

**For Information
on 30 October 2007**

Legislative Council Panel on Security

**Review Report on the
Use of Handguns in Hong Kong Police Force**

PURPOSE

This paper reports on the outcome of a review conducted by the Police on matters relating to an incident on 9 February 2007 in which a police officer's handgun was dislodged from his holster and fell to the ground. It also reports on the handling of a complaint lodged with the Complaints Against Police Office (CAPO) after the incident.

BACKGROUND

2. On 9 February 2007, the Chief Executive (CE) attended a CE election campaign meeting at Yaumati. On the arrival of the CE's convoy, some protestors broke through the police cordon and ran towards the CE, who had just alighted from his vehicle. The Chief Executive's Personal Security Officer (CEPSO) immediately ran forward to intercept the protestors and a scuffle ensued between the protestors and the police, during which the pistol of the CEPSO that was placed in a holster secured to his waist on the right-hand side dropped onto the ground. The floor plate of the magazine broke open and the spring holder was damaged. As a result, the magazine spring and several rounds of ammunition came out of the magazine. Other police officers at the scene immediately helped to recover the pistol and its ammunition. There was no accidental discharge of the handgun. The protestors were brought under control and the CE continued with his itinerary.

3. After the incident, the Police initiated a review on the incident and related matters.

4. On 14 February 2007, an individual who was at the scene of the incident lodged a complaint to the CAPO of the Force against the CEPSO and other police officers who were deployed at the scene.

5. At the request of the Legislative Council (LegCo) Panel on Security (the Panel), representatives of the Security Bureau and the Police attended a meeting of the Panel on 3 April 2007 to brief members on the general facts of the incident as well as the overall policy on the handling of handguns by police officers, with particular reference to the security and safety aspects. We agreed to revert to the Panel on the outcome of the review that the Police had embarked on regarding the incident and related matters when it was completed.

REVIEW OF THE INCIDENT AND USE OF HANDGUNS

Police Response at the Scene

6. When the CE alighted from his vehicle, a number of protestors broke through the police cordon line and ran towards the CE. On seeing this, the CEPSO considered that the rapid approach of the protestors posed an immediate security risk to the CE, despite the presence of Police Tactical Unit officers deployed at the Designated Public Activity Area nearby. Since a CEPSO's primary responsibility is to ensure that CE is not placed under any situation where his personal safety may be at risk, and to prevent the slightest possibility of such occurrence, it was incumbent on the CEPSO to take swift and proactive action to offer protection to the CE by immediately running forward, extending his arms to intercept the protestors and preventing them from getting unnecessarily close to CE. Based on the facts above, the review concluded that the CEPSO's decision and response to intercept the protestors were justified under the circumstances.

7. The review also looked into the dropping of the pistol and examined the holster which was carried by the CEPSO at the time. The holster was found to be in good working condition. Based on enquiries with the unit concerned, the Police came to the view that during the melee the CEPSO was pushed leading to a straight upward force to the butt of the pistol, thus resulting in it being dislodged from the holster. The Police confirmed that the CEPSO had not attempted to draw his handgun at the scene.

Review of Pistol and Holsters Used by CEPSOs

8. The firearm carried by the CEPSO on the day of incident was a pistol. It has three built-in safety mechanisms to prevent unintentional discharge, if accidentally dropped. The features are the trigger safety, firing pin (striker) safety and drop safety. For the trigger safety, there is a small hinged part of the trigger, centred on the middle of the trigger, which must be

drawn before the complete trigger can be squeezed. For the firing pin (striker) safety, it is a mechanism which locks the firing pin and prevents it from hitting the ammunition primer cap. It will only be released when the trigger is drawn to its rearmost position. In respect of the drop safety, there is a safety ramp in place to prevent an accidental discharge if the pistol is dropped. The safety ramp will only unlock when the trigger is pulled backward to its rearmost position.

9. The holster used by the CESPO is made of a thin layer of a lightweight, thermoplastic material, with an adjustable retention screw for a secure fit of the weapon it holds. It is a moulded unit with a built-in retaining mechanism to hold a pistol firmly in place without the need for a retaining strap. The design of this holster allows quick deployment of the pistol. Police officers who are specially trained use this model of holster for reasons of operational necessity. The same model is commonly used by officers in overseas agencies who are engaged in personal protection duties as it facilitates quick deployment of handguns and is easily concealed.

10. Subsequent to the incident, the Force immediately looked into the dislodgement of the pistol from the holster. While the holster in question was found to be safe and secure during various tests under different circumstances, one test showed that the pistol might come out of the holster if it was subjected to very strong pressure applied at a certain angle. To address this issue, the Police have sourced and tested a new model of holster, which performed satisfactorily under the same testing conditions. The new model features a locking mechanism that will enhance security without compromising operational efficiency. The new model of holsters have been delivered to the Force and deployed for use since mid-October 2007.

11. The Police Force also looked into the ancillary issue of safety relating to the fall-out of the magazine spring and the ammunition of the model of pistol in question. If a magazine was dropped from height and was damaged, as in this case, it is possible that the floor plate could dislodge and the magazine spring as well as the ammunition housed in the magazine could spill out. However, this scenario should pose no hazard to others.

