

## CHAPTER 16

### CONCLUSION

#### Introduction

16.1 Since June 2019, Hong Kong has faced its most challenging public order situation in a generation. This Study covers six incidents and two topics on grounds of complaints clustered or widespread public concern expressed. To give a perspective to these incidents and topics, the IPCC has provided an overview, a study of the police guidelines on the use of force, and two surveys, one covering the perceptions of police officers and another covering the perceptions of protesters and the general public, undertaken by independent academics. This Study provides the broad picture of the public order events (POEs) and perspective to the situation for the IPCC's effective performance of its statutory duties under section 8 of the IPCC Ordinance.

16.2 In Chapter 4: An Overview of the Public Order Events arising from the Fugitive Offenders Bill, an excerpt is cited from the Judgment of the Court of Appeal handed down on 9 April 2020 on the Judicial Review, brought by 26 current Members of the Legislative Council (LegCo) and one former Member, against the Emergency Regulations Ordinance and the enactment of the Prohibition on Face Covering Regulation. That was the Court's summation of the violence which had afflicted our community from June to October 2019, based on evidence before the Court, unchallenged by the Applicants for the Judicial Review. The following opening paragraph of the Judgment is well worth repetition here:

***“1. Since June 2019, Hong Kong has experienced serious social unrests and public disorders marked by protests, escalating violence, vandalisms and arsons across the territory. It is a dire situation that has not been seen in the last 50 years”.***

16.3 The “dire situation” described above is our recent history from June up to October 2019. Regrettably, the violence and vandalism did not abate after October 2019 but continued with increasing ferocity and frequency. In December 2019, it de-escalated somewhat, though the protests persisted until the COVID-19 epidemic began to afflict Hong Kong. These protests in smaller groups have surfaced regularly on a monthly basis in apparent commemoration of the incidents in Yuen Long, Prince Edward Station and Tseung Kwan O, regardless of the laws prescribing social distancing and the Government's advice on staying home.

16.4 The Police action in the Yuen Long Incident and other incidents resulted from the need for law enforcement action. While the Police handling of these incidents leaves room for improvement and in the case of the Yuen Long Incident, even much more, the hate messages on the internet after these events, coupled with the threats at Police quarters from time to time, were blatant propaganda with little or no factual basis, aimed at smearing the Police Force and impeding police officers from performing their duty to maintain law and order. The IPCC hopes that the public would base their opinions on the facts, including the facts set out in this Report.

### **The Broad Picture: the Public Order Events since 9 June 2019**

#### *Essential Features*

16.5 The month-by-month overview of the public order events from June 2019 to March 2020 in Chapter 4 provides the broad picture of the protests. From this, the following significant features emerge:

- (a) Increase in frequency of processions which were invariably followed by protests with violence;
- (b) Escalation of the violence and the advent of incipient terrorism;
- (c) Widespread vandalism and damage to public and private property and long-term damage to the economy; and
- (d) Vigilantism resulting in the death of one man and assault of multiple victims for diversity of views.

#### *Frequency and Tactics of Protests*

16.6 The protests were characterised by the use of urban guerrilla tactics with the aphorism “Be Water” (said to originate from master of martial arts, the late Bruce Lee), in city-wide protests often covering multiple venues in MTR stations and in their vicinity. The MTR network, providing convenient commuting, has been the protesters’ favoured mode of conveyance. MTR stations were seen as excellent places to delay police action, allowing time to change into inconspicuous clothing to evade police attention and thus, arrest. MTR stations and police stations nearby were also prime targets for attack. Police resources were stretched to the limit. Key features of the protests included:

- (a) Continual metamorphosis of the protesters’ demands from asking for withdrawal of the Fugitive Offenders Bill, an independent commission of inquiry into police

brutality, release and amnesty for all persons arrested or involved in the protests to calls for universal suffrage, disbandment of the Police Force and liberation of Hong Kong;

- (b) Use of the internet for spreading hatred against the Police, with threats, intimidation and attack on individual police officers in or out of duty and their families; and
- (c) Escalation of violence with blocking of roads, vandalising of public and private property, disabling of major transport network and vigilantism against persons of different views.

