

LCQ18: Number of arrest by police

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

Question:

It has been reported that since June this year, during a number of public meetings and processions relating to the "anti-extradition to China" movement, a large number of demonstrators, bystanders and passers-by were arrested, and quite a number of persons were taken to police stations to assist in investigations. In this connection, will the Government inform this Council:

(1) of the number of persons arrested in each month since June this year, and set out the following figures by reason for arrest (other than the offences under the Prohibition on Face Covering Regulation (Cap 241K)): (i) the number of persons arrested, (ii) the number of persons released unconditionally subsequent to the arrests, (iii) the number of persons allowed to be released on bail pending further investigations subsequent to the arrests, (iv) the number of persons prosecuted, (v) the number of persons allowed to be released on bail after being brought before the court, and (vi) the number of persons prosecuted for other offences concurrently (set out in tables of the same format as Table 1);

Table 1

Month:

Reason for arrest	(i)	(ii)	(iii)	(iv)	(v)	(vi)
...						
Total						(not applicable)

(2) of the respective numbers of persons arrested, since the coming into operation of Cap 241K on October 5 this year, for allegedly (a) having used facial covering that was likely to prevent identification while they were at specified activities and (b) having failed to comply with a police officer's requirement of removing the facial covering, and set out the following figures by the date on which they were arrested: (i) the number of persons arrested, (ii) the number of persons released unconditionally subsequent to the arrests, (iii) the number of persons allowed to be released on bail pending further investigations subsequent to the arrests, (iv) the number of persons prosecuted, and (v) the number of persons allowed to be released on bail after being brought before the court (set out in Table 2);

â€‹Table 2

Date of arrest	Offence	(i)	(ii)	(iii)	(iv)	(v)
	(a)					
	(b)					
...						
Total						

(3) of the respective numbers of persons (i) released and (ii) detained after being taken by the Police to police stations on each week (from Sunday to Saturday) since June 9 this year to assist in investigations (other than the persons mentioned in (1)) (set out in Table 3);

Table 3

Date	(i)	(ii)	Total
June 9 to June 15			
...			
Total			

(4) of the respective numbers of arrestees who had been detained for a period of more than 48 hours, the statutory limit, before they were (i) released, (ii) brought before a magistrate, and (iii) transferred to hospitals for medical treatment, on each week (from Sunday to Saturday) since June 9 this year (set out in Table 4); and

Table 4

Date	(i)	(ii)	(iii)	Total
June 9 to June 15				
...				
Total				

(5) of the respective numbers of vehicles borrowed since June 9 this year by the Police from other government departments for the purpose of transporting (a) arrestees and persons assisting in investigations and (b) police officers, and set out the following information by the department to which the vehicles belonged: (i) the class of vehicles, (ii) the number of seats and (iii) the number of vehicles (set out in Table 5)?

Table 5

Department	Purpose	(i)	(ii)	(iii)
	(a)			
	(b)			

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	Total	(not applicable)	(not applicable)	

Reply:

President,

Members of the public enjoy the freedoms of expression, speech and assembly, but must exercise these freedoms in a peaceful and lawful manner. Since early June this year, over 900 demonstrations, processions and public meetings have been staged in Hong Kong, many of which eventually turned into violent illegal activities. In the past five months or so, some rioters repeatedly engaged in serious illegal acts, such as wantonly blocking the roads, paralysing the traffic, throwing petrol bombs and setting fires at various locations, throwing bricks, vandalising and burning shops and MTR and Light Rail facilities, serious wounding, etc. As a result, public order and public safety have been jeopardised.

According to section 10 of the Police Force Ordinance (PFO) (Cap 232), it is the statutory duty of the Police to maintain public safety and public order. Therefore, when there are unlawful assemblies and violent acts, the Police must take appropriate actions to restore public peace. Section 50(1) of PFO empowers a police officer to apprehend any person who the officer reasonably believes will be charged with or whom the officer reasonably suspects of being guilty of an offence for which a person may (on a first conviction for that offence) be sentenced to imprisonment.

The Security Bureau's reply to Hon Dennis Kwok's question is as follows:

(1) to (4) The breakdown by month of the total number of arrests (including people arrested for contravening the Prohibition on Face Covering Regulation (the Regulation), most of whom also committed other offences) from June 9 to November 14 is as follows:

Month of arrest	Number of people arrested	Number of people whose cases are still under investigation (including those released on bail pending further investigation/ released pending further investigation after refusing to be bailed)	Number of people who already entered into or in the course of legal proceedings (including those who have been charged / summonsed/ directly bound over)	Number of people released unconditionally
June (from June 9)	73	34	9	30
July	224	119	80	25
August	750	603	127	20
September	765	576	171	18
October	1 189	991	141	57
November (as at November 14)	1 318	1 185	116	17
Total	4 319	3 508	644	167

On November 22, the High Court gave orders declaring that the Emergency Regulations Ordinance is incompatible with the Basic Law and the Regulation is unconstitutional and of no effect following its judgment for the judicial review applications, but at the same time ordered that the said declarations be subject to an interim suspension for seven days until November 29. Statistics on arrests made under the Regulation from October 5 to November 14 are at below:

Respective offences under the Regulation	Number of people arrested	Number of people whose cases are still under investigation (including those released on bail pending further investigation/ released pending further investigation after refusing to be bailed)	Number of people already entered into or in the course of legal proceeding (including those who have been charged/ summonsed/ directly bound over) (Note)	Number of people released unconditionally
Section 3	627	529	95	3
Section 5	5	5	0	0

Note: Number of people already entered into or in the course of legal proceeding includes those who have been charged /summonsed/directly bound over for other offences.

In general, arrestees will not be detained over 48 hours. When any person is arrested by the Police, the arrestee will be brought before the Duty Officer as soon as possible to confirm the legality of his custody and arrest, and then be handed over to an investigation team for investigation. Subsequently, the Police will decide whether it is necessary to detain the arrestee. The Police do not maintain other breakdown statistics referred to in the question.

(5) Regarding the deployment of vehicles by the Police, given that the relevant information is related to the Police's operation, it is not appropriate to release. Otherwise, the effectiveness and capability of the Police's law enforcement will be affected. Therefore, the Administration cannot provide the relevant information.