

立法會
Legislative Council

LC Paper No. CB(2)155/14-15(04)

Ref : CB2/PL/SE

Panel on Security

**Information note prepared by the Legislative Council Secretariat
for the special meeting on 27 October 2014**

Police's handling of public assemblies since 26 September 2014

The main statutory provisions regulating public assemblies are set out in the Public Order Ordinance (Cap. 245) ("POO"), which provides that a public meeting at which the attendance exceeds the prescribed limit, i.e. public meetings of more than 50 persons, can take place only if notice has been given to the Commissioner of Police ("CP") not less than seven days prior to the intended event, and CP has not prohibited or objected to it. CP may prohibit any public meetings if he reasonably considers such prohibition necessary in the interests of national security, public safety and public order, or for the protection of rights and freedoms of others. If CP does not issue a notice of objection within the time limit, he is taken to have issued a notice of no objection and the meeting can proceed. If CP prohibits, objects to or imposes conditions on a notified public meeting, the organizers may appeal to an independent Appeal Board on Public Meetings and Processions as provided under POO.

2. On 26 September 2014, a public meeting was held on the pavement outside the Central Government Offices ("CGO"). According to the Administration's press release dated 27 September 2014, some of the participants forced their way into CGO and had participated in an unlawful assembly. Police arrested 13 people for forcible entry into government premises, disorderly conduct in public place, assaulting police officer, obstructing police officers and common assault. Since the launch of the "Occupy Central" as announced by its founders in the early hours of 28 September 2014, public assemblies are being held in the major trunk roads on Hong Kong Island and in Kowloon.

3. In the light of wide public concern over the use of force and tear gas by the Police in handling public assemblies since 26 September 2014, Members have raised under Rule 24(4) of the Rules of Procedures five urgent oral

questions relating to the subject at the Council meeting of 15 October 2014. The oral questions raised by Members and the Administration's replies are in **Appendices I to V** respectively. In addition, a motion for the adjournment of the Council under Rule 16(2) of the Rules of Procedures for the purpose of debating "the handling of people's assemblies by the SAR Government and the Hong Kong Police since 26 September this year" was moved at the same Council meeting. A relevant press release issued by the Administration containing the transcript of remarks by the Chief Secretary for Administration and the Secretary for Security at a media session held in the afternoon of 29 September 2014 on related issues is in **Appendix VI**.

4. The Panel on Secretary will discuss at the special meeting on 27 October 2014 the Police's handling of public assemblies since 26 September 2014.

Council Business Division 2
Legislative Council Secretariat
24 October 2014

Press Releases

LC Urgent Q1: Strict Police guidelines for the use of force

Following is an urgent question by the Hon Frederick Fung under Rule 24(4) of the Rules of Procedure and a reply by the Secretary for Security, Mr Lai Tung-kwok, in the Legislative Council today (October 15):

Question:

On the 28th of last month, the Police fired 87 canisters of tear gas at the protesters staying at Tim Mei Avenue and Connaught Road, Central/Harcourt Road, etc. The Police stressed after the incident that the firing of tear gas was consistent with international standards, and that they had no other options but to fire tear gas at the protesters who on that day violently charged at the Police cordon lines and ignored their advice and warnings. However, according to eyewitnesses' reports and television news footages, the Police had tear-gassed protesters repeatedly at various locations without giving any prior warning under the circumstances where they were not being charged at. For instance, when the first round of tear gas was fired, the Police aimed the tear gas at the students standing behind mills barriers outside the Central Government Offices at Tim Mei Avenue, but it was learnt that those students had all along not done anything to charge at the police cordon lines, and that the Police had not displayed any banner warning that tear gas would be fired before doing so. As members of the public are gravely concerned whether the Police's firing of tear gas met the relevant criteria and are worried that the Police would fire tear gas again in the near future to disperse the protesters, will the Government inform this Council:

(1) of the existing criteria adopted by the Police for firing tear gas, including the circumstances under which tear gas may be fired, whether prior warnings must be given to protesters and whether it may be fired under the circumstances where the Police are not being charged at or treated violently; the circumstances under which the Police may resort to more powerful weapons such as rubber bullets, etc.; as the Police has indicated that pepper spray and tear gas are of a similar level of force, whether police officers are also allowed to fire tear gas under the circumstances where the use of pepper spray is permitted;

(2) as the protests are still going on at present, whether the avoidance of conflicts and dangerous situations is the prime consideration of the Police when maintaining public order, or whether there are other considerations, such as firing tear gas or even using more powerful weapons against peaceful protesters merely for enforcing the clearance instructions of senior government officials; and

(3) given the allegation that, on the 28th of last month, police officers threw tear gas canisters at the students gathering peacefully at Tim Mei Avenue without giving any prior warning under the circumstances where they were not being charged at, whether the authorities will immediately conduct a thorough investigation into whether there was any misuse or indiscriminate use of tear gas so as to prevent recurrence of similar situation; if they will conduct such an investigation, whether they will temporarily suspend the use of tear gas until the completion of the investigation; if there will not be such temporary suspension, of the reasons for that; whether the authorities will look into if the officials concerned need to be held politically accountable for the decisions to clear the protest sites and fire tear gas at the protesters, so as to prevent them from making

similar decisions again?

