

LCQ7: Special constable, temporary police officer and Essential Services Corp

Following is a question by the Hon Jeremy Tam and a written reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (November 13):

Question:

Under section 40 of the Public Order Ordinance (Cap 245), the Chief Executive (CE) may authorise the Commissioner of Police (CP) to appoint any person to act as a special constable; under section 24 of the Police Force Ordinance (Cap 232), CP may employ any person to serve temporarily as a police officer; under section 18 of the Essential Services Corps (General) Regulations (Cap 197A), CE may call out members of the Essential Services Corps (Corps members) for active service. These three types of officers, when discharging police duties, enjoy the same powers, protection and immunities as police officers do, and must comply with all orders given by CP. It is not required under the aforesaid legislation that the relevant appointment, employment or call-out procedure must be conducted openly. In this connection, will the Government inform this Council, since July 1, 1997:

(1) whether CP has appointed or employed any person as a special constable or temporary police officer, and whether CE has called out any Corps member for active service; if so, (i) whether such persons, when or prior to being appointed, employed or called out, were members of the Mainland public security authorities, the Ministry of State Security, the People's Armed Police Force, the Chinese People's Liberation Army or other Mainland law enforcement authorities, and (ii) of the reasons for CP or CE to make such appointments, employment and call-out, and among such officers, the number of those who are still in service at present, as well as their responsibilities and duties, and the respective commencement and end dates of their tenure;

(2) whether special constables, temporary police officers and Corps members, when discharging police duties, are bound by the Police Force Ordinance and the Police General Orders; and

(3) whether CP has, through other means, appointed, employed or recruited any member of the Mainland law enforcement authorities to assist the Police in taking law enforcement actions in Hong Kong?

Reply:

President,

My consolidated reply to Hon Jeremy Tam's questions is as follows:

Under section 40 of the Public Order Ordinance (POO) (Cap 245), the Chief Executive may by order authorise the Commissioner of Police to appoint in writing special constables for such period as may be specified in such order by the Chief Executive. A person appointed under POO as a special constable shall, when acting as such, have the same duties, powers, protection and immunities as are imposed or conferred by the laws of Hong Kong on a police officer.

Besides, the Commissioner of Police may employ temporary police officers under section 24 of the Police Force Ordinance (Cap 232). A temporary police officer shall serve under the same conditions of service as an auxiliary officer of equivalent rank, and shall have and may exercise the powers and privileges of such rank and be liable to the provisions of discipline for such rank while so serving.

Under section 4 of the Essential Services Corps Ordinance (Cap 197), the Chief Executive may raise and maintain a body of persons to be known as the Essential Services Corps to assist in the maintenance or the performance of 24 essential services as specified in that ordinance. Such services include the administration of government, the administration, management and control of prisons, the maintenance of the firefighting services, etc.

The Government of the Special Administrative Region (SAR) did not invoke the aforesaid ordinances to appoint any special constables, employ any temporary police officers or raise any Essential Services Corps for assisting the Police in handling public order events in the past five months or so. At the same time, the SAR Government has not sought assistance from the People's Liberation Army to handle the conflicts in recent months. Neither has the Government appointed, employed, mobilised or recruited any members of the Mainland law enforcement agencies to serve as special constables, temporary police officers or members of Essential Services Corps.

Since early June this year, there have been over 700 protests, processions and public assemblies in Hong Kong, many of which evolved into violent illegal acts. In the past five months or so, violent protesters engaged in illegal blocking of roads, paralysing the traffic, hurling petrol bombs and setting fires at various locations, throwing bricks, assaulting others with different views wantonly, deliberately assaulting police officers, storming and burning shops, MTR and Light Rail facilities and traffic lights etc., posing a serious threat to personal safety, public order and public safety. Police have the statutory duty to take actions, and will deploy manpower as necessary to maintain law and order and public peace, as well as to stop violence and curb disorder.

At present, stopping violence and curbing disorder in full force is the most important task of the SAR Government. Over the past few months, different bureaux and departments of the SAR Government have been proactively participating in and complementing the Police's work in stopping violence and curbing disorder under their respective purview.

The ongoing riots over the past few months, with their massive scale, simultaneous occurrence in various districts and grave severity of violence, make it necessary to strengthen the support for Police's frontline officers. Currently, the SAR Government is actively considering different initiatives to enhance the manpower of and support for the Police. The short-term initiatives include increasing manpower and attracting retired police officers to continue serving in the Police Force through the Post-retirement Service Contract Scheme of the civil service. Furthermore, the SAR Government is considering other possible measures to strengthen Police's manpower and strength, for example, actively considering the details of the appointment mechanism under section 40 of P00 to arrange appropriate officers of other law enforcement agencies to share part of and participate in Police's work.