

CHAPTER 7**INCIDENT DAY – SUNDAY 9 JUNE 2019****Introduction**

7.1 This Chapter deals with the events on Sunday 9 June 2019. This day saw the first large-scale public procession against the Fugitive Offenders Bill and then in the evening, the first clash between protesters and the Police outside the Legislative Council Complex (the LegCo Complex). The events on 9 June attracted 23 Reportable Complaints (RCs) and five Notifiable Complaints (NCs) (see paragraph 7.17 below for details). These complaints are investigated by CAPO and each RC will be monitored by the IPCC assigning observer(s) to attend interview(s) and observe the collection of evidence conducted by CAPO. The purpose of this Chapter is to enable the IPCC to inform itself of the facts of the incidents giving rise to these complaints and the context in which these incidents took place, so that the IPCC is in a better position to undertake its function under section 8(1)(a) of the IPCC Ordinance in monitoring and reviewing the investigations of the individual complaints by CAPO. At the same time, the opportunity is taken to make recommendations to the Commissioner of Police (Commissioner) under section 8(1)(c) of the IPCC Ordinance so that complaints from future Police operations may be prevented.

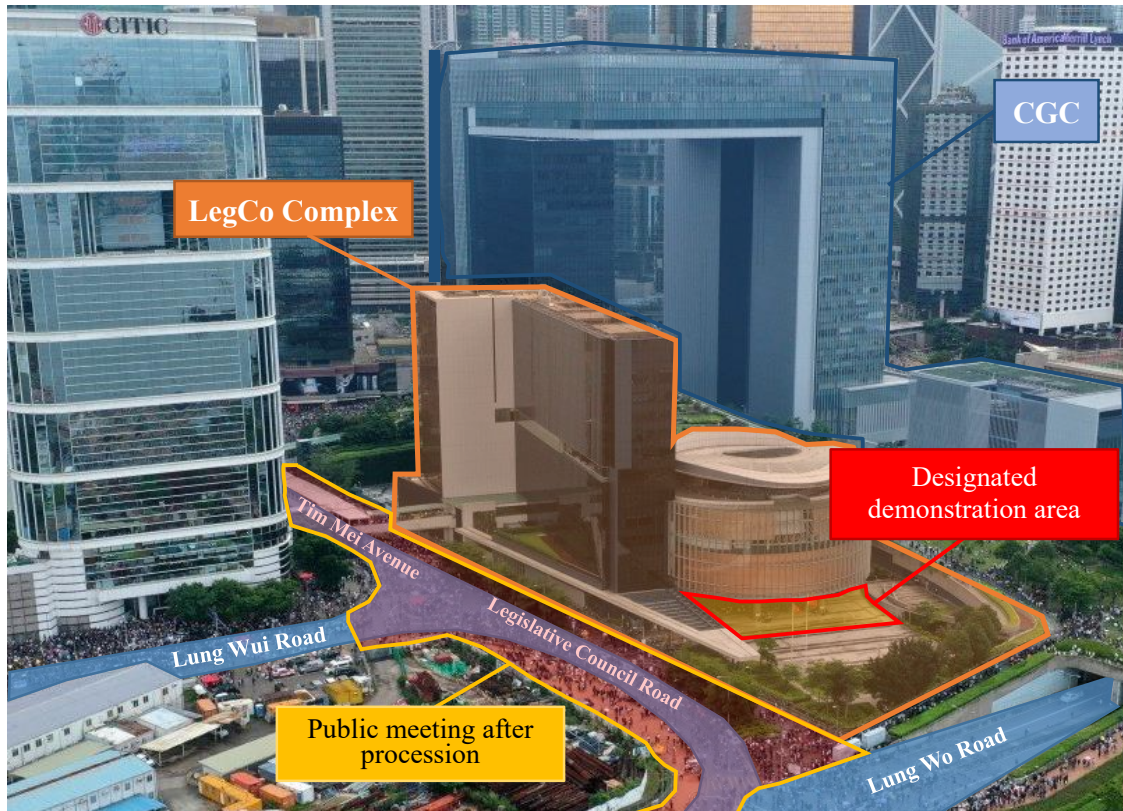
7.2 What followed the events on 9 June were another clash on 12 June, again outside the LegCo Complex, and the storming of the LegCo Complex by protesters on 1 July. This trilogy of events on 9 June, 12 June and 1 July, all taking place at the LegCo Complex, marked the beginning of a phase of the Fugitive Offenders Bill protests, when peaceful public order events (POEs) became interspersed with bouts of violence.

7.3 Before 9 June, the organisation Civil Human Rights Front (CHRF) had launched two public processions, on Sunday 31 March¹ and Sunday 28 April², against the Fugitive Offenders Bill. Both events were peaceful, though minor in scale in comparison with subsequent processions, with only 12 000 and 130 000 participants according to CHRF. Between mid-April and mid-May, after four meetings, the LegCo still could not set up a Bills Committee to scrutinise the Fugitive Offenders Bill. As a result, Secretary for Security, Mr. John LEE,

¹ Hong Kong Free Press (2019-03-31). “In Pictures: 12,000 Hongkongers march in protest against ‘evil’ China extradition law, organisers say”. Retrieved from <https://www.hongkongfp.com/2019/03/31/pictures-12000-hongkongers-march-protest-evil-china-extradition-law-organisers-say/>

² SCMP (2019-04-28). “Estimated 130,000 protesters join march against proposed extradition law that will allow transfer of fugitives from Hong Kong to mainland China”. Retrieved from <https://www.scmp.com/news/hong-kong/politics/article/3007999/thousands-set-join-protest-march-against-proposed>

announced on 20 May that the Government had decided to take the Fugitive Offenders Bill directly to the LegCo Meeting on 12 June for a Second Reading debate, bypassing the Bills Committee stage.³ It was against the background of this unusual arrangement⁴ that CHRF organised the third public procession on 9 June⁵, from Victoria Park to Central Government Complex (CGC) area in the afternoon, and a public meeting at the destination of the procession that evening (see Graphic 7-1, Maps 7-1 and 7-2).⁶



