

LCQ2: Police manage officers' discipline and conduct and facilitate media coverage

Following is a question by the Hon Andrew Wan and a reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (May 20):

Question:

Some members of the public have relayed that recently, some police officers, who had lost control of their temper when handling public events, misbehaved themselves, for instance, hurling abuses at members of the public and reporters as well as subjecting them to violence. Although the Police have indicated that the police officers involved in 21 incidents have been rebuked, those members of the public doubted the effectiveness of this course of action. In this connection, will the Government inform this Council:

(1) of the number of police officers who were rebuked in each of the past five years and, among them, the number of those who were subsequently imposed other punishments and the details of such punishments; whether the records of having been rebuked will affect the promotion prospect and remuneration packages of police officers;

(2) as the Police have indicated that they have rebuked a traffic police officer who drove a motor cycle into a crowd back and forth in November last year, and will rebuke seven police officers who swore at a member of the public on March 8 this year, whether the Police will take actions apart from rebuking these police officers (e.g. launching criminal investigations and ordering them to apologise to the victims); and

(3) although the Police have stated time and again that they respect freedom of the press and have reminded police officers to facilitate reporters' news covering work, a number of reporters have expressed that during their news covering activities in the past eight months, police officers repeatedly hindered their news covering work and subjected them to violence, whether the Police have assessed if the Police are unable to restrain police officers from committing such acts; if they have assessed and the outcome is in the negative, whether the Police can undertake that police officers will not hinder reporters' news covering work and treat them violently?

Reply:

President,

Since early June last year, more than 1 400 protests, processions and public meetings have been staged in Hong Kong, many of which eventually

turned into illegal acts. According to section 10 of the Police Force Ordinance (Cap 232), it is the statutory duty of the Police to maintain public safety and public order. When unlawful acts occur, the Police must take actions to maintain public order and safeguard the lives and properties of the public.

The Police attach great importance to the conduct and behaviour of their officers. Police officers must meet requirements on behaviour and discipline, and must uphold the Police's values in areas including impartiality and professionalism.

My reply to various parts of the question is as follows:

(1) and (2) The discipline of police officers is regulated by the Police (Discipline) Regulations. In the past five years (i.e. 2015-2019), the figures are as follows:

(i) For disciplinary offences which are minor and handled by "minor offence reports", there were a total of 362 cases or on average 72 reports per year;

(ii) a total of 235 officers, or on average 47 officers per year, were awarded punishment upon disciplinary proceedings not falling within (i) above, among them 30 were dismissed, compulsorily retired or ordered to resign; and

(iii) a total of 100 officers, or on average 20 officers per year, were awarded punishment for criminal convictions, among them 55 were dismissed, compulsorily retired or ordered to resign.

Apart from regulating officers' discipline in accordance with the Police (Discipline) Regulations (Cap 232A), the Police also manage officer's discipline and conduct through administrative measures for immediate intervention and rectification. "Rebuke" is an administrative measure and is the starting point of the penalty mechanism. Regarding certain alleged inappropriate behaviour of individual police officers, the Commissioner of Police has rebuked police officers in 22 cases. These cases mainly included the inappropriate use of force, the use of inappropriate language and inappropriate behaviour.

Rebukes made by the Commissioner of Police aim to immediately intervene in, stop and rectify the inappropriate behaviour of officers, as well as let other officers know that such behaviour is inappropriate. "Rebuke" is the starting point of the penalty mechanism. If it is found by the Police upon further investigation that other actions are required, criminal or disciplinary investigations and procedures will be undertaken. The Police will handle such cases in accordance with the established mechanism in a fair and impartial manner.

Regarding the aforementioned some 20 cases in which officers were rebuked, the Police have undertaken disciplinary review for four of them, while the Complaints Against Police Office (CAPO) has received complaints

regarding 19 of them. Given that the procedures of CAPO and the disciplinary review procedures of the Police are underway, it is not appropriate for me to comment on the details of the cases. The Police do not maintain the breakdown of statistics in relation to "rebuke" as requested in the question.

Regarding the promotion of officers, the Police will consider the overall performance of officers in appraisal and selection, including job performance, abilities, and discipline, etc. As for salaries, the Police will consider whether an officer should be given an increment in accordance with the relevant regulations of the Civil Service Bureau. Only officers whose performance (including conduct, attitude and efficiency) is considered satisfactory upon due appraisal will be recommended to be given an increment.

(3) There is a need for media practitioners to undertake reporting duties, and the Police have a duty to adopt measures to safeguard public safety and public order. In particular, this duty is a statutory one which the Police must discharge. During operations and where circumstances permit, the Police will strive to complement the reporting work of the media on the basis of mutual understanding and respect so that both sides can perform their respective functions.

During operations over the past months, the Police have from time to time encountered instances of reporter "impersonation", including fake reporter identification being seized, self-proclaimed reporters found to be not employed by the media organisation they claimed, people wearing outfits similar to those of reporters and immediate departure upon being questioned about reporter credentials. In the past, persons suspected of "impersonating" reporters engaged in acts inconsistent with the duties of reporters, and even attempted to obstruct police enforcement, participate in illegal and violent acts, and even to commit the serious offence of snatching suspects from police officers.

The Government believes that professional and bona fide reporters engaged in media work would not engage in illegal acts or intentionally obstruct police enforcement while covering events. The Police, where operations are not affected, have been facilitating reporters as far as possible. The Police have also always reminded reporters that they should also pay attention to police instructions, and maintain appropriate distance with the Police to ensure the safety of both sides.

The Police are a professional team and attach great importance to discipline and conduct. The behaviors of individual officers are subject to a rigorous disciplinary and administrative regime. Officers have their own personal responsibility and are responsible to the Police. If anyone has any complaint against police officers, CAPO will handle such in a fair and impartial manner, while the Independent Police Complaints Council (IPCC) will exercise independent and serious monitoring.

To enhance communication and explore how to foster the mutual understanding and respect of policing and reporting work, the Commissioner of Police has invited media organisations for a meeting this week – my

understanding is tomorrow. The IPCC has also made two recommendations in its report released last week, i.e. (1) review how to facilitate the work of reporters in major operations without causing undue hindrance to the Police's enforcement actions; and (2) review the need for engaging media representatives to draw up a Code of Practice allowing the Police and media to fulfill their respective duties and for ensuring the safety of all concerned. The Security Bureau will set up a task force to follow up and I will personally supervise. I believe that the media and the Police will look for a consensus on the basis of mutual respect and understanding, which will be beneficial to the work of both sides.

Thank you president.