

Government clarifies rumours about construction of police base for counter-terrorism

In response to rumours on social media on the Internet that the Government plans to construct a police base near San Uk Ling for counter-terrorism, a Government spokesman today (November 27) clarified again that the Government does not have such a plan. The claims are totally unfounded.

LCQ4: Specialised crowd management vehicles

Following is a question by the Hon Ip Kin-yuen and a reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (November 27):

Question:

The "anti-extradition to China" movement, which was triggered by the Government forcefully pushing the proposals to amend the law concerning surrender of fugitive offenders, has been going on for nearly six months. It has been reported that when the Police deployed specialised crowd management vehicles (commonly known as "water cannon vehicles") to disperse the crowd by spraying colourless or coloured pepper based solution, there were from time to time innocent people being hit by the sprayed water. In this connection, will the Government inform this Council:

(1) whether, when the Police deployed a water cannon vehicle to disperse the crowd in Tsim Sha Tsui on the 20th of last month, the target of attack of the water cannon vehicle was the 10-odd people (comprising a Member of this Council, journalists, members of the ethnic minorities and other members of the public) outside the entrance of the Kowloon Mosque, or the Kowloon Mosque, and the justifications for choosing such target of attack; why coloured pepper based solution was chosen for use on that day; whether the police officers concerned operated the water cannon vehicle on that day in accordance with the relevant guidelines; if they did, why some innocent people were hit by the coloured water; if not, whether the Police will institute disciplinary proceedings against the police officers concerned;

(2) given that on the night of the 11th of this month, a staff member of a pharmacy who had, out of anger about the goods of the pharmacy having been sprayed wet by a water cannon vehicle, thrown goods at that water cannon vehicle, was subsequently attacked with pepper balls and arrested by the Police, of the reasons why the Police sprayed pepper based solution at the pharmacy; whether it knows if the said staff member was injured; if he was, of the injuries he sustained; of the Police's specific measures to ensure that religious venues, shops, vehicles, journalists, and passers-by not involved in demonstrations will not be endangered when water cannon vehicles are deployed in future; the ways by which members of the public whose bodies or properties have been wrongfully hit by the water sprayed from a water cannon vehicle may claim compensations; and

(3) given that when the Police dispersed the crowd outside The Hong Kong Polytechnic University on the 17th of this month, a water cannon vehicle sprayed water at the direction of some journalists, hitting a journalist who then fell onto the ground, suffered from shock and underwent an operation immediately necessitated by skull fracture and cerebral haemorrhage, of the reasons why the water cannon vehicle sprayed water at the direction of the journalists, as well as the latest condition of that journalist and the work for dealing with the aftermath; whether the Police will institute disciplinary proceedings against the police officers who operated the water cannon vehicle on that day?

Reply:

President,

It is the Police's statutory duty to maintain public safety and public order. When public safety and public order are severely threatened by situations such as illegal road blockage, paralysed traffic, unlawful assemblies, arson, hurling of petrol bombs and violent charging of police cordon lines, the Police must take appropriate actions to maintain law and order and safeguard public peace.

The Police have strict guidelines on the use of force. Police officers may use appropriate force only when it is necessary. Police officers will give various warnings prior to the use of force as far as circumstances permit, and give the person(s) being warned every opportunity to obey police orders.

The specialised crowd management vehicle (SCMV) is one of the Police's operational options. It is used by the Police to disperse those engaged in violent charging, stop acts which seriously jeopardise public safety and public order, as well as create a safe distance between protesters and police officers to reduce their chance of injury.

The Police have strict regulations on the use of SCMV's water spray device. SCMV will be used when the following circumstances may occur or have occurred:

- (1) serious injury or loss of life;
- (2) widespread destruction of property; or
- (3) disruption or illegal blockage of traffic by occupation of major thoroughfares resulting in significant consequences on public order and/or public safety.

The colourant used in SCMV's is non-toxic and will not cause bodily harm or pose risks to public health. The purpose of spraying colourant on the clothes and skin of protesters is to facilitate the Police in determining whether a person was at the scene of the violence or unlawful assembly.

I must point out that the Police use force in response to the prevailing circumstances; the location and extent of the use of force depend on the violent acts and the actual circumstances at the time. If members of the public could conduct public order events in a peaceful, lawful and orderly manner, there would be no need for the Police to use any force.