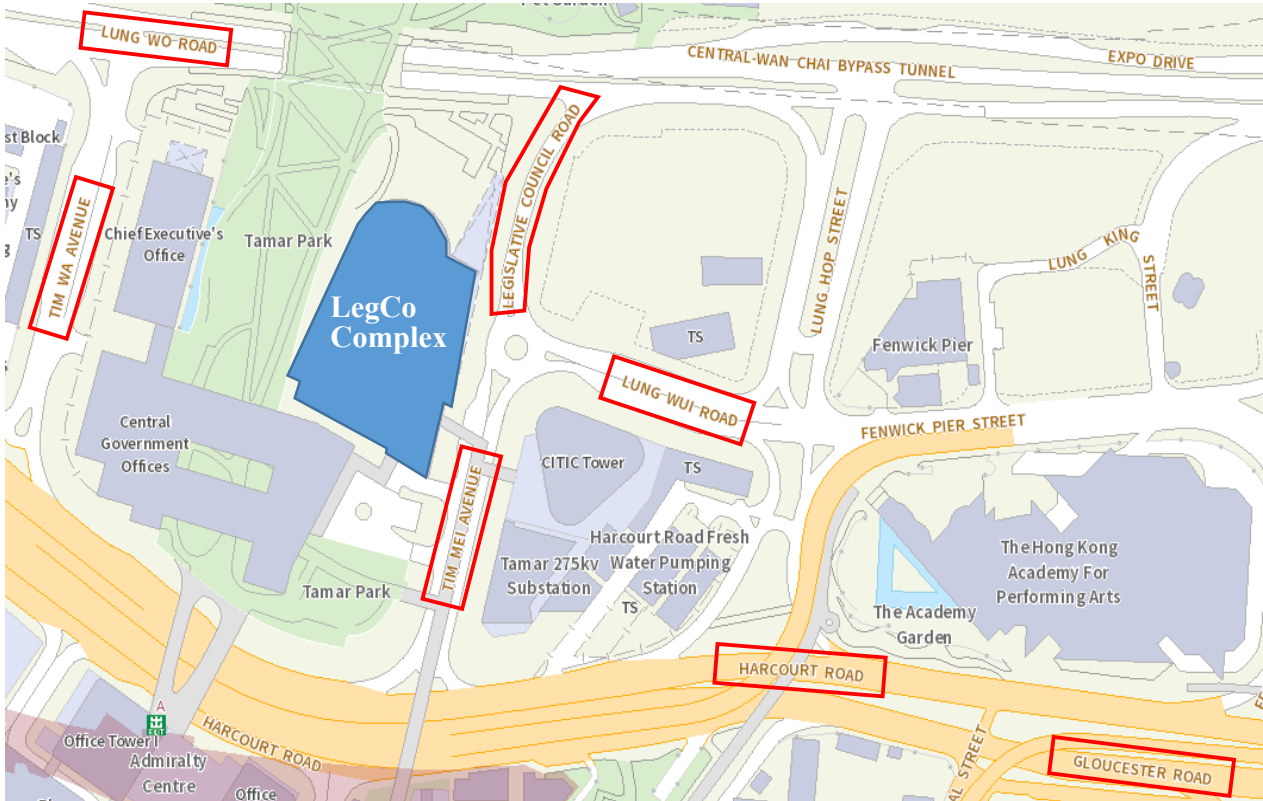
Graphic 7-1: The LegCo Complex
(Source of base image: SCMP)

³ Hong Kong Free Press (2019-05-20). “Hong Kong extradition bill to bypass legislative committee scrutiny, as gov’t fast-tracks controversial law”. Retrieved from <https://www.hongkongfp.com/2019/05/20/just-hong-kong-extradition-bill-bypass-legislative-committee-scrutiny-govt-fast-tracks-controversial-law/>

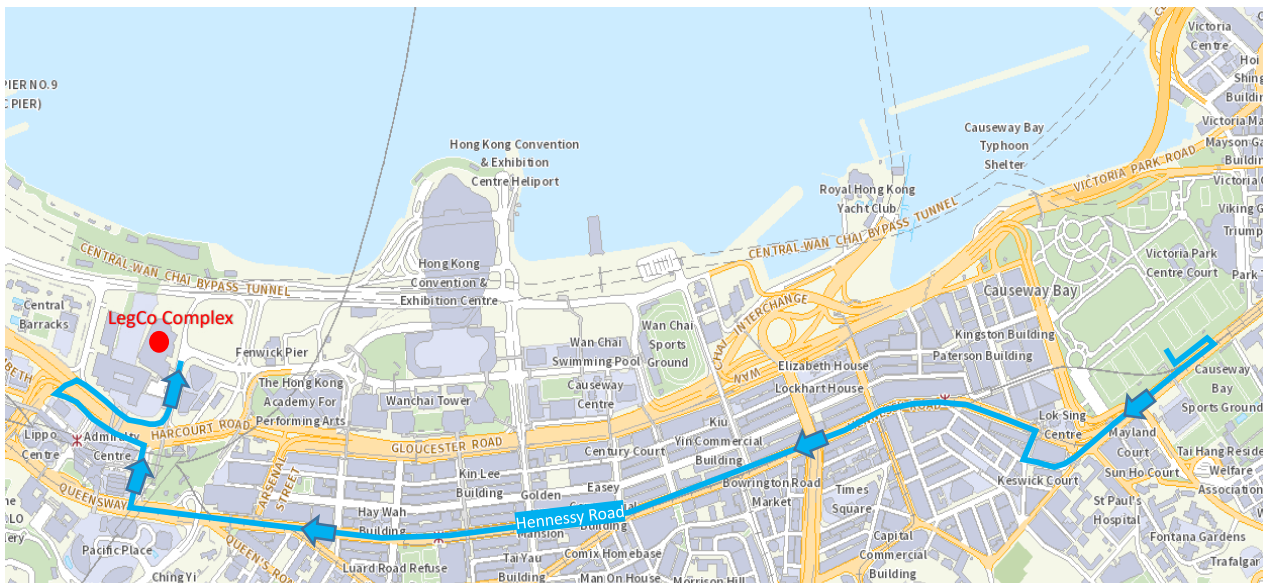
⁴ The legislative procedure was “unusual” as the Fugitive Offenders Bill would be processed on a fast-track arrangement without the usual scrutiny in committee before being tabled for a Second Reading in Council.

⁵ It was widely reported by the local media that CHRF was the organiser of the public procession and meeting on 9 June. However, the relevant “Letter of No Objection” issued by the Police was addressed to the Office of LegCo Member AU Nok-hin and his Office is a member-organisation of CHRF.

⁶ The destination of the procession was at Tim Mei Avenue and Legislative Council Road.



Map 7-1: Major roads around the LegCo Complex
(Source of base map: Lands Department)



Map 7-2: Public procession route on 9 June
(Source of base map: Lands Department)

7.4 According to the Police, prior to 9 June, there were appeals on the internet inciting people to throw water bottles, bricks, stones and petrol bombs during the POEs that day. Two political groups, namely Hong Kong Independence Union and Studentlocalism, had uploaded messages on the Facebook that there would be an important announcement after the procession on 9 June and asked supporters to stay behind at CGC area. These two groups were established among younger people after the Occupy Movement (OCM) in 2014 to fight for political reform in Hong Kong.

7.5 The Police was aware of the information disseminated on the internet. In anticipation of possible violent opposition at the LegCo Complex, the Police formulated an operational contingency plan on 8 May 2019, known as “Operation TIDERIDER”, to protect CGC area including the LegCo Complex. The policing objectives were to safeguard the integrity of the CGC area and to ensure safe access for LegCo Members and Government officials to and from the premises. Unauthorised entry and violent or illegal acts to impair the functioning of these two complexes would not be tolerated. The general policing philosophy, according to the Police management, was to prevent the preventable, manage the unpreventable and engage the unacceptable.

