

LCQ21: Railway services during public order events and police enforcement actions in MTR premises

Following is a question by the Hon Gary Fan and a written reply by the Secretary for Transport and Housing, Mr Frank Chan Fan, in the Legislative Council today (November 6):

Question:

Since June 9 this year, a number of large-scale public meetings and processions (public events) relating to the "anti-extradition to China" movement have taken place in Hong Kong, with some of such events turning into confrontations between the Police and members of the public. Some police officers used force and arrested demonstrators within the precincts of the properties of the MTR Corporation Limited (MTRCL) and MTR stations. It is learnt that on many occasions before the commencement of public events, MTRCL closed a number of MTR stations situated in the vicinity of the places where public events were held, and suspended train services. MTRCL also deployed trains to transport police officers between different MTR stations for discharging duties. Moreover, on many occasions, MTRCL closed MTR stations and stopped train services during normal train service hours. In this connection, will the Government inform this Council:

(1) of the following details regarding police officers discharging duties within the precincts of MTR stations/MTRCL properties during public events since June 9 this year:

(i) the maximum level of force used by the police officers, and the number of times/quantity of each type of weapons (e.g. batons, pepper sprays, tear gas rounds, bean bag rounds, rubber bullets and firearms) used (with a tabulated breakdown by date of the public event), and
(ii) the number of persons arrested (with a tabulated breakdown by date of public event, age, gender, alleged offence and location of the arrest), and the number of persons injured (with a tabulated breakdown by date of the public event, age, gender and the location where the injury was sustained);

(2) whether it knows the following details regarding the closure of MTR stations/MTRCL properties during normal train service hours since June 9 this year (set out such information by date in a table):

(i) the closure hours,
(ii) the name of the MTR stations/properties,
(iii) the reasons for the closure, and
(iv) the government department(s) or organisation(s) that made the decision on the closure;

(3) whether it has assessed if MTRCL has contravened the requirement in section 9 of the Mass Transit Railway Ordinance (Cap. 556) (i.e. that MTRCL must maintain a proper and efficient service in accordance with Cap. 556 and

the operating agreement) by closing MTR stations/properties during normal train service hours which has caused travel inconvenience to a great number of members of the public; if it has assessed and the outcome is in the affirmative, whether it will ask MTRCL to make improvements; if the assessment outcome is in the negative, of the reasons for that;

(4) of the following details regarding police officers entering and exiting the MTR stations/MTRCL properties concerned for discharging duties during the closure hours of the MTR stations/properties mentioned in (2) (set out such information by date in a table):

- (i) entry and exit time,
- (ii) the name of the MTR stations/properties,
- (iii) the number of police officers,
- (iv) whether MTRCL deployed trains to transport police officers; if so, of the names of the departure and destination stations, and
- (v) details of the duties discharged by the police officers; and

(5) whether, during the closure hours of the MTR stations/MTRCL properties mentioned in (2), there were off-duty or plain-clothed police officers or police officers disguised as demonstrators discharging duties inside the MTR stations/properties concerned; if so, of the details?

Reply:

President,

The continuous large-scale public order events taking place since this June have had an unprecedented impact on the services of the Mass Transit Railway (MTR). MTR stations were often targeted for destruction in violent protests over recent months. Ticket machines, add-value machines, entry/exit gates, CCTV cameras, fire services installations, etc, were vandalised. Petrol bombs were hurled at and fires set to the stations and their entrances/exits, causing significant damage to MTR property and posing serious threat to the safety of MTR passengers, staff and other people on the scene.

As at October 29, among the 93 heavy rail and 68 light rail stations, a cumulative total of 85 heavy rail and 60 light rail stations were vandalised, involving numerous facilities such as entry/exit gates (about 1 600 times), ticket machines, Octopus add-value machines/enquiry processors and Customer Service Centre facilities (960 times), Octopus fare processors on light rail platforms (915 times), CCTV cameras (about 1 100 times), escalators (75 times), lifts (about 50 times), glass panels at station entrances/exits (about 1 060 times) and roller shutters of station entrances/exits (130 times). Frontline staff of the MTR Corporation Limited (MTRCL) also suffered from harassment and injuries, making it extremely difficult for the MTRCL to maintain safe and stable railway services.

Railway is the backbone of Hong Kong's public transport system and railway safety is of utmost importance. The Mass Transit Railway Ordinance (Cap. 556) stipulates that the MTRCL shall maintain a "proper and efficient" service at all times during the franchise period in accordance with the

Ordinance and the Operating Agreement. The latter was entered into in 2007 between the Government and the MTRCL to regulate the operation and safety management of the railway, including setting targets for MTR train service frequencies and the service levels of station facilities under normal daily circumstances. That said, in order for the MTRCL to provide railway service, the railway itself should first and foremost be able to operate safely. In response to recent acts of vandalism of station facilities which have disrupted normal train operation and threatened the safety of MTR staff and passengers, the MTRCL, as a responsible operator, must conduct comprehensive and thorough risk assessments in conjunction with government departments before the MTRCL can ascertain that train operation can continue safely. Thus, on the premise that railway safety should always be ensured, the Government considers that the MTRCL's decisions to make train service adjustments or even close certain stations obviously do not constitute a failure to discharge the responsibility of the MTRCL as stipulated in the Mass Transit Railway Ordinance.

