

LCQ19: Statistics on arrestees in public events between June and November

Following is a question by Professor the Hon Joseph Lee and a written reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (December 4):

Question:

Regarding the persons arrested during the public events held between June 9 and November 30, this year, will the Government inform this Council:

(1) of their number, with a tabulated breakdown by the offence(s) they had allegedly committed as well as by the gender and the age group to which they belonged (i.e. under 12 years old, 12 to 14 years old, 15 to 17 years old, 18 to 20 years old, 21 to 25 years old, 26 to 30 years old, 31 to 40 years old, 41 to 50 years old, and above 50 years old);

(2) among them, of the respective numbers of those who were arrested for the first time and were (i) admitted to bail, (ii) released unconditionally and (iii) brought before a magistrate, subsequent to the arrest; among those who were admitted to bail, the respective numbers of those who were subsequently (iv) released unconditionally after refusing to enter into further bail and (v) prosecuted;

(3) whether it can set out a breakdown of the numbers of arrestees mentioned in (2) by whether or not they had been detained by the Police for more than 48 hours, which is the limit prescribed by the law; if so, of the details; if not, the reasons for that; and

(4) in respect of those cases in which charges have been laid, of the average and the longest time spans between the making of an arrest and the laying of the charge(s); whether such time spans are longer than the relevant time spans for the same type of cases in the past three years; if so, of the reasons for that?

Reply:

President,

Under section 10 of the Police Force Ordinance (PFO) (Cap 232), the Police have statutory duties to maintain public safety and public order. When unlawful acts take place, the Police must take appropriate enforcement actions. 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.

When a person is arrested by the Police, the police officer will, as soon as possible, inform the person of the fact that he or she is under arrest, as well as the factual grounds and the reasons for the arrest. The arrestee will be brought before the Duty Officer as soon as possible to confirm the legality of his or her custody and arrest. The arrestee will then be handed over to an investigation team for investigation. After completing preliminary investigation, the Police will decide whether it is necessary to detain the arrestee. The Police will, depending on the circumstances of individual cases, consider releasing the arrestee on own-recognition, on bail or unconditionally. An arrestee generally will not be detained over 48 hours.

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

(1) to (3) There have been ongoing processions, protests and violent conflicts in Hong Kong since June 9. More than 900 protests, processions and public assemblies have been staged in Hong Kong, many of which ended up in serious violent illegal acts. As at November 21, the Police arrested a total of 5 856 persons, aged between 11 and 83. The offences involved include "riot", "unlawful assembly", "wounding", "assault occasioning actual bodily harm", "arson", "criminal damage", "in possession of offensive weapons", "assaulting police officer", "obstructing a police officer in the execution of his duty", etc.

The Police do not maintain detailed statistics on the duration of detention of the arrestees. Other statistics (as at November 21) as requested in the question are tabulated below:

| Age of the arrestees | Male | Female |
|----------------------|-------|--------|
| Under 12 | 1 | 0 |
| 12 to 14 | 104 | 55 |
| 15 to 17 | 519 | 223 |
| 18 to 20 | 886 | 306 |
| 21 to 25 | 1 388 | 439 |
| 26 to 30 | 638 | 202 |
| 31 to 40 | 449 | 153 |
| 41 to 50 | 197 | 84 |
| Above 50 | 161 | 51 |
| Total | 4 343 | 1 513 |

| | Released unconditionally | Cases are still under investigation (released on bail pending further investigation/ pending further investigation after refusing to be bailed) | Already completed or in the course of legal proceeding (have been charged/ summonsed/directly bound over) | Total |
|---------------------|--------------------------|---|---|-------|
| Number of arrestees | 220 | 4 698 | 938 | 5 856 |

(4) The time required to process a case from commencement of investigation to institution of prosecution depends on a number of factors, including the nature and complexity of the case, the quantity of evidence to be handled, duration for seeking legal advice and whether further follow-up is necessary pursuant to the legal advice, etc. Since the evidence and the law involved in and the level of complexity of each case differ, it is not possible to generalise the processing time each requires.