7.6 CGC, together with the LegCo Complex and Tamar Park, formed a cluster across the Central Promenade. On its south side is Harcourt Road, a trunk road linking the east and west of Hong Kong Island North, and connecting Gloucester Road in the east. On its north side is Lung Wo Road, an alternative road of Harcourt Road. On its east side is a roundabout with three exits for Legislative Council Road to the north, Tim Mei Avenue to the south, and Lung Wui Road to the east towards Wan Chai. On its west side is Tim Wa Avenue. The open areas at these roads and the Tamar Park can accommodate a large assembly and render crowd dispersal difficult.

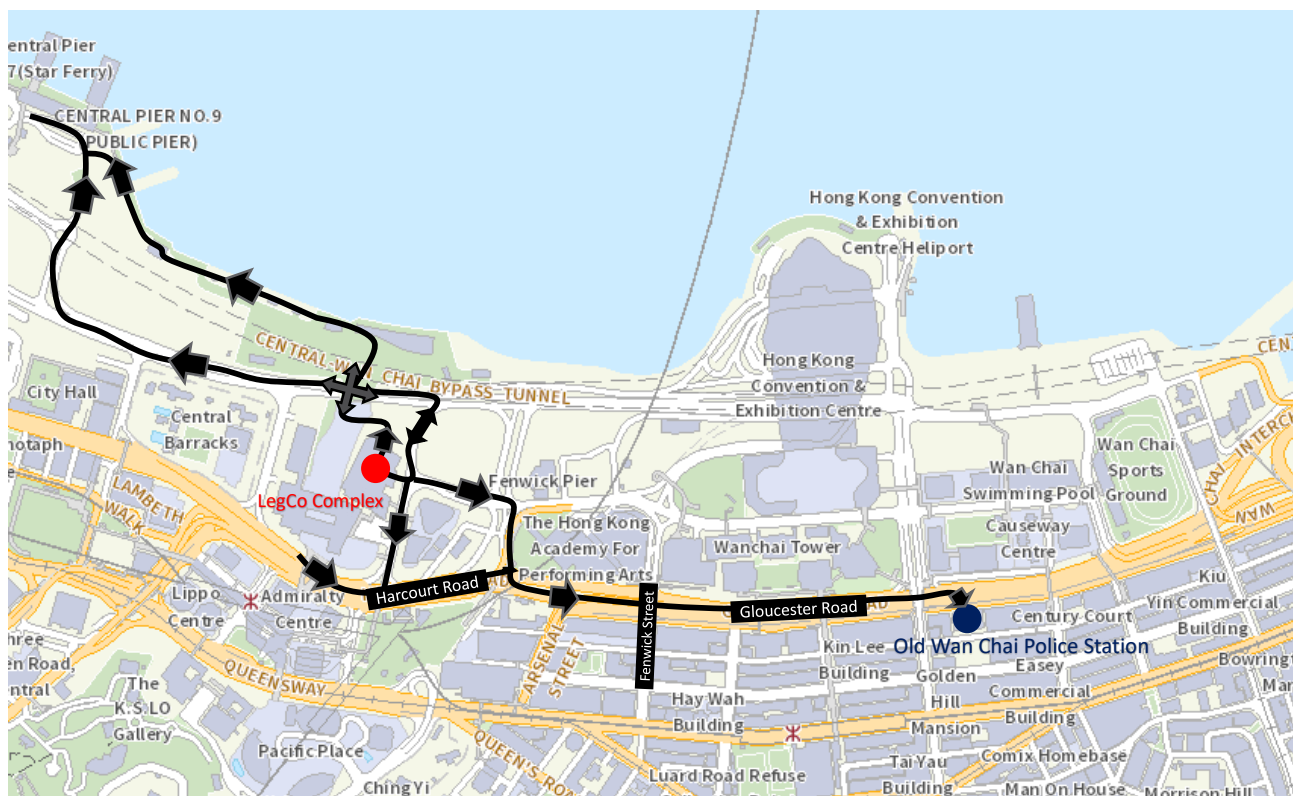
7.7 On 9 June, the Police adopted a three-tier command structure at first, with Headquarters Command and Control Centre (HQCCC) being the highest level from Police Headquarters, the Regional High Command at the second level giving instructions to the Forward Command Post (FCP) at ground level. This three-tier command structure was changed to two tiers after midnight clashes broke out with protesters blocking Lung Wo Road. At this point, HQCCC started giving orders to FCP direct. In the operation, the Police deployed a total of 3 197 officers, with 2 083 handling the public procession and 636 staying on guard at the public meeting at the procession destination outside the LegCo Complex. There were also 852 officers on contingency reserve duty for eventualities that day.⁷

⁷ The Police deployed a total of 3 197 police officers to manage the events between 05:00 on 9 June to 05:00 on 10 June. As some units were deployed for policing multiple events, the sum of manpower number deployed for different events is more than 3 197 because those units with multiple tasks are counted more than once.

7.8 The Police had issued a Letter of No Objection (LoNO) for the public procession and the following public meeting up until 23:59. The public procession was scheduled to start from Victoria Park at 15:00. Given the large turnout at the starting point, however, it kicked off early at 14:22. CHRF estimated that over one million took part in the procession while the Police counted 240 000 at the time with the largest turnout. The procession was generally peaceful and orderly, but the Police was forced to open the eastbound lanes of Hennessy Road at 16:30 in order to accommodate the large number of protesters. As mentioned earlier, CHRF, Demosistō⁸, Studentlocalism and Hong Kong Independence Union had called for the protesters to stay behind at the CGC area after the procession to rehearse laying siege to the LegCo Complex. Hundreds of protesters did so accordingly while a few hundred others gathered at Harcourt Road, outside Admiralty Centre.

7.9 At 23:09, the Government issued a press release acknowledging the large turnout of the march and announcing the Second Reading debate on the Fugitive Offenders Bill to be on 12 June. This message changed the atmosphere at the LegCo Complex and protests began to intensify, to a point around midnight with hundreds of violent protesters charging on the police cordon line at the designated demonstration area of the LegCo Complex. They threw iron rods, metal barriers, water bottles and other hard objects at the police officers. In response, the police officers used batons, OC foam (i.e. pepper spray) and PAVA solution (i.e. pepper liquid) to hold back the violent protesters. More police officers were deployed for dispersal action. Some of the protesters fled to Tim Mei Avenue, Lung Wui Road and Lung Wo Road, blocking these roads. Some other protesters spilled onto Gloucester Road. Around 02:50, the Police concluded dispersal action with 358 protesters hemmed in outside old Wan Chai Police Station. These 358 protesters were allowed to leave after being searched and their personal particulars recorded by the Police (see Map 7-3 for the major dispersal routes of protesters).

