

CHAPTER 8

INCIDENT DAY – WEDNESDAY 12 JUNE 2019

Introduction

8.1 This Chapter deals with the events on 12 June 2019, the day scheduled for the Second Reading of the Fugitive Offenders Bill at a Legislative Council (LegCo) meeting at 11:00. Not only was the LegCo meeting cancelled as a result of tens of thousands of protesters gathering in the vicinity of Central Government Complex (CGC), beginning in the early hours of that day, violent clashes also broke out when hundreds of violent protesters charged on the police cordon lines at the CGC area at 15:00, the time given in the protesters' ultimatum for the Government to withdraw the Fugitive Offenders Bill. The violent protesters hurled bricks, iron rods and other hard objects at the police officers on the cordon lines, who in response initially defended with batons, OC Foam / OC Gel and PAVA solution but eventually fired tear gas and less-lethal projectiles (including rubber rounds, super sock rounds and react rounds) to disperse the protesters as the situation deteriorated. The turmoil continued until midnight. Police action on 12 June aroused public concern and attracted 27 Reportable Complaints (RCs) and 33 Notifiable Complaints (NCs) in total (see paragraphs 8.22-8.28 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.

Events leading to the incidents on Wednesday 12 June 2019

8.2 With the protests followed by violent clashes outside the LegCo Complex on 9 June after the Government's announcement that the Second Reading of the Fugitive Offenders Bill would proceed on 12 June, those opposing the Fugitive Offenders Bill urged others to join in the protest that day. Calls for escalation of protest against the Fugitive Offenders Bill continued to circulate on the internet. On 10 June, there were calls on the internet for all to "picnic" at the Tamar Park starting from 11 June, a general strike on 12 June in different business sectors and a boycott on classes on the same day. Civil Human Rights Front (CHRF)

also announced their plan to host public meetings against the Fugitive Offenders Bill,¹ starting from 10:00 of 12 June until the end of the Second Reading debate, scheduled by LegCo President to conclude by 20 June.² There were also calls on the internet to escalate the level of violence, including storming of the LegCo Complex on 12 June, to oppose the Fugitive Offenders Bill.

8.3 The events on the evening of 9 June, as detailed in Chapter 7, included the siege of the LegCo Complex and clashes with the police officers at police cordon line in the small hours of 10 June. Violent protesters hurled hard objects at police officers, and blocked the roads at the CGC area, paralysing the traffic in the area. On the internet, these events were described as a rehearsal for besieging LegCo Complex on 12 June. It was therefore envisaged that on 12 June, protesters would again lay siege to the LegCo Complex to obstruct LegCo Members' entrance into the building to disrupt the Second Reading of the Fugitive Offenders Bill and would again resort to violence.

8.4 The Police had received intelligence of the protesters' plan for 12 June and foresaw violent opposition from them. The policing objectives on 12 June were the same as those in the operation on 9 June, which were to safeguard the integrity of CGC and LegCo Complex, to ensure that the buildings could function as intended and to protect the safety of the buildings users. These policing objectives would be implemented under the general policing philosophy of aiming to prevent the preventable, to manage the unpreventable and to engage the unacceptable. The Police planned to adopt a proactive approach to crowd management, traffic management and protest activities management, and to take resolute action against any activities that threatened public order and safety. The Police objective was that unauthorised entry into the buildings and violent or illegal acts to impair the functioning of the buildings would not be tolerated.

8.5 In terms of its physical environment, the locations of CGC and LegCo Complex in Admiralty are vulnerable, being surrounded by major traffic routes and plentiful open space, much of which was paved with bricks and lined with metal railings. The Police intelligence received was that they would face not only the same challenges as those on 9-10 June, but also that there would most likely be an escalation of those challenges. What made the Police operation even more difficult was the presence of construction sites at the CGC area, where

¹ On 10 June 2019, CHRF announced that they planned to hold a public meeting against the Fugitive Offenders Bill at the LegCo Complex "Drum" area on 12 June. On 11 June, LegCo, after consultation with the Police on the security arrangement, closed the LegCo Complex "Drum" area until further notice. The CHRF assembly eventually took place on the southern pavement of Lung Wui Road on 12 June as per the LoNO of the Police.

² According to LegCo's press release on 11 June 2019, LegCo President announced that 66 hours were reserved from 12 June to 20 June for the Second Reading debate of the Fugitive Offenders Bill. Retrieved from <https://www.legco.gov.hk/yr18-19/chinese/press/pr20190611-2.html> (Chinese only)

there were supplies of iron bars and other hard and sharp objects, which could be used (and indeed were used) by violent protesters to attack police officers. As dawn broke on 12 June, the Police knew that they had a difficult situation on their hands.

8.6 The night before 12 June, the Police began to adopt a high-profile presence and conducted stop and search operation in Admiralty. The Police also set up mill barriers around the LegCo Complex and commenced deploying officers outside the LegCo Complex.

8.7 It was against this background that the events on 12 June unfolded. A Chronology of the events on this day appears as Annex to this Chapter.

Events on 12 June

8.8 For the operation on 12 June, 189 officers were deployed to stand guard inside CGC and LegCo Complex and 2 248 officers were deployed outside. An additional 1 478 officers were put on contingency reserve duty to handle possible contingent events. 52 officers were assigned to provide media liaison support on-site. 64 officers were assigned to handle duties at Police Headquarters (PHQ).

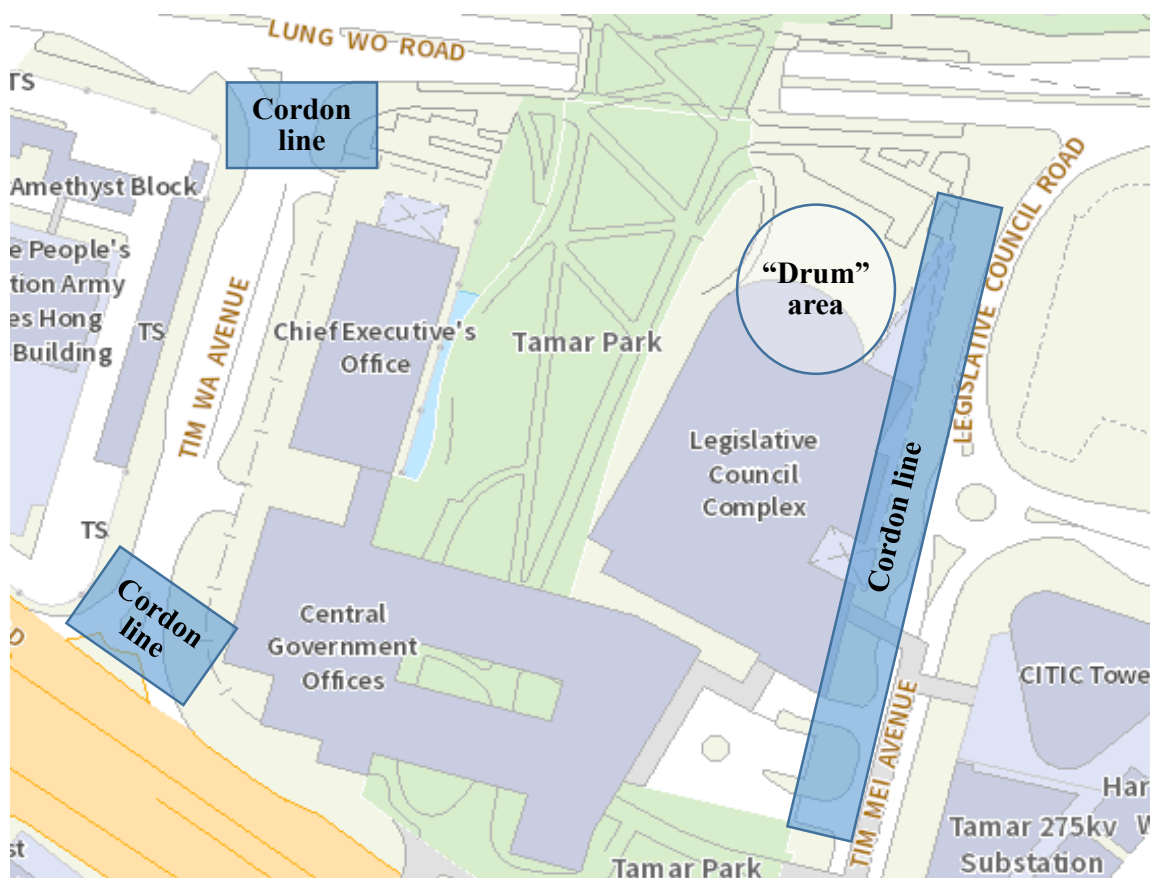
8.9 On 12 June, the Police adopted a two-tier command structure which had been used for handling the clashes at the LegCo Complex on 10 June. In the two-tier command, Headquarters Command and Control Centre (HQCCC), under the command of the Police management and other senior officers from the Operations Wing, gave instructions direct to the Forward Command Posts (FCPs) deployed at the CGC area. The FCPs were commanded by the Central District Commander and five Regional Response Contingent Commanders on the ground.

8.10 Even before dawn, protesters had started streaming into the vicinity of CGC. In the early morning, hundreds of protesters had set up barricades at Lung Wo Road and Harcourt Road, stopping traffic around the CGC area and impeding LegCo Members and other users from entering CGC and LegCo Complex. A number of vehicles were trapped at Lung Wo Road underpass, including a Government vehicle with a Principal Official of the Government on board. By 10:00, according to the Police estimates, about 46 000 people were gathering around CGC. At 10:50, the LegCo announced that the meeting scheduled for 11:00 would be postponed to a time to be determined by the LegCo President. Large numbers of protesters continued to remain at Lung Wo Road and Harcourt Road. Some protesters later also occupied Queensway, bringing the traffic in the Admiralty area to a standstill.

8.11 Tension at the CGC area continued to build up that morning, with some protesters prying up bricks from the pavements, taking away iron bars from the nearby construction sites

and dismantling iron rods from the pavement railings. From time to time, some protesters charged on the police cordon line at the junction of Tim Wa Avenue and Harcourt Road (see Map 8-1 below).

8.12 An ultimatum also appeared on the social media that if the Government did not withdraw the Fugitive Offenders Bill by 15:00 on 12 June, protest action would be escalated, including storming of the LegCo Complex. When the time reached the deadline of 15:00 set by the protesters for the Government to withdraw the Fugitive Offenders Bill, some violent protesters wearing helmets, masks, goggles and other protective gear began pushing the mills barriers at police cordon lines at the CGC area and hurling bricks, water bottles, umbrellas, helmets and other hard objects at the police officers holding these lines (see Map 8-1 below). At 15:30, HQCCC declared to all frontline officers the situation as a “riot”. To defend the cordon lines, police officers used shields, OC Foam / OC Gel, PAVA solution, batons and less-lethal projectiles. The police officers eventually retreated and used tear gas to disperse the protesters at the LegCo Complex “Drum” area and Tim Wa Avenue, preventing violent protesters from storming CGC and LegCo Complex again where people were working inside.



Map 8-1: Police cordon lines at CGC area
(Source of base map: Lands Department)

8.13 Around 16:00, HQCCC gave instructions to conduct sweeping action at the CGC area to disperse protesters in the directions from east to west and then from north to south.

8.14 At that time, an assembly organised by CHRF with a Letter of No Objection (LoNO) issued by the Police was being held outside the main entrance of CITIC Tower at Lung Wui Road with hundreds in attendance. After the clashes at the LegCo Complex “Drum” area, some violent protesters dispersed by the Police might have fled to that spot and stayed there with the assembly participants. When the Police continued sweeping operation with tear gas, most people on Lung Wui Road dashed into CITIC Tower, while some left via Tim Mei Avenue. This episode, which lasted for about 15-20 minutes, is hereinafter referred to as the “CITIC Tower Incident”.