My reply to various parts of the question is as follows.

(1) On October 20, there were violent protests and vandalistic acts in various districts of Kowloon. In the afternoon, some people, in defiance of the law, illegally appealed to the public to participate in an assembly in Tsim Sha Tsui district which has not been authorised by the Police. A large number of protesters occupied roads in the vicinity of Tsim Sha Tsui. Some rioters hurled numerous petrol bombs at Tsim Sha Tsui Police Station, as well as set up roadblocks with miscellaneous objects and burnt objects in Mong Kok and Yau Ma Tei. The rioters' acts of arson seriously threatened the personal safety of people at the scene, ignoring the risk of spreading fire to residences nearby. In light of the needs of the circumstances, the Police deployed an SCMV to disperse the crowd in the vicinity of Nathan Road.

During the dispersal operation, the SCMV issued warnings and sounded the siren. The gathering crowd should leave upon such warnings. As the water to be sprayed covered a considerable area, anyone staying in the area would likely be sprayed. The main entrance and gate of the Kowloon Mosque as well as some people nearby were sprayed by the coloured water during the dispersal on that day.

Subsequently, the Chief Executive and the Commissioner of Police met a number of representatives of the Incorporated Trustees of the Islamic Community Fund of Hong Kong and other leaders of the local Muslim community to explain the Police's operation and offered apologies for the impact arising from the operation. The Complaints Against Police Office (CAPO) has received two complaints regarding the incident and will handle the cases properly in accordance with the established mechanism. Earlier, the Police have also offered apologies for the impacts on other premises, tenants and residences along the route arising from the use of coloured water in the law enforcement operation on that day.

I would like to reiterate that the Police respect religious freedom and have no intention whatsoever to offend any religious organisations. The Police will, as always, spare no effort in protecting religious premises.

(2) and (3) On November 11, some netizens initiated an "all-in strike" movement on that day. Starting from early morning, a large number of people engaged in violent acts like blocking roads, arson and wanton destruction in multiple locations across the territories. In the evening, some rioters gathered, seriously blocking roads and went on a rampage around Mong Kok. On November 17, a large number of rioters occupied the roads outside the Hong Kong Polytechnic University, blocking roads illegally and hurling petrol bombs, thereby causing severe damage to public peace and posing serious threat to the personal safety of all those at the scene. In the operations on those two days, the Police had deployed SCMV's to disperse the crowds with a view to handling the violent situations.

Regarding the incident on November 11 as mentioned in Member's question, since the criminal case involved is still under investigation, it is not appropriate for me to make further comments on the details of the case. As for the incident on November 17 mentioned in the question, I note that although the media have made relevant reports, the Police have not yet received any complaint in relation to the incident and have no relevant information in hand. In any case, any people who are unsatisfied with the operations of the Police may file relevant complaints and claims with the Police. CAPO has set up a designated team to handle the complaints relating to the major public order events that took place since June 9 this year. To ensure that the complaints are handled properly, members of the designated team did not participate in relevant operations of the public order events concerned. Those individuals who are injured as a result of a crime of violence or law enforcement actions may consider if they are eligible under the Criminal and Law Enforcement Injuries Compensation Scheme to apply for compensation.

As mentioned above, when using SCMV's, the Police will alert the people to disperse by issuing warnings and sounding the siren. Since the water to be sprayed will cover a considerable area, crowds remaining in the area are likely to be sprayed. The Police will learn from the experience of each operation, so that they could meet the enforcement or operation needs while reducing any possible inconvenience caused.

Thank you President.

LCQ18: Number of arrest by police

Following is a question by the Hon Dennis Kwok and a written reply by the Secretary for Security, Mr John Lee, in the Legislative Council today

(November 27):

Question:

It has been reported that since June this year, during a number of public meetings and processions relating to the "anti-extradition to China" movement, a large number of demonstrators, bystanders and passers-by were arrested, and quite a number of persons were taken to police stations to assist in investigations. In this connection, will the Government inform this Council:

(1) of the number of persons arrested in each month since June this year, and set out the following figures by reason for arrest (other than the offences under the Prohibition on Face Covering Regulation (Cap 241K)): (i) the number of persons arrested, (ii) the number of persons released unconditionally subsequent to the arrests, (iii) the number of persons allowed to be released on bail pending further investigations subsequent to the arrests, (iv) the number of persons prosecuted, (v) the number of persons allowed to be released on bail after being brought before the court, and (vi) the number of persons prosecuted for other offences concurrently (set out in tables of the same format as Table 1);