⁸ Demosistō, established in April 2016, is a pro-democracy and young activist group.



Map 7-3: Major routes protesters dispersed on 10 June
(Source of base map: Lands Department)

7.10 A chronology of the POEs of this day appears as Annex to this Chapter.

7.11 The violence from the protesters on 9 June was much less in comparison with that in the clashes that followed in subsequent incident days. The gear worn or used by both the protesters and the police officers on 9 June was comparatively light. News footage showed that only about half of the protesters had put on surgical masks and only a few were in black outfits with masks, goggles and helmets. The police officers at the cordon line were in standard uniform. Even the officers deployed to the scene later on were not in full riot gear.

7.12 A total of eight police officers were injured on 9 June, including one with serious eye injuries. The Hospital Authority (HA) at various hospitals treated a total of 72 persons related to the incident on 9 June.

7.13 As at 29 February 2020, the Police had arrested 33 persons (31 male and two female) in connection with the incident on 9 June for various offences, including “Unlawful Assembly”, “Assaulting on Police Officer”, “Obstructing Police Officer”, “Possession of Dangerous Goods and Others” and “Possession of Offensive Weapons”. Among them, 15 persons had been charged in Court, including one convicted for “Assault on Police Officer” and 14 pending trial, 13 were under police investigation whereas five had been released.

7.14 What happened on 9 June has raised public concern over the following issues:

- (a) Police opening eastbound lanes of Hennessy Road for the procession;⁹
- (b) Police use of force in dispersing protesters; and
- (c) Police handling of reporters.

Sources of Information

7.15 For the purpose of its study of the events on 9 June, the IPCC has scrutinised the following materials:

- (a) Documents provided by the Police in respect of police deployment and operation, prior intelligence received, use of police weapons and casualties incurred on the incident day.
- (b) Operational Orders for Operation TIDERIDER provided by the Police.
- (c) Information obtained from meetings with the Police.
- (d) Footage recorded by the Police pertaining to the 9 June operations. A total of 33 video clips of 6 hours 38 minutes long were viewed.
- (e) News reports and news footage produced by different television companies, newspapers and media. A total of 171 news reports¹⁰ and 53 video reports of 48 hours long were examined.
- (f) Photos and footage provided by the public in response to IPCC's appeal.
- (g) Press statements obtained from the website of the Information Services Department (*news.gov.hk* and *info.gov.hk*), the Police (*police.gov.hk*) and LegCo (*legco.gov.hk*) concerning the clashes on 9 June.
- (h) Information provided by the HA on the number of persons receiving medical treatment as a result of the incident on 9 June.

⁹ Apple Daily reported on 10 June 2019 that CHRF convener, Jimmy SHAM, criticised the Police crowd management on 9 June procession was “irresponsible and lacked foresight”. [*Apple Daily* (10 June 2019). 警拒開放東行線塞到爆]

¹⁰ This figure counts the paper media, while the IPCC has also viewed mainstream online media/sources including but not limited to HK01, Stand News, Hong Kong Free Press, and Hong Kong In-media etc.

The Events

7.16 The events on 9 June can be divided into two phases, the first phase from 14:22 to 22:30 covering the public procession and the second phase from 22:30 to 03:00 the following day covering incidents after the procession including the clash at midnight.

Phase I – The Public Procession from 14:22 to 22:30

Commencement of Procession at 14:22

- The procession was originally scheduled to commence at 15:00 to walk from Victoria Park to Tim Mei Avenue and Legislative Council Road outside CGC (see Map 7-2 for the procession route) (source: HKPF). Due to the large turnout at Victoria Park before the commencement time, CHRF kicked off the procession at 14:22. When the head of the procession arrived at CGC at 15:53, CHRF asked the protesters to stay behind to join the assembly there (source: HKPF, media reports and live video footage).

Opening of Hennessy Road Eastbound Lanes at 16:30

- There was a massive turnout at the procession. CHRF estimated 1.03 million had taken part in the procession while the Police counted 240 000 at the highest turnout (source: HKPF, media reports and live video footage). During the procession, many protesters were jammed at the junction of Hennessy Road and Canal Road (see Image 7-1). These protesters demanded the Police to open the eastbound lanes on Hennessy Road. At 16:02, some protesters tried to cross the police cordon line to get to the eastbound lanes (source: media reports and live video footage) The police officers then raised the red flag warning them to “*Stop Charging or We Use Force*” (see Image 7-2) (source: HKPF, media reports and live video footage). The protesters, however, demanded that more roads be opened for the procession (source: media reports and live video footage).



Image 7-1: An aerial view of the procession at the junction of Hennessy Road and Canal Road before the eastbound lanes were opened
(Image source: HK01)



Image 7-2: Police raised the red flag warning protesters not to charge forward
(Image source: Ming Pao)

- At 16:30, several protesters broke through the police cordon line and the crowd spilled to the eastbound lanes (see Image 7-3). The Police then opened the eastbound lanes of Hennessy Road (source: media reports and live video footage).

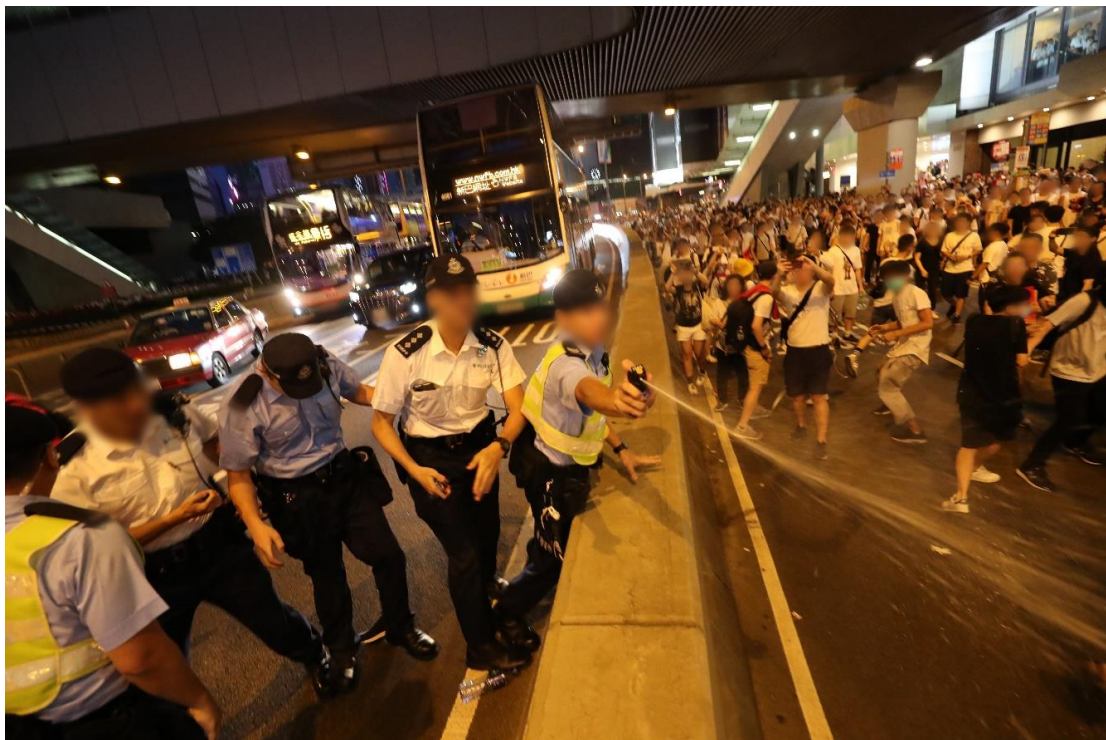


Image 7-3: Some protesters tried to cross the police cordon line to the eastbound lanes of Hennessy Road