Reply:

President,

Hong Kong residents enjoy the freedom of and the right to peaceful assembly, procession and demonstration under the Basic Law. However, in exercising such rights, they shall not wilfully disrupt public order or act in defiance of the law. In 2005, the Court of Final Appeal (CFA) pointed out in a case involving the freedom of demonstration that the right to assembly, procession and demonstration was not unrestricted in that, for instance, if the assembly concerned caused unreasonable obstruction to the free passage along a public road, i.e. exceeding what the public can reasonably be expected to tolerate, then the protection for the assembly concerned under the Basic Law would be lost. In another case heard by the CFA in 2012, a permanent judge also pointed out that an act could be properly regarded as "disorderly" when it went well beyond what any citizen would have to tolerate.

My consolidated reply to the Hon Frederick Fung's question is as follows:

When expressing their aspirations, participants of public meetings or processions are advised by the SAR Government to abide by the law and respect others' rights so that the events could proceed in a peaceful and orderly manner without compromising the Police's efforts to maintain law and order. As the guardian of public order, the Police act in accordance with the law under all circumstances and shall, in the light of the prevailing circumstances, take decisive measures against any illegal behaviour and acts in breach of the peace or public order in a bid to maintain public order and ensure public safety.

On September 26, a public meeting, of which the Police had been notified by the organiser, was held on the pavement outside the Central Government Offices (CGO). To facilitate the assembly, the Police, subsequent to their issue of the "letter of no objection", co-ordinated with the parties concerned. Regrettably, on that night, participants of the meeting were directed to storm the gate of CGO and climb over the security fencing in order to force their way into the East Wing Forecourt and occupy it. Charging the Police cordon line, the participants pushed over the mills barriers and scuffled with security guards and police officers, posing danger to themselves and other people on the scene, and causing injuries to many people.

Running against section 18(2) of the Public Order Ordinance, the assembly turned out to be unlawful as some of the protesters had conducted acts of violence and incited others to storm government building, disrupting public order and breaching the peace.

Subsequent to the launch of the "Occupy Central" as announced by its founders in the early hours of September 28, a large number of radicals with different backgrounds joined the student-led assembly. On the afternoon of September 28, some protesters broke their way to Harcourt Road, where traffic was running, and occupied it to cause wilfully a massive traffic blockage, severing the transport lifeline of Hong Kong Island. Against the Police's appeals and warnings, a swarm of radical protesters standing in front of the Police cordon line, on a number of occasions, deliberately charged the cordon line and seized the mills barriers in an organised manner. They assaulted police officers with umbrellas and water bottles. Deliberately surging forward in an organised manner, they attempted to break the Police cordon line. As a result of such behaviour, public safety and public order were seriously at stake. By means of

loudspeakers and warning banners, the Police repeatedly advised participants of the unlawful assembly to leave as soon as possible, and gave warnings that the Police would use force if they did not cease charging the Police cordon line.

In view of the serious charging at the Police cordon line and despite repeated advice and warnings, which turned out to be totally futile, the Police used Oleoresin Capsicum (OC) foam to stop protesters from further charging in a bid to minimise the chance of injuries to people on the scene. However, the crowd kept growing and the Police cordon line was incessantly charged. The scene was very chaotic as protesters, who were large in number, continued to gather and launched violent charging despite the Police's advice and warnings. On that day, quite a number of protesters were equipped with such gear as goggles, face masks, umbrellas and cling film for eye and body protection from OC foam so that they could continue charging the Police cordon line.

In view of the failure to achieve the effect of counteracting the incessant charging of the crowd by the use of OC foam as well as radical protesters' deliberate and incessant acts to crush their way forward, the Police, in preventing the situation from getting further out of control which would lead to more serious casualties, had no alternative but to use tear gas to put an immediate halt to the violent charging staged by the protesters, to create a safe distance from the protesters and to stop any acts that might threaten public safety and public order.

Just imagine once the Police cordon was broken through by piles and layers of crowds formed by thousands of protesters, and with swarms of crowds crushing their way forward, the dire consequence of a stampede involving a large number of falls, trampling accidents, serious injuries or even fatalities was highly probable. The Police were, therefore, bound to take immediate measures to keep the crowds at a safe distance in order to avoid heavy casualties that might result from any scuffles or charging acts.

There are strict Police guidelines for the use of force in that the force to be used shall be the minimum force necessary for achieving a lawful purpose. Before using force, police officers shall, when circumstances permit, give warning of their intention to use force. The person(s) involved shall be given every opportunity, whenever practicable, to obey police orders before force is used. Police officers exercise a high level of restraint at all times in the use of force. Field commanders shall decide on the appropriate force to be used after an assessment is made in the light of the overall circumstances and practical needs at the material time.