Table 1

Month:

Reason for arrest	(i)	(ii)	(iii)	(iv)	(v)	(vi)
...						
Total						(not applicable)

(2) of the respective numbers of persons arrested, since the coming into operation of Cap 241K on October 5 this year, for allegedly (a) having used facial covering that was likely to prevent identification while they were at specified activities and (b) having failed to comply with a police officer's requirement of removing the facial covering, and set out the following figures by the date on which they were arrested: (i) the number of persons arrested, (ii) the number of persons released unconditionally subsequent to the arrests, (iii) the number of persons allowed to be released on bail pending further investigations subsequent to the arrests, (iv) the number of persons prosecuted, and (v) the number of persons allowed to be released on bail after being brought before the court (set out in Table 2);

Table 2

Date of arrest	Offence	(i)	(ii)	(iii)	(iv)	(v)
	(a)					
	(b)					
...						

Total					
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(3) of the respective numbers of persons (i) released and (ii) detained after being taken by the Police to police stations on each week (from Sunday to Saturday) since June 9 this year to assist in investigations (other than the persons mentioned in (1)) (set out in Table 3);

Table 3

Date	(i)	(ii)	Total
June 9 to June 15			
...			
Total			

(4) of the respective numbers of arrestees who had been detained for a period of more than 48 hours, the statutory limit, before they were (i) released, (ii) brought before a magistrate, and (iii) transferred to hospitals for medical treatment, on each week (from Sunday to Saturday) since June 9 this year (set out in Table 4); and

Table 4

Date	(i)	(ii)	(iii)	Total
June 9 to June 15				
...				
Total				

(5) of the respective numbers of vehicles borrowed since June 9 this year by the Police from other government departments for the purpose of transporting (a) arrestees and persons assisting in investigations and (b) police officers, and set out the following information by the department to which the vehicles belonged: (i) the class of vehicles, (ii) the number of seats and (iii) the number of vehicles (set out in Table 5)?

Table 5

Department	Purpose	(i)	(ii)	(iii)
	(a)			
	(b)			
â<sup>-				
	Total	(not applicable)	(not applicable)	

Reply:

President,

Members of the public enjoy the freedoms of expression, speech and assembly, but must exercise these freedoms in a peaceful and lawful manner. Since early June this year, over 900 demonstrations, processions and public meetings have been staged in Hong Kong, many of which eventually turned into violent illegal activities. In the past five months or so, some rioters repeatedly engaged in serious illegal acts, such as wantonly blocking the roads, paralysing the traffic, throwing petrol bombs and setting fires at various locations, throwing bricks, vandalising and burning shops and MTR and Light Rail facilities, serious wounding, etc. As a result, public order and public safety have been jeopardised.

According to section 10 of the Police Force Ordinance (PFO) (Cap 232), it is the statutory duty of the Police to maintain public safety and public order. Therefore, when there are unlawful assemblies and violent acts, the Police must take appropriate actions to restore public peace. Section 50(1) of PFO empowers a police officer to apprehend any person who the officer reasonably believes will be charged with or whom the officer reasonably suspects of being guilty of an offence for which a person may (on a first conviction for that offence) be sentenced to imprisonment.

The Security Bureau's reply to Hon Dennis Kwok's question is as follows:

(1) to (4) The breakdown by month of the total number of arrests (including people arrested for contravening the Prohibition on Face Covering Regulation (the Regulation), most of whom also committed other offences) from June 9 to November 14 is as follows:

Month of arrest	Number of people arrested	Number of people whose cases are still under investigation (including those released on bail pending further investigation/ released pending further investigation after refusing to be bailed)	Number of people who already entered into or in the course of legal proceedings (including those who have been charged / summonsed/ directly bound over)	Number of people released unconditionally
June (from June 9)	73	34	9	30

July	224	119	80	25
August	750	603	127	20
September	765	576	171	18
October	1 189	991	141	57
November (as at November 14)	1 318	1 185	116	17
Total	4 319	3 508	644	167