8.15 After sweeping protesters from the roads around CGC and LegCo Complex into Harcourt Road, the Police continued to disperse protesters in the southern part of Admiralty such as Harcourt Road and Queensway. According to the Police, the last tear gas was fired between 21:00 and 22:00 at the junction of Queensway and Justice Drive. During the sweeping action, many protesters dispersed to Wan Chai and Central until midnight.

8.16 In the operation on 12 June, the Police used 240 tear gas rounds, 19 rubber rounds (i.e. rubber baton rounds and rubber slugs), three super sock (bean bag) rounds and 33 react rounds. Batons, OC Foam, OC Gel, PAVA solution and pepper balls were also used.

8.17 According to the Police, a total of 23 police officers were injured during the operation on 12 June, including 16 injured by bricks, iron bars or other objects hurled at them. The Hospital Authority (HA) at various hospitals treated a total of 81 persons related to the public order events (POEs) on 12 June.

8.18 As at 29 February 2020, the Police had arrested 39 persons in connection with the incident on 12 June for various offences, including “Riot”, “Disorder in Public Place”, “Unlawful Assembly”, “Assault on Police Officer”, “Obstructing Police Officer”, “Resisting Police Officer”, “Loitering”, “Possession of Dangerous Drugs”, “Possession of Instrument Fit for Unlawful Purpose”, and “Possession of Offensive Weapons”. Among them, ten had been charged³ in Court pending trial, 11 were still under investigation whereas 18 had been released.

³ Charged offences were “Unlawful Assembly”, “Taking Part in a Riot”, “Assault on Police Officer”, “Resisting Police Officer” and “Possession of Dangerous Drugs”.

8.19 What happened on 12 June has raised public concern about the following issues:

- (a) Police use of force;
- (b) The CITIC Tower Incident;
- (c) Police declaration of riot;
- (d) Police handling of reporters; and
- (e) Police plan for the operation on 12 June.

Sources of Information

8.20 For the purpose of its study of the events of 12 June, the IPCC has scrutinised the following materials:

- (a) Documents provided by the Police in respect of police deployment and operation, prior intelligence received, police weapons used and casualties involved on 12 June;
- (b) Operational Orders related to “Operation TIDERIDER” provided by the Police;
- (c) Information obtained from meetings with the Police;
- (d) Footage recorded by the Police pertaining to the operations on 12 June. A total of 40 video clips of seven hours long were viewed;
- (e) News reports and news footage produced by different television companies, newspapers and media outlets. A total of 318 news reports and 281 video reports of 163 hours long;
- (f) Photos and footage provided by the public upon the IPCC’s appeal concerning the incident on 12 June;
- (g) CITIC Tower CCTV footage provided by the property management of CITIC Tower. 134 hours of footage in relation to 12 June;
- (h) 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 incident on 12 June; and
- (i) Information provided by the HA on the number of persons receiving medical

treatment as a result of the incident on 12 June.

The Events

8.21 The events on 12 June can be divided into three phases, the first phase from the night of 11 June to 14:59 on 12 June covering protesters' acts and the Police action before the afternoon clashes at the CGC area, the second phase from 15:00 to 15:49 on 12 June covering the clashes at the CGC area, and the third phase from 15:50 to 23:59 on 12 June covering the Police sweeping action in Admiralty during which the CITIC Tower Incident took place.

Phase I: Protesters' Acts and the Police Action before the Afternoon Clashes at the CGC Area (from the night of 11 June to 14:59 of 12 June)

- Since the night of 11 June, people started to gather around CGC to protest against the Fugitive Offenders Bill (see Image 8-1) (source: media reports). At 07:15 on 12 June, around 1 600 and 900 persons gathered outside CGC and at Tamar Park respectively (source: HKPF).



Image 8-1: Outside LegCo Complex on the night of 11 June

(Image source: HK01)

- At 07:45, hundreds of protesters dashed to Lung Wo Road and trapped a number of vehicles, including three police vehicles with only drivers on board, and a Government car with a Principal Official on board, at Lung Wo Road underpass with mills barriers (see Image 8-2) (source: HKPF, media reports and live video footage). At 08:10, HQCCC informed all duties on the ground to put shift-change on hold (source: HKPF).



Image 8-2: Lung Wo Road at about 08:00
(Image source: TVB)

- At 08:25, hundreds of protesters originally gathered on Tim Mei Avenue and Rodney Street also dashed to Harcourt Road and blocked the road with mills barriers, traffic cones and other objects (see Image 8-3). At Harcourt Road, some police officers attempted to stop the protesters by using PAVA solution but were unsuccessful. Harcourt Road was eventually occupied by thousands of protesters (source: media reports and live video footage). At 08:45, HQCCC instructed that police officers could maintain a safe distance from protesters as the crowd size was expanding rapidly and some protesters were becoming increasingly emotional and violent (source: HKPF).



Image 8-3: Harcourt Road at 08:30
(Image source: Now TV)

- At 08:46, the Police urged the protesters via social media to leave Lung Wo Road; otherwise, the Police would have to use force to save the vehicles and the people trapped there. The Police stressed that it would not be a clearing action. The Police eventually did not conduct sweeping on Lung Wo Road but deployed members of the Police Negotiation Cadre at 09:15 to negotiate with the protesters at Lung Wo Road for the release of the people and vehicles trapped there. The negotiation was unsuccessful. The vehicles and the people on board remained there until the Police conducted rescue operation at 15:50 (source: HKPF).
- By 09:00, the roads at the CGC area, namely Legislative Council Road, Tim Mei Avenue, Lung Wui Road, Lung Wo Road and Harcourt Road were flooded with protesters. Access to the LegCo Complex was obstructed (see Image 8-4) (source: media reports and live video footage). At 10:00, according to the Police estimates, about 46 000 gathered in the CGC area, 11 000 at Tim Mei Avenue, 22 000 at Harcourt Road, 10 000 at Lung Wo Road, 2 000 at Tamar Park and 1 000 at Lung Wui Road (source: HKPF).



Image 8-4: CGC area at 10:10

(Image source: HK01)

- At 08:30, some protesters started collecting and preparing various materials at the CGC area, such as prying up bricks from the pavements (see Image 8-5), taking away iron bars from construction sites, dismantling iron railings and using plastic strings to tie mills barriers together. They also distributed these materials at the area (see Image 8-6) (source:

media reports and live video footage). At 09:18, HQCCC gave instructions that officers should take their personal safety as the top priority and avoid triggering off confrontation on any action by the Police. At 12:30, the Police warned protesters via social media not to hurl bricks, which could cause serious injury to others (source: HKPF).



Image 8-5: Bricks pried up from Lung Wo Road pavement
(Image source: HK01)



Image 8-6: Iron bars and water-filled barriers conveyed along Tim Mei Avenue
(Image source: Cable TV)

- At 10:56, hundreds of protesters gathered at the junction of Tim Wa Avenue and Harcourt Road. Some of them charged on the police cordon line, pushed barricades against the police cordon line and hurled objects at police officers (see Map 8-1 above) (source: live video footage and media reports). At 10:57, HQCCC gave instructions that the officers at Tim Wa Avenue should defend CGC as far as possible; if the situation deteriorated and became out of control, officers should retreat to indoor areas to ensure their personal safety (source: HKPF). Police officers used PAVA solution, OC Foam / OC Gel, batons and shields to defend the cordon line. The clash stopped at about 11:06 (source: live video footage and media reports).
- At 10:50, LegCo President announced that the LegCo meeting for the Fugitive Offenders Bill, scheduled for 11:00, would be postponed to a time to be decided by him (source: LegCo website). The protesters did not leave the Admiralty area and maintained their demand that the Government withdraw the Fugitive Offenders Bill (source: live video footage and media reports). In view that some protesters had charged on police cordon lines and collected construction materials at the CGC area and the situation was deteriorating, HQCCC at 11:17 instructed the field commanders that they should consider the use of force level in life-saving situations if sweeping had to be conducted (source: HKPF).
- Starting from 09:35, some vehicles moved slowly or stopped on the roads of Admiralty, Wan Chai and Central, causing traffic obstruction. At 10:40, the Police, through social media, stated that there were vehicles deliberately blocking Queensway and Cotton Tree Drive and requested other drivers to avoid driving to the affected areas (source: media reports). At 11:28, some police traffic officers requested reinforcement at Queensway and Cotton Tree Drive, but no spare manpower could be deployed (source: HKPF). At about 12:00, some protesters blocked Queensway with mills barriers and other barricades (see Image 8-7). Traffic in the Admiralty area came to a standstill (source: media reports).



Image 8-7: Queensway at 11:52

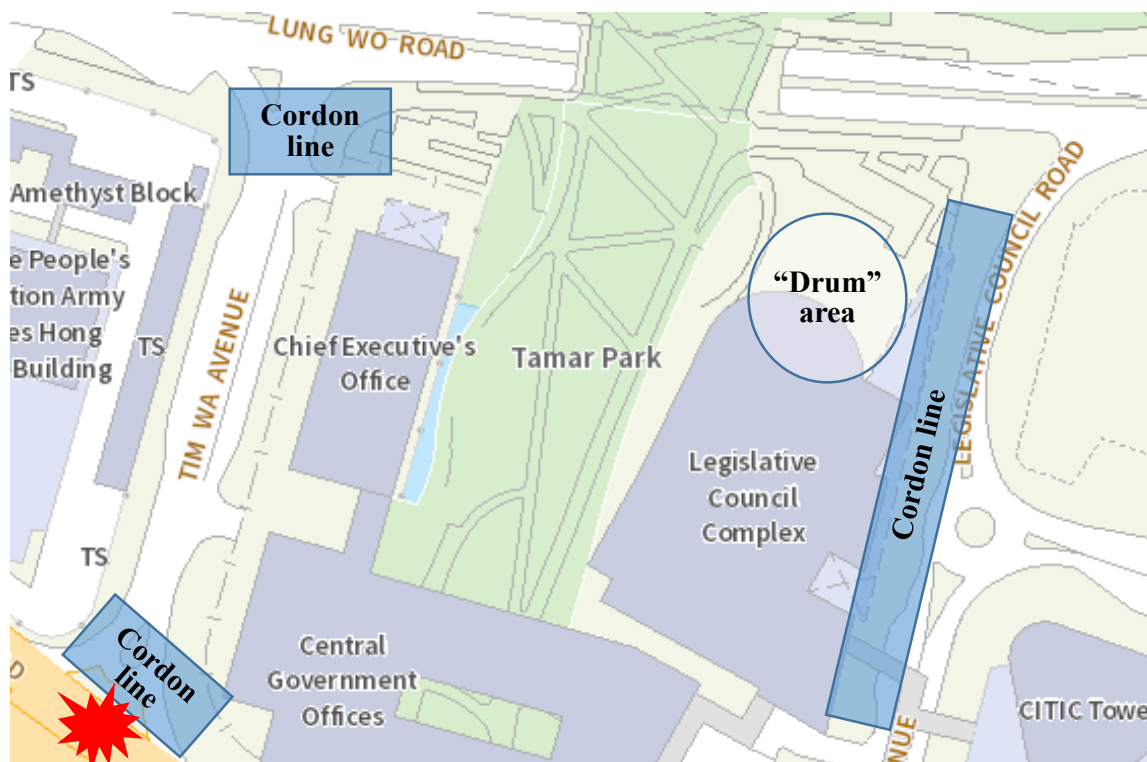
(Image source: HK01)

- CHRF was allowed to hold an assembly with a LoNO issued by the Police at the southern pavement of Lung Wui Road to protest against the Fugitive Offenders Bill between 10:00 and 23:59 for three consecutive days from 12 June to 14 June.⁴ As stated in the LoNO, CHRF estimated that the attendance would be around 500 (source: HKPF). Before noon, a stage for the CHRF's assembly was set up outside the main entrance of CITIC Tower at the southern pavement of Lung Wui Road. Hundreds of protesters were seen on Lung Wui Road and multiple layers of metal barriers were placed by protesters at the eastern end of Lung Wui Road, near the junction of Lung Hop Street and Performing Arts Avenue (source: media reports and live video footage). At about 14:00, some political figures spoke on the stage of the assembly and hundreds of protesters gathered outside the main entrance of CITIC Tower on Lung Wui Road (source: CITIC Tower CCTV, media reports and live video footage).
- At 14:00, HQCCC gave instructions that frontline officers should retreat if they could not hold cordon lines upon attack by protesters and should not fire tear gas (source: HKPF).

