

(Translation)

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香港特別行政區政府  
保安局



The Government of the  
Hong Kong Special Administrative Region  
Security Bureau

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Miss Betty MA  
Clerk to Panel on Security of the Legislative Council  
Legislative Council Complex  
1 Legislative Council Road  
Central, Hong Kong

Dear Miss MA,

**Panel on Security**  
**Joint letter from Hon Dennis KWOK and Hon Alvin YEUNG**

**Requesting the Security Bureau to provide information**  
**on various protests in June 2019**

Thank you for your letter dated 26 June 2019. I am authorised to reply as follows.

**Police's use of force**

It is the Police's statutory duty to maintain public safety and public order. When situation such as illegal road blockage, paralysed traffic, unlawful assemblies and violent charging of police cordon lines occurs, such that public order and public safety are severely threatened, the Police will, upon making risk assessment, take appropriate actions to ensure public safety and public order.

The Police have strict guidelines on the use of force. Police officers may use minimum force as appropriate only when such an action is absolutely necessary and there are no other means to accomplish the lawful duty. Police officers shall give warnings prior to the use of such force as far as circumstances permit, while the person(s) involved shall be given every opportunity, where practicable, to obey police orders before force is used.

### **Police operation on 12 June**

At about 8 am on 12 June, a large number of violent protesters in mask and protective gear rushed out to Lung Wo Road, Tim Mei Avenue, Queensway and Harcourt Road in an organised manner. They occupied the roads, severely obstructed the traffic and disrupted social order. Some of them even did threatening and provocative acts. As police cars and private vehicles were trapped in a tunnel at Lung Wo Road, Police Negotiators had to be deployed to negotiate with protesters. As a result, some police officers and citizens were forced to stay in their cars for nearly eight hours, with their personal freedom severely impeded. The illegal disruption and blockage extensively paralysed the traffic in the vicinity of Lung Wo Road and Harcourt Road. Notwithstanding this, the Police had acted with tolerance.

At around 3 pm, the situation at the Legislative Council (“LegCo”) Complex further deteriorated. A large group of extremely violent mob repeatedly charged the police cordon line with such weapons as bricks, metal poles, mills barriers and wooden planks. Such violent charging posed serious threats not only to the personal safety of people at the scene (including other citizens, media workers and police officers on duty), but also public safety and order. Having assessed the prevailing circumstances, the Police withdrew the cordon line at the LegCo Complex to the demonstration area at its entrance to continue to protect the complex and the staff concerned.

Having issued repeated advice and warnings in vain, the commander at the scene, in light of the actual circumstances, the overall situation and operational needs, and, without other choices, decided to use

minimum force accordingly to disperse the crowd and control the situation in order to prevent public safety and public order from being further jeopardised, as well as to protect the safety of others and police officers.

In the operation on 12 June, the Police used 240 canisters of tear gas, 19 shots of rubber bullets, three shots of bean bag rounds and 30 shots of sponge rounds.

### **Production of warrant cards and identification of police officers**

According to the Police General Orders, officers in plain-clothes, when dealing with members of the public and exercising their police powers, shall identify themselves and produce their warrant cards. Uniformed police officers should produce their warrant cards upon request by members of the public unless circumstances do not allow; or to do so would prejudice the police action and/or safety of the officers concerned; or the request is unreasonable.

Regarding the concerns of some members of the public that they will not be able to identify the targets of complaint without the officer's unique identification number, the Complaints Against Police Office ("CAPO") will, upon receipt of a complaint, assist investigators in identifying the police officer under complaint by looking into various aspects, such as the time and location of the incident and the relevant records.

As for the issues about the uniform of the Special Tactical Contingent, we are aware that some members of the public have on 24 and 25 June 2019 respectively filed applications for leave to apply for judicial review with respect to the concerned issues. As such, it would be inappropriate for us to comment at this stage.

