

## LCQ6: Police open fire incident on November 11

Following is a question by the Dr Hon Kwok Ka-ki and a reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (November 27):

Question:

It has been reported that on the 11th of this month, a traffic police officer, while clearing roadblocks, pulled out his service revolver and pointed it at the chest of a man several feet away. The two persons then drew close to each other and got into a scuffle. While grabbing that man in a headlock with his left arm, the traffic police officer pointed his service revolver at another unarmed, black-clad man walking toward him, and fired at him without giving a warning. The black-clad man was shot and fell to the ground. Without examining the injuries of the black-clad man who was lying face down on the ground and unresponsive, an anti-riot police officer, who subsequently arrived for reinforcement, used plastic strings to tie the left hand of that man, turned him over and pulled him up to sit on the ground. The man wounded with the gunshot was subsequently taken to the hospital for treatment and was in a critical condition at one time. In this connection, will the Government inform this Council:

(1) as Chapter 29 of the Police General Orders stipulates that the level of force to be used by police officers shall be minimal and reasonably required under the prevailing circumstances, whether it has studied if the shooting by the traffic police officer was in breach of the requirement, and whether it has assessed his psychological quality at the time of the incident to see if he was fit to perform duty;

(2) if there are guidelines stipulating that police officers must, when making an arrest, gain an understanding about whether an arrestee is injured and the degree of injuries he or she has sustained, as well as how to avoid exacerbating the injuries of an injured person during the arrest; if there are such guidelines, whether it has studied if the aforesaid way of handling by the anti-riot police officer was in breach of the guidelines; and

(3) given that the news organisation which videotaped the incident issued a statement criticising the Police for showing the relevant footage at a police press conference without obtaining its consent, and that the footage shown was incomplete, thus failing to let members of the public understand the whole story of the incident, whether the Police will apologise to the news organisation, and whether the Police has assessed the impact of such practice on its credibility?

Reply:

President,

It is the Police's statutory duty to maintain public safety and public order. When public order and public safety are severely threatened by situations such as illegal road blockage, paralysed traffic, unlawful assemblies and violent charging of police cordon lines, the Police must take appropriate actions to maintain law and order and safeguard public peace.

I must stress that if members of the public express their views in a peaceful, rational and lawful manner, the Police need not use any force. In fact, the serious violence and illegal acts have caused the death of an innocent citizen whose head was hit by a brick. Since June 9, this year till November 26, over 2 600 people were injured in large-scale public order events and attended public hospitals for treatment, including a victim who was seriously burnt by a rioter setting inflammable liquid on him. Among the injured persons, over 470 were police officers whose injuries included cuts, burnt by corrosive liquid, bone fracture, serious burns, injuries by being hit by an arrow, etc.

The Police have stringent rules and guidelines on the use of firearms. Generally speaking, police officers may use firearms to protect anyone, including themselves, from the threat of death or serious injury. Besides, police officers will give verbal warnings prior to the use of firearms as far as circumstances permit and, where practicable, give the person(s) being warned every opportunity to obey police orders before using firearms.

Every police officer, whether newly recruited or serving, has to go through rigorous training on the use of force in order to fully understand different legitimate uses of force in a safe and effective manner, in order to achieve the relevant purpose.

Starting from around 6.30am on November 11, rioters set roadblocks with sundries at multiple locations in Hong Kong, wilfully blocking roads and seriously obstructing traffic, including in Cross Harbour Tunnel at Hung Hom towards Hong Kong Island, Tate's Cairn Tunnel towards Diamond Hill and Tuen Mun Road towards Kowloon. That day was a Monday. The illegal acts of the rioters severely affected the public's daily lives, given that many citizens have to go to work or school during rush hours in particular.

With regard to the police open fire incident that occurred in the Eastern District on Hong Kong Island on November 11, the Police's investigation is actively going on. As it involves criminal cases and possible litigation, it is inappropriate for me to comment in detail. Therefore, whilst answering the Member's question as far as possible, I can only cite information made public by the Police, and adhere to the principle of not affecting the relevant investigation and judicial proceedings.

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

(1) At about 7.20am on November 11, a police open fire incident happened in the Eastern District on Hong Kong Island. At that time, when officers from

Traffic Hong Kong Island drove police vehicles past the junction of Shau Kei Wan Road and Tai On Street, they came across illegal roadblocks and thus got off to clear the obstacles. Officers from the Traffic Branch were not anti-riot police and did not have full protective gear. At that time, some people at the scene approached the police officer, and got into a fierce scuffle with him, during which a person tried to touch his service revolver. Taking into account the immense danger posed to the public if his service revolver was snatched and that his life was threatened, the traffic police officer fired a shot which hit a male.

Other people did not stop thereafter and continued to come up to scuffle with the officer and attack him. As the threat had not been resolved, the officer fired two subsequent shots but hit no one.

At the scene, the Police arrested a male for the alleged offence of "attempted robbery of firearms", and another male for the alleged offences of "attempted robbery of firearms", "assisting offenders", "possessing an instrument fit for an unlawful purpose" and "unlawful assembly". Investigation of the case is actively on-going.

I must point out that snatching firearms is a serious criminal offence with very dangerous consequences. Should a revolver fall on the hands of criminals, deaths and injuries may be caused and the consequence is unimaginable. Upon preliminary investigation, the Police consider that, in view of the pressing situation at the time, the open fire was lawful and reasonable.

The case has been passed to the Regional Crime Unit of Hong Kong Island for investigation. The officer has received the Post Shooting Mandatory Interview Service offered by the Psychological Services Group of the Force according to the usual Police's procedures and guidelines.

(2) Arrested persons have the right to receive treatment and the Police have a duty to make arrangements. According to the Police's guidelines, if an arrested person is injured at the scene of crime or during arrest, that person will be sent directly to the hospital. Most police officers have received first aid and basic medical training and are able to provide preliminary treatment for injured persons before ambulance personnel arrive at the scene. In handling injured arrestees, the Police must also consider the safety and security of arrestees.

After the shooting incident, members of the Police Tactical Unit were summoned to the scene as reinforcement, and bound the arrestee with plastic strings on arrival. Having found the arrestee suffered a gunshot, the officer immediately stopped the action and provided preliminary treatment for the patient before ambulance personnel arrived at the scene.

(3) The Police have been committed to providing timely information and assistance to facilitate media reporting by media groups. When disseminating information, while taking into account the general restrictions, the Police will also consider the severity of the incident and the public's right to

know so as to strike a balance in the overriding public interest.

Having regard to the public concern over the police shooting took place on that day and the various queries on the incident circulating on the Internet, the Police played a video footage showing the incident at the press conference held on the afternoon of the same day. The related video footage has never been altered by the Police, and the purpose was to clearly explain to the public what happened at that time as early as possible.

Thank you President.