⁴ At about 22:00 on 12 June 2019, CHRF told the press that the Police had objected to the holding of assembly on the following day (source: media reports).

Phase II: The Afternoon Clashes at the CGC Area (from 15:00 to 15:49 of 12 June)

- 15:00 was the protesters' deadline for the Government to withdraw the Fugitive Offenders Bill (source: media reports). At 15:00, HQCCC instructed all frontline officers to prepare for possible attack from protesters and to equip themselves with full gear (source: HKPF).
- At 15:03, at the junction of Tim Wa Avenue and Harcourt Road (the western side of CGC) (see Map 8-2 below), hundreds of violent protesters holding umbrellas and wearing facemasks, helmets and other protective gear started to push mills barriers towards the police cordon line and hurl umbrellas, traffic cones and other objects at the police officers. At the beginning, the police officers defended with PAVA solution, OC Foam / OC Gel, batons and shields behind the mills barriers. A group of police officers later moved past the mills barriers and used batons to disperse the protesters in the front. After the protesters had retreated, the police officers returned to the police cordon line behind the mills barriers (source: media reports and live video footage).



Map 8-2: Clash at the junction of Harcourt Road and Tim Wa Avenue

(Source of base map: Lands Department)

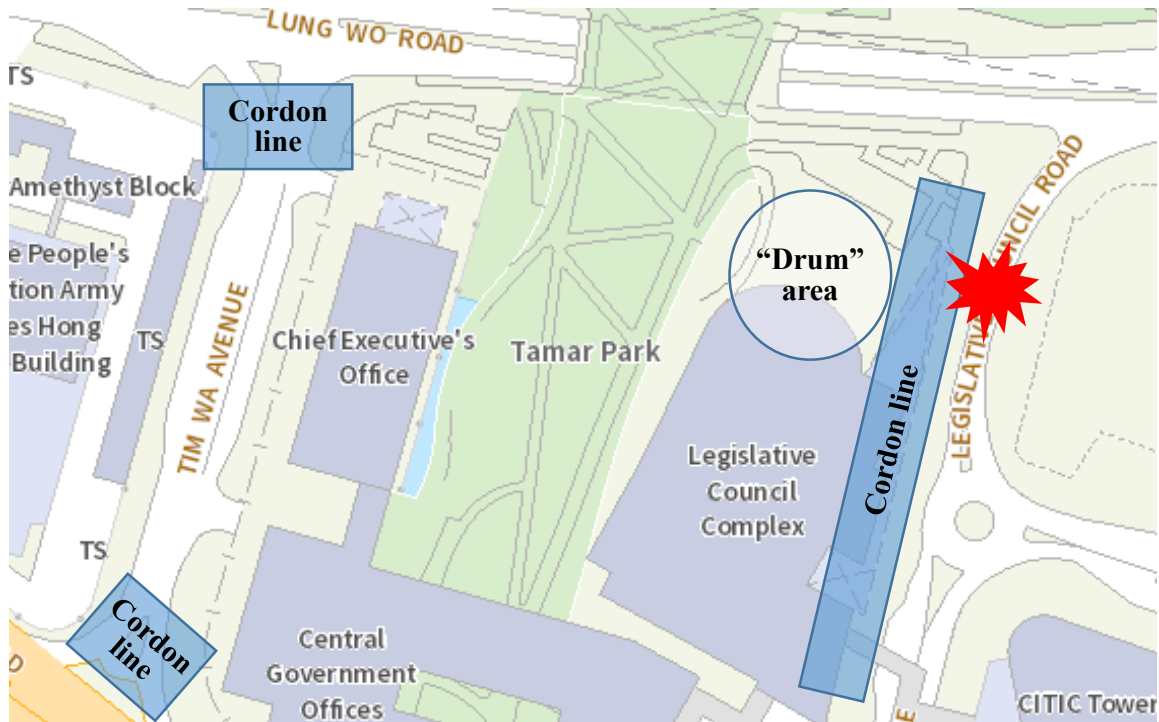
- At 15:25, while the clash at Tim Wa Avenue (the western side of CGC) was ongoing, many protesters wearing facemasks, helmets and other protective gear also prepared to charge on the police cordon line at the vehicular entrance of the LegCo Complex on Legislative Council Road (the eastern side of CGC) (see Map 8-3 below). They used plastic strings

to tie metal barriers together and pushed them towards the cordon line (see Image 8-8) (source: media reports and live video footage).



Image 8-8: Legislative Council Road at 15:26
(Image source: HK01)

- At 15:30, HQCCC declared to all frontline officers the situation as a “riot” (source: HKPF).
- At 15:32, violent protesters charged on the cordon line at the vehicular entrance of the LegCo Complex (see Map 8-3 below). They protected themselves with umbrellas and other protective gear and hurled various hard objects at the police officers. Those in the front used iron bars and umbrellas to attack the police officers (see Image 8-9). The police officers defended with PAVA solution, OC Foam / OC Gel, batons and shields. About a minute later, the protesters briefly moved back but kept hurling objects at the police officers (source: media reports and live video footage).



Map 8-3: Clash at Legislative Council Road
(Source of base map: Lands Department)



Image 8-9: Vehicular entrance of LegCo Complex at 15:33
(Image source: Now TV)

- At 15:34 and 15:37, HQCCC instructed that all officers guarding CGC and LegCo Complex could retreat if they could not resist the attacks from the protesters (source: HKPF).
- At 15:37, police officers at Tim Wa Avenue started to retreat from the cordon lines to the entrance of Central Government Offices (CGO) (source: media reports and live video footage).
- At 15:39, the violent protesters at the vehicular entrance of the LegCo Complex charged on the cordon line again, hurled bricks and other objects at the police officers and shoved the mills barriers (see Image 8-10) (source: media reports and live video footage).



Image 8-10: Vehicular entrance of LegCo Complex at 15:40
(Image source: Now TV)

- At 15:41, the police officers at the vehicular entrance of the LegCo Complex, after firing less-lethal projectiles, started to retreat into the LegCo Complex “Drum” area. Meanwhile, the police officers guarding the cordon lines at Tim Wa Avenue were also retreating to the entrance of CGO. The violent protesters at both Tim Wa Avenue and Legislative Council Road continued to hurl various objects including bricks at the retreating officers and pushed away the mills barriers erected on the police cordon lines. The protesters then entered Tim Wa Avenue and the LegCo Complex “Drum” area respectively (source: live video footage and media reports).
- At 15:42, HQCCC instructed that tear gas could be used for tactical retreat (source: HKPF). The violent protesters, after entering the LegCo Complex “Drum” area, kept moving

forward, hurling various objects and pushing mills barriers towards the retreating officers. The officers then fired less-lethal projectiles and used PAVA solution in response. Between 15:46 and 15:48, the police officers who had retreated to the Public Entrance 1 of LegCo Complex (at the “Drum” area) fired tear gas at the “Drum” area (see Image 8-11). At 15:49, the police officers successfully dispersed the protesters from the LegCo Complex “Drum” area and re-established a cordon line at the vehicular entrance of the LegCo Complex (source: media reports and live video footage).

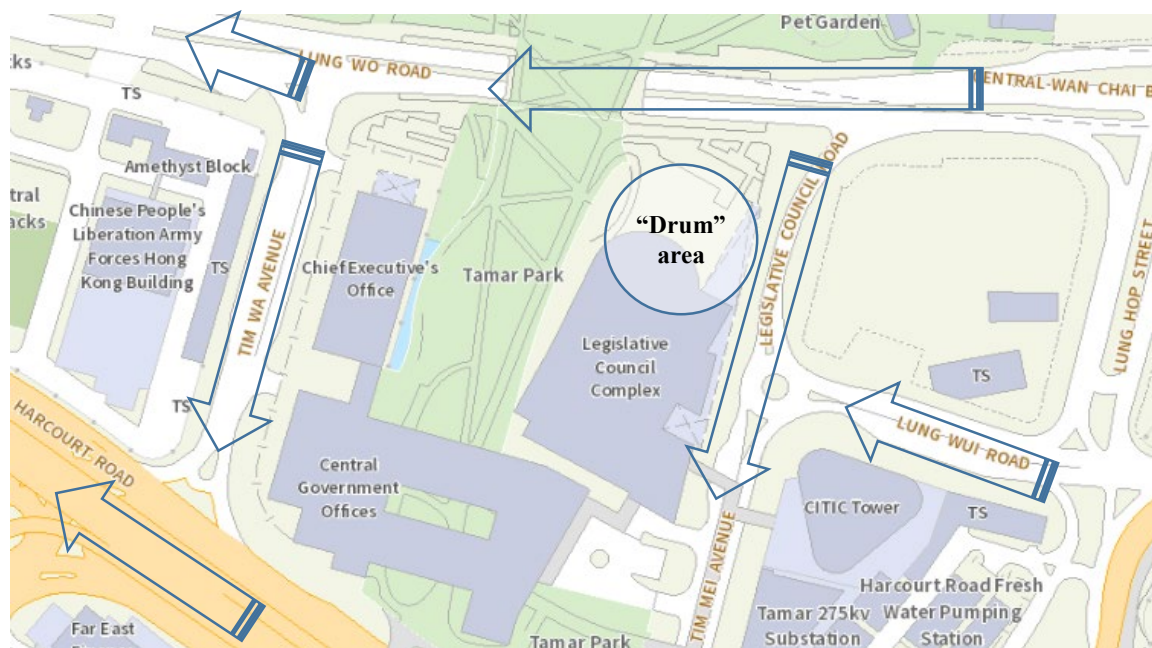
- As to the clash at Tim Wa Avenue, tear gas was fired at 15:47 on Tim Wa Avenue near the junction with Harcourt Road while the police officers on Tim Wa Avenue were retreating to CGO entrance (see Image 8-11) (source: media reports and live video footage). At 15:50, police officers retreated into CGO and closed the gates at CGO (source: HKPF). After tear gas had gradually dissipated, some protesters returned to Tim Wa Avenue from Harcourt Road and Lung Wo Road. Tear gas was fired on Tim Wa Avenue between 16:00 and 16:20. All protesters on Tim Wa Avenue were eventually dispersed to Harcourt Road and the cordon lines at Tim Wa Avenue were re-established around 16:20 (source: media reports and live video footage).



Image 8-11: Tear gas at Tim Wa Avenue (left) and LegCo Complex “Drum” area (right) at 15:47
(Image source: Cable TV)

Phase III: Police Sweeping Action in Admiralty (from 15:50 to 23:59 of 12 June)

- At 15:50, HQCCC instructed that all police officers on the ground could escalate the use of force if their lives were threatened. At the same time, a group of police officers at the junction of Lung Wo Road and Lung Hop Street was instructed to conduct an operation to rescue the vehicles with their passengers trapped at Lung Wo Road underpass (source: HKPF). These officers moved westward along Lung Wo Road and fired tear gas at Lung Wo Road to disperse the protesters westwards and help the vehicles leave the spot (source: HKPF, media reports and live video footage).
- At 16:03, HQCCC gave instructions to all field commanders to disperse the protesters in the vicinity of CGC, by sweeping operation in the directions from east to west and then from north to south (see Map 8-4 below) (source: HKPF). In the course of the sweeping operation, the “CITIC Tower Incident” happened during which police officers had fired tear gas and pepper balls outside CITIC Tower when the CHRF’s assembly was ongoing. (Remark: the chronology of the CITIC Tower Incident is separately given below.)