(Image source: HK01)

Use of OC Foam at 19:25

- The procession continued smoothly after the opening of the eastbound lanes. However, at 19:25 in Admiralty, six protesters dashed out from the procession to Harcourt Road outside Admiralty Centre and tried to block the westbound traffic with metal barriers (source: HKPF and media reports). The police officers on that spot caught one of the protesters (see Image 7-4). Immediately, around ten persons rushed out from the procession and successfully grabbed that protester from the Police. A police officer therefore used OC foam on those ten persons who then ran off (see Image 7-5) (source: media reports).



Images 7-4 (top) and 7-5 (bottom): At 19:25, the Police used OC foam to disperse people at Harcourt Road outside Admiralty Centre
(Image source: SCMP)

Procession Concluded at 22:30

- At 22:30, CHRF announced the conclusion of the public procession with a total participants of 1.03 million. From 20:20 onwards, members of Demosistō, Hong Kong Independence Union and Studentlocalism called for protesters to join them and stay behind at the LegCo Complex (source: HKPF and media reports).

Phase II – Clashes after the End of the Procession

Hundreds of Protesters Gathering at LegCo Complex and Harcourt Road

- After the conclusion of the procession at 22:30, hundreds of protesters gathered outside the LegCo Complex and at Harcourt Road outside Admiralty Centre, blocking the westbound traffic of Harcourt Road. At 23:40, police officers formed a cordon line and called with loud hailers for the several hundred protesters outside Admiralty Centre to disperse, but the protesters refused to leave. A stand-off between the Police and the protesters lasted until 01:00 when most of the protesters on Harcourt Road left the spot and the police officers dispersed the few remaining protesters back to the pavement (source: media reports, live video footage).
- At 22:47, members of Studentlocalism and Hong Kong Independence Union announced that they would stay at Tim Mei Avenue until 12 June (source: HKPF, media reports and live video footage) and take the protest to a higher level if the Government did not withdraw the Fugitive Offenders Bill (source: media reports and live video footage).
- At 23:09, the Government released a statement acknowledging the high turnout of the procession and announcing the Second Reading debate on 12 June (source: Information Services Department).

Clashes at 00:01

- At 00:01 on 10 June, several hundred protesters began to charge on the police cordon line at the designated demonstration area (the “Drum” area) at the LegCo Complex (source: HKPF, media reports and live video footage). According to the guidelines dated 27 November 2018 issued by Legislative Council Secretariat, the designated demonstration area is open to the public for staging petitions or demonstrations from 07:00 to 23:00 daily (source: Legislative Council Secretariat website). At 00:01 when the protesters began charging on the police cordon line, it was outside the opening hours. The Police raised the red warning flag to indicate “*Stop Charging or We Use Force*”. The situation intensified as some violent protesters pushed metal barriers towards the cordon line and

threw various objects at the police officers (see Image 7-6). The protesters dismantled the roadside railings for metal rods, or took large objects readily available on the streets such as litterbins or traffic cones for the clash with the police officers. In order to hold the cordon line, the police officers responded with baton strikes and sprayed OC foam (see Images 7-6 and 7-7). Some protesters fled to Tim Mei Avenue and Lung Wui Road (source: HKPF, media reports and live video footage).



Images 7-6 (top) and 7-7 (bottom) : Clash scenes at the LegCo Complex Drum” area
(Image source: From Stand News Facebook public page and Sing Tao Daily)

- At 00:15, a police officer was seen attacked by some violent protesters and was injured in the eyes. The injured police officer was then seen hit by a flying iron rod taken off a metal barrier. Other police officers immediately took him into the LegCo Complex (see Image 7-8). Some protesters at Tim Mei Avenue took the metal barriers there to block Lung Wo Road. Around 00:26, about 200 protesters were gathering at Lung Wo Road and Lung Wui Road (source: HKPF, media reports and live video footage).

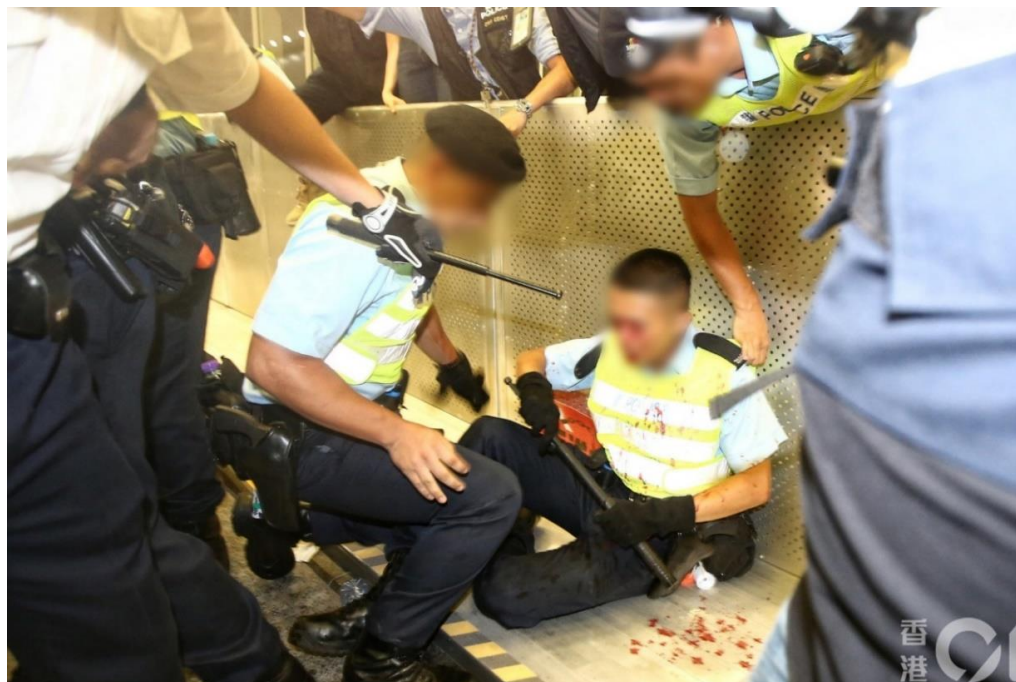


Image 7-8: A police officer was injured in his eyes and was then hit by a thrown iron rod during the clash at the LegCo Complex “Drum” area