#### *Escalation of Violence and Incipient Terrorism*

16.7 The protests were accompanied by a scale of lawlessness with a degree of violence and vandalism not seen in Hong Kong since the riots of 1967, varying from blocking roads, hurling bricks, attacking police cordons with umbrellas (some with sharpened tips), to igniting petrol bombs and setting fire on streets, defacing public and private property or vandalising banks, shops and MTR stations. From early August 2019 onwards, petrol bombs were used at almost every protest, for hurling at police officers, public and private property. The two universities occupied in November 2019 became the factories for manufacturing petrol bombs for use in the clashes with the Police outside the campus. Sling shots were in use from July 2019 onwards. Assorted potentially lethal weapons were seen being used in the streets against the Police, traffic network, public and private property.

16.8 In the past months there have been cases, where the Police have discovered bomb making materials and instruments enabling remote detonation. Guns and live ammunition were also found and the persons involved have been arrested. If these weapons had been deployed, the consequences would be unimaginable. The Commissioner of Police (Commissioner) has warned that Hong Kong may be heading into an era of terrorism.

#### *Destruction of Property and Long-term Damage to Economy*

16.9 The damage to public and private property had been significant. The full extent of the damage has not been estimated but to the extent the IPCC can gather, a list appears at Annex 1 to Chapter 4. Even this preliminary list shows a degree of destruction which no community can afford. It is not the IPCC function to estimate the direct and indirect costs, the visible and intangible damage, and the long-term detriment to the economy. An econometric study by experts would, the IPCC believes, help policy making in the future and public understanding of the long term damage that the violent protests over these months would bring to the community. The image of Hong Kong as a peaceful city for business or for pleasure has suffered a set-back that will take a long time to re-establish. The protests have left the

economy in a perilous state by the end of Lunar New Year. The COVID-19 epidemic has added to Hong Kong's economic woes with unemployment and the economic downturn deepening.

### Use of the Internet

16.10 The internet, particularly the social media, was crucial in mobilising participation in the protests and providing a platform for the dissemination of propaganda, messages of hatred against the Police and unfounded claims or speculation to launch rallies, perpetrate acts of violence, and promote doxxing of police officers and their families. Annex 3 to Chapter 4 illustrates the rallying and propaganda power of the internet. Technology has not only facilitated the protests but, because of its reach, also enabled nefarious activities such as doxxing to be undertaken with impunity. The internet, as seen from the Overview (Chapter 4) and particularly the chapters on the Yuen Long Incident (Chapter 10) and the Prince Edward Station Incident (Chapter 12), has been a most effective tool to spread hate messages with little or no basis. The implications for law enforcement from such use of the internet has to be reviewed by the Police.

16.11 Propaganda on the internet about a number of tragic deaths attributed to the Police, with no more basis than mere allegation and speculation, has spread like wild fire. In June 2019, a protester fell from a scaffolding at Pacific Place, Admiralty. In the same month, two females committed suicide leaving notes urging for continuation of the protests. The Prince Edward Station Incident spawned accusations of killing by the Police. Another female whose dead body was found in the sea was alleged to have been "suicided" by the Police, based merely on speculation. In November 2019, a young university student falling to his death from height. Despite the CCTV footage released by LINK to the public showing that no police officers were present on the spot from which this unfortunate student most probably fell, the death was nonetheless used for hate messages on the internet against the Police.

### Vigilantism

16.12 An elderly man was fatally hit on the head by a brick hurled at him in the course of confrontation between violent protesters and a group of local residents. Some of the perpetrators were arrested and subsequently charged with murder. Another man was set on fire for raising questions with a group of protesters. Assaults of multiple innocent individuals with opposing views were vicious and often bloody. On available information, the Study sets out, in a table in Annex 1 to and in the monthly reviews in Chapter 4, an account of these attacks.

## **The Role of the Police**

### *The Public Perception*

16.13 While labelling Police action as “brutality”, the protesters seem to disregard their own violence, vandalism and vigilantism. It is a matter for analysis outside this Study how some among our community and the media came to the belief that the acts of the protesters were understandable while the Police, in performing their duty to stop such violent acts, was using excessive force.

16.14 Paragraphs 15.41 - 43 of Chapter 15: Perceptions of Police Officers, Protesters and General Public recount the monthly findings on attitudes towards the use of force by the Police and by the protesters. Between 67.7 and 71.7% of those surveyed believed that the Police had used excessive force while between 32.8 and 41.4% believed that the protesters had used excessive force. Although between 66.8 and 82.8 % believed in upholding the principle of peaceful and non-violent protest, yet, only 29.3 and 37.4% disagreed that the protesters had used excessive force and between 55.7 and 68.4% expressed understanding or sympathy for the violent actions by protesters. The surveys were conducted from early August up to 13 December 2019.