As always, the Police shall consolidate their experience in major operations to meet their future internal security requirements and operational commitments. As far as the Police's handling of the unlawful public assembly since September 26 is concerned, the Complaints Against Police Office has received a number of complaints, which include accusations against the Police of overuse of force during the operation. As advised by the Independent Police Complaints Council (IPCC), owing to public concern over these complaints and the serious degree in the accusations, all reportable complaints arising from the incident shall be referred to the Serious Complaints Committee for follow-up action. The Police shall fully co-operate with the IPCC in their work.

Hong Kong Police Force is a highly professional and outstanding disciplined force. During the operations in recent days, frontline officers have stood fast to their posts and performed their duties with perseverance and untiring devotion in a professional and impartial manner while exercising a high level of restraint. When facing large-scale rallies, they have to

maintain public order and safety in a fair manner with utmost restraint, to stand in and settle from time to time battles of words and confrontation between opposing sides, and also to separate crowds, prevent conflicts and protect protesters at a point of emotional intensity among the crowds. Such difficult and perilous situations and challenges have well been witnessed in recent TV news coverage. The SAR Government fully supports the Police in their continued efforts to handle with utmost professionalism and restraint such extremely difficult tasks. It is further hoped that there is understanding, recognition and support from various sectors of the community.

Thank you, President.

Ends/Wednesday, October 15, 2014
Issued at HKT 17:15

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Press Releases

LC Urgent Q2: Use of minimum force in Police operation

Following is an urgent question by the Hon Cyd Ho under Rule 24(4) of the Rules of Procedure and a reply by the Secretary for Security, Mr Lai Tung-kwok, in the Legislative Council today (October 15):

Question:

It has been reported that the repeated use of tear gas and pepper spray by the Police on the 28th of last month to suppress participants of a peaceful assembly has triggered fierce public resentment, and the use of violence by the Police against participants of the peaceful assembly has become the focus of international media. As there are still a lot of members of the public participating in that assembly and the crisis is not yet over, will the Government inform this Council of the decision-making mechanism currently adopted by the authorities concerning the use of lethal weapons such as tear gas, rubber bullets and live ammunition to disperse participants of peaceful assemblies, including the respective roles under the aforesaid mechanism played by the Chief Executive, the Commissioner of Police and the officials of the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region, as well as the rank(s) of the officials who are vested with the authority to make the decision of using such weapons; whether it has immediately reviewed the mechanism since the 28th of last month; if it has not, of the immediate measures that will be adopted by the authorities to prevent the Police from unreasonably using lethal weapons against participants of peaceful assemblies, thus leading to tragedies of bloodshed?

Reply:

President,

On the afternoon of September 28, some protesters broke their way to Harcourt Road, where traffic was running, causing wilfully a massive traffic blockage to sever the transport lifeline of Hong Kong Island. They also resorted to violent acts by charging the Police cordon line. The rally was an unlawful assembly. It was the responsibility of the Police to take resolute measures to restore public order and public safety.

My reply to the Hon Cyd Ho's question is as follows:

There are strict Police guidelines on the use of force, which provide clearly that the force to be used shall be the minimum force necessary for achieving the purpose of a Police operation. All field commanders are authorised to use force based on their professional judgment made in the light of the prevailing situation at scene, overall circumstances and operational needs. They are in no way required to seek their supervisors' advice for each instance. Before force is used, police officers shall, where circumstances permit, give warning of their intention to use force and give the person(s) involved every opportunity to obey police orders. Police officers exercise a high level of restraint at all times in the use of force. There is a clear purpose for the Police to use tear gas, i.e. to deal with crowds that may cause an out-of-control and, therefore, dangerous situation, or to stop and prevent further charging by crowds at Police cordon so as to ensure public safety, restore social order and avoid injuries to both the crowds and the police officers.

Subsequent to the launch of the "Occupy Central" as announced by its founders in the early hours of September 28, a large number of people with different backgrounds joined the student-led assembly outside the Central Government Offices. On the afternoon of the same day, against the Police's appeals and warnings, some radical protesters in the front deliberately charged the Police cordon line on a number of occasions and seized the mills barriers. They even assaulted the police officers with umbrellas and water bottles. Deliberately surging forward in an organised manner, they attempted to break the Police cordon line. Such behaviour put public safety and public order seriously at stake and was in breach of section 18 of the Public Order Ordinance. The Police reiterated repeatedly that the assembly was unlawful, and by means of loudspeakers and warning banners, repeatedly advised participants of the unlawful assembly to leave as soon as possible, while warning that the Police would use force if the participants did not cease charging the Police cordon line.

In the ensuing moments, the Police cordon line was still under serious charging. Given that their advice and warnings were in vain, the Police used Oleoresin Capsicum (OC) foam to stop protesters from further charging in a bid to minimise the chance of injuries to people on the scene. However, the crowd kept growing, and the scene was very chaotic as people continued to gather and launched violent charging despite numerous Police advice and warnings. On that day, quite a number of protesters were equipped with such gear as goggles, face masks, umbrellas and cling film for eye and body protection, which rendered the OC foam ineffective.