Map 8-4: Police sweeping directions
(Source of base map: Lands Department)

- At about 16:20, the police officers on Tim Wa Avenue, having dispersed all protesters from Tim Wa Avenue to Harcourt Road, formed a cordon line at the junction of Tim Wa Avenue and Harcourt Road. Meanwhile, the police officers on or near Lung Wui Road dispersed the crowd outside CITIC Tower to Tim Mei Avenue and continued to conduct sweeping along Tim Mei Avenue, dispersing the crowd to Harcourt Road. At 17:00, another group

of police officers started dispersing those staying at Harcourt Road near Admiralty Centre and Far East Finance Centre. The protesters were dispersed westwards and southwards. Eventually, they moved to the Harcourt Road flyover and other roads in the southern part of Admiralty, such as Rodney Street, Drake Street, Tamar Street and Queensway (source: media reports and live video footage).

- At 16:25, the Commissioner spoke to the press in Chinese, “...目前已是騷亂的情況...” (IPCC translation: “...the situation is a civil disturbance...”).⁵ At 17:42, the Police issued a press release entitled “Police take action to stop riot”, explaining the situation and the Police action in Admiralty since that morning (source: Government website and HKPF). At 20:50, the Chief Executive condemned the protest, speaking in Chinese “...這已經不是和平集會，而是公然、有組織地發動暴動...” (official translation: “...this is no longer a peaceful assembly but a blatant, organised riot...”) (source: Government website).
- At 18:00, LegCo announced that no meeting would be convened that day (source: LegCo website). Thousands of protesters did not leave but caused obstruction to different roads in Admiralty, Central and Wan Chai. The Police continued to use force including tear gas and less-lethal projectiles to disperse the protesters in Admiralty (source: media reports and live video footage). At 22:13, a burning object (suspected petrol bomb) was thrown on the ground of Harcourt Road near Hutchison House. No one was hit or injured (source: media reports).
- Police dispersal action in Admiralty, Central and Wan Chai continued until most of the protesters eventually left those areas shortly after midnight (source: media reports and live video footage). According to the Police, 240 tear gas rounds, 19 rubber rounds (i.e. rubber baton rounds and rubber slugs), three super sock (bean bag) rounds and 33 react rounds were used in the operation on 12 June. Batons, OC Foam, OC Gel, PAVA solution, and pepper balls were also used (source: HKPF).

The CITIC Tower Incident

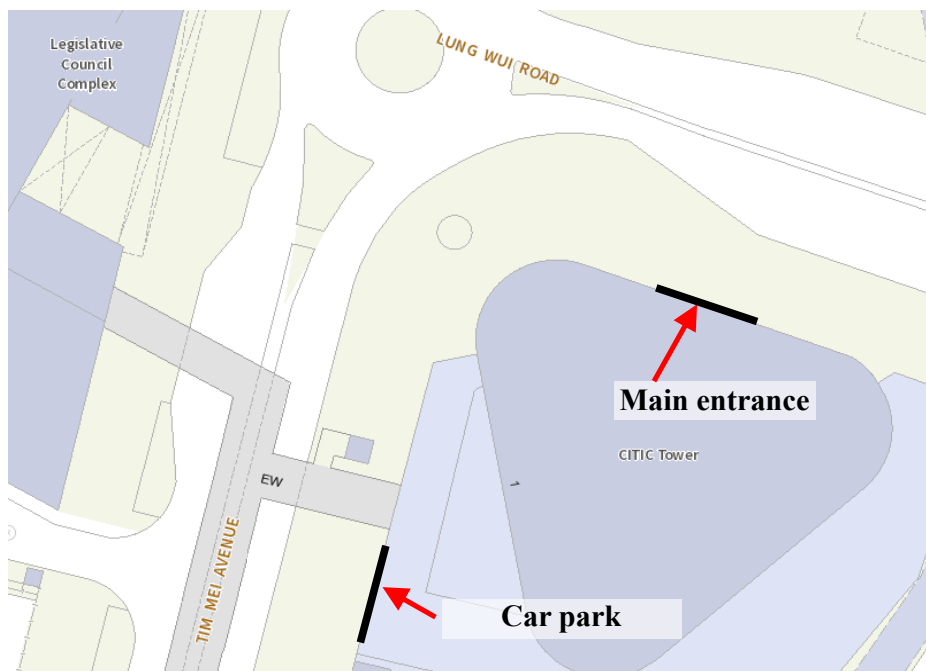
- After regaining control of LegCo Complex “Drum” area at 15:49, police officers guarding LegCo Complex re-established a cordon line at the vehicular entrance of LegCo Complex on Legislative Council Road. Hundreds of protesters remained on Legislative Council

⁵ On 13 June 2019, the Commissioner of Police stated in a press conference that the Police declared the situation as a “riot” at 15:30 on 12 June 2019 and he meant to say “riot” instead of “civil disturbance” on 12 June. On 17 June 2019, the Commissioner clarified that his comments about “riot” only referred to those whose behaviour amounted to riotous acts and assured the public that those who took part only in the POEs that day but not in the violent acts needed not worry that they had committed riot offences.

Road and some of them hurled objects at the cordon line. The police officers then fired tear gas on Legislative Council Road between 15:53 and 15:55 (see Image 8-12). The protesters were dispersed to the adjacent Lung Wo Road, Lung Wui Road and Tim Mei Avenue (source: media reports and live video footage). Those on Tim Mei Avenue either moved to the direction of Harcourt Road or entered CITIC Tower via its car park entrance (see Map 8-5 and Image 8-13 below) (source: CITIC Tower CCTV).



Image 8-12: Legislative Council Road at 15:54
(Image source: Now TV)



Map 8-5: Main entrance and car park entrance of CITIC Tower
(Source of base map: Lands Department)



Image 8-13: Tim Mei Avenue at 15:55

(Image source: CITIC Tower CCTV)

- At the same time, CHRF was holding an assembly covered by LoNO, with a stage erected outside CITIC Tower at the southern pavement of Lung Wui Road. The width of the stage was about half of the width of the southern pavement of Lung Wui Road (source: media reports and live video footage).
- Meanwhile, other police officers were conducting sweeping action westward along Lung Wo Road with the use of tear gas as abovementioned. At 15:57, tear gas was fired at the junction of Lung Wo Road and Legislative Council Road (see Image 8-14). Most of the protesters there moved to Lung Wui Road and the rest moved to Tim Mei Avenue (see Image 8-15). At 16:01, the police officers marching from Lung Wo Road reached Legislative Council Road and fired tear gas on Legislative Council Road and at the adjacent roundabout. The protesters dispersed to either Lung Wui Road or Tim Mei Avenue (source: media reports and live video footage).

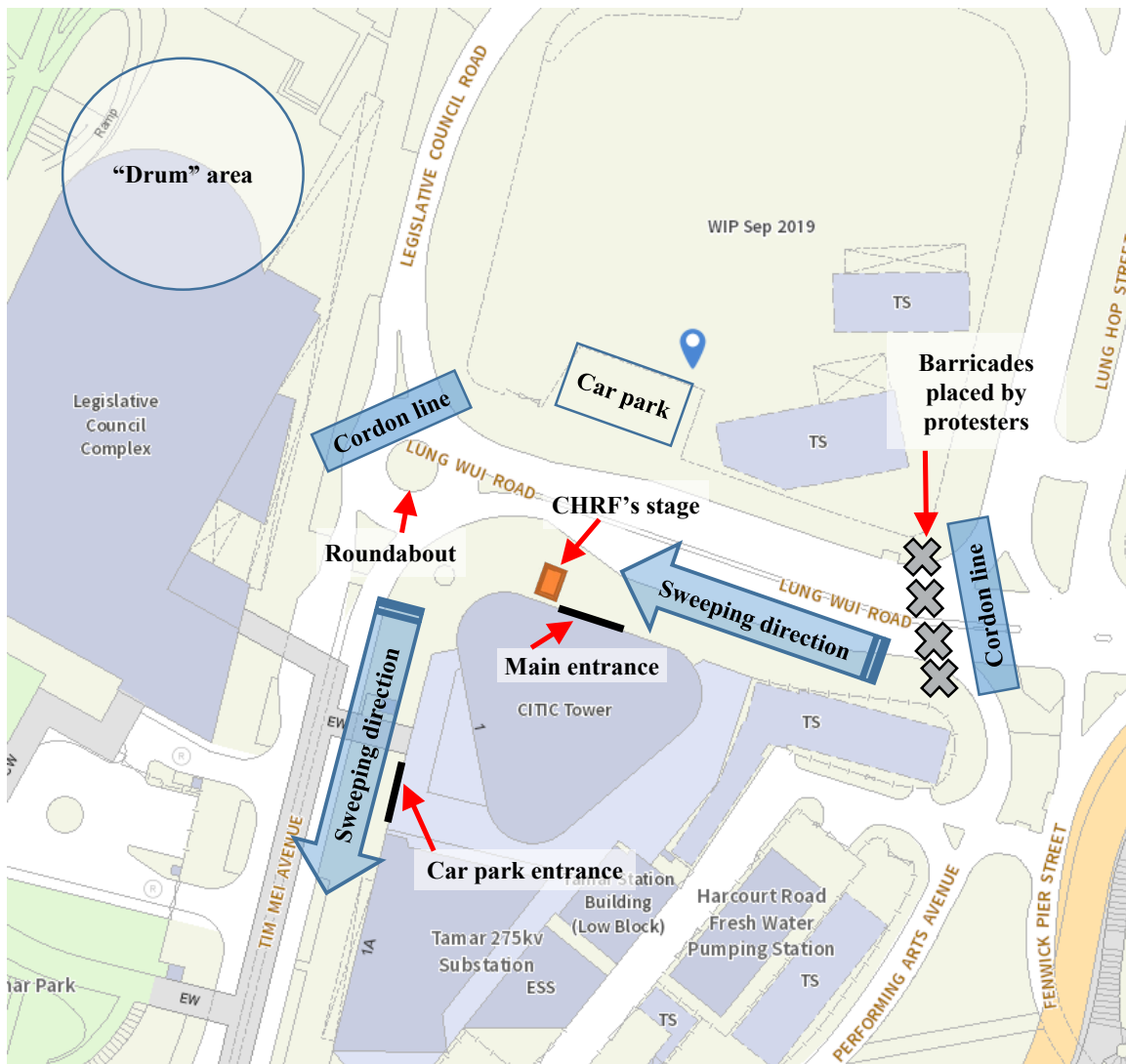


Image 8-14: Junction of Legislative Council Road and Lung Wo Road at 15:57
(Image source: Now TV)



Image 8-15: Most of the protesters moved to Lung Wui Road at 15:58
(Image source: Now TV)

- At 16:03, following HQCCC’s instructions of the sweeping plan as abovementioned, police officers continued to disperse the crowd from east to west and from north to south. According to the sweeping plan, the protesters outside the LegCo Complex would be dispersed to Harcourt Road via Tim Mei Avenue as an escape route (see Map 8-6 below) (source: HKPF).
- At that time, police officers formed two cordon lines in the vicinity of Lung Wui Road, one with about 90 officers near the roundabout of Legislative Council Road and the other with about 170 officers at the junction of Lung Hop Street and Performing Arts Avenue which was behind the multiple layers of mills barriers placed by protesters (see Map 8-6 below) (source: HKPF, media reports and live video footage).