### **Stop and search**

Under section 54 of the Police Force Ordinance (Cap. 232), if a police officer finds any person in any street or other public place who acts in a suspicious manner, or whom he reasonably suspects of having committed, being about to commit or intending to commit any offence, the

police officer is empowered to stop the person for the purpose of demanding that the person produce proof of identity for inspection. Under section 17C of the Immigration Ordinance (Cap. 115), a police officer is also empowered to require members of the public to produce proof of identity for inspection. Furthermore, a police officer is empowered by individual laws such as Public Order Ordinance, Dangerous Drugs Ordinance, Weapons Ordinance and Firearms and Ammunition Ordinance to stop and search. Through such actions, the Police will be able to discharge their statutory functions more effectively, particularly in such areas as the prevention and detection of crimes and unlawful acts, as well as the prevention of injury to life and property.

When conducting stop and question or stop and search, police officers will first identify themselves to the person(s) stopped and, without prejudicing operational efficiency, explain the reasons for stopping the person(s) in question. Any search on the person stopped, if deemed necessary, will be carried out by police officers of the same sex. Police officers will also inform the person(s) of the reasons for and the scope of such a search before it is conducted. Personal data obtained during stop, question and search operations will be properly handled by the Police in strict compliance with the Personal Data (Privacy) Ordinance (Cap. 486). All along, the Police have ensured that all stop, question and search operations are entirely lawful, necessary and appropriately conducted.

In the evening of 11 June, given that a large-scale public meeting was held in the vicinity of Admiralty where a large group of people gathered, and that the Police seized dangerous items such as scissors, cutters, multi-purpose knives, blades and lighters at the unlawful assembly near the LegCo Complex on the day before (i.e. in the small hours of 10 June), the public meeting held from the night of 11 June to 12 June was assessed to have a relatively high security risk. It was the Police's duty to take appropriate actions to safeguard public order and safety, including stopping, questioning or searching suspicious person(s). The Police do not keep the figures relating to the actions taken on that night.

The Police do not target at individuals during video-recording. Only if a breach of the peace or public order is likely to occur, or has occurred, or if there are persons suspected of committing criminal offences,

will the behaviour of such persons suspected of causing a breach of the peace or of committing criminal offences as well as the course of the incident become the subject of video-filming by police officers.

### **Handling of relevant complaints**

The complaints against police mechanism is a two-tier statutory structure which has been working effectively. The first tier of the mechanism is the CAPO which receives and investigates complaints. The second tier is the Independent Police Complaints Council (“IPCC”) which is a statutory body. The two-tier complaints system operates effectively under the Independent Police Complaints Council Ordinance (Cap. 604) with a clear legal basis to ensure that every complaint against the Police will be handled in a fair and just manner.

IPCC has decided to study the major public order events that took place since 9 June and the corresponding actions taken by the Police. Progress of the examination work will be made public by phases. IPCC will strive to publish the first phase report covering the major public order events that took place between 9 June and 2 July within six months as far as practicable. It will also submit a report to the Chief Executive and make public the details. IPCC has already set up a special task force and opened several channels, including electronic platforms and telephone hotlines, for stakeholders and members of the public to provide information, thereby building up a comprehensive background and basis for the examination of complaints in the future. IPCC has also set up an International Expert Panel which will offer international experience and advice to help IPCC in examining the work and procedures of the Police in relation to the recent major public order events in Hong Kong. The Government attaches great importance to the examination work of IPCC and will carefully study and follow up the recommendations made in its future reports.

Besides, CAPO has set up a dedicated team to handle relevant complaints. To ensure proper handling of such complaints, the staff were not involved in any duties in the public order events concerned.

As at 5 September, CAPO has received 555 complaints associated with the public order events concerned.

Yours sincerely,

( Joceline CHIU )  
for Secretary for Security

c.c.

Commissioner of Police  
(Attn: Ms LAM Hiu Tong, Rebecca)

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