As the use of OC foam had failed to achieve the desired effect and stop the situation from further deterioration that might lead to more serious casualties, the Police had no alternative but to use tear gas in a bid to put an immediate halt to the violent charging staged by protesters, to create a safe distance between the police officers and the crowds charging at them for the purposes of minimising the chance of injury to both sides during scuffles as well as preventing serious disruption to social order or even casualties caused by rallies.

In the course of operation, the field commander had made a professional assessment and judgment in the light of the actual circumstances and operational needs at the material time before making the decision to use force. Senior officials of the SAR Government, including the Chief Executive and myself, as well as the Commissioner of Police, had been keeping a close watch on the whole picture and development of the event. We are in support of the Police's professional judgment and the measures taken by them to protect public safety and maintain social order. We consider that the Police were restrained in dealing with the case and that the force they used was appropriate. The operation conducted on the day, being an issue related to the protection of social order and public safety by the Police, was entirely within the jurisdiction of the SAR Government.

I would like to emphasise that tear gas is one of the Police's regular items of equipment in tackling charging acts involving a crowd. In general, it will only trigger temporary discomfort to protestors with charging act. In contemplating the use of force, the Police take tear gas and OC foam as a viable means to stop people from charging and make them disperse by triggering temporary discomfort to them. Once OC foam has failed to counteract effectively the charging launched by large crowds of protesters on the scene, which may possibly lead to a break-off of the Police cordon and a stampede involving a large number of falls, trampling accidents or serious injuries as a result of the charging launched by a great number and layers of protesters, the Police have to use tear gas to put an immediate halt to the charging and create a safe distance to avoid mass and serious

casualties on the scene. Under normal circumstances, tear gas and OC foam will not bring about permanent body harm. In many countries (including advanced countries in Europe and America), tear gas is a standard item of equipment for the Police to tackle the charging acts of a crowd. The ways in which they use and the principles that govern such use are similar to those of the Hong Kong Police Force.

I reiterate that the rally on Harcourt Road on the afternoon of September 28, which caused massive traffic blockage to trunk roads and launched violent charging at the Police cordon line, was an unlawful assembly. It is the responsibility of the Police to take resolute measures to restore public order and public safety.

Over the past days, the road blockage in different areas of Hong Kong Island and Kowloon caused by the rallies has paralysed the traffic of major trunk roads, depriving many members of the public of normal daily life. In the interest of their own safety and the community at large, we appeal to protesters on the scenes to leave peacefully as soon as possible to make way for emergency and public vehicles. We also appeal to the protesters to remove obstacles on the roads to restore unimpeded traffic, so that the community's daily life could return to normal.

Ends/Wednesday, October 15, 2014
Issued at HKT 17:40

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Press Releases

LC Urgent Q3: Police shall continue to discharge their duties professionally and impartially

Following is an urgent question by the Dr Hon Helena Wong under Rule 24(4) of the Rules of Procedure and a reply by the Secretary for Security, Mr Lai Tung-kwok, in the Legislative Council today (October 15):

Question:

It has been reported that on the 3rd and 4th of this month, some members of the public who participated in the Occupy Central movement and gathered in Mong Kok, as well as journalists covering the activities, were assaulted and injured, posing a serious threat to their personal safety. In addition, some female participants of the assembly were allegedly indecently assaulted and sexually harassed. There were media reports that police officers at the scene had let go the assaulters. Furthermore, a reporter of the British Broadcasting Corporation said that based on the information obtained from the Police, the attacks obviously involved triad members. As the assembly is still going on, will the Executive Authorities inform this Council:

(1) whether the Police have immediately reviewed if their failure to prevent the occurrence of incidents in which assembly participants were attacked by a number of triad members was due to inadequacy in their efforts in collecting intelligence on triad activities or their sluggish deployment of police manpower, so as to take measures in the light of the review outcome in order to prevent recurrence of similar incidents; if they have conducted such a review, of the outcome;

(2) as it has been reported that the Police did not forthwith arrest and detain those persons suspected of deliberately provoking, shoving, punching and kicking, as well as indecently assaulting assembly participants, whether the Police will immediately step up law enforcement efforts in order to curb the recurrence of such illegal acts; and

(3) whether they have taken specific immediate measures and followed up on the procedures for making decisions on the handling of the incidents by the Police, in order to prevent assembly participants from being attacked again, and to protect the personal safety of assembly participants and journalists; if they have, of the details?

Reply:

President,

Since September 29, crowds of people have been occupying major trunk roads in Mong Kok for an unlawful assembly for more than 10 days. Their illegal acts have seriously blocked the traffic and the substantial nuisances they created have caused intense dissatisfaction among the residents and business operators in the District, triggering the recent spate of violent confrontations in Mong Kok in which police officers and members of the public were injured. The SAR Government severely condemns such violent acts on the scene.

My consolidated reply to the Dr Hon Helena Wong is as follows:

The incidents in Mong Kok on October 3 and 4 were mob confrontations that rarely happened in Hong Kong for many years.

The incidents occurred all of a sudden with surging crowd size gathering within a very short span of time. A great number of ubiquitous confrontations and physical scuffles took place at different spots of the scene. Confronted with such an extremely chaotic situation on that day, the Police tried their very best to keep the scene under control and maintain order.