16.15 Public opinion surveys invariably have time and methodological constraints. The surveys did not examine how these perceptions were formed and perceptions may change with the new information becoming available in the public domain since 13 December 2019. This Study suggests that public perception could have been based mostly on messages received through social and news media. Such information, understandably, is dependent on the choices made by the media in news reporting and in the messages on the internet, and also dependent on internalisation and interpretation of such information by the respondents to the surveys. Meanwhile, it is evident that the incidents over the past months have taken a heavy toll on the image of the Police, locally and globally, and on the public trust in the Force.

16.16 The facts and data assembled in this Study provide a basis for further analysis and assessment of these perceptions. The role of the Police in the maintenance of law and order needs to be better understood by the community. The IPCC has made recommendations on Police communications with the community in this Study.

### *Police Role Only for Law Enforcement*

16.17 This Study reveals that the protests have been driven and continue to be driven by a consistent and continuing message of hatred against the Police, repeated particularly on the internet. The message suggests that the Police had used “excessive force” in dealing with

protesters, amounting to “police brutality”. The role of the Police, set out in the Police Force Ordinance (PFO), imposes on the Police Force the duty to maintain law and order. The role of the Police is prescribed by the laws of the HKSAR. They play no political role, and so their enforcement of the law in the protests is, and should be, divorced from the political ideas motivating the protests.

16.18 It cannot be over-emphasised that allegations of police brutality must not be made a weapon of political protest. Should any police officer exceed or may have exceeded the limits of the powers conferred on him by law, he is accountable under the law. That is a legal and not a political matter. In this connection, the Deputy Commissioner’s Statement to the United Nations Commission of Human Rights cited in Chapter 4 (paragraph 4.8) is a clear and succinct exposition of the role and responsibility of the Police. To underline its importance, his statement is repeated below:

*“These violent criminals preached to their followers that the end justifies the means; that breaking the law to achieve their goals was a noble cause. Police officers are not there to judge whether their proclaimed cause is a just one, or if it even makes sense. We don't have to. We are police officers. Our one and only mission is to find out whether anyone has committed a crime. If someone breaks the law, it is our lawful duty to stop him and arrest him. Whether a cause is altruistic or in fact self-serving is completely irrelevant to us. The law demands that we arrest them. The basic premise of the rule of law is that. No one is above the law. This is why I and the other 30,000 members of the Hong Kong Police have all taken the solemn oath to serve as police officers, without fear of or favour to any person and with malice or ill-will towards none. This is the truth about Hong Kong.”*

#### Public Order Policing for Peaceful Assembly

16.19 Public order policing aims to facilitate peaceful protest as a right to freedom of expression and assembly. This right is protected by law. Meanwhile, development or progress of civilised society is based not on use or threat of force, but on free and peaceful exchange of ideas with consensus derived from diversity of views. To strike a balance between the right of assembly and the right of other citizens to lead a normal life, public gatherings are regulated by the Public Order Ordinance (POO) by way of notification of public meeting or procession to the Police. The Commissioner may object to and prohibit a notified public meeting or procession “where he reasonably considers such prohibition to be necessary in the interests of national security or public safety, public order or the protection of the rights and freedoms of others” (section 9(1) of the POO). However, the Commissioner’s prohibition is subject to appeal to the Appeal Board on Public Meetings and Processions chaired by a retired High Court Judge. This system of regulation has been held by the Court of Final Appeal to be

consistent with the Basic Law (see: *Leung Kwok Hung and Others v. HKSAR* (2005) 8 HKCFAR 229).

16.20 From June 2019 to February 2020, the Police received notifications of 300 public meetings and processions, of which they prohibited 48 as set out in the following table taken from Chapter 4 (Table 4-1):

	<b>Jun 2019</b>	<b>Jul 2019</b>	<b>Aug 2019</b>	<b>Sep 2019</b>	<b>Oct 2019</b>	<b>Nov 2019</b>	<b>Dec 2019</b>	<b>Jan 2020</b>	<b>Feb 2020</b>	<b>Total</b>
<b>Public Meeting with Letter of No Objection (LoNO)</b>	17	33	52	18	7	20	31	14	0	<b>192</b>
<b>Public Procession with LoNO</b>	3	19	23	3	0	5	5	2	0	<b>60</b>
<b>Prohibited Public Meeting</b>	1	3	10	5	4	2	0	1	0	<b>26</b>
<b>Objected Public Procession</b>	0	3	9	3	3	2	0	2	0	<b>22</b>
<b>Total number of notification</b>	<b>21</b>	<b>58</b>	<b>94</b>	<b>29</b>	<b>14</b>	<b>29</b>	<b>36</b>	<b>19</b>	<b>0</b>	<b>300</b>