Map 8-6: Police cordon lines and sweeping directions at 16:03

(Source of base map: Lands Department)

- Between 16:03 and 16:04, police officers near the roundabout shot pepper balls and threw tear gas grenades on/near the western end of Lung Wui Road (see Image 8-16) (source: media reports and live video footage). Tear gas was also seen on the pavement at the corner of Tim Mei Avenue and Lung Wui Road (source: CITIC Tower CCTV).



Image 8-16: Tear gas at the western end of Lung Wui Road at 16:04
(Image source: Now TV)

- At that time, there were hundreds of people gathered outside the main entrance of CITIC Tower. People right outside the main entrance of CITIC Tower moved into the building through an open glass door entrance, the only one open at that time (see Image 8-17) (source: CITIC Tower CCTV).

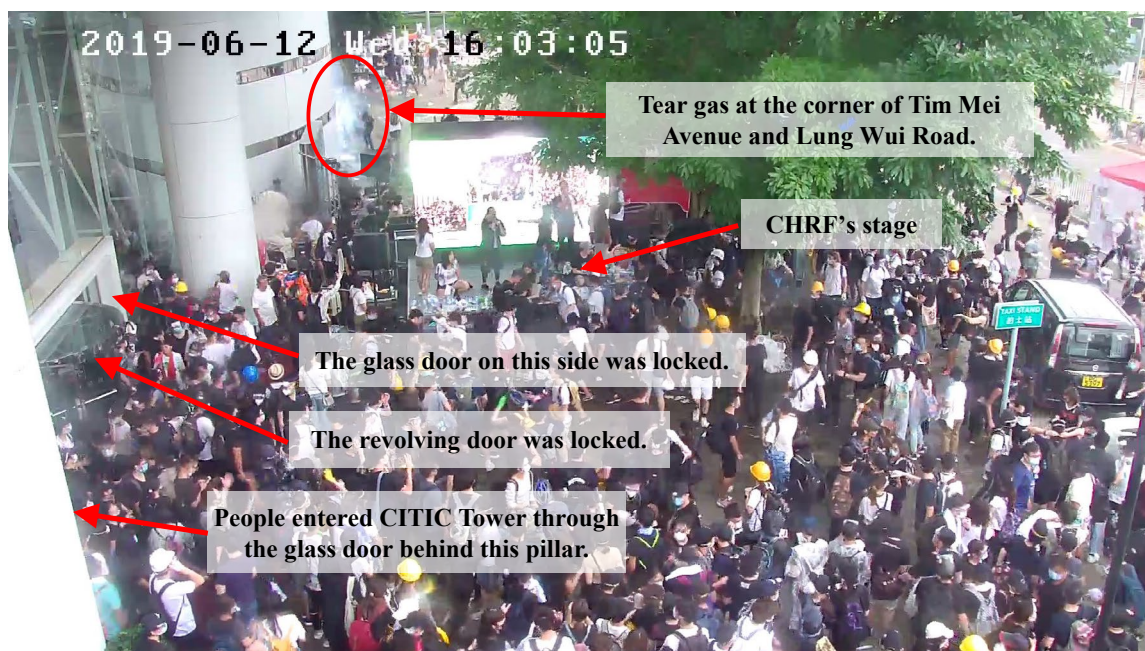


Image 8-17: CITIC Tower main entrance at 16:03

(Image source: CITIC Tower CCTV)

- At 16:04, a female voice could be clearly heard on video footage speaking from a loud amplified source, “慢慢嚟，上返行人路...請大家向演藝方向” (IPCC translation: “slow down, return to pavement, everyone to move to the direction of [the Academy for] Performing Arts”). (Remarks: the Hong Kong Academy for Performing Arts is situated in the east of Lung Wui Road. There was no tear gas fired from the police officers guarding the east of Lung Wui Road at that moment.) At 16:05, a female voice and a male voice spoke from a loud amplified source, “大家向添美道方向”, “大家hold住，hold住” (IPCC translation: “everyone to move to the direction of Tim Mei Avenue”, “everyone holds on, holds on”) (source: live video footage).
- Between 16:06 and 16:07, a female voice and a male voice spoke from a loud amplified source, “頭盔傳去後面”, “反惡法 反送中”, “需要生理鹽水可以嚟到台邊，台前亦都有口罩” and “大家過嚟呢度擺水” (IPCC translation: “pass helmets to the back”, “no draconian law, no Fugitive Offenders Bill”, “come to the stage if [you] need masks and saline” and “come here to get water”) (source: live video footage).
- At about 16:09, while people at Lung Wui Road were moving into CITIC Tower and tear gas was being fired at the eastern end of Lung Wui Road, a male voice and a female voice heard on video footage said from a loud amplified source, “香港人不打香港人 ... 警察克制”, “各位市民慢慢入中信 ... 淋熄催淚彈 ... 大家入中信” (IPCC translation: “Hong Kong people don’t hit Hong Kong people ... Police be restrained”, “everyone to enter CITIC [Tower] slowly ... put out tear gas with water ... everyone to enter CITIC

[Tower]”) (source: media report and live video footage). (Remarks: see also paragraphs 8.40 and 8.41, Police Response.)

- At 16:09, some people on Tim Mei Avenue moved to the direction of the roundabout at the junction with Legislative Council Road (see Image 8-18) (source: CITIC Tower CCTV).
- Between 16:09 and 16:14, tear gas was seen at different spots on Lung Wui Road, the adjacent roundabout and Tim Mei Avenue. A large crowd was seen attempting to enter CITIC Tower via its main entrance (see Images 8-18 to 8-24) (source: CITIC Tower CCTV, media reports and live video footage).



Image 8-18: Lung Wui Road at 16:09
(Image source: Now TV)



Image 8-19: Tim Mei Avenue and Lung Wui Road at 16:10
(Image source: TMHK)



Image 8-20: Tim Mei Avenue and Lung Wui Road at 16:11
(Image source: TMHK)



Image 8-21: Lung Wui Road at 16:11
(Image source: Now TV)



Image 8-22: Tim Mei Avenue and Lung Wui Road at 16:12
(Image source: TMHK)



Image 8-23: Tim Mei Avenue and Lung Wui Road at 16:13
(Image source: TMHK)



Image 8-24: Tim Mei Avenue and Lung Wui Road at 16:14
(Image source: TMHK)

- Meanwhile, tear gas was seen amid the crowd outside the main entrance of CITIC Tower on Lung Wui Road for the periods between 16:10:33 and 16:11:14 and between 16:12:55 and 16:13:25 (see Images 8-25 and 8-26) (source: CITIC Tower CCTV, media reports and live video footage).



Image 8-25: Tear gas was seen at CITIC Tower main entrance from 16:10:33 to 16:11:14
(Image source: CITIC Tower CCTV)



Image 8-26: Tear gas was seen at CITIC Tower main entrance from 16:12:55 to 16:13:25
(Image source: CITIC Tower CCTV)

- Some people could move to Tim Mei Avenue but most of the people attempted to enter CITIC Tower via the open glass door at the main entrance. Those on Tim Mei Avenue either moved to the direction of Harcourt Road or entered CITIC Tower via its car park entrance on Tim Mei Avenue. Several people inside CITIC Tower attempted to use mills barriers and other hard objects to break the glass doors at the main entrance that were

locked but did not succeed (see Image 8-27). Some tear gas got inside CITIC Tower and some people inside appeared to be unwell (source: CITIC Tower CCTV, media reports and live video footage).

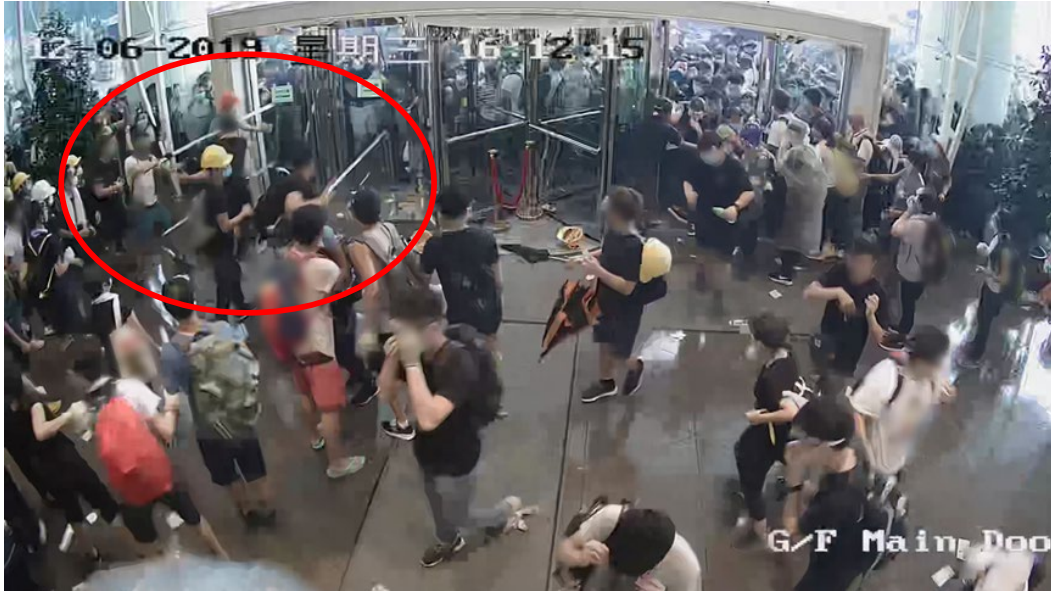


Image 8-27: People used mills barriers to hit the glass door of CITIC Tower main entrance
(Image source: CITIC Tower CCTV)

- At 16:14, the originally locked glass doors at the main entrance of CITIC Tower were opened by a property management staff of CITIC Tower. With more open doors, people then entered CITIC Tower more quickly (see Image 8-28). At the same time, some people continued to leave via Tim Mei Avenue (source: CITIC Tower CCTV).



Image 8-28: CITIC Tower main entrance at 16:14
(Image source: CITIC Tower CCTV)

- At 16:17, only about one hundred people remained outside CITIC Tower main entrance. At 16:19, a group of police officers reached the main entrance of CITIC Tower and handled ten-odd persons remaining there. Meanwhile, some people left CITIC Tower via its car park entrance to enter Tim Mei Avenue (see Image 8-29) (source: CITIC Tower CCTV, media reports and live video footage).



Image 8-29: Tim Mei Avenue at 16:19
(Image source: CITIC Tower CCTV)

- Police officers approached CHRF’s representatives and requested them to stop using the public announcement system or surrender it as it was hindering the police dispersal operation due to its high volume drowning out police announcements. Subsequently, a police officer seized the microphone (source: HKPF).
- Between 16:38 and 17:13, about six ambulancemen entered CITIC Tower via its main entrance and conveyed four persons out from the building on stretchers (source: CITIC Tower CCTV).

Complaints against Police

8.22 As at 29 February 2020, there was a total of 27 RCs and 33 NCs stemming from the Police action on 12 June 2019.

Police Use of Force

8.23 24 of the 27 RCs were about the Police use of force. The natures of allegations⁶ are as follows:

- 13 concerned the firing of tear gas on complainants;
- Four concerned the use of batons on complainants;
- Two concerned pushing and kicking complainants;
- Five concerned the use of OC Foam / OC Gel and PAVA solution on complainants; and
- Three concerned the firing of less-lethal projectiles on complainants.

8.24 13 of the 33 NCs were about the Police use of force. The natures of allegations⁷ are as follows:

- Seven concerned assaulting, pushing, pulling and dragging protesters or other citizens;
- Three concerned the use of OC Foam / OC Gel and PAVA solution on protesters or other citizens;
- Three concerned the firing of tear gas on protesters or other citizens; and
- Two concerned the firing of less-lethal projectiles on protesters or other citizens.

Police Handling of Reporters

8.25 15 of the 27 RCs were lodged by reporters about the handling of reporters.⁸ The reporters made 16 allegations against police officers in relation to the use of force, such as spraying OC Foam / OC Gel and firing tear gas and less-lethal projectiles on them unreasonably, two allegations of impoliteness to them, and one allegation concerning failure to display warrant card. The 15 RCs were collectively lodged via the Hong Kong Journalists Association.

