidents, the respective numbers of cases which have been or will be heard by the courts, with a tabulated breakdown by (i) court level and (ii) case type (i.e. criminal or civil);
- (4) in respect of the criminal cases relating to each series of social incidents, of the respective up-to-date numbers of legal aid applications (i) received and (ii) approved by the Legal Aid Department (LAD), as well as the LAD's total expenditure on legal costs incurred for such cases so far; and
- (5) in respect of the criminal cases relating to each series of social incidents, of the up-to-date number of the persons involved who have absconded by jumping bail, and the measures taken by the Government to pursue and arrest them?

Reply:

President,

According to the Police Force Ordinance, the Police have the statutory duty to maintain public safety and public order. No one is above the law nor can any one break the law without consequences. If there is evidence that a

person violates the law, he or she must face justice regardless of status or background. No one has privileges.

Having consolidated the information from the Legal Aid Department and the Judiciary, the reply to the Member's question is as follows:

(1) and (2) The investigation into all cases relating to the illegal Occupy Central Movement in 2014 have been concluded. As at July 31, 2021, the Police had arrested 1 003 persons in total. Among the arrested persons, 225 had been dealt with through judicial proceedings, in which 169 had to bear legal consequences (including 127 convicted and 42 bound over by the court); 18 had the charges against them withdrawn by the prosecution; 37 were acquitted after trial and one passed away before the conclusion of trial. The Police does not maintain other figures as requested in the question on these cases.

Regarding the illegal acts relating to the Mong Kok riot in 2016, as at July 31, 2021, the Police had arrested 93 persons in total (all over 18 years old), among which 17 were students. Sixty-five persons were prosecuted and 11 of them were students. Among the 62 persons who had completed the respective judicial proceedings, 36 had to bear legal consequences (all of them were convicted); 20 had the charges against them withdrawn by the prosecution; six were acquitted after trial. No arrestees were bound over by court. The Police does not maintain other figures as requested in the question on these cases.

Regarding the illegal acts relating to the serious violence in 2019, as at July 31, 2021, the Police had arrested 10 265 persons in total (8 511 aged over 18 and 1 754 aged under 18) and 4 009 of them were students. Two thousands, six hundreds and eighty-four persons (2 195 aged over 18 and 489 aged under 18) had been prosecuted, out of which 1 102 were students.

Among the 1 527 persons who had completed the respective judicial proceedings, 1 197 had to bear legal consequences (905 convicted, 282 bound over by court, six granted with Care or Protection Order by court and four convicted of contempt of court through civil proceedings). Fifty-four had the charges against them withdrawn by the prosecution and 276 were acquitted after trial. Besides, 25 persons were released by the Police Superintendent's Discretion. One thousand, one hundred and seventy-three were still going through the judicial proceedings. The Police does not maintain other figures as requested in the question on these cases.

(3) A total of 295 cases relating to the illegal Occupy Central Movement have been dealt with or are being dealt with at various levels of court since 2014. The breakdown is as follows:

Level of court	Criminal cases	Civil cases	Total
Court of Final Appeal	4	0	4
High Court	52	77	129
District Court	2	8	10

Magistrates' Courts	111	–	111
Small Claims Tribunal	–	41	41
Total	169	126	295

A total of 86 cases relating to the Mong Kok riot have been dealt with or are being dealt with at various levels of court since 2016. The breakdown is as follows:

Level of court	Criminal cases
Court of Final Appeal	1
High Court	11
District Court	8
Magistrates' Courts	66
Total	86

The progress of individual cases is recorded in the court files. The Judiciary does not maintain the relevant statistics.

As at July 31, 2021, over 1 900 cases relating to the serious violence in 2019 had been brought before various levels of court, among which over 1 400 (about 74 per cent) have been dealt with. The breakdown is as follows:

Level of court	Criminal cases		Civil cases	
	Being dealt with	Have been dealt with	Being dealt with	Have been dealt with
Court of Final Appeal	4	3	0	8
High Court#	67	220	18	42
District Court	249	74	8	3
Magistrates' Courts	150	1 101	–	–
Small Claims Tribunal	–	–	4	9
Total	470	1 398	30	62

Figures include bail application cases.

(4) Relevant figures on legal aid applications for criminal cases relating to the illegal Occupy Central Movement in 2014, the Mong Kok riot in 2016 and the serious violence in 2019 are as follows:

	No. of legal aid applications for criminal cases received	No. of legal aid applications for criminal cases approved	Total legal costs*
Illegal Occupy Central Movement	24	15	\$7,614,594
Mong Kok riot	73	50	\$40,770,913
Serious violence in 2019	1 310	1 068	\$49,409,027

* As some of the cases have not yet concluded, the above-mentioned figures are updated as at August 31, 2021 and subject to adjustment.

(5) The Hong Kong Special Administrative Region (HKSAR) Government strongly condemns anyone seeking to evade legal liabilities and abscond overseas for self-preservation. Absconding to avoid legal liabilities is a shameful act. Fearing of facing justice after breaking the law, running away by jumping bail, using various excuses such as so-called "exile" to avoid one's responsibility, and even making false statements and making up excuses before the court to apply for bail are shameful, hypocritical and coward acts.

The HKSAR Government strongly condemns any person who supports or harbours these absconders. These persons have turned a blind eye to the serious offences which the absconders are suspected to have committed, and have instead attempted to beautify these shameful acts of evading legal liabilities. They only see political dividends in disregard for justice and in contempt for the rule of law.

For those absconded by jumping bail and wanted by the court, as at July 31, 2021, among those who had been arrested in connection with the Mong Kok riot in 2016, three were wanted after failing to appear before the court. For those who were arrested in connection with the serious violence in 2019, 31 were wanted after failing to appear before the court and 24 did not report back to the Police according to bail conditions. As to those who were arrested in connection with the illegal Occupy Central Movement in 2014, no one had jumped bail and absconded.

All persons who are wanted for prosecution of offences and have absconded from Hong Kong are fugitive offenders. The HKSAR Government will definitely pursue their criminal liabilities and make them face the sanctions of law. The Police will, in light of the circumstances of each case, track down the whereabouts of the fugitive offenders through various means in accordance with the law and pursue them.