From the afternoon of October 3 to the early hours of October 4, big groups of supporters for and against the "Occupy Central" assembled in Mong Kok, which turned into chaos as confrontations broke out between the two sides. In view of the surging crowd size within a short span of time, the Police immediately deployed manpower for reinforcement from various Regions in Hong Kong, Kowloon and New Territories. At the outset, police officers formed a human chain in an attempt to separate the two sides, while making way to escort those who needed assistance, who wished to go away or who were injured to leave the scene. A number of police officers also sustained injuries during the process.

Later on, as the crowd kept growing at the place of the assembly, there were ubiquitous confrontations at scattered points in the area. The Police experienced practical difficulties in dashing to every single confrontation point that required attention. As roads were seriously blocked by the crowds and obstacles, Police vehicles could not get to the scene directly and some police officers even had to be on foot and to take the MTR. The Police's reinforcement actions were thereby hindered.

During the operation on that evening, the Police arrested 19 persons, eight of whom identified with triad background were suspected of assaulting police officers, participating in unlawful assemblies and fighting in public places. As at October 13, a total of 52 persons were arrested for suspected fighting in public places, indecent assault, intimidation, etc during the confrontations in Mong Kok. The Police shall seriously pursue these cases in accordance with the law and they do not rule out further arrests.

Mong Kok, as a crowded and congested area, is prone to conflict. The Police shall spare no effort in following up those suspected illegal acts during the confrontation in question.

As a matter of fact, the Police attach great importance to triad-related crimes, and the combat of triad activities has been one of their operational priorities. Throughout the years, the Police have endeavoured to fight against triad crimes in an impartial and undaunted manner. On the enforcement front, the Police have always adopted a holistic approach in combatting triads and their activities. From January to August this year, a total of 1 194 cases of triad-related crimes were recorded and 1 775 persons were arrested by the Police.

Regarding the remark that the Police did not take immediate enforcement actions against violent acts in the assembly in Mong Kok, I would make clear the following points. First, it is extremely difficult for the Police to maintain order and ensure the safety of people on the scene in a crowded and chaotic situation. In handling large-scale assemblies and confrontations, the Police's top priority is to avoid deterioration of the situation as quickly as possible, lest casualties may be triggered. Second, on that evening, apart from making arrests, the Police endeavoured to render assistance to those who wished to go away while requiring help for that purpose, as well as those whose personal safety was at stake as considered by the Police, by escorting them out of the scene and taking them to a safe place, without taking into account which side they were on during the confrontation. It is always the Police's responsibility to escort those facing danger to leave the scene. Third, the Police shall definitely follow up, in accordance with

the law, any case in which there is evidence for suspected offences. We appeal to members of the public to report to the Police unlawful acts such as indecent assault or assault with violence which are considered to have taken place and provide information for the Police's investigation and follow-up.

I have to reiterate that against such a crowded and chaotic scene in Mong Kok on the day, the police officers tried their best to enforce the law in a manner unbiased to neither side, to maintain order, to protect those on the scene and to separate people with opposing views. The allegations that the Police "did not enforce the law in full effort" and even "set free the assailants" and that the Government "connived at the criminals" etc. are extremely unfair to those police officers who faithfully performed their duties with conviction and toiled on the scene. I would note such allegations with great regret.

Following the incidents on October 3 and 4, police manpower has been stepped up in Mong Kok. Despite the signs of lesser tension in the District in recent days, some "Occupy Central" protesters are resolute to stay. The Police shall keep a close watch on the situation in the District and make appropriate deployment. Again, I appeal to members of the public not to assemble in Mong Kok. I urge all those who are gathering there, irrespective of the side they are for, to leave the scene as soon as possible. Personal safety should come first. Members of the public shall be in gear with the Police by joining effort to avoid confrontations or chaos.

I hereby reiterate that in the recent large-scale protest activities, police officers, on top of their long hours of work, have been subjected to verbal provocations, insults and personal attack from time to time. As at October 13, 30 police officers were injured in the course of operations. In spite of all these, the Police shall continue to discharge their duties professionally, impartially and in a manner unbiased to neither side when tackling the challenges arising from the current protest activities. The SAR Government shall continue to give full support to the Police in maintaining the law and order of Hong Kong with utmost professionalism.

Thank you, President.

Ends/Wednesday, October 15, 2014
Issued at HKT 18:05

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Press Releases

LC Urgent Q4: Police officers shall display warning flags in the light of actual circumstances

Following is a reply by the Secretary for Security, Mr Lai Tung-kwok, to an urgent question by Dr Hon Kwok Ka-ki under Rule 24(4) of the Rules of Procedure in the Legislative Council today (October 15):

Question:

Prior to firing tear gas to disperse the participants of the assembly in areas around Admiralty on the 28th of last month, the Police displayed to them a number of times warning banners printed with the wording of "Warning tear gas" on one side and "Disperse or we fire" on the other side. The Chief Superintendent of the Police Public Relations Branch explained at a press conference held on September 30 that the wrong side of the banner might have been displayed possibly due to the chaotic situation at the scene, and that the Police had no intention to fire on the crowd. However, a number of photographs showed that the Police had displayed several banners of this type to the assembly participants, with both sides of the banners facing the participants. Given that the assembly is still going on, will the Government inform this Council whether the Police have immediately reviewed their mechanism for displaying various types of warning banners to protesters, including the rank(s) of the officers who decide what type of banners are to be displayed, the decision-making procedure, and whether the Police should cease using various types of warning banners with two sides printed with different wording when handling the aforesaid assembly in future, so as to avoid causing public panic again due to the conveyance of wrong messages; if they have reviewed, of the outcome; if not, whether they will conduct such a review immediately?

