

LCQ20: Police's handling of crowds and reporters at protest scenes

Following is a question by Dr Hon Helena Wong and a written reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (October 28):

Question:

Regarding police officers' way of handling of members of the public and reporters, will the Government inform this Council:

(1) as it has been reported that on August 31 this year, a pregnant woman was dragged, sprayed with pepper spray and held in a chokehold by police officers, resulting in her falling onto the ground and being hospitalised as she felt unwell, whether it has assessed if the police officers concerned violated the guidelines on the use of force in the Police General Orders (i.e. irritant agent devices such as pepper spray may be used when the person concerned takes physical action to prevent a police officer's control which might cause injury to oneself or others); if it has assessed and the outcome is in the negative, of the reasons for that; of the number of pregnant women, since June last year, who were injured at the scenes of public events as a result of the actions taken by police officers;

(2) as it has been reported that on September 6 this year, when a 12-year-old girl who was on her way with her elder brother to a nearby shopping mall to buy pastels tried, allegedly out of fright, to flee the scene of a social event, she was knocked down to the ground and pinned down by a police officer who knelt on her, whether it has assessed:

(i) if that police officer, by using force on that girl, breached Article 37(a) of the Convention on the Rights of the Child (i.e. "[n]o child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment"); if it has assessed and the outcome is in the affirmative, whether the Police have reprimanded the police officer concerned; if the assessment outcome is in the negative, of the reasons for that; and

(ii) if that police officer's subduing by knocking down to the ground a suspect (especially a child) who has not taken any action that threatens other people's safety amounts to excessive force, and if this kind of force may be used only when a verbal order is unheeded; if it has assessed and the outcome is in the negative, of the reasons for that; and

(3) as it has been reported that police officers recently stopped and searched quite a number of reporters in a number of demonstrations, ticketed online media reporters for contravening the Prevention and Control of Disease (Prohibition on Group Gathering) Regulation (Cap. 599G), and even threatened reporters that they would no longer handle the latter in "such a gentle

manner" in future, whether it has assessed if police officers obstructing, from time to time, reporters' news covering has stemmed from their fear of their way of discharging duties being monitored by the media, which are regarded as the "fourth estate"; whether the Police will undertake to facilitate rather than hinder reporters' news covering in future?

Reply:

President,

According to section 10 of the Police Force Ordinance (Cap. 232), the Police have the statutory duty to adopt lawful measures to maintain public safety and public order, as well as safeguard people's life and property. The Police will, in light of the circumstances at the scene, make assessments and exercise professional judgment to take appropriate actions to ensure public safety and public order.

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

(1) On August 31, 2020, a large group of people assembled outside the Prince Edward MTR Station in the afternoon in response to online appeals. At dusk, a large group of people conducted an unlawful assembly and shouted in the vicinity of Mong Kok and Prince Edward. Some people even walked out to the roads and blocked them with miscellaneous objects. After issuing numerous warnings in vain, the Police conducted law enforcement operations and, at around 10pm on the same day, arrested a man for suspected disorderly conduct in public places at Argyle Street near Sai Yeung Choi Street South. When the Police were arresting the man, he and the woman with him once fell down. Upon finding out that the woman was pregnant, the Police immediately provided assistance to her and arranged for a female police officer to accompany the pregnant woman to the Kwong Wah Hospital for treatment, with a view to providing all appropriate assistance to ensure that she received proper treatment.

In view of the actual circumstances at the scene, the Police exercised professional judgment and took appropriate actions at the material time to ensure the safety of those at the scene and prevent the situation from further deteriorating. The Police have stringent guidelines on the use of force. Police officers may use minimum force as appropriate only when it is absolutely necessary and there are no other means to accomplish the lawful duty. Police officers will give warnings prior to the use of force as far as circumstances permit, and the person(s) being warned will be given every opportunity, where practicable, to obey police orders before force is used. Once the purpose of using force is achieved, the Police will cease to use force.

The Police do not maintain the figures requested in the question.

(2) (i) and (ii) On September 6 this year, some netizens called for the participation in an unauthorised procession in Kowloon on social media. On that afternoon, some people conducted an unlawful assembly and shouted in the

vicinity of Yau Ma Tei and Mong Kok, and even blocked the roads with miscellaneous objects in defiance of the law. Consequently, the Police took appropriate actions and conducted stop-and-searches. During the process, a young girl suddenly fled on foot. Her suspicious act made the police officers at the scene considered it necessary to stop her with the minimum force. Upon knowing that the girl was only 12 years old, police officers at the scene immediately arranged for a female police officer to comfort her and attend to her needs. The Police subsequently issued fixed penalty tickets to those assembled, including the girl, for contravening the Prevention and Control of Disease (Prohibition on Group Gathering) Regulation.

The Complaints Against Police Office has received a related complaint and is conducting investigation. The Police are concerned that some minors were taking part in prohibited group gatherings, and are also worried that being at the scene of chaotic illegal protests would endanger their personal safety. The Police strongly appeal to minors to stay away from high-risk protests.

(3) The freedom of the press in Hong Kong is guaranteed under the Basic Law. While media practitioners need to cover news, the Police have a statutory duty to adopt measures to maintain public order and safeguard public safety. On condition of not affecting police operations, the Police have all along been assisting in media reporting, so that both sides can perform their respective functions on the basis of mutual understanding and respect. The Police have also kept reminding reporters that they should pay attention to police instructions and maintain appropriate distance from the Police during operations so as to ensure the safety of both sides.

To further enhance the mutual understanding and respect between the Police and the media, the Police established the Force Media Liaison Cadre in December 2015. The major responsibilities of the Cadre include assisting the media with their work at the scene of reporting, communicating with the media and handling media-related matters. The Cadre was augmented to a strength of over 300 people in May this year, in an effort to allow the deployment of sufficient officers to facilitate the reporting work of journalists during major public order events.

Since the incidents related to the anti-extradition law amendment bill movement last year, there have been many violent public order events at various locations across the territory, with the presence of a large number of people wearing yellow vests or dressing like reporters at the scene. The Police have often encountered instances of people mixing among the crowds disguised as reporters, including instances of fake reporter identification being seized, self-proclaimed reporters being found to be not employed by the media organisation as claimed and people wearing outfits similar to those of reporters but admitting that they were not reporters and making excuses to leave when their reporter credentials were questioned. Their passing off as reporters has rendered the Police unable to perform their statutory duties effectively.

In the past, there were even self-proclaimed reporters charged for

committing illegal acts at the scene. Among them, two were charged with the offences of "entering or remaining in precincts of Chamber" and "rioting" for suspected violent storming of the Legislative Council Complex on July 1 last year, and the cases will be heard in the District Court on December 18 this year. Also, a person in a reflective jacket was suspected to have snatched a suspect from the Police in New Town Plaza, Sha Tin, on July 14 last year. He was eventually charged with the offence of "obstructing police officers" and the case will be heard in the Shatin Magistrates' Courts on November 12 this year.

To facilitate frontline police officers in identifying media practitioners undertaking normal reporting activities and thereby better assist reporters, the Police have revised the definition of "media representatives" and amended the media facilitation guidelines for frontline officers under the Police General Orders. Upon revision, the definition of "media representatives" has become more precise and clearer, enabling frontline police officers to identify "media representatives" more effectively and quickly, which will in turn help the Police make special reporting arrangements to them where feasible and on the condition of not affecting police operations or police work.