#### Use of Force as Allowed by Law

16.21 The use of force by anyone is unlawful, save in exceptional circumstances, as follows:

- (a) Law enforcement, where the law allows the use of force under legally defined circumstances by officers empowered to enforce the law, where the law has been broken or where there is reasonable belief that the laws are about to be broken; and
- (b) Self-defence of person or property or defence of the person or property of another, when faced with unlawful use of force.

16.22 From the facts collected in this Study, it can be seen that the use of force by the Police in the past months of protests has been in reaction to illegal action by protesters and for protection of themselves and others when attacked by violent protesters. The Police command structure and police guidelines are all designed to ensure that force is to be used only in the circumstances cited in the preceding paragraph.

16.23 In the past months of violent protests, roads were blocked, transport infrastructure seriously affected, public and private property defaced or damaged, and police officers and private citizens attacked. Protesters used sling shots and arrows, bricks and petrol bombs, and a variety of weapons, some potentially lethal. These are illegal acts, which could have fatal consequences.

16.24 In the face of these illegal and potentially lethal acts, the Police has had to enforce the law and to protect themselves and the community against harm. Over 590 police officers have been injured with 61 hospitalised. Confronted with danger, at times mortal danger, to life and limb, the Police has deployed less than lethal force except in 12 instances. In those 12 instances, the police officers resorted to using their service pistols with 19 live rounds fired. The three persons injured as a result have all been discharged from hospital.

16.25 As seen in Chapter 6: Police Use of Force in Public Order Policing, the Police has strict guidelines on the use of weapons and a procedure for review where live rounds are deployed. For the use of firearms at the sixth level, Police General Orders (PGO) 29-05 – “Police Open Fire – Reporting and Investigation” stipulates the submission of reports for review from different levels of command at different prescribed periods. Such reports are eventually submitted to the Director of Operations for consideration.

16.26 In compliance with the law, the Police has extensive guidelines on the use of force and a system of management review each time force is used. These cover policies, procedures and training for the use of force in law enforcement. While these are quite comprehensive, there is still room for improvement. Chapter 6 sets out recommendations for enhancing these guidelines. It is apparent from the facts gathered in this Study that the Police use of force in the past months has been in reaction to the violence directed against them and in execution of their duties under the PFO and the POO, for dispersal of crowds or for arrest of offenders. Up to the end of February 2020, the Police has arrested 7 613 persons.

16.27 All police officers are personally accountable for their use of force. The complaints system, which this Study explains, is intended to ensure that if any police officer exceeds the bounds of the law and the requirements of police regulations, he is held accountable.

### **IPCC’s Observations on Aspects Studied**

#### *Public Perception*

16.28 The respondents of the public opinion surveys from August to December 2019 considered the three events which most attracted adverse opinion against the Police to be (paragraph 15.36):

- (a) The Yuen Long Incident on 21 July 2019 (82%);
- (b) The Prince Edward MTR Station Incident on 31 August 2019 (50%); and
- (c) The firing of a live round on a protester on 1 October 2019 (38%).

### *Facts Covered in This Study*

#### *General Observations*

16.29 This Study aims to provide a broad picture of the protests over the past months and the Police action in response. This Study does not deal with specific complaints or the conduct of individual officers. Complaints would first be processed by CAPO. Cases involving individual officers are subject to the due process of law or internal procedures. More on this is at paragraphs 16.35-16.38 below.

#### *Shooting Incidents*

16.30 The shooting incident on 1 October 2019 together with other shooting incidents are addressed in Chapter 4 (paragraph 4.281) and Chapter 6 (paragraphs 6.25-6.33). In all 12 shooting incidents, the officers concerned were isolated and were at risk from potentially lethal force or their service pistols were in danger of being snatched. The police guidelines allow them to use firearms in such circumstances but a standard reporting and investigation procedure will follow each incident. According to the Police, all these cases have already been subject to Police management inquiry and the circumstances found to be within regulation. No Reportable Complaint (RC) has been received on use of firearms.