On November 22, the High Court gave orders declaring that the Emergency Regulations Ordinance is incompatible with the Basic Law and the Regulation is unconstitutional and of no effect following its judgment for the judicial review applications, but at the same time ordered that the said declarations be subject to an interim suspension for seven days until November 29. Statistics on arrests made under the Regulation from October 5 to November 14 are at below:

Respective offences under the Regulation	Number of people arrested	Number of people whose cases are still under investigation (including those released on bail pending further investigation/ released pending further investigation after refusing to be bailed)	Number of people already entered into or in the course of legal proceeding (including those who have been charged/ summonsed/ directly bound over) (Note)	Number of people released unconditionally
Section 3	627	529	95	3
Section 5	5	5	0	0

Note: Number of people already entered into or in the course of legal proceeding includes those who have been charged /summonsed/directly bound over for other offences.

In general, arrestees will not be detained over 48 hours. When any person is arrested by the Police, the arrestee will be brought before the Duty Officer as soon as possible to confirm the legality of his custody and arrest, and then be handed over to an investigation team for investigation. Subsequently, the Police will decide whether it is necessary to detain the arrestee. The Police do not maintain other breakdown statistics referred to in the question.

(5) Regarding the deployment of vehicles by the Police, given that the

relevant information is related to the Police's operation, it is not appropriate to release. Otherwise, the effectiveness and capability of the Police's law enforcement will be affected. Therefore, the Administration cannot provide the relevant information.

LCQ19: Illegal felling of Incense Tree

Following is a question by the Hon Kenneth Lau and a written reply by the Secretary for the Environment, Mr Wong Kam-sing, in the Legislative Council today (November 27):

Question:

Aquilaria sinensis (Incense Tree) is an endangered species listed in an international convention, and therefore the import, export and re-export of agarwood specimens are subject to statutory control. Since Incense Trees are of medicinal value and their prices are high, a large number of Incense Trees in the southern part of the Mainland have been felled, with only a small number left at present. Some New Territories villagers have relayed that in recent years, the illegal felling of Incense Trees in Hong Kong has been rampant, particularly in districts such as Sha Tau Kok, Sai Kung, Sha Tin, Tai Po and Lamma Island. In the Sha Tau Kok Frontier Closed Area, 20 Incense Trees were illegally felled in 2016, and another one was felled in a recent month. In this connection, will the Government inform this Council:

(1) of the information on cases of illegal felling of Incense Trees in the past 10 years, including (i) the number of such cases, (ii) the number of persons arrested (and, among them, the number of Mainlanders who entered Hong Kong with travel endorsements or illegally), (iii) the number of prosecutions instituted, (iv) the number of convictions, (v) the punishments imposed in general and (vi) the number and weight of Incense Trees involved;

(2) of the number of cases in which agarwood was intercepted at the various boundary control points, and the total weight of agarwood involved, as well as the number of cases of smuggling agarwood by post, in the past five years;

(3) whether, in the past five years, the Agriculture, Fisheries and Conservation Department and the Customs and Excise Department (i) took joint law enforcement actions, and (ii) took joint law enforcement actions with the relevant Mainland departments, to combat the smuggling of agarwood; if so, of the details;

(4) of the details of the installation in the past five years of closed-circuit television cameras or Infrared Sensor Camera Traps by the authorities at locations with high risk of illegal felling of Incense Trees; whether they have assessed the effectiveness of this measure;

(5) whether it has considered enacting legislation to ban the sale of wild agarwood and its products in Hong Kong; if so, of the details; if not, the reasons for that; and

(6) whether it has compiled statistics on the current number of Incense Trees in Hong Kong; whether the authorities have put in place new measures to enhance the protection of Incense Trees; if so, of the details?

Reply:

President,

Our reply to the question raised by the Hon Kenneth Lau is as follows:

(1) Currently, all criminal cases involving illegal felling of Incense Tree are handled by the Hong Kong Police Force (the Police) under the Theft Ordinance (Cap. 210), the Summary Offences Ordinance (Cap. 228) or the Crimes Ordinance (Cap. 200). Based on the information provided by the Police, the suspected illegal felling cases involved mostly two-way exit permit holders, as well as some illegal immigrants and a few Hong Kong residents. From 2011 to October 2019, there were 663 cases in total, with 283 persons arrested, 122 prosecutions and 111 convictions. Penalties ranged from three months to 55 months of imprisonment. The total number of Incense Tree involved is 1 360, and the wood weighed 998 kilograms in total.