Review of Guidelines and Training Programmes

12. Currently, guidelines on the handling of handguns are provided to frontline officers. They provide guidance on various important aspects in the use of handguns, including the main principles governing the use of force; the precautionary measures and proper tactics to ensure the safety of the

officers themselves, other officers and members of the public; the proper handling of handguns to avoid accidental discharge, misfire, cross-fire; and weapon retention tactics. The training programmes for all new police recruits also cover the various areas mentioned above. Regular refresher courses are available to enhance officers' understanding and knowledge in this regard.

13. Following the incident, the Police have reviewed the above guidelines and training programmes to see if they adequately equip frontline officers for the effective discharge of their duties. Taking into account the breadth and depth of the information already available to frontline staff, the Police consider that there are comprehensive and well-established orders and instructions on the carriage, handling, drawing, safe retention and tactical use of handguns for reference by police officers in discharging their day-to-day operational duties. The refresher programmes are particularly useful in refreshing officers' understanding and updating their knowledge on these matters. The Police Force considers the guidelines and training programmes adequate for their intended purposes.

Reviews of Other Holsters Used in the Force

14. Apart from the model of holster used by the CEPSO in the incident, the Force also examined representative models of holsters issued to Force members¹. Based on the operational situations that police officers usually come across in their day-to-day duties and where the restraint mechanism of the holsters may be compromised, ten separate practical scenarios were designed to test the weapon retention features of these holsters. The seven scenarios relating to the land situations were –

- (a) scuffling with a crowd;
- (b) being pushed by a crowd from behind;
- (c) running;
- (d) getting over an obstacle;

¹ Only holsters approved by the Force can be used by officers. Given the different nature of the duties of various Force units, several types of holster are currently used within the Force. The type of holster used seeks to strike the right balance between a high safety standard in terms of their effectiveness in securely holding a weapon, against the ease of drawing the weapon and its concealment so that ideally none of these features will be compromised.

- (e) physical contact with a suspect who puts up a fierce struggle;
- (f) sitting and moving inside a vehicle; and
- (g) the handgun being caught by an object during an abrupt movement.

15. Five land-based units, whose duties cover a comprehensive spectrum of police work, were selected to participate in the tests for each of the above seven scenarios. They were –

- (a) Regional Crime Unit Hong Kong Island;
- (b) Organised Crime and Triad Bureau;
- (c) Emergency Unit Hong Kong Island;
- (d) Police Tactical Unit (Kowloon West); and
- (e) Airport Security Unit.

16. As for the Marine Region, based on the usual operational situations which Marine sea-going officers may encounter during the discharge of their day-to-day duties, three other scenarios were designed to be tested by Marine sea-going officers on board police vessels, with the flap and retaining strap of the holster either opened or closed, as follows –

- (a) leaning against an object on the deck whereby the revolver butt is caught by a railing;
- (b) walking along a cat ladder whereby the revolver butt is caught against a railing; and
- (c) climbing up from a dinghy to the police vessel whereby the revolver butt is entangled by a mooring rope.

17. The holster models tested are Force standard issue with a retaining strap feature. The tests conducted confirm that when the retaining straps are properly fastened, handguns in those scenarios will not be dislodged and will be held firmly and securely in these holsters.

COMPLAINT AGAINST POLICE

18. As mentioned in paragraph 4 above, an individual who was at the scene of the incident lodged a complaint to the CAPO against the CEPSO and other police officers who were deployed at the scene. The complaint involved the following allegations –

- (a) Unnecessary Use of Authority
The CEPSO abused his authority to intercept the protestors who had dashed through the police cordon.
- (b) Neglect of Duty
The CEPSO failed to secure his pistol causing it to drop on the ground with its muzzle pointing at the complainant and that scared the complainant.
- (c) Neglect of Duty
An officer of the Yau Ma Tei Division initially promised to arrange the complainant's group to present a petition letter to the CE but the officer failed to do so eventually.
- (d) Misconduct
A male Police Tactical Unit officer at the scene used his right elbow to bump against the left breast of a female protestor.

The Independent Police Complaint Council (IPCC) and CAPO discussed the case at their Joint Meeting on 20 September 2007.

19. Allegations (a) and (d) were classified as non-reportable complaints as the complainant was not an aggrieved party. This was agreeable to IPCC. After investigation, CAPO determined that allegation (a) was a case of “no fault” as it was the CEPSO's duty to offer protection to the CE and there was no unnecessary use of authority. For allegation (d), CAPO concluded that it was “unsubstantiated” as there was no corroborative evidence to support the allegation.

20. For the two allegations on “neglect of duty” (allegations (b) and (c)), CAPO concluded after investigations that they were “unsubstantiated” : for allegation (b), the available evidence suggested that the dropping of the pistol was purely an accident arising from the scuffle, and there was insufficient evidence to prove that the CEPSO was negligent in wearing the pistol; for allegation (c), there was no corroborative evidence to support the allegation. After discussion with CAPO at their Joint Meeting on 20 September, IPCC

endorsed CAPO's findings with the following two recommendations –

- (a) Police officers should be reminded that when setting the retention tension of their holsters, they should strike a balance between their personal preference / operational need and the safety of the public; and
- (b) better communications should be made with the protestors regarding the arrangement of presenting petition letters to senior government officials in similar situations in future.

The Police accept the recommendations of the Council, and will follow up accordingly.

WAY FORWARD

21. The Force will keep various matters relating to the handling of guns under regular review so as to enhance the safety standards and operational efficiency of the Force while at the same time ensuring the safety of officers and members of the public.

**Hong Kong Police Force
October 2007**