#### *Specific Incidents*

16.31 Each chapter of the Study dealing with individual incidents concludes with observations of the IPCC, based on the findings in each case. Each specific incident has been studied in detail and for a complete understanding of these incidents, the individual chapters on each specific incident should be read. Highlighted here are the more important observations made in relation to the incidents:

- (a) *9 June 2019: Clashes outside LegCo*

This incident marked the first major clashes between the protesters and the Police. The clashes, involving mainly pushing and pulling, were relatively mild compared to other incidents that followed. The Police was not proactive in the use of force. They were responding to the situation where they were in face of the violence of

some violent protesters.

CAPO received 23 RCs and five Notifiable Complaints (NCs).

(b) *12 June 2019: CITIC Tower Incident*

This incident has attracted considerable public concern because protesters appeared to have gone into CITIC Tower for refuge and dispersal. The IPCC will not make any judgement whether the Police action in this incident was proper or not due to ongoing judicial review proceedings concerning this Incident.

However, the IPCC findings in this Study show that while the Police had used tear gas, they did at the same time, form cordon lines to direct protesters to disperse into Harcourt Road through Tim Mei Avenue. Meanwhile, multiple announcements were heard from an amplified source near the entrance of CITIC Tower telling people to go to the stage for water, mask and saline, and to enter into the building for shelter (on the information available to the IPCC, the only public address system in the vicinity at the time was that used by Civil Human Rights Front for the public assembly).

27 RCs and 33 NCs were received in relation to the events on 12 June.

(c) *1 July 2019: Vandalisation of the LegCo Complex*

The police tactics of deploying officers to guard inside the LegCo Complex proved to be ineffective in ensuring the integrity of the building, resulting in serious damage to the interior and the facilities. Had the Police taken precautions to contain and protect the LegCo Complex, such as setting up stronger barriers, the protesters' breaking in and vandalising might well have been avoided. Moreover, the Police would not have been accused of having run a scam or dubbed "empty city strategy (空城計)" to allow the vandalism in order to reverse public opinion. For the accusation of a scam, one might ask what would the Police gain by deliberately failing in their prime objective of protecting the LegCo Complex as stated in the Operational Order of Operation TIDERIDER, in exchange for the uncertainty of changing public opinion.

It is noteworthy that no RC has been received referring to this accusation. Nor have those who made this accusation offered any evidence for it.

(d) *21 July 2019: Yuen Long Incident*

This incident has attracted the largest number of complaints, 53 RCs and 19 NCs.

This incident has also attracted the most public discussion, as well as the most insidious internet hate messages against the Police.

From information available for the Study, the IPCC did identify deficiencies in Police deployment and other Police action in response to the events. These deficiencies have given rise to allegations of Police collusion with triads. The accusations started on the internet and went viral. Insidious hate messages against the Police, calling them “black cops”, began riding the tide. However, none of the accusatory message on the internet or elsewhere of Police collusion with triads was accompanied by evidence. This is a serious accusation which requires serious evidence but none has been offered, despite our best efforts in searching publicly available sources. The Commissioner has publicly stated at press conferences that he has no evidence of his officers colluding with triads. The Police had arrested persons suspected of having assaulted people in black outfits on the night of 21 July. These actions are inconsistent with collusion. The hate messages on the internet, labelling the entire Police Force, “black cops” are clearly not justified.

This incident, arguably the incident which most affected public opinion, is detailed in Chapter 10.

(e) *11 August 2019: Kwai Fong and Tai Koo Stations Incident*

While the Police should review their policies on firing of tear gas into an MTR station or an area not entirely enclosed or open, findings in the Study indicate that the MTR had by then announced clearing of the station, that most protesters wore respirators and that the station was only partially enclosed. The use of tear gas did achieve the purpose of dispersing the violent protesters who had refused to leave the station, thus avoiding physical confrontation and possible casualties.

In the incident in Tai Koo Station, the pepper ball rounds should not have been aimed at or hit protesters above the shoulder. The IPCC has therefore made recommendations on this. It is noted that protesters used MTR lines to mobilise themselves to different places and even to evade arrest by adopting urban guerrilla tactics. The incident also calls for review by the Police for clearer instructions on enforcement action in different operational situations and indoor public spaces such as MTR stations.

Four RCs and five NCs have been received in relation to the events at Kwai Fong and Tai Koo Stations.

(f) *31 August 2019: Prince Edward Station Incident*

One RC and eight NCs have been received in relation to this Incident.

This incident was also among the most publicly discussed and spawned hate messages against the Police on a par with the Yuen Long Incident.