To tie in with railway and community developments, the regular service hours for MTR railway lines and stations have been from approximately 5am to approximately 1am. However, from June this year onwards, it has become necessary for the MTRCL to temporarily close MTR stations or suspend train service in some cases in the light of public order events or incidents relating to law and order. The details are at Annex. The MTRCL and relevant government departments (including the Transport and Housing Bureau, Transport Department and Police Force) have closely monitored the situation of public order events and conducted risk assessment in order to implement appropriate measures to protect the safety of passengers, staff and the railway. In general, the major considerations are as below:

(i) In the light of the various large-scale public order events and uncooperative moments initiated by passengers since June, the MTRCL has adjusted its train service, and close some of the entrances/exits or the whole stations upon communication with government departments and in the interest of safety so as to maintain railway service as far as possible. Subsequently, from July to October, as mentioned earlier, stations and railway facilities were vandalised, fire was set to the stations and MTR staff and passengers were attacked and harassed, all these posing threat to staff, passengers and railway safety. In response to such sudden and emergency situations, the MTRCL must adjust its service within a short time (or even without prior notice), including bypassing certain stations, closing certain station entrances/exits or the whole station, suspending operation of the whole railway line when numerous stations were attacked, or even terminating service of the whole railway network early, in order to ensure the safety of passengers, staff and the railway;

(ii) In the light of the past public order events in the relevant districts, upon assessing the possible risk to MTR passenger, staff and station facilities, and after a comprehensive and thorough risk assessment by the MTRCL and government departments, the MTRCL has taken preventive measures, including temporary closure of certain stations, adjustment of train services, etc. Under these circumstances, the MTRCL has endeavoured to

announce the arrangements in advance so that passengers can prepare early for the trip;

(iii) As station facilities are gravely and continuously damaged, even though the MTRCL's maintenance teams have conducted repair works overnight, some of the stations and facilities are still yet to be repaired. Moreover, many railway parts need to be re-installed and tested upon manufactured and shipped to Hong Kong. If the facilities are damaged again, it will have a larger impact on station operations. Taking into account the actual condition of the railway system and upon conducting risk assessment, the MTRCL has decided to end service early (except Airport Express) since early October so as to allowing time for repair and reducing risks.

The above are some of the major considerations. However, as the scale of each public order event, the number of stations being attacked, the distribution, scope and condition of damages, the actual environment of the stations and that in the vicinity differ, coupled with sudden incidents occurred on site which create chaos, all these require immediate response and thus it cannot be generalised. That said, it should be emphasised that all the decisions of government departments and the MTRCL were made upon careful consideration, with the aim of ensuring the safety of passengers, staff and the railway. The MTRCL has made the best endeavour to provide services to the public under safe and practical condition. Government departments and the MTRCL will, in the interest of safety, continue to assess the risk of upcoming public order events, so as to adopt suitable operational arrangement for the public.

As for the housing estates and shopping malls managed by the MTRCL, the safety of their occupants, customers and staff members of the management offices has always been the prime concern. In the light of the recent public order events, many shopping malls and shops in the territory did not open for business on certain dates in the interest of safety. As quite some shops inside MTR shopping malls suffered from various degree of damages during public order events, having regard to the safety of customers, shop operators, staff and the public, as a matter of emergency and for safety reason, the MTRCL also decided that some of its shopping malls should close temporarily for certain hours or on certain dates. For instance, the Telford Plaza, Citylink, Elements and Maritime Square were temporarily closed on October 1, and they were again closed on October 5 and 6 along with PopCorn and Luk Yeung Galleria. During the course of large-scale public order events, the estate management offices concerned will maintain close communication with the owners' committees and occupants of the estates should there be any event taking place nearby.

Regarding the Police's enforcement actions taken within the precincts of MTR stations or MTRCL properties as raised by Member, having looked into the matter with the Security Bureau, my reply is as follows. It is the Police's statutory duty to maintain public safety and public order. When situations such as illegal road blockage, paralysed traffic, unlawful assemblies and violent charging of police cordon lines occur, such that public order and public safety are severely threatened, the Police will, upon making risk assessment, take appropriate actions to ensure public safety and public

order.

The Police have strict guidelines on the use of force. Police officers may use minimum force as appropriate only when such an action is absolutely necessary and there are no other means to accomplish the lawful duty. Police officers shall give warnings prior to the use of such force as far as circumstances permit, while the person(s) involved shall 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.

Under section 54 of the Police Force Ordinance (Cap. 232), if a police officer finds any person in any street or other public place who acts in a suspicious manner, or whom he reasonably suspects of having committed, being about to commit or intending to commit any offence, the police officer may stop the person and demand him to produce proof of his identity for inspection, and search him for anything that may present a danger to the police officer or that is likely to be of value to investigation when it is considered necessary. If a police officer reasonably suspects that any person is likely to commit an offence in a public place (including MTR premises), the Police have the power to search that person.

Having regard to the operational needs, the Police will deploy suitable manpower to take all practical and legitimate measures to prevent and detect crimes and to maintain public safety and public order. As regards to the enforcement work in railway areas, the Police have set up the Railway District to maintain railway network's safety and order. The Police do not maintain a breakdown of persons arrested in MTR stations and MTR premises. As the other information requested in the question involves operational deployments and details, it is therefore inappropriate to make them public or else the efficacy of Police operations may be undermined.