⁶ One RC may concern more than one aspect of the use of force.

⁷ One NC may concern more than one aspect of the use of force.

⁸ As the cut-off date was on 29 February 2020, the 15 RCs made by reporters do not include a complaint which was jointly lodged by a reporter and a cameraman on 21 February 2020 and registered by CAPO as RC on 4 March 2020.

8.26 Two of the 33 NCs were about media handling. One alleged police officers hindering reporting work while the other concerned the use of excessive force on journalists.

Display of Police Identity

8.27 Two of the 27 RCs concerned the failure to display police warrant card by unidentified officers.

8.28 Two of the 33 NCs concerned the display of police identification.

Police Response

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

Police Use of Force

8.30 The rationale behind the instructions given by HQCCC before the afternoon clash was to avoid confrontation with the protesters in order not to cause any injuries to the protesters or the police officers. In that morning, the Police initially prepared to conduct a sweeping operation to rescue the vehicles and the persons trapped at the Lung Wo Road underpass. In the public announcement, the Police stressed that it would not be a clearing action to avoid any misunderstanding or deterioration of the situation. Having considered that there was yet any sign of imminent danger and sweeping action might result in escalation of violence by protesters and deterioration of the situation that this would endanger the safety of the Government officials and police officers trapped in the vehicles, the Police changed their plan to deploy Police Negotiation Cadre to the scene, with a view to de-escalating the situation and resolving the confrontation peacefully. The Police negotiation with protesters, however, met with limited success.

8.31 The Police did not take any early action to deter protesters from digging up bricks or collecting construction materials in the vicinity before the afternoon clash because there were many incidents taking place all at once, e.g. some protesters trapped and surrounded police vehicles and the Government vehicle with a Principal Official on board at Lung Wo Road, others charged at the police cordon lines at the LegCo “Drum” area and the junction of Harcourt Road and Tim Wa Avenue.

8.32 The Police also tried to avoid using tear gas as they were aware that the public was highly critical of its use. The Police information revealed that protesters might attack LegCo Complex at around 15:00 if the Government did not accede to the demand of the protesters.

Hence, at 14:00, HQCCC reminded the ground duties of possible alternatives upon confrontation, such as tactical retreat, and instructed that the use of tear gas should be avoided as far as practicable.

8.33 During the afternoon clashes at the CGC area, some protesters fiercely charged on police cordon lines and hurled bricks and mills barriers at the police officers. Based on the police experience in the previous operation, HQCCC instructed at 15:42 to use tear gas to minimise the threats when police officers were retreating into CGC and LegCo Complex.

8.34 In response to the continuing attack from the violent protesters remaining outside CGC and LegCo Complex, HQCCC, at 15:50, instructed that all officers on the ground could escalate the use of force if their lives were threatened, and then at 16:03, gave instructions for the sweeping plan. Police officers had to use force in the sweeping action to prevent the violent protesters from storming LegCo Complex again and to protect those working inside CGC and LegCo Complex.

The CITIC Tower Incident

8.35 The Police plan was that the police officers near the roundabout of Legislative Council Road would stand guard on the north and the west of the roundabout to prevent protesters from charging back to LegCo Complex while the officers at the junction of Lung Hop Street and Performing Arts Avenue would march forward to drive the protesters off Lung Wui Road via Tim Mei Avenue.

8.36 In the Police plan, Tim Mei Avenue was the “escape route” for the protesters to leave Lung Wui Road. Tim Mei Avenue (in particular the western pavement which was not affected by tear gas) was at all times unobstructed and the protesters were seen leaving through Tim Mei Avenue steadily. The officers had repeatedly instructed the protesters with loudhailers and body gestures to leave Lung Wui Road via Tim Mei Avenue instead of going into CITIC Tower. In the course of the sweeping action outside CITIC Tower, the police officers near the roundabout of Legislative Council Road noticed that some protesters wore protective equipment and were potentially armed with offensive weapons including bricks and construction materials. The officers used force including tear gas and pepper balls near the roundabout and on Tim Mei Avenue to defend the cordon line as they were under attack with objects being hurled by protesters or they had identified threats which they had to take action to neutralise.

8.37 As to the police officers at the junction of Lung Hop Street and Performing Arts Avenue, they were not aware that the assembly outside CITIC Tower was still ongoing when they marched forward to Lung Wui Road. They noticed that multiple layers of mills barriers

were erected by the protesters on the eastern end of Lung Wui Road, blocking their way to Lung Wui Road. They also noticed that the protesters used umbrellas and protective equipment to protect themselves and some of them hurled objects at the officers. The officers repeatedly instructed the protesters with loudhailers and body gestures to leave via Tim Mei Avenue. However, the crowd remained on Lung Wui Road. The officers then fired a few shots of tear gas at the eastern end of Lung Wui Road as they considered tear gas as the only minimum and appropriate type of force to be used to disperse the protesters, and the officers needed to maintain a distance with the protesters before the officers bypassed and dismantled the multiple layers of mills barriers placed by the protesters. The officers guarding the junction of Lung Hop Street and Performing Arts Avenue had fired less than 10 rounds of tear gas on Lung Wui Road during the sweeping action on Lung Wui Road.

8.38 On media footage, some tear gas was seen amid the crowd and some people right outside the CITIC Tower main entrance panicking, desperate to get into the building. The police officers either near the roundabout of Legislative Council Road or at the junction of Lung Hop Street and Performing Arts Avenue could not see the situation right outside the CITIC Tower at the beginning of the sweeping action on Lung Wui Road as their view at eye level was blocked by the crowd at the main entrance of the building. HQCCC also did not notice what was happening outside CITIC Tower on Lung Wui Road.

8.39 As to the tear gas amid the crowd, it was possible that when the police officers fired tear gas cartridges at a low angle in front of the crowd, some of the tear gas sub-munitions might have bounced into the crowd after hitting the ground. Later, the officers at the junction of Lung Hop Street and Performing Arts Avenue noticed the chaotic situation at the building entrance and ceased firing tear gas on Lung Wui Road. These officers then made efforts to coordinate the orderly dispersal of the crowd on Lung Wui Road.

8.40 Although the Police plan was to let the crowd leave via Tim Mei Avenue (i.e. the “escape route”), many in the crowd did not do so. Most of the protesters gathered on the pavement outside the main entrance of CITIC Tower and sought to gain entrance into CITIC Tower as per CHRF’s instructions through a powerful public announcement system. The CHRF’s stage also blocked the view of the protesters gathered there. As a result, some of the protesters were unable to see that Tim Mei Avenue was fully unobstructed and available as an escape route for them. They thus sought to gain entrance into CITIC Tower instead of leaving via Tim Mei Avenue.

8.41 The police officers later noticed that CHRF had been addressing the protesters at the assembly through audio amplifier and telling them to enter CITIC Tower. The protesters could not hear the police officers’ instructions to leave via Tim Mei Avenue. The police officers then approached CHRF’s representatives and requested them to stop using or surrender the public

announcement system which was hindering the police dispersal operation due to its high volume drowning out the police announcements. As CHRF representatives refused to do so, a police officer seized the microphone in accordance with section 10 of the Police Force Ordinance and sections 17(2) and 6(2) of the Public Order Ordinance (POO). After that, they were able to direct the protesters to leave via Tim Mei Avenue.

8.42 In accordance with the conditions stated on the LoNO, CHRF should ensure good order and public safety throughout the event and maintain communication with the Police and assist the Police to communicate with the participants. CHRF originally anticipated only 500 participants in its application of the assembly at the specified location. The Police considered that before the commencement of the assembly, CHRF had actively incited and encouraged protesters in a press stand-up on 11 June to besiege the LegCo Complex and turn out in a large number to fully occupy the Admiralty area. The Police pointed out that CHRF's Facebook posts on 12 June contained some photos of people occupying Harcourt Road and some maps indicating the locations of first aid and material supply counters. The Police considered that CHRF had breached the condition of the LoNO regarding the location of the assembly as it had spilled onto the vehicular lanes of Lung Wui Road and the number of participants had exceeded the notified number of 500 participants.

8.43 The Police also pointed out that before the commencement of the sweeping action on Lung Wui Road, a police community relations officer had advised a representative of CHRF to leave if there was any danger. CHRF should have been aware of the chaotic situation outside the LegCo Complex and should have concluded or terminated the assembly earlier on their own judgment, instead of providing the protesters with helmets and saline which could encourage them to remain there.

Police Declaration of Riot

8.44 At 15:30, HQCCC declared to all frontline officers the situation as a "riot". Declaring the situation as a riot was to remind frontline officers to understand the situation they were dealing with. The implication was that the related Police use of force guidelines could be applied and appropriate level of force could be used when necessary to achieve the lawful purposes.

Police Handling of Reporters

8.45 On 12 June, the Police deployed 52 Force Media Liaison Cadre officers to provide media liaison support to the reporters at the CGC area. The Police response on their handling of reporters on 12 June was given in the previous Chapter on 9 June Incident.

Police Plan for the Operation on 12 June

8.46 The Police were somewhat caught off guard on the early morning of 12 June by the early and large turnout of protesters. Shift-changing was thus affected in the morning.

IPCC Observations*Police Use of Force*

8.47 It is clear from the instructions given in the morning that frontline officers should not take the initiative to take action against the protesters and force should only be used for defending CGC and LegCo Complex and saving lives. If frontline officers could not hold their cordon lines, they should retreat.

8.48 No dispersal action was taken against the protesters when they blocked major roads around CGC and stocked up bricks, iron rods and other hard objects, until some of them launched their violent attacks on the police cordon lines at about 15:00. To rescue the persons and vehicles trapped by protesters at the Lung Wo Road underpass, the Police did not use any force but only sent members of the Police Negotiation Cadre to negotiate with the protesters.

8.49 When the violent protesters wearing facemasks, helmets and other protective gear mounted ferocious attacks on the police cordon lines at Tim Wa Avenue on the west side of CGC at 15:03 and at Legislative Council Road on the east side of CGC at 15:32, hurling bricks, iron bars and other hard objects, the police officers defended with shields, OC Foam / OC Gel, PAVA solution, batons and less-lethal projectiles. Tear gas was not fired at that moment. Police officers started to retreat to the entrance of CGO at 15:37 and to the LegCo Complex “Drum” area at 15:41. The violent protesters continued to hurl various objects at the retreating officers. It was under these circumstances that at 15:42, HQCCC decided that tear gas could be fired for tactical retreat. The police officers who had retreated to the LegCo Complex “Drum” area fired tear gas at 15:46, while the police officers who were retreating to the entrance of CGO fired tear gas at 15:47. It was observed that the Police action up to this point of time was reactive.

8.50 At 15:50, HQCCC instructed frontline officers to escalate their use of force if their lives were threatened. At 16:03, HQCCC instructed to conduct sweeping at the CGC area. From then on, clashes occurred at different spots at the CGC area when police officers dispersed the protesters from the area by using different levels of force, such as tear gas, less-lethal projectiles, PAVA solution, OC Foam / OC Gel and baton. The protesters then dispersed to different locations in Admiralty, Wan Chai and Central and remained there until midnight. It was this latter part of the Police operation that attracted the bulk of criticism.