A scene familiar to the public (because widely broadcast by the media) is that of the Police using force against passengers in an MTR train compartment. This oft-repeated video, however, does not show the whole picture. Moreover, news footage showed many protesters changing their clothes to disguise themselves as passengers.

The Police had to close the station so that the protesters could not escape. That operation resulted in many arrests and a number of injuries. When ambulance officers arrived, they were allowed entry after some 14-16 minutes.

There is clearly a need for better communication between the Police and Fire Services Department (FSD) in a major incident like this. The subsequent reporting of injured persons gave rise to allegations of killing by the Police, although no evidence whatsoever has been put forward by the accusers.

### **Lessons Learnt**

16.32 These incidents studied offer lessons for the Police to review their role in the maintenance of law and order and to improve their strategy for action amidst protests. In this connection, the IPCC has set out observations in relevant chapters of this Study. From these observations, the IPCC has made 52 recommendations, collated at Annex to this chapter for ready reference. The objective is to assist the Commissioner in his review of tactics and strategy.

16.33 The recommendations should be read and understood in the context of the chapter where they were made. They all focus on how public order policing might be improved and fall within the following themes:

**(a) Assessment of Risk***The Three-pronged Doctrine of Public Order Policy*

The IPCC notes the Commissioner's three-pronged doctrine:

- (1) Prevent the preventable,
- (2) Manage what is not preventable; and
- (3) Engage the unacceptable in the management of major public order events.

For effective application of this doctrine, the Police Force must formulate new strategic directions and equip itself with physical and technological resources, adequate and ready to confront the challenge of multiple city-wide guerrilla-type attacks aided by advance technology and accompanied by violence and vandalism verging on terrorism.

*An Assessment of Community Life Exposed to Risk of Violence*

We understand that the Commissioner has already taken a risk-based approach in his law enforcement objectives. The Police Force (in conjunction with the Government) should make an in-depth analysis of the potential risk to community life which could be disrupted by the kind of protests experienced in the past months. Only then could the community be forewarned and protected. Only then would the public feel safe and secure to put their faith and their trust in the Police.

**(b) Reviewing guidelines for use of force and training of officers***Review of Guidelines to Include Scenarios*

The extensive guidelines for the use of force are by and large on par with international guidelines but there are areas for improvement, particularly where the Police encounters violence and even risk of a potentially lethal nature. Examples of scenarios, validated by legal advice, would be helpful for front-line officers. These recommendations are elaborated upon in Chapter 6.

*Use of Tear Gas*

The Study highlights the extensive use of tear gas in the past months. In Chapter 6, a recommendation is to set up an expert committee comprising medical and scientific experts to advise the Police Force. The object is to ensure that the current and future

stocks of tear gas and OC Foam come within acceptable toxicological limits for use in Hong Kong streets. In Chapter 11, recommendations are made that the Police should enhance the provisions and guidelines on the use of tear gas in the densely populated urban setting of Hong Kong.

*Need to Review Training in Public Order Policing and Accreditation*

Public order policing must be reviewed for further clarification of levels of command, setting qualifications for training and periodic accreditation of officers at rank and file and command levels. This will require a review of current training practices.

*Training to Include Better Use and Dissemination of Intelligence, Real-time Monitoring of Public Order Events, Timely Action to Prevent Escalation*

Review of training should take reference from some of the negative publicity in relation to the events. In the Yuen Long Incident, for example, if early intelligence and real-time monitoring of the internet had been followed up for timely intervention in the afternoon of 21 July 2019 when persons in white congregated, the fights in the MTR station might well have been prevented.

*Maintaining Professionalism of the Force*

From the survey of police officers summarised in Chapter 15, the IPCC notes that despite the pressures from work and with the doxxing of them and their family members, members of the Police Force have maintained their own sense of worth and sense of professionalism. The IPCC believes that this survey would help the Commissioner to further hone his training policies and the support which the Police Force offers to its officers. It is heartening that almost all officers are conscious of the need to allow peaceful protest to take place and the need for restraint when due. This is a firm basis to improve the Police use of force guidelines and the training of police officers.

*Need for Better Co-ordination with Operational Partners*

Another key aspect of training is more effective co-ordination with other bodies, notably the FSD, to work closely with the Police during POEs.

**(c) Need for Better Technological Capacity***Need to Recognise Power of the Internet*

Chapter 4 gives an account of the power of technology in convening and propelling the protests, as well as its influence on opinion formation and promotion. (Annex 3 to Chapter 4). There was also at least one App which informs protesters of police mobilisation on a real-time basis.

