

LCQ6: Handling the aftermath of social disturbances

Following is a question by the Dr Hon Priscilla Leung and a reply by the Chief Secretary for Administration, Mr Matthew Cheung Kin-chung, in the Legislative Council today (November 13):

Question:

Since June this year, the controversies arising from the proposals to amend the law concerning surrender of fugitive offenders have eventually turned into social disturbances, resulting in a large number of demonstrators being arrested and quite a number of shops and public facilities being vandalised. The Chief Executive has indicated in her Policy Address delivered earlier on that she will later invite community leaders, experts and academics to conduct an in-depth and independent examination of the social conflicts in Hong Kong and the deep rooted problems that must be addressed (independent examination). In this connection, will the Government inform this Council:

(1) whether the independent examination will include drawing reference from the practices adopted by the Government of the United Kingdom (the UK) for dealing with the disturbances in 2011, and expeditiously establishing a committee to be responsible for inquiring into the causes and consequences of the social disturbances in Hong Kong, as well as identifying solutions to the social conflicts so revealed;

(2) whether it will consider allocating additional resources to the Judiciary, so that the courts may operate on a round-the-clock basis and, under the premise of conforming to procedural justice, expeditiously handle cases relating to the social disturbances; and

(3) whether it will consider, by drawing reference from the UK's Riot Compensation Act 2016, providing compensation by the Government to those individuals and organisations that have innocently suffered losses in the social disturbances?

Reply:

President,

Our reply to Dr Hon Priscilla Leung's question is as follows:

(1) and (3) The Chief Executive announced on September 4 four actions to help Hong Kong move forward. One of the actions is to invite community leaders, professionals and academics to independently examine and review society's deep-seated problems and to advise the Government on solutions. The Government is undertaking the necessary preparatory work. However, as there have been mass-scale violent confrontations recently and the level of force used by violent protestors has noticeably escalated, the prime task of the

Government now is to stop the violence. We will start work on the independent review panel on deep-seated conflicts as soon as practicable after the situation has stabilised somewhat.

The scope and methodology of the review by the independent panel will be determined by its members. It is, nonetheless, expected that the panel will make reference to the approach adopted by the UK Government in handling the riots in 2011. Through various means, including listening to the views of members of the public and making reference to the reports compiled by various institutions, experts and academics, the panel will examine the underlying causes of the social incidents in the past few months so as to stocktake and study the different deep-seated issues of society and recommend solutions.

In the meantime, the Independent Police Complaints Council (IPCC) has established a Special Task Force and an International Expert Panel to conduct a study on the major public order events (POEs) which took place in Hong Kong since June 9 and the corresponding operations of the Police, and will announce the progress of the study by phases. IPCC has stated that it would endeavour to submit the preliminary report of the study to the Chief Executive and publish the relevant details within the original timeframe (i.e. early 2020). We understand that the preliminary report would cover the incidents including those in Yuen Long on July 21, at MTR Prince Edward Station on August 31, and at the San Uk Ling Holding Centre. In this connection, IPCC has set up multiple channels for stakeholders (including media and members of the public) to provide information. The Government will closely monitor and carefully study IPCC's reports and its recommendations in order to decide on the follow-up action.

According to IPCC, as at November 7 this year, a total of 339 "Reportable Complaints" and 694 "Notifiable Complaints" stemming from major POEs had been received. The investigation work for each complaint is closely monitored by IPCC and its 120 Observers. As at October 4 this year, IPCC received more than 11 800 submissions containing more than 41 400 items of information.

Currently, Hong Kong does not have any legislation which is similar to the UK's Riot Compensation Act. We have no plan to introduce similar arrangements. Nevertheless, different types of insurance products are available in the market to enable businesses to manage the risk of operation-related matters according to their needs. If businesses have bought insurance for their shops, they should be able to have protection according to the terms and conditions of their policies as well as the actual circumstances. In addition, businesses may get support from Government schemes for assisting small-and-medium enterprises in various situations, such as guarantee for bank loans and funding for business developments. Separately, those individuals who are injured as a result of a crime of violence or law enforcement actions may consider if they are eligible under the Criminal and Law Enforcement Injuries Compensation Scheme to apply for compensation.

(2) As for the handling of cases by the Judiciary, the rule of law is the cornerstone of Hong Kong's prosperity and stability. To safeguard the rule of law and judicial independence, the Government has all along been according

priority to allocating resources as required by the Judiciary. During the past nine financial years (i.e. from 2011-12 to 2019-20), the Government has fully met the Judiciary's requests for funding and post creation in the context of allocating new resources. The Government will continue to provide sufficient resources and necessary support to the Judiciary to ensure its effective operation.

The actual time required for a criminal trial to take place from the case's first appearance at the Magistrates' Courts varies from case to case. It depends mainly on the time required for both the prosecution and the defence to prepare for trial, taking into account all relevant factors such as the complexity of the case, the number of defendants involved, the number of factual or expert witnesses involved, and the time needed for processing any duty lawyer or legal aid application. The time required is also affected by the anticipated length of the trial, the availability of counsel and the court's own availability.

In response to the upsurge in the number of court cases arising from recent social unrest, the Chief Justice has stated that the Judiciary will strive to deal with cases expeditiously and efficiently as far as practicable while at the same time ensuring that they are handled fairly and strictly in accordance with the law. In fact, in response to some recent cases where a large number of defendants were brought before the Magistrates' Courts, the courts have been exercising flexibility to continue with court hearings beyond the normal court hours until late evenings on a need basis.

The Chief Justice has also tasked the Court Leaders of various levels of courts to explore all possible means to achieve the objective of handling the cases as expeditiously as possible. As the operation of the judicial system requires the support of many other stakeholders, including the legal profession, the Department of Justice, law enforcement agencies, Correctional Services Department, Legal Aid Department and other organisations such as the Duty Lawyer Service, etc., any changes to the court and hearing arrangements may have an impact on them. The Judiciary will consult all relevant stakeholders closely in the process.