

For Information
on 8 April 2014

Legislative Council Panel on Security
Police's Handling of Abusive Behaviour by Members of the Public

Introduction

This paper provides information on Police's handling of abusive behaviour by members of the public.

Background

2. Police officers have been discharging their duties in accordance with the law in a professional manner to safeguard the life and property of the public, uphold the rule of law and maintain public safety and order in Hong Kong. They should be respected by members of the public.

3. In the course of their duties, police officers may encounter individuals acting in an abusive, rude or uncooperative manner in an attempt to humiliate them or impede their discharge of duties. The Force, in a bid to help officers to handle such situations effectively and standardise the principles and practices for tackling similar scenarios within the Force, issued a set of internal guidelines on handling abusive behaviour by members of the public to police officers, as a means to help frontline officers to respond to such incidents professionally with an impartial attitude and effective communication skills, so as to ensure that professional and quality services are delivered to the public.

Principles for Using the Guidelines

4. The guidelines are formulated on the basis of existing legal framework without enacting any new offences. Such guidelines are drawn up primarily to assist officers in discharging their daily duties, such as responding to requests for assistance from the public, conducting stop and search and taking traffic enforcement actions. The guidelines are not applicable to the Police's handling of public order events (POEs), because such events are unique in nature and involve more complicated considerations. Police officers will handle POEs in accordance with the related procedures. In the course of handling POEs, police commanders will be present to make appropriate decisions with regard to the prevailing situations.

5. By exercising their professional judgment with respect to the circumstances of each case, police officers will deal with all cases appropriately and provide suitable response in the light of the subject's behaviour and the nature of the report/complaint. The guidelines serve to remind police officers that they should remain calm and patient in the face of abusive or uncooperative behaviour by members of the public when discharging their duties. Where appropriate, police officers shall diffuse the situation and pay attention to their own speech and body language to prevent the situation from worsening further.

6. Abusive behaviour towards police officers does not constitute an offence under existing legislation. If no offence is committed or likely to be committed by the subject while he is acting in an abusive manner, and there is no longer any constabulary purpose to be served in remaining at the scene, the officer will leave the scene and resume his duties, for example patrols, after finishing his tasks on the spot, ensuring that all reasonable actions have been taken and the reasons for the police action have been explained.

7. Under certain circumstances, officers may need to take enforcement actions if the subject has committed or is about to commit an offence. Advice and warning may be given where appropriate and arrest action may be considered if the subject does not stop his action where it amounts to an offence, such as breaching the peace or obstructing a police officer.

8. Appropriate enforcement actions will be taken by a police officer if he reasonably believes that an offence has been committed. The Police, when pressing charges in relation to a case, have to furnish sufficient evidence to the court and, where necessary, seek advice from the Department of Justice. There is no difference in terms of the enforcement actions taken by the Police in other scenarios.

Conclusion

9. The Police understand that public support and co-operation are of paramount importance to the effective discharge of duties by police officers. The guidelines for handling abusive behaviour by members of the public are promulgated as part of the Police's commitment to enhancing officers' professionalism and ensuring the quality service of the Force. On-going efforts will be made by the Police to serve the public in a professional manner.