*Need to Review Use of Internet for Intelligence and Real-time Operations*

While protesters have been quick and slick with the use of technology, the Police is slow in monitoring their activities. Opportunities for preventing protests were lost. As an example, had the Police monitored the internet on a real-time basis, it would have known that the gathering of white-shirted persons in the streets of Yuen Long had been the subject of much criticism of Police inaction on the internet that afternoon. If action had been taken then to disperse the crowd dressed in white or if their movements were monitored, the subsequent fights might have been prevented.

**(d) Need for Timely and Effective Communications***Power of Internet for Communications of Ideas*

From the incidents studied, it can be readily seen that the internet was used not only for convening protests and tracking police mobilisation but also for inciting violence and spreading of hatred against the Police.

*The Police Force Needs a Communication Strategy Geared to a Highly Dynamic Situation and Tapping into Community Channels*

The Police could have been more effective in initial communications in some incidents, particularly that in Yuen Long. It would have preempted or at least reduced the intensity and volume subsequent messages of hate for the Police.

The Police needs to fashion a communication platform which strongly taps into the internet in addition to the present methodologies employed by the Police Public Relations Branch (PPRB). The use of community channels should also be explored, including owners' corporations, mutual aid committees, property management agents, telecom service providers for quick and effective communications. If a large-scale protest were convened through the internet and tear gas might be used, then early

warning could be given to parties likely to be affected.

**(e) Co-ordination with Electronic and Print Media**

The IPCC notes that the largest group of complainants against the Police are reporters, some of whom were in harm's way while covering the events of the past months. When the reporters performed news coverage of Police action in response to violent protests, their presence and sometimes even right in front of police cordon lines might on occasions impede police officers in discharging their duties. There have also been cases, in which fake press cards were found by the Police when conducting operations. The IPCC has recommended that the Police in consultation with representative media groups work out a Code of Practice for cooperation during POEs. The media has to accept that public protests with violence are dangerous and acknowledge that the public is entitled to news with balance of facts. The Police has to appreciate that the media has a duty to report and the public a right to know the situation on the ground.

**(f) Systems Fit for Purpose**

The Study found the 999 systems to have been inundated on the night of 21 July 2019. This event could well be repeated in future. The study shows that San Uk Ling Holding Centre was not suitable for detention of mass arrests and that in future, such centres should be properly equipped. Both instances point to the need for ensuring systems and facilities be fit for their intended purposes.

**(g) Legal Advisers Office**

The IPCC believes that the Commissioner should have readily available legal advice and assistance in-house. This would help expedite review of guidelines and provide legal validation for policies, procedures and practices. Most police forces in other jurisdictions have such an office. Prosecutorial work remains with the Department of Justice.

**(h) Maintaining Public Trust**

Chapter 15 summarises the perceptions of protesters and the public towards the Police in the past months, by surveys conducted by independent academics. Such perceptions are invariably affected by the messages in the media and on the internet. They will also change with time. It will be important for the Police Force to restore and rebuild public trust. The IPCC's recommendations are designed to support the

Police in this.

### **Partnership with Private Bodies**

16.34 Partnership between the private and public sectors has been popular in infrastructure projects. A similar approach should be explored for the security and protection of the community. Protocols could be worked out for Public-Private Participation for protection of community life and property.

### **The Complaints System**

16.35 By law, police officers are personally accountable for any use of force outside the law and the guidelines of the Police Force. The complaints system is designed to enable the public to bring any infraction of law or discipline to the attention of the Commissioner through CAPO and it is the statutory function of the IPCC to monitor and review the investigation of all RCs. Any officer found to be guilty of an infraction will be subject to disciplinary or judicial processes.

16.36 This Study does not deal with matters of individual officer's accountability for overstepping the law or for insufficient supervision in specific cases. They are for the complaints system and the system of supervision within the Police Force.

16.37 Chapter 5 deals with the complaints received up to end of February. The information collected in this Study assists in viewing the cases in broader perspective when monitoring and reviewing CAPO investigations come to hand. CAPO has up to 29 February 2020, received 542 RCs and 1 099 NCs. The statutory function of the IPCC is to monitor and review the RCs. The NCs, though they are made by third parties (namely, persons not directly affected), are followed up by the CAPO to enhance service quality and supervision within the Police Force.

