

LCQ8: Police take appropriate actions to ensure public safety and order

Following is a question by the Hon Alvin Yeung and a written reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (October 30):

Question:

It has been reported that on June 9 this year, over a million members of the public participated in a procession to protest against the Government's proposed legislative amendments concerning the surrender of fugitive offenders. After the end of the procession at night and up till the small hours of the following morning, some demonstrators who had stayed behind to continue to protest in the vicinity of the Legislative Council Complex had physical confrontations with police officers. Police officers used Oleoresin Capsicum (OC) foam (commonly known as pepper spray) against the demonstrators, hit them with batons, and arrested 19 young persons aged between 19 and 34. In this connection, will the Government inform this Council:

(1) of the number of persons arrested, broken down by (i) the age group to which they belonged (as shown in Table 1) and their gender, and (ii) the offence that they were alleged to have committed and the location of arrest (to be set out in Table 1 and Table 2 respectively);

Table 1

Age group (years old)	Gender	Number of persons
19 to 20	Male	
	Female	
21 to 22	Male	
	Female	
23 to 25	Male	
	Female	
26 to 30	Male	
	Female	
31 to 34	Male	
	Female	

Table 2

		Location of arrest		
Alleged offence				

(2) as it has been reported that in the small hours on June 10 this year, the names and identity card numbers of a number of demonstrators, who were besieged or pursued by police officers, were recorded, of the number of those demonstrators, with a breakdown by (i) the age group to which they belonged and (ii) their gender (to be set out in Table 3);

Table 3

Age group (years old)	Gender	Number of persons
Under 16	Male	
	Female	
16 to 18	Male	
	Female	
19 to 25	Male	
	Female	
26 to 40	Male	
	Female	
41 to 65	Male	
	Female	
Above 65	Male	
	Female	

(3) of the respective quantities of (i) OC spray, (ii) OC jet pack solution and (iii) spray or solution of similar nature, used by the Police during the aforesaid incident;

(4) of the objective criteria or guidelines adopted by the Police for determining if there is a need to use pepper spray;

(5) as the Hong Kong Police Force Procedures Manual provides that when a person has been hit with batons, the Formation Commander or officer-in-charge of the Formation concerned is required to submit afterwards an initial report to the Major Formation Commander with a copy of the report forwarded to the Assistant Commissioner of Police (Support), of the number of initial reports concerning the aforesaid incident received by the Police so far; whether the Police will make public such reports;

(6) of the following details of each case in the reports mentioned in (5): (i) the names of the officers using batons, (ii) their ranks, (iii) the injuries suffered by the persons being hit, (iv) the number of hits, and (v) the areas of hits (set out in Table 4); and

Table 4

(i)	(ii)	(iii)	(iv)	(v)	Other remarks

(7) whether it will make public the latest versions of the Police General Orders and the Hong Kong Police Force Procedures Manual in their entirety, according to chapters and annexes, to facilitate public understanding of the law enforcement standards adopted by the Police; if so, please provide the latest versions of the Orders and the Manual (together with annexes); if not, of the reasons for that?

Reply:

President,

Members of the public have the rights to assembly, procession and expression, but when exercising these rights, they must abide by the law and do so in a peaceful and orderly manner. When situations severely threatening public order and public safety occur, such as illegal road blockage, paralysed traffic, unlawful assemblies and violent charging of police cordon lines, etc., the Police, upon exercising risk assessment, will definitely take appropriate actions to ensure public safety and public order.

Despite the large turnout, the procession held on Hong Kong Island on June 9 proceeded in a peaceful and orderly manner on the whole. However, after the above procession ended in the evening, at around the small hours of June 10, large crowds of protesters unlawfully assembled and committed various illegal acts in the vicinity of the demonstration area of the Legislative Council (LegCo) Complex, Legislative Council Road, Tim Mei Avenue, Harcourt Road and Lung Wui Road. Some protesters vandalised the barrier gate of the LegCo carpark, dismantled the mills barriers in the demonstration area of the LegCo Complex, damaged public properties and blocked major roads nearby. Some hurled objects at police officers and attempted to violently charge the police cordon line with dismantled mills barriers and snatch suspects already apprehended by the Police, etc.

The Police issued repeated warnings but in vain. They therefore, in light of the overall circumstances and actual needs at the scene, decided to use the minimum force required to disperse the crowd and control the situation. The officers used equipment such as pepper spray and batons in the operation to disperse the crowd and stop the charging.

In the operation that night, a total of eight police officers were

injured. One of them who fell on the ground after being kicked by protesters sustained serious head and eye injuries and is still on sick leave.

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

(1) and (2) As at October 17, the Police have, in relation to abovementioned incident on June 9, arrested a total of 32 people, including 30 males and two females aged from 18 to 41, for offences including unlawful assembly, assaulting police officer, obstructing police officer in the execution of duties, etc.

(3) to (6) The Police have stringent guidelines on the use of force. Police officers may use minimum force only when such an action is necessary and there are no other means to accomplish the lawful duty. Police officers shall, where circumstances permit, give warnings prior to the use of force, and give the person(s) involved every opportunity, whenever practicable, to obey police orders before force is used. Once the purpose of using force is achieved, the Police will cease to use force.

Pepper spray or tear spray is one of the forces to be used by the Police, the aim of which is to stop the charging or violent acts of those who charge police cordon line at the front or those with violent acts as soon as possible. Baton is another option for the Police's use of force. All frontline officers equipped with pepper spray, tear spray and baton are required to undergo appropriate training. Police officers have to ensure the use of force complies with the principle of using minimum force.

In the four months between early June and early October, there were over 400 demonstrations, processions and assemblies arising from the amendments to the Fugitive Offenders Ordinance in Hong Kong, during which the frequency of the violent scenes and the mobilisation of police officers were different from the ordinary or isolated use of force incident. During such scenes of chaos and extreme violence, the Police will give an account on the use of pepper spray, tear spray and baton to the public on an incident basis.

In the incident on June 9, in view of the numerous violent clashes and large crowds of violent persons, police officers used pepper spray, tear spray or baton to stop such unlawful and violent acts. For the circumstances of that day, the Police have consolidated records on incidents involving the use of pepper spray and baton at the Central Government Offices and its vicinity (including the LegCo demonstration area and Harcourt Road) from that evening to the small hours of the following day, and have received related reports on the use of force.

The Police reiterate that they and the protesters are not on opposing sides. If members of the public could conduct public order events in a peaceful, lawful and orderly manner, there would be no need for the Police to use any force.

(7) The Police have already uploaded part of the Police General Orders to the public webpage of the Police for public browsing. As for other orders or

guidelines which are not made public, including the Force Procedures Manual, making them public may undermine the effective operation of the Police and their crime prevention and detection work.