Reply:

President,

My reply to Dr Hon Kwok Ka-ki's question is as follows:

When handling public order events, the Police shall take resolute measures against participants' illegal acts like violent charging or disorderly conduct for the purposes of public order and public safety. There are strict Police guidelines for the use of force. Field commanders shall make a professional assessment in the light of the actual circumstances and operations at the material time for operational deployment, including whether force shall be used and, if yes, what type of force is to be used. Before using force, they shall as far as possible ensure that warnings have been issued, and the persons involved are given the opportunity to obey Police instructions. In alerting the participants of their warnings, the Police are equipped with warning flags, in addition to making verbal warnings. Police officers shall, in the light of the actual circumstances, display such flags to the participants. It is shown on some warning flags that force may be used.

At the unlawful assembly along Admiralty on September 28, some of the protesters, against the Police's repeated appeals and warnings made through loudspeakers, seized the mills barriers and assaulted the police officers with umbrellas and by throwing water bottles at them on a number of occasions. They wilfully attempted to break through the Police cordon in an organised manner, seriously jeopardising public safety and public order.

Such intense charging acts also put the personal safety of the frontline police officers and people gathered seriously at stake. In case rows upon rows of radical protesters standing at the front broke through the Police cordon, swarms of people would rush forward, which would probably result in a "trampling" tragedy arising from a stampede where people were pushed over or fell down. The consequences could be dire. Upon assessing the prevailing circumstances, the field commander made a professional judgment and decided to use appropriate force, including the use of tear gas.

Prior to the use of force, the Police had, on many occasions, warned the people gathered to stop their charging acts. Before using the tear gas, repeated warnings had also been given to protesters charging the Police cordon by displaying warning flags with the sign "WARNING TEAR SMOKE" to indicate the level of force that might soon be used. The concerned warning flags used on that day were double-sided; the side facing protesters charging the Police cordon was black with the words "WARNING TEAR SMOKE", whereas the side facing away from protesters charging at the Police was orange with the words "DISPERSE OR WE FIRE". The police officers holding up the flag were surrounded by crowds of people from all sides amidst the extreme chaos on the scene. It was in fact the Police's intention to display the side showing "WARNING TEAR SMOKE" to protesters charging the Police cordon. In their clarification on the same day, the Police emphasised that they absolutely had no intention to use arms to fire bullets.

The double-sided warning flags have been in use for decades. The Police will conduct a review and consider taking improvement measures to meet different operational commitments.

Thank you, President.

Ends/Wednesday, October 15, 2014
Issued at HKT 18:20

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Press Releases

LC Urgent Q5: "Occupy Central" movement's impact on economy and people's livelihood

Following is an urgent question by the Hon Tam Yiu-chung under Rule 24(4) of the Rules of Procedure and a reply by the Secretary for Security, Mr Lai Tung-kwok, in the Legislative Council today (October 15):

Question:

It has been learnt that as the assemblies triggered by the Occupy Central movement have been going on for 10-odd days until now causing a number of major trunk roads on Hong Kong Island and in Kowloon being blocked by assembly participants, services of over 200 public bus routes, over 20 green minibus routes and the trams have been affected. As the alternative roads in the affected districts have limited capacity, extensive traffic congestion is common in such districts with tailbacks once reaching over 20 kilometres, thus seriously affecting the daily lives of members of the public and business operation. In this connection, will the Government inform this Council:

(1) as the railway has now become the only mode of transport for the majority of the public, whether the authorities have forthwith formulated contingency plans to cope with the scenario in which train service of any railway line, particularly the Island Line, Tsuen Wan Line and Kwun Tong Line, is suspended due to occurrence of incidents, so as to prevent the traffic on Hong Kong Island and in Kowloon coming to a halt; if they have, of the details; if not, whether they will formulate such contingency plans right away;

(2) as quite a number of small business operators engaged in the transportation, retail, catering and tourism industries have relayed to me that their businesses have been hard hit by the road blockages and their employees have also suddenly lost their means of living, whether the authorities have forthwith assessed the losses suffered by these industries and introduced targeted emergency relief measures for such industries on the basis of the assessment outcome; if they have, of the details; if not, whether they will conduct such an assessment right away; and

(3) whether it has formulated contingency plans to ensure that, in the event of occurrence of major traffic accidents, fires or industrial accidents, etc., emergency service vehicles (including police vehicles, fire engines and ambulances) and their personnel can arrive at the scene in the shortest possible time; if it has, of the details; if not, whether it will formulate such contingency plans right away?