(Image source: HK01)

- Around this time, seven platoons of Emergency Unit officers, supported by Special Tactical Contingent (STC) officers, arrived at the LegCo Complex as reinforcement (source: HKPF, media reports and live video footage).
- At 01:00, more protesters went to Lung Wo Road and used metal barriers, bulk litter containers and other objects to block the road and the underpass there. At 01:32, about 550 police officers in riot gear were deployed to disperse the protesters from Legislative Council Road towards Tamar Park and Lung Wo Road to the west, and along Tim Mei Avenue and Harcourt Road to the east. The Police saw some protesters holding fire extinguishers and digging up bricks from the pavements in CGC area. News footage showed some police officers pushing some reporters with their shields during the sweeping action for crowd dispersal and shouting for them to leave (see Image 7-9) (source: HKPF, media reports and live video footage).



Image 7-9: Reporters were also dispersed during the police sweeping
(Image source: Reuters)

- At 02:05, the group of protesters who were dispersed to Fenwick Street walked towards Wan Chai via Gloucester Road eastbound lanes and blocked Gloucester Road with mills barriers, bus stop stands and litterbins (see Image 7-10). The other group dispersed at Tamar Park walked towards the Central Pier (source: HKPF, media reports and live video footage).



Image 7-10: Protesters used bus stop stands and litterbins to block Gloucester Road
(Image source: HK01)

- At 02:19, two platoons of Police Tactical Unit (PTU) officers formed a cordon line to disperse the crowd at Gloucester Road outside Immigration Tower (see Image 7-11). Two other platoons dispersed the crowd outside Admiralty Centre (source: HKPF, media reports and live video footage).



Image 7-11: Police dispersing the crowd on Gloucester Road, Wan Chai
(Image source: *From Stand News Facebook public page*)

- At 02:50, the Police surrounded 358 protesters outside old Wan Chai Police Station (see Images 7-12 and 7-13). By this time, most of the protesters had been dispersed and the Police had reopened Gloucester Road (source: HKPF, media reports and live video footage).
- At 06:00, the Police had finished searching the 358 protesters and recording their particulars. They were then released (source: HKPF and media reports).



Images 7-12 (top) and 7-13 (bottom): At 02:50, the Police surrounded 358 protesters outside old Wan Chai Police Station
(Image source: HK01)

Complaints against Police

7.17 As at 29 February 2020, 23 RCs and five NCs against Police action on 9 June 2019 have been received. The nature of the 23 RCs is as follows:

- Two complaints were made by civilians against police officers' impoliteness and use of foul language.
- Eight complaints were made by civilians against police officers for -
 - (a) Pushing, pulling, and dragging protesters; and
 - (b) Assaulting protesters with baton.
- 13 complaints were lodged by reporters against police officers for -
 - (a) Using shields and flashlights to block them from taking photos, filming and reporting the incident;
 - (b) Pushing them with shields and impolitely dispersing them; and
 - (c) Using batons against them.

Police Response

7.18 In response to the events of this day, Police management has made various observations to the IPCC, as set out below:

Intelligence Collected by the Police Prior 9 June

7.19 Some netizens proposed online to throw water bottles, bricks, stones and petrol bombs during the event.

7.20 Hong Kong Independence Union and Studentlocalism appealed to supporters on Facebook to stay behind for an important announcement upon completion of the public procession.

Operational Planning

First Relevant Operational Order for Operation TIDERIDER

7.21 The document was issued on 8 May 2019 as the Police foresaw problems since the Fugitive Offenders Bill had faced massive opposition and a series of POEs (mostly peaceful processions) had already taken place.

7.22 The policing objectives of the operation were to safeguard the integrity of CGC and

ensure the safe passage of LegCo Members and Government officials to and from CGC in a safe and uninterrupted manner, as intelligence revealed that some protesters might use violence to cause disruption to CGC and prohibit LegCo Members and Government officials from accessing the CGC.

Police Contingents

7.23 After the OCM in 2014, the “police contingents” concept was established for better management of manpower and the chain of evidence involving arrest. When handling POEs, the Police would rearrange its manpower to form the police contingents. Currently, the Police Force has a total of one Headquarters Response Contingent and five Regional Response Contingents (RRCs), consisting of around 3 000 officers.

7.24 Each contingent comprised 500 officers, commanded by a Chief Superintendent of Police. The composition of a RRC included (1) frontline element consisting of Tier I and II officers, i.e. uniformed branch officers who had all received recent PTU training to handle aggressive riot situations; (2) crime investigation arm to handle arrests and filming; and (3) administrative staff for support and logistic duties.

7.25 Based on police experience in the OCM where protesters had put up fierce resistance during arrests, STC was formally established in April 2015. The purpose of STC is to provide tactical capabilities in making quick arrests at incidents which involve or are anticipated to involve exceptional levels of public disorder (e.g. serious or prolonged periods of unlawful occupation or physical obstruction to roads, serious threats to public safety, violence against Police.) They are deployed as being necessary to augment PTU contingents in such situations.

Police Deployment in 9 June Incident

7.26 Police deployed a total of 3 197 officers to manage the events throughout the day from 05:00 on 9 June to 05:00 on 10 June.

Police Handling of 9 June Incident

7.27 A LoNO was issued for the POE for 9 June which was scheduled to run from 14:30 at Victoria Park, Causeway Bay, to Tim Mei Avenue, Central, at 23:59. The anticipated number of participants was 5 000 persons, according to the event organiser. Police figure recorded the peak number of protesters at 240 000 persons (while CHRF claimed to have 1.03 million participants).

7.28 The public meetings and public procession were conducted in a peaceful manner on the whole. However, some of the protesters turned violent after the organiser announced the event was concluded. After the conclusion of the event at 22:00, several hundred radical protesters refused to leave the LegCo Complex. They charged police cordon line and attempted to block and occupy the main roads nearby by placing various objects on the road. Subsequently, Legislative Council Road, Tim Mei Avenue and Lung Wui Road were illegally occupied.

7.29 The radical protesters then dismantled mills barriers which were used for setting up Designated Public Assembly Area of the LegCo Complex and used them to charge on the building and police cordon line. The protesters further escalated violence by throwing iron bars, metal barriers and bottles at police officers.

7.30 Having given repeated warnings but in vain, more police officers were deployed to reinforce the defense of the LegCo Complex and conduct sweeping to disperse the protesters. At 02:53, most of the protesters dispersed from Gloucester Road, and the overall situation resumed normal.