8.51 As at 29 February 2020, the Police action on 12 June gave rise to 24 RCs concerning the use of force. Some media pointed out that it was an organised riot in which the violent protesters had used various hard and sharp objects to attack police officers at the CGC area.⁹ Others raised discussions or questions as to whether the Police had used force excessively or inappropriately, in particular tear gas and other police weapons, in their dispersal action, and had failed to distinguish violent protesters from non-violent protesters, subjecting the latter to unnecessary force.¹⁰ Some news reports, footage and photos on the internet captured images

- ⁹ Hong Kong Commercial Daily (2019-06-12). 【多圖】立法會推遲開會 激進示威者包圍立法會. Retrieved from https://www.hkcd.com/content/2019-06/12/content_1142571.html
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- ¹⁰ Apple Daily (2019-06-12). 「克制容忍」. Retrieved from <https://www.facebook.com/hk.nextmedia/videos/756665958097446/>
Apple Daily (2019-06-13). 警違法用武 多人頭中彈. Retrieved from <https://hk.news.appledaily.com/local/daily/article/20190613/20702862>
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TVB (2019-06-22). 新聞透視 612 之後. Retrieved from <http://news.tvb.com/programmes/newsmagazine/5d0e1bf7e60383e206229ae2/612 之後>

of some police officers using force, including less-lethal projectiles (i.e. rubber rounds, super sock rounds or react rounds), batons, tear gas, pepper balls, OC Foam / OC Gel / PAVA solution, shields and barehanded force, on those who did not pose obvious threat to the police officers, or on those whom they had seemingly subdued. Some video footage and photos showed that some protesters sustained injuries on head / face or other parts of their bodies, allegedly caused by the Police use of force. The public was concerned whether the use of force by these police officers was justified.

8.52 The IPCC notes that most instances of the use of force by the Police causing public concern took place after 15:50.¹¹ It was at 15:50 that HQCCC instructed that all officers could escalate the use of force if their lives were threatened and at 16:03, HQCCC instructed to conduct sweeping at the CGC area. Earlier at 15:30, HQCCC had declared to the frontline officers that the situation was a riot.

8.53 As pointed out in Chapter 7, the Police internal guidelines provide 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. Whether the level of force used is appropriate depends on the level of resistance of the subject, the officer's own ability and perception of the threat. According to the Police guidelines, to exercise control over a subject effectively, it is justified for the officer to use a level of force sufficient to overpower the resistance of the subject; otherwise, the intervention would not succeed. The subject should, however, be given the opportunity to obey police orders before force is used and such force should cease immediately when the objective is achieved. In addition, there are internal guidelines for the use of irritant agent devices and less-lethal weapons based on different levels of resistance encountered by police officers.

8.54 According to the Police latest guidelines on the use of force, irritant agent devices such as OC Foam, OC Gel, PAVA solution, tear gas and pepper ball could be used when confronted with active resistance (i.e. physical action to prevent control which might cause injury to oneself or others). In the face of aggressive assault (i.e. physical assault to cause or likely to cause bodily injury), less-lethal weapons include batons, rubber rounds, react rounds and super sock rounds could be used, in addition to irritant agent devices. It is the officer's own judgement to determine what level of force is justified, and the 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.

¹¹ Based on the CAPO's information thus far, among the 24 RCs concerning the use of force, 21 of them were about the incidents taken place after 15:50 and the remaining three were about the incidents between 15:00 and 15:49.

8.55 Whether the force used was excessive depended on the actual circumstances and their individual merits, in particular the cause of the incidents, the acts of the protesters and the judgement of the police officers. Before a conclusion can be drawn, investigation has to be conducted with the police officers and the protesters involved; the witnesses of the incident have also to be interviewed to ascertain what triggered the use of force.

8.56 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 the Police guidelines and the laws in their handling of the protests. If the Police Force finds any officer having exceeded the bounds imposed by the law and the Police regulations, the IPCC, and indeed the community, would expect the Police Force to take necessary 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. IPCC will follow up these complaints in the usual manner.

The CITIC Tower Incident

8.57 The CITIC Tower Incident on 12 June has received substantial public attention. Some media criticised the Police for firing tear gas indiscriminately on innocent people taking part in the assembly outside CITIC Tower covered by LoNO and for almost causing a stampede.

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¹² Apple Daily (2019-06-18). 【引渡惡法】中信圍困真相！警狂轟催淚彈暴力驅散數百人 空拍證險釀人踩人慘劇. Retrieved from <https://hk.news.appledaily.com/local/realtime/article/20190618/59730220>
 Cable TV (2019-06-19). 新聞刺針【中信大廈外的催淚彈】. Retrieved from https://www.facebook.com/news.lancet/posts/1241829905990048?comment_id=1241848259321546&comment_tracking=%7B%22tn%22%3A%22R%22%7D
 CitizenNews (2019-06-21). 【612 催淚彈清場】重組圍困中信驚恐 35 分鐘 集會者：險窒息、人踩人形同「集體謀殺」. Retrieved from <https://www.hknews.com/article/21488/612-金鐘大衝突-中信大廈-逃犯條例-21498/>
 HK01 (2019-06-14). 【逃犯條例】警簽發民陣和平大台 無衝擊無警告示威者硬食催淚彈. Retrieved from <https://www.hk01.com/社區專題/340824/逃犯條例-警簽發民陣和平大台-無衝擊無警告示威者硬食催淚彈>
 HK01 (2019-06-18). 【逃犯條例】催淚煙困中信大廈 中年男憶千人「生死一刻」. Retrieved from <https://www.hk01.com/突發/341093/逃犯條例-催淚煙困中信大廈-中年男憶千人-生死一刻>
 HK01 (2019-06-21). 為甚麼我們需要獨立委員會徹查 612 清場行動. Retrieved from <https://www.hk01.com/01-觀點/342764/為甚麼我們需要獨立委員會徹查-612-清場行動>

8.58 After the clash at LegCo Complex, the Police regained control of the LegCo Complex “Drum” area at 15:49. In order to prevent the violent protesters from storming the LegCo Complex again, the Police continued to use tear gas on Legislative Council Road to disperse the protesters remaining there. After the use of tear gas, most of the protesters on Legislative Council Road moved to Lung Wui Road and the rest moved to Tim Mei Avenue. At that time, the CHRF assembly with hundreds of participants was ongoing at the main entrance of CITIC Tower (see Map 8-6 above). At 16:03, the police officers moving from Lung Wo Road reached the roundabout at the junction of Legislative Council Road, Tim Mei Avenue and Lung Wui Road and fired pepper balls and tear gas on/near the western end of Lung Wui Road. At 16:09, the officers guarding the junction of Lung Hop Street and Performing Arts Avenue started to use tear gas to disperse the protesters who gathered outside CITIC Tower on Lung Wui Road. Based on the live footage from the media, tear gas was seen at different spots of Lung Wui Road, the adjacent roundabout and Tim Mei Avenue between 16:09 and 16:14. The issue is whether the firing of tear gas was necessary and proper under the circumstances.

8.59 Police guidelines on the use of tear gas stipulate that police officers must consider a number of factors before using tear gas. Among them are:

- (a) Weather conditions, e.g. wind direction will determine how the smoke will disseminate, and wind speed is important in determining how long the smoke will remain in the atmosphere over and around the target;
- (b) The risk of exposing innocent persons to heavy concentration of tear gas; and
- (c) Presence of an escape route, without which the crowd would panic.

HK01 (2019-06-25). 【逃犯條例】美法防暴專家評 6.12 中信事件 美專家：是策略性失誤。 Retrieved from <https://www.hk01.com/社會新聞/344307/逃犯條例-美法防暴專家評 6-12 中信事件-美專家-是策略性失誤>

Hong Kong Free Press (2019-06-18). Video: Level of force used by Hong Kong police to clear protests questioned, as video clips go viral. Retrieved from <https://www.hongkongfp.com/2019/06/18/video-level-force-used-hong-kong-police-clear-protests-questioned-video-clips-go-viral/>

New York Times (2019-06-30). Did Hong Kong Police Abuse Protesters? What Videos Show. Retrieved from <https://www.nytimes.com/2019/06/30/world/asia/did-hong-kong-police-abuse-protesters-what-videos-show.html>

Now TV (2019-07-01). 【經緯線】金鐘 612. Retrieved from <https://www.youtube.com/watch?v=MHBXgRhXQ8M>

Stand News (2019-06-20). 【6.12 再定性·3】重組中信圍困噩夢 一群「和理非」如何被警暴所傷。 Retrieved from <https://www.thestandnews.com/612redefine/>

TVB (2019-06-22). 新聞透視 612 之後. Retrieved from <http://news.tvb.com/programmes/newsmagazine/5d0e1bf7e60383e206229ae2/612 之後>

8.60 According to the “United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement”,

*“Law enforcement officials should respect and protect the right of peaceful assembly, without discrimination and in accordance with international law. The fundamental human rights of the participants shall be respected and protected, even if an assembly is considered unlawful by the authorities. Appropriate de-escalation techniques should be used to minimize the risk of violence. Law enforcement officials should recall that heavy displays of less-lethal equipment may escalate tensions during assemblies. Where force is proportionate and is necessary to achieve a legitimate law enforcement objective, all possible precautionary steps shall be taken to avoid, or at least minimize, the risk of injury or death.”*¹³

*“In an assembly in which certain individuals are behaving violently, law enforcement officials have a duty to distinguish between those individuals and the rest of the assembly participants, whose individual right to peaceful assembly should be unaffected. If it is decided that less-lethal weapons are an appropriate means of addressing individual acts of violence, due care should be given to the likely proximity of third parties and bystanders.”*¹⁴

*“The use of less-lethal weapons to disperse an assembly should be considered a measure of last resort. Before approving dispersal, law enforcement agencies should seek to identify any violent individuals and isolate them from the other participants. This may enable the main assembly to continue. If these targeted interventions are ineffective, law enforcement officials may employ weapons that target groups rather than individuals (such as water cannons or tear gas) after having issued an appropriate warning, unless giving the warning would cause a delay that would either risk causing serious injury or, in the circumstances, be futile. In addition, participants in the assembly should be given time to obey the warning and a safe space or route for them to move to shall be ensured.”*¹⁵

“The use of firearms to disperse an assembly is always unlawful. In situations where some force is necessary, only less-lethal weapons may be used. In such situations, less-lethal weapons that can be individually aimed shall target only

¹³ *United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement* (Advance edited version, 2020), paragraph 6.3.1.

¹⁴ *Ibid*, paragraph 6.3.2.

¹⁵ *Ibid*, paragraph 6.3.3.

individuals engaged in acts of violence. Weapons such as chemical irritants dispersed at a distance (tear gas) should be targeted at groups of violent individuals unless it is lawful in the circumstances to disperse the entire assembly. Such use should accord due consideration to the impact on other, non-violent participants or bystanders. In addition, when the use of any less-lethal weapons or related equipment against assembly participants is envisaged, due attention should be paid to the potential for panic in a crowd, including the risk of a stampede ...”¹⁶

8.61 The IPCC notes the Police response set out in paragraphs 8.35-8.43 in relation to the handling of the dispersal operation near the CITIC Tower. It will be fully taken into account when the IPCC considers the related RCs now under investigation by CAPO.

8.62 Besides, a representative of CHRF and a participant of the assembly have applied for leave for a Judicial Review in relation to the CITIC Tower Incident.¹⁷ As the judicial procedures and the complaint handling procedures are ongoing, the IPCC is not in a position to make any judgement whether the action taken by the Police in the CITIC Tower Incident was proper or not. The IPCC, nonetheless, have examined the episode to identify areas for improvement and make recommendations to the Commissioner of Police under section 8(1)(c) of the IPCC Ordinance (see paragraph 8.77).

Police Declaration of Riot

8.63 HQCCC declared to the frontline officers the situation as a riot at 15:30. According to the Police internal guidelines, live rounds could be used to quell a riot, provided that no lesser degree of force can achieve the purpose. HQCCC, nonetheless, was cautious about using force, in particular tear gas, to deal with the protesters although some of them had used bricks, iron rods and other hard objects for attack at 15:00 when their ultimatum expired. HQCCC, when declaring riot to the frontline officers, did not give instructions to allow the police officers to fire live rounds or tear gas or escalate the use of force. It was for the frontline officers to judge individually, according to the Police internal guidelines, which level of force should be used to counter the violence or resistance.