Reply:

President,

The illegal assemblies triggered by the "Occupy Central" movement have been going on for ten-odd days. They cause congestion in major trunk roads on Hong Kong Island and in Kowloon, and severely affect the lives of the general public. Various District Offices have received a large number of complaints from parents, students, business owners and employees regarding the traffic congestion in Central and Western, Wanchai and Mong Kok, which has seriously affected the daily lives, schooling and business of many.

The Government respects the right to the freedom of

expression. However, at the same time we request that the public should, when expressing views, abide by law, respect the rights of other road users and take into account the interest of the general public. We have been urging participants of the illegal assembly to end their concerned actions in various districts and suggesting them to use the Tamar Park and the Central and Western District Promenade (Central Section), the Lawn in Victoria Park and the MacPherson Playground in Mong Kok, which are larger in size and will not disrupt traffic or the daily lives of the public. Unfortunately, these suggestions have not been positively responded to by the road occupants.

The Administration's reply to various parts of the question is as follows:

(1) Since the start of the "Occupy Central" movement, we have seen serious impact extensively on the road transport services on Hong Kong Island and in Kowloon as a result of road closure and traffic diversion.

As regards railway services (except for Light Rail), the highest daily patronage during the past ten-plus days (i.e. October 3) is about 5.8 million. This is 13 per cent higher than a normal Friday daily patronage of about 5.1 million. Train compartments are very crowded and passengers usually have to wait for several trains more and spend more time for boarding. Without compromising railway safety and apart from continuing to run at 2 minutes peak headway from 7.15am, the MTR Corporation Limited (MTRCL) has also enhanced day-time train services as necessary. Although the increased frequency of train services will not affect railway safety, given that the 2 minutes peak headway for Kwun Tong Line, Tsuen Wan Line and Island Line has already reached the limit of the existing signalling system and that train services being provided in other hours of the day-time are close to the system limit as well, the risk of service disruption will naturally increase if this situation persists. In addition, MTRCL has deployed additional staff for maintaining effective passenger flow management in the past ten-plus days in accordance with established procedures. Having regard to the actual situation, it has also implemented further passenger flow management measures at some stations with higher volume of passenger flow such as Admiralty and Mong Kok, etc., to ensure smooth train operation and passenger safety.

MTRCL has all along drawn up contingency plans for various service disruption situations specific to the needs of individual stations. When any contingency plan is activated, MTRCL will suitably adjust its railway services to minimise the impact and arrange free MTR shuttle buses to ease passenger flow.

As some trunk roads affected by the "Occupy Central" movement are still closed, MTRCL will have rather limited ability to deploy shuttle buses and ease passenger flow even if a contingency plan is activated, depending on the extent and duration of service disruption as well as the locations and number of affected MTR stations.

As for bus services, the highest number of bus routes affected during the past ten-plus days (i.e. September 30) is 270, accounting for about 48 per cent of all bus routes in Hong Kong, and these included 77 suspended routes and 193 diverted routes. As at yesterday (October 14), despite some roads such as Queensway having been re-opened, 227 bus routes were still affected, accounting for about 40 per cent of all bus routes in Hong Kong, and these included 11 suspended routes and 216 diverted routes. Regarding the most affected areas on Hong Kong Island, as at yesterday (October 14), about 64 per cent of Hong Kong Island bus routes were still affected. In addition, Hong Kong Tramways services between Island East and Island West have been suspended and only sectional services are provided. Green

minibuses and taxis are also affected due to road blockage or traffic congestion.

In this regard, the Government expresses heartfelt gratitude to public transport service operators which have been working closely with the Transport Department (TD) during this period of time, especially for the strenuous efforts of their frontline staff in maintaining smooth provision of transport services. Meanwhile, the Government is also very grateful to members of the public who have been exercising the greatest tolerance and have changed their travelling patterns such as reducing the use of private cars and setting off early etc., to help relieve the pressure on roads.

(2) Since the start of the "Occupy Central" movement, various public transport services including buses, trams, minibuses and taxis have been affected. For example, some members from the minibus and taxi trades express that their business turnovers have dropped significantly due to factors such as traffic congestion, road diversion and a drop in business. The Government will closely monitor the situation and maintain close dialogue with operators to understand their needs. Trucks and other commercial vehicles are also affected to different extents depending on their individual business operation. For example, some trucks have experienced delay in delivery and increase in operating cost due to lengthened route and travelling time.