Use of Force

7.31 During the 9 June Incident, the Police had used batons, OC foam and PAVA solution to disperse the protesters.

Media Handling

7.32 On 9 June, 42 members of Force Media Liaison Cadre (FMLC) were deployed to provide liaison support on Hong Kong Island.

7.33 The Police had encountered difficulties in the handling of media in POEs arising from the Fugitive Offenders Bill. The presence of a sizeable number of reporters on the operational ground hindered the effective execution of police duties. Some had intentionally positioned themselves right in front of the police cordon line, establishing a zero distance between the Police and hence separated the protesters and the Police so that the action taken by the Police was less effective with their presence in the middle. It caused severe difficulties to the Police in the due execution of their duties. The deployment of FMLC officers on the ground was not able to fully control the big crowd of reporters and media at all times.

7.34 The authentic identity of the press and media was an area of concern. There is no single organisation that the existing media agencies could subscribe to so that their identity can be verified. The Police believes it was the “fake media” who positioned themselves at the

zero distance as a strategy of the protesters to hinder or delay Police action intentionally. There is also a trend for an increasing number of reporters to claim themselves as “net media” whose identity could not be verified by a proper channel. It is arguable as to whether they should be considered as “formal media”.

7.35 The Force had been facilitating the work of the news media as much as possible and accorded consideration and courtesy for media representatives. FMLC is in a position to verify the authentic identity of the press on the ground.

IPCC Observations

7.36 The facts surrounding these events give grounds for IPCC observations on the following issues:

- (a) Police handling in relation to the opening of Hennessy Road eastbound lanes for the procession;
- (b) Police use of force in dispersing protesters; and
- (c) Police handling of reporters.

Opening of Hennessy Road Eastbound Lanes for the Procession

7.37 Bearing in mind the right to peaceful POE, the policing policy is to facilitate such POE, which would inevitably cause inconvenience to other road users. Whenever a public procession is to walk through Hennessy Road (normally starting from Victoria Park) and to finish in either Wan Chai, Admiralty or Central, the Police and event organiser would always discuss whether Hennessy Road eastbound lanes should be opened for the procession.

7.38 The Police had previously stated that they had a number of considerations. First, if the entire Hennessy Road is used by a procession, it would impact adversely on the traffic conditions in the vicinity. Second, the eastbound lanes of Hennessy Road serve as the Emergency Vehicle Access. Third, Wan Chai Fire Station is located at the junction of Hennessy Road and Canal Road. If the eastbound lanes of Hennessy Road are taken up by a procession, emergency services from the fire station would be severely affected. The IPCC fully understands the Police concern.

7.39 On the other hand, the procession organiser wants the eastbound lanes to be opened for the procession so that more people can participate. In case of a large turnout, the flow of people can be adjusted. Not only would the time for the procession be shortened, but also the risk of accidents reduced, say, from stampeding. The IPCC also appreciates the stance of the organiser.

7.40 Whether or not the eastbound lanes should be opened depends on the actual situation on the ground at the time. A number of factors have to be taken into account, such as the number of protesters, the pace of the procession, the potential for accidents or unusual incidents raising safety concern. When the number of participants in a procession is not high and the procession progresses in regular pace, the Police considerations prevail. However, when the turnout is large and the pace of the procession sluggish, the safety of the protesters must be accorded priority. There is no absolute formula for making a decision to open up a road entirely. It calls for judgement to be made by the Police after having considered all the factors in communication with the organiser.

7.41 As to the public assembly on 9 June, CHRF, as the organiser, initially estimated that 5 000 would participate. This number certainly did not warrant the use of eastbound lanes. Even when Victoria Park was so crowded with protesters that the organiser had to kick start the procession 40 minutes earlier than scheduled, opening the eastbound lanes might still not be necessary. However, at 16:02 when the turnout at the junction of Hennessy Road and Canal Road was so large that many protesters had spilled over to the eastbound lanes, the Police should have reviewed the situation to consider opening the eastbound lanes. The decision of raising the red flag to warn the protesters could have an adverse effect on the crowd dynamics and could have potentially created incidents in an originally peaceful procession. Finally at 16:30, the Police did open the eastbound lanes. The IPCC notes that later the Police had learnt from this experience and adopted a more flexible approach in considering the opening of the eastbound lanes of Hennessy Road. In fact, the Police opened that section of the road for the procession as early as at 15:00 on Sunday 16 June, and at 15:11 on Monday 1 July.

Police Use of Force in Dispersing Protesters

7.42 The media reported that the procession on 9 June was generally peaceful. Some news reports denounced the protesters for using violence to charge on the police cordon line at the LegCo Complex after midnight.¹¹ News footage recorded the violence of some protesters. At the clashes outside the LegCo Complex, a police officer was seen assaulted by some violent

¹¹ Hong Kong Commercial Daily (2019-06-11). 狂徒暴力衝擊立會 8 警受傷 警方指有組織有預謀有準備.
 Hong Kong Economic Journal (2019-06-11). 警疑凌晨衝擊有預謀 拘 12 人.
 Lion Rock Daily (2019-06-10). 遊行後夜襲立會 暴徒衝擊警防線.
 Oriental Daily News (2019-06-10). 煽動群眾衝擊 堵立會搞佔領.
 Sing Pao (2019-06-10). 立會門外 龍和道午夜爆衝突 盧偉聰：強烈譴責 數百神秘口罩人擲鐵馬長竹藏刀圖刺警.
 Sing Tao Daily (2019-06-11). 示威者疑製造催淚彈假像.
 Ta Kung Pao (2019-06-10). 亂港派縱火堵路衝擊立會 多名警員受傷 遊行變暴亂 通宵大混亂.
 Ta Kung Pao (2019-06-11). 暴徒衝立會 團體齊譴責.
 Wen Wei Pao (2019-06-10). 暴徒夜襲立會 衝防線傷警員 「獨人」現場策劃 持鐵馬攻擊 警胡椒噴霧控制場面.

protesters and was seriously injured in his eyes. Immediately after that, he was further hit by a flying iron rod apparently taken off from a mills barrier. There were news reports that the Police had seized from the protesters weapons and equipment, such as goggles, masks, cable ties, scissors, cutters and a large number of lighters. Spears, electric saws and hammers were also found in the planters at the LegCo Complex.¹² These indicated the clash that night was pre-meditated by at least some of the violent protesters.

7.43 Some news reports, nonetheless, criticised the Police for using excessive force to disperse the protesters and the people who remained in the vicinity of CGC after the procession. News footage captured images of some police officers subduing protesters or dragging them on the ground.¹³ Information from the Police confirmed that in the clash on 9 June, police officers had used batons, OC foam and PAVA solution to disperse the protesters. The issue of concern is whether the use of force in the circumstances was reasonable, necessary and proportionate to the threat posed by the protesters.