16.38 Of the 542 RCs, there were 96 allegations of "Assault", against police officers. Of these, 83 were made by arrested persons, four by reporters and the remaining nine by other persons. The complaints by arrested persons have been listed as "Sub-Judice" as the arrestees will in due course face trial and the facts surrounding their complaints would become part of the evidence at trial. The cases of these arrested persons continue to be part of the prosecution process to bring them to trial in the Courts. The IPCC will seek a report of the trial in each case to perform its monitoring duty. In any event, in each RC, the IPCC will follow up to ensure that the full facts of the complaints are accurately reported and interviews of complainants and police officers as well as the collection of evidence at the sites where the complaint occurred are observed by one of the IPCC's 120 Observers.

### **The Commissioner's Supervisory Powers**

16.39 The events in the past months must be the most photographed and video-recorded in volume and in detail in the history of Hong Kong to date. Where no complaints have been made but there is evidence on reliable video footage or other reliable sources to show overstepping the mark in the use of force, the Commissioner would be expected to put his house in order.

16.40 The Police Force has a system of supervision which it has honed over its 175 years of history. The IPCC is confident that the Commissioner is aware of the challenges the Police Force continues to face. The IPCC hopes that the recommendations made in this Report will assist the Commissioner in meeting these challenges.

### **Scope and Limitations of this Report**

16.41 While this Report does not deal with specific complaints or individual officers, the facts collated from multiple sources do facilitate a fairly clear view of the conduct and tactics of the key players in confrontation: notably the protesters, mostly in black, other participants in white and the Police.

16.42 In the course of this Study, the IPCC has had considerable support from all who have given information, in response to the public appeal or by specific request. There have been public comments that if the IPCC had the capability to call for evidence direct, that it could have achieved more. These are matters for the public discussion in the future. The IPCC meanwhile works within the limitations of the IPCC Ordinance.

16.43 Despite limitations, this Report offers a broad perspective the IPCC can use in reviewing the RCs that have been lodged, and in making recommendations to the Commissioner. It is also hoped that these findings may help show the way to the Administration going forward.

### **Acknowledgments**

16.44 The IPCC thanks members of the International Expert Panel for their advice and guidance in the initial stages of this Study. They provided useful literature to the Special Task Force for reference in this Study. Sir Denis O'Connor was unstinting in sharing his experience as a former senior police officer and the author of seminal studies on Police Forces in the United Kingdom. The IPCC is grateful to them for their support and contribution. It must be stressed that their role had been purely advisory. The IPCC takes full responsibility for this Study.

16.45 The IPCC is grateful to the Commissioner and his staff for providing information and responses. Other bodies, such as the FSD, the Hospital Authority and the MTR Corporation Limited have provided information within the limitations imposed on them by law. The IPCC thanks them all for their assistance.

16.46 This Study has been one of the most difficult tasks which the Secretariat has encountered and performed in the history of the IPCC. That it has been completed within a relatively short time-frame and in such detail is a tribute to the dedication to all members of the Secretariat. The IPCC would like to record its appreciation for their contribution.

### **Concluding Observations**

16.47 The protests of the last ten months have metamorphosed from initial peaceful processions and public meetings to extreme forms of violent protests in the streets, resulting in destruction of public and private property, disruption of our transport infrastructure, and serious injury (and in one case death) of many citizens holding different views to those of the protesters. From recent seizures of assault rifles, hand guns and ammunition, and materials for bomb making, it seems that our community is being dragged into an era of terrorism. It is the duty of the Police Force to keep the peace and maintain law and order, in protection of all. Under the violence they had to face in performance of their duty, the Police had found it necessary to resort on occasions to the use of force. It is hoped that this Study will enable better understanding of the role of the Police in the face of such violence and their accountability under the law.

16.48 Finally, it is plain for all to see, that the violence accompanying the protests of the last ten months had brought Hong Kong's economy to a precipitous state. The COVID-19 epidemic has deepened our economic woes. The image of the Police has lost its lustre and the city of Hong Kong has lost its hard-earned reputation as a peaceful city. Most disheartening, too, is the psychological trauma the violence has wrought, particularly on the minds of young people. Still, the people of Hong Kong have surmounted numerous difficulties of the past by their resilience and capacity for revival. With the outbreak of COVID-19, acts of kindness and community co-operation – conspicuously absent during the months of violence – have resurfaced. Hong Kong remains a community that cares and together we can create a brighter, better future for all.

The Independent Police Complaints Council

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