In addition, the Government has been closely monitoring the impact of the "Occupy Central" on different sectors. Those sectors being directly affected include retail, tourism, catering and transportation, etc. Other sectors may also be indirectly affected. The Commerce and Economic Development Bureau has met with 20 commerce organisations or associations of different trades to understand the impact of the "Occupy Central" movement on business operation. According to the information obtained during the meetings, the business of the retailers near areas of protests and illegal occupation was most adversely affected. The drop in business of small and medium enterprise (SME) retailers in Mong Kok, Causeway Bay or Tsim Sha Tsui was as high as 80 per cent. Some trade associations also learnt that some overseas clients cancelled their business trips to Hong Kong. As for the tourism sector, the business of hotels and tourist attractions in individual districts (e.g. areas from Central to Wanchai) has also been affected. The trade is worried that if the situation continues, it would affect the livelihood of frontline employees of the tourism industry, and reduces the desire of visitors (including business and leisure travellers) to visit Hong Kong. This would inevitably give a blow to the tourism industry in Hong Kong during the peak tourism season in the coming few months. The overall actual impact can only be ascertained upon the release of economic data in the next quarter.

If the "Occupy Central" movement continues, SMEs will be most hard hit. At present, the Government has a series of cross-sector schemes that provide assistance to SMEs, including the on-going SME Loan Guarantee Scheme administered by the Trade and Industry Department and the special concessionary measures under the SME Financing Guarantee Scheme of the Hong Kong Mortgage Corporation Limited. Enterprises affected by the "Occupy Central" movement and facing financial difficulties may consider applying for the two schemes above.

The Government will closely monitor the situation and further assess the impact on economic development when more data is available.

(3) Risk assessments and contingency plans have all along been made by Government departments in relation to various types of major incidents, which include the deployment of resources and manpower required for handling emergencies, in order to handle

emergency incidents arisen from such circumstances.

In the past ten odd days, the illegal occupation of a number of major trunk roads by assembly participants on Hong Kong Island and in Kowloon has resulted in serious traffic congestion. Emergency vehicles need to detour. Various Government departments have been monitoring and assessing the development with a view to making corresponding arrangements. Responses to some emergency calls have, however, inevitably been delayed. For example, the Response Time performance for emergency ambulance services in Central (including Admiralty), Causeway Bay and Wanchai, and Mong Kok was 75.9 per cent, 89.1 per cent and 93.7 per cent from September 28 to October 13, which showed decreases as compared to figures before the "Occupy Central" movement. Some cases also experienced delay ranging from 20 to 40 minutes.

To ensure that police vehicles, fire appliances and ambulances can promptly reach the scene for emergency services, departments concerned have been working closely to provide emergency vehicles with information on the fastest route to the scene in a timely manner. In collaboration with the Police, other relevant departments and public transport service operators, the Emergency Transport Co-ordination Centre of TD closely monitors the traffic conditions of the areas concerned and takes co-ordinating action. In addition, to minimise traffic disruption caused by road blockage, officers from the Transport Division of Police conduct real-time traffic control and direction along the affected areas so as to divert and ease traffic. When necessary, the Fire Services Department will despatch vehicles in duo to the scene by taking different routes, i.e. vehicles from different fire stations or ambulance depots will be despatched, to ensure that at least one of the two vehicles from either direction can reach the scene swiftly. This is to minimise the impact on fire-fighting or ambulance services for the sick and injured resulting from such traffic delay. However, we consider such arrangement highly unsatisfactory as it will thin out the resources of emergency services for other districts, thereby affecting the emergency fire and ambulance services provided for members of the public and the sick and injured in other areas.

Again, I urge all protesters, who have illegally occupied the roads for a long span of time, to remove their obstacles as soon as possible and to leave in an orderly manner, so that the roads can be reopened to emergency vehicles for provision of timely emergency rescue services to those in need.

Ends/Wednesday, October 15, 2014
Issued at HKT 18:59

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Press Releases

Transcript of remarks by CS at media session (with video)

Following is the transcript of remarks by the Chief Secretary for Administration, Mrs Carrie Lam, at a media session at the lobby of West Wing, Central Government Offices, Tamar, today (September 29):

Reporter: Mrs Lam, the current protest, there seems to be no end in sight. It's now stretched to other districts in Hong Kong, around Hong Kong. So how would you describe the current protest and will the Government be willing to consider a new round of consultations?

Chief Secretary for Administration: Well, of course we are very concerned about the present situation. As you have rightly pointed out, it is no longer just an "Occupy Central" movement. It has taken place in other districts and caused obstruction to vehicles, to pedestrians and also disruption in terms of the daily activities. But I have to stress that it remains our most important objective to achieve universal suffrage in the selection of the Chief Executive in 2017, and we will work according to that objective. It would not be entirely realistic to expect us to reverse the whole decision of the National People's Congress Standing Committee.

Reporter: When do you think is the right time for the next round of consultations, Mrs Lam?

Chief Secretary for Administration: I don't have an exact date for the time being. I think what is important is we have to monitor the situation closely and find the right timing, the right opportunity, the right atmosphere for us to engage with different stakeholders in society in order to achieve the objective of the second-round consultation. The objective of the second-round public consultation is to adhere to the framework as laid down by the National People's Congress Standing Committee, but to fill in the very important details about the electoral arrangements for the selection of the Chief Executive. And I think it is far more constructive for us to undertake this important piece of work when we have settled down for a while the sentiments that we are now seeing in society. Thank you very much.

(Please also refer to the Chinese portion of the transcript.)

Ends/Monday, September 29, 2014
Issued at HKT 20:58

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