8.64 When HQCCC eventually allowed the firing of tear gas, it was only for the purpose of tactical retreat. At 15:50 and 16:03, HQCCC instructed to escalate the use of force and to conduct sweeping action. During the sweeping action, less-lethal weapons and tear gas were used to prevent the violent protesters from storming LegCo Complex again and to protect those

¹⁶ Ibid, paragraph 6.3.4.

¹⁷ HCAL 2670 / 2019

working inside CGC and LegCo Complex. Again, the frontline officers had to judge individually which level of force should be used during the sweeping action.

8.65 The Police internal guidelines state that (i) riots spread quickly and any success gained by rioters at the expense of authority or any apparent reluctance to quell riot immediately would embolden the forces of disorder; (ii) it is, therefore, imperative that the start of a disturbance be swiftly curbed, regardless of the merits of civil or political causes and the issue itself; and (iii) it is the field commander's responsibility to judge what action has to be taken to quell the disturbance. However, declaration of "riot" on 12 June 2019 apparently did not make much difference to the action of the frontline officers as they had to judge individually which level of force should be used in response to the violence of some protesters.

8.66 As to the declaration of riot to the public, it is noted that at 16:25 that day, the Commissioner of Police spoke to the press in Chinese, "...目前已是騷亂的情況..."(IPCC translation: "...the situation is a civil disturbance..."). At 17:42, the Police issued a press release entitled "Police take action to stop riot (警方採取行動制止暴動)", explaining the situation and the Police action in Admiralty since that morning. At 20:50, the Chief Executive condemned the protest, speaking in Chinese "...這已經不是和平集會，而是公然、有組織地發動暴動..." (official translation: "...this is no longer a peaceful assembly but a blatant, organised riot...").

8.67 Regarding the declaration of riot, the IPCC notes that the Police internal guidelines do not make any reference to sections 18 and 19 of the POO, nor do they define what circumstances would be declared a riot, what considerations are to be taken into account, what purpose such a declaration serves, who has the authority to declare and whether the declaration should be made public, when and how. This will be addressed in the Recommendations (see paragraph 8.77).

8.68 Declaring the situation on 12 June as a "riot" without specifying which part was a riot and on what grounds it was a riot aroused public concern, particularly whether those who had participated only in the peaceful protest that day without being involved in the violent acts would also be viewed as rioters. On 16 June, CHRF launched another public procession and estimated participants to be around two million. The Police estimated that 338 000 participated in the procession on its designated route at the peak period of the procession. The first version of the "Five Demands" was chanted by some protesters in that procession. One of the demands was to remove the characterisation of "riot" for the events on 12 June.

8.69 On 17 June, the Commissioner clarified that his comments on 12 June referred only to those whose behaviour amounted to riotous acts. He assured the public that those who took part only in the POEs that day but not in the violent acts need not worry that they had committed

riot offences (“我當日所說，其實是指某些人的行為已經涉嫌干犯暴動罪，所以當日參與公眾活動的其他示威人士，如沒參加過任何暴力行為，他們不用擔心會觸犯暴動罪。”).¹⁸

8.70 The offence of “riot” is defined under sections 18 and 19 of the POO. According to section 19, “*When any person taking part in an assembly which is an unlawful assembly by virtue of section 18(1) commits a breach of the peace, the assembly is a riot and the persons assembled are riotously assembled.*” Section 18(1) states that “*When 3 or more persons, assembled together, conduct themselves in a disorderly, intimidating, insulting or provocative manner intended or likely to cause any person reasonably to fear that the persons so assembled will commit a breach of the peace, or will by such conduct provoke other persons to commit a breach of the peace, they are an unlawful assembly.*” A “riot” exists when someone commits a “breach of the peace” during an “unlawful assembly”. Which part of an unlawful assembly is a riot, however, is not a simple question of geography and must be determined by evidence in accordance with the law. The same applies in determining who is a rioter. In November 2018, the Court of First Instance had clarified the elements of the offences of “unlawful assembly” and “riot” (*HKSAR v Leung Tin Kei and Others* [2018] HKCFI 2715). In particular, the Court took the view that in proving the offences of unlawful assembly and riot, the prosecution needs to prove that the participants shared a “common purpose”.¹⁹ A person’s mere presence in the vicinity of a riot scene does not make that person a rioter. Only those who had committed a breach of the peace that day and those who had assembled in the riot would be rioters.

8.71 Handing down judgment on 29 April 2020, the Court of Appeal having heard the appeal of *Leung Tin Kei and others*, further explained what “common purpose” meant.²⁰ The Court of Appeal held that “common purpose” meant no more than the getting together of the accused persons to commit the acts prescribed in section 18(1) of the POO. This explanation of “common purpose”, the Court of Appeal explained, is derived from the Common Law, the principles of which were incorporated into section 18(1) of the POO.²¹ In dealing with the appeal against sentence in the same judgment, the Court of Appeal reiterated the following dictum of Macrae VP in *HKSAR v. Tang Ho-yin* [2019] 3 HKLRD 502²²:

¹⁸ Information Services Department (2019-06-17). Police chief clarifies “riot” term. Retrieved from https://www.news.gov.hk/chi/2019/06/20190617/20190617_224726_031.html

¹⁹ *HKSAR v. Leung Tin Kei and Others* (21/12/2018, HCCC408/2016) [2018] HKCFI 2715, paragraphs 44-45 (https://legalref.judiciary.hk/lrs/common/ju/ju_frame.jsp?DIS=125716)

²⁰ CACC 164/2018

²¹ *Ibid*, Para. 61

²² *Ibid*, Para. 68

“22. *For any society that has as its cornerstone the rule of law, public order is an essential constituent element which serves to promote the safe, equitable and lawful functioning of that society. That is not to say that its citizens cannot articulate their views, ventilate their grievances and demonstrate their objections emphatically and openly within the law. However, if they transgress the law in so doing and imperil that essential constituent element, then the rule of law will inevitably suffer. As the English Court of Appeal in Caird declared, in the context of a case of a riot in Cambridge in 1970:*

‘... this Court feels it necessary to advert to the clear line that exists between the freedom of citizens to assemble peaceably in a permissible place to express their views in a lawful manner, a right which the courts always safeguard, and the unlawful act of doing something which threatens a breach of the peace.’

The Court continued:

‘... it cannot be too plainly stated or too widely known that the moment when men join in an attempt to overpower the police who are performing their protective duties, that line has been considerably overstepped, and every person joining in the mob effort for that purpose is committing a grave crime even if he is not identified as having committed some specific assault or some specific piece of malicious damage.’

Police Handling of Reporters

8.72 After the operation on 12 June, 15 RCs were lodged by reporters. These RCs were mainly about police officers assaulting reporters with batons, using weapons (e.g. tear gas, OC Foam / OC Gel / PAVA solution and less-lethal projectiles) on reporters unnecessarily, and being impolite to or using offensive language at reporters. The IPCC will follow up these complaints in the usual manner. The IPCC’s observations on the Police handling of reporters on 12 June are given in Chapter 7 on 9 June Incident.

Police Plan for the Operation on 12 June

8.73 The Police management has stated that they were somewhat caught off-guard by the early and large turnout of protesters and the shift-changing in the morning was thus affected. Apparently, they did not fully anticipate the scale of the mass mobilisation and the timing of the protesters’ acts that morning.

8.74 In addition, the physical environment of the CGC area and the presence of construction sites at the area made the Police operational plan that day even more challenging.

To protect the integrity of CGC and LegCo Complex, the Police erected many mills barriers (about 1 meter high) to strengthen the cordon lines. Notwithstanding, there were clashes when the violent protesters hurled numerous objects and pushed mills barriers towards the frontline officers at the cordon lines. In the end, the frontline officers had to use higher level of force including tear gas and less-lethal projectiles for dispersal.

8.75 In some previous operations, such as those in 2011 to protect the then Vice-Premier Mr LI Keqiang during his visit to Hong Kong, the Police had set up water-filled barriers (about 2 meters high) which effectively separated protesters from the venue to be protected. The IPCC notes that the Police adjusted strategies and tactics as the protests against the Fugitive Offenders Bill continued and later erected water-filled barriers to protect CGC, LegCo Complex, PHQ and various police stations (see Images 8-30 and 8-31).



Image 8-30: Water-filled barriers erected outside CGC since late July 2019
(Image source: RTHK)



Image 8-31: Water-filled barriers erected outside PHQ since late July 2019
(Image source: RTHK)

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

8.76 Based on the facts so far collected, the IPCC considers the Police action on and before the afternoon clashes was reactive to the attacks from violent protesters. In the clashes at the CGC area, the Police escalated their use of force in response to the violence of some protesters and the need to protect CGC and LegCo Complex and the people working inside. The escalation of use of force has, however, given rise to allegations of excessive use of force by individual officers on non-violent protesters and reporters. It has also raised questions about the justification for use of police weapons in the operation, especially in the CITIC Tower Incident.

8.77 The IPCC is of the view that lessons should be learnt from the events on 12 June and recommends that the Police management review those events to develop less confrontational strategy and tactics, taking reference from applicable international practices, so that future operations of similar magnitude would be better conducted and managed. IPCC recommends that:

The CITIC Tower Incident

- (a) The Police should review their use of tear gas during the CITIC Tower Incident, including assessment before and during its continuing use, the coordination among HQCCC and with frontline officers, the communication between the Police and the assembly organiser and participants, the accessibility of an escape route and the possibility of alternative tactics for future deployment.
- (b) When there is an ongoing assembly with LoNO, the Police should liaise with the assembly organiser to curtail the assembly when necessary. The Police should give sufficient time and instructions to the assembly organiser and participants to curtail the assembly and leave the assembly location via a viable escape route.
- (c) Communication with the assembly organiser is particularly important so that messages from the Police could be effectively relayed to assembly participants when necessary. The Police should deploy liaison officer(s) close to the assembly site to facilitate instant communication with the assembly organiser.
- (d) Effective coordination among different teams of frontline officers and between frontline officers and HQCCC is crucial. To minimise the possible risk during dispersal action, the Police should review how to enhance coordination among different teams if they consider it necessary to use irritant agent devices and less-lethal weapons when and where an assembly is ongoing with a large number of participants.

Police Declaration of Riot

- (e) The Police should include in the internal guidelines what action frontline officers can take when a situation is declared as a “riot”, how to differentiate rioters from non-rioters and what level of force and weapons to be used in a riot situation.
- (f) The Police should devise clear guidelines on riots and consider informing the public of the purpose, criteria and procedure of declaring a situation as a riot. When making a public announcement about a situation being a riot, the Police should clearly explain the purpose and reason for the declaration to minimise misunderstanding or speculation. This enhances transparency and prevents members of the public from participating in a riot unknowingly.

Police Plan for the Operation on 12 June

- (g) The Police should review their ability to collect, assess and apply the intelligence received since 9 June on the early and large turnout of protesters as well as their violent approach, and draw reference to enhance their ability to collect, assess and apply intelligence in the future.
- (h) The Police should review the events of 12 June and consider whether the preparation and subsequent action for defending CGC and LegCo Complex could have been adjusted to minimise confrontation with protesters and should review whether less confrontational strategies such as prior containment could be adopted in future operations for protecting public property such as LegCo Complex.
- (i) The Police should review their ability to mobilise and allocate manpower to deal with multiple clashes at different spots in a large-scale POE.
- (j) The Police should better utilise water-filled barriers (about 2 meters high) which are higher and stronger than mills barriers to reinforce police cordon lines and minimise clashes between frontline officers and violent protesters.

8.78 The above recommendations should be read in conjunction with the IPCC’s recommendations in Chapter 6: Police Use of Force in Public Order Policing and in Chapter 7 concerning Police handling of reporters.