7.44 Police internal guidelines prescribe the principles governing the use of force. Only the minimum force should be used to achieve a purpose and once that purpose is achieved, the use of such force must stop. The force used should be reasonable in the circumstances. The appropriate level of force depends on the level of resistance of the subject, the officer's own perception of the threat and his ability for self-protection. To control a subject effectively, the officer is justified to use a level of force greater than the resistance of the subject. The officer, when circumstances permit, shall give a warning of the intention to use force and of the nature and degree of force which it is intended to use. Meanwhile, that subject shall be given the opportunity, wherever practicable, to obey police orders before force is used and the force used should cease immediately when the objective has been achieved.

7.45 The Police guidelines on use of force allow officers to use OC foam and PAVA solution when facing active resistance, i.e. physical action to prevent control that might cause injury to oneself or others; and batons in a situation of aggressive assault, i.e. physical assault to cause or likely to cause bodily injury. It is, however, the officer's own judgement as to what level of force is justified, and that officer will be held accountable for his own action. The use of force, under the current legal regime, is therefore a matter of personal responsibility of each police officer who is held accountable to uphold the law and comply with the rules of the Police Force.

¹² Ming Pao (2019-06-11). 留守衝突 19 示威者被捕 358 摘名 八成被記身份者 16 至 25 歲 警:日後或檢控. Hong Kong Commercial Daily (2019-06-11). 梁君彥展示長矛電鋸圖片證暴力.

¹³ am730 (2019-06-11). 立法會外午夜起衝突 19 人被捕多人受傷. USP United Social Press (2019-06-10). 立法會示威區清場其間, 有示威者被警員制服後, 頭部被撞向金屬防護欄, 再被扔至防護欄後方地上昏迷. Retrieved from <https://www.facebook.com/UnitedSocialPress/videos/vb.579827748716829/2066539676808123>

7.46 Whether the force used was unnecessary or excessive depended on the actual circumstances of the individual incident, in particular the cause of the incidents, the actions of the protesters and the judgement of the police officers. It is a practice of the Police to conduct a review after each deployment to ensure that all officers abide by the relevant guidelines and procedures, and to learn from the experience. It is expected that the Police Force will review all incidents and, if justified, to bring to book any officer who did not follow Police guidelines and the laws in their handling of the POEs. If the Police Force finds any officer having exceeded the bounds imposed by the law and Police regulations, the IPCC, and indeed the community, would expect the Police Force to take timely action to prosecute or discipline the officer concerned. On 2 and 7 March 2020, the Commissioner disclosed publicly that the Police management had taken immediate action to admonish 21 officers for probable misconduct in the handling of these POEs against the Fugitive Offenders Bill. The Commissioner had further stated that this did not mean that no further investigation would be undertaken. There are a number of RCs in relation to these incidents. The IPCC will follow up these complaints in the usual manner.

Police Handling of Reporters

7.47 According to Police internal guidelines, the principle of Police media handling is to build a long-term constructive relationship with the media. Police Public Relations Branch (PPRB) is to perform a mediating role to resolve competing demands, minimise misunderstanding and avoid conflicts with the media. Officers at the scene shall facilitate the work of the news media as much as possible and accord media representatives consideration and courtesy and shall not block camera lenses. The role of PPRB is particularly important in the context of POEs.

7.48 The Police Force has established Media Liaison Teams¹⁴ to serve as a bridge between the Police and the media to facilitate the work of both sides as far as practicable without compromising operational efficiency and deployment. The Media Liaison Teams arrange for FMLC officers, volunteers drawn from different police districts, to go to the scene to facilitate and assist the media work on the ground, to engage the media and to deal with issues arising from press activities. FMLC officers relieve frontline officers from media liaison, so that frontline officers can focus on their operational duty.

7.49 On 9 June 2019, the Police deployed 42 FMLC officers to liaise with the press. As at 29 February 2020, the events that day had given rise to 13 complaints from reporters against police officers for:

¹⁴ The Media Liaisons Teams were first mobilised and deployed on the ground in the Sixth World Trade Organisation's Ministerial Conference in 2005.

- (a) Using shields and flashlights to block them from taking photos, filming and reporting the incident;
- (b) Pushing them with shields and impolitely dispersing them; and
- (c) Using batons against them.

Some of the incidents giving rise to complaints were captured on news footage. These complaints will be dealt with in accordance with the established complaints handling procedures.

7.50 The IPCC recognises the importance for the Police to build a long-term constructive relation with the media. The IPCC fully appreciates the work of reporters on the ground as it is their duty to get the best news coverage possible. At the same time, the IPCC is aware that reporters may risk their safety and hinder the frontline police officers in action. Freedom of the press is important, but it must be balanced with the safety of the reporters themselves, the protesters, and the police officers. The maintenance of law and order is equally important. The IPCC notes that PPRB does not have a list of DOs and DON'Ts to advise reporters at the scene of POEs.

Recommendations by the IPCC under Section 8(1)(c) of IPCC Ordinance

7.51 Based on the facts available, it is apparent that the Police use of force was not proactive at the outset. The Police had reacted with the use of force in the face of the violence of some violent protesters. However, this account of the events does offer lessons for the Police management in applying their policing philosophy of preventing the preventable, managing the unpreventable, and engaging the unacceptable. The evidence from these events is that peaceful POE could morph into violent attack by radical elements. The events of 9 June were just the beginning of this metamorphosis.

7.52 The 13 complaints received from the reporters stemmed from the incident on 9 June clearly indicate there is room for improvement in the Police communication and coordination with members of the press.

7.53 As to the opening of the Hennessy Road eastbound lanes for a procession, there is no magic formula for making a decision. The IPCC notes that the Police has learnt from the experience on 9 June and subsequently adopted a proactive and flexible approach in managing the procession on 16 June and 1 July.

7.54 The IPCC is of the view that this account of the events of 9 June will assist the Police management in deriving lessons to be learnt when reviewing policing strategies and tactics for similar circumstances in future. In this connection, the IPCC recommends that the Police

management conduct the following reviews:

- (a) Review how best to ensure individual officers strictly follow the guidelines on the use of force, including revising the training regime for meeting situations similar to recent events.
- (b) Review the need for engaging media representatives to draw up a Code of Practice for meeting both Police and media interests in their respective duties to the community and for ensuring safety of all concerned. The Code of Practice should at least cover the following:
 - (i) Clear identification of reporters;
 - (ii) Voluntary update of reporters list by media organisations;
 - (iii) Regulations on safe distance between the Police and media; and
 - (iv) Publicity for the Code of Practice.
- (c) Establish at the senior management level a procedure for monitoring and reviewing the progress of a procession in order to proactively decide whether, or not, to open further road(s) for a procession. In particular, the Police should review their counting methodology to facilitate making prompt decisions on which road(s) should be opened taking into sufficient account of the changes in the number of participants as the procession progresses and develops.

7.55 The above recommendations should be read in conjunction with the IPCC's recommendations in Chapter 6: Police Use of Force in Public Order Policing.