(2) From 2015 to October 2019, nine smuggling cases related to Incense Tree were intercepted and the total weight of the Incense Tree wood seized was 22 kg. All these cases involved outbound visitors carrying Incense Tree wood chips intercepted by the Customs and Excise Department (C&ED). No smuggling case of Incense Tree by post was found.

(3) The Agriculture, Fisheries and Conservation Department (AFCD) has been working closely with the C&ED in combating illegal import and export of endangered species (including Incense Tree) by deploying quarantine detector dogs at import and export control points from time to time. The AFCD and the C&ED also co-operate with overseas and Mainland law enforcement agencies to combat smuggling of endangered species through international joint operations and intelligence exchange. In addition, an inter-departmental Task Force on Wildlife Crime, comprising representatives of the AFCD, the C&ED and the Police, has also been established to develop strategies on intelligence exchange and co-ordination of joint enforcement operations. The AFCD also organises trainings on identification of species (including Incense Tree) with a view to assisting the C&ED staff to detect relevant illegal activities.

(4) Since 2016, the AFCD has installed Infrared Sensor Camera Traps (ISCTs) at various strategic locations. Upon detection of human movement within the operational range, the device will take pictures and send them to a designated mobile device for arranging timely follow-up actions. In summary, the installation of ISCTs can effectively deter illegal felling of Incense

Tree at most of these locations, and the results are largely satisfactory. The AFCD will continue to deploy ISCTs to assist the monitoring and protection of important populations of Incense Tree.

(5) All species of Aquilaria, including Incense Tree, are listed in Appendix II to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The Government is committed to the protection of endangered species and strictly regulates the trade in endangered species through enforcing the Protection of Endangered Species of Animals and Plants Ordinance (Cap. 586) (the Ordinance) which gives effect to CITES in Hong Kong. Under the Ordinance, the import, export/re-export and domestic sale of endangered species, including Incense Tree, in Hong Kong is regulated and closely monitored through a permit/certification system. Currently, the Government has no plan to ban the sale of agarwood and its products in Hong Kong.

(6) Incense Tree is a native tree species mainly found in mature woodlands behind rural villages and lowland forests in Hong Kong. In recent years, the AFCD has recorded around several thousand Incense Trees at various locations in Hong Kong. The AFCD has implemented a species action plan for Incense Tree, which covers a series of measures to protect Incense Tree in Hong Kong that include:

(i) Conducting regular patrols in country parks and special areas as well as establishing a special task force to conduct targeted patrol of sites at which important populations of Incense Tree are present;

(ii) Working closely with the Police in gathering and exchanging intelligence, conducting joint enforcement operations at black spots and investigation of illegal tree felling cases, and enhancing the public awareness of and vigilance against such offences through social media channels as well as various education and publicity programmes;

(iii) Enhancing liaison and co-operation with concern groups and villagers living near Incense Tree for intelligence gathering and reporting of any illegal felling activities;

(iv) Installing ISCTs at strategic locations to monitor illegal felling of Incense Tree as well as tree guards to protect important individuals of Incense Tree;

(v) Organising trainings to assist frontline staff of the Police and the C&ED to identify Incense Tree and detect illegal activities, as well as launching a pilot scheme to deploy quarantine detector dogs to facilitate detection of agarwood smuggling at land boundary control points;

(vi) Stepping up the extensive planting of Incense Tree in the countryside. Since 2009, about 10 000 seedlings of Incense Tree have been produced and planted every year to assist in the re-stocking of Incense Tree in Hong Kong; and

(vii) Supporting various research studies and educational activities as well as enhancing public awareness of the conservation of Incense Tree.

Refund arrangements for World Cultures Festival "Autumn Sonata"

The performance of "Autumn Sonata" presented by the Leisure and Cultural Services Department, originally scheduled for October 20 (Sunday) at 3pm at the Hong Kong Cultural Centre Grand Theatre, has been cancelled.

Ticket holders are advised to take their original intact tickets (with stubs) for cash refunds at the locations listed below from 10am to 9.30pm daily during the specified period. Late applications for refunds will not be accepted.

Refund period: November 28 (Thursday) to December 27 (Friday)

Venue: URBTIX Box Office of the Hong Kong Cultural Centre
URBTIX Box Office of Hong Kong City Hall

For enquiries, please call 2370 1044.