

**UNITED NATIONS
COMMITTEE AGAINST TORTURE (CAT)
RAISED ITS CONCERN AT THE
EXCESSIVE USE OF FORCE DEPLOYED
BY THE HKPF**

The CAT has highlighted their concerns about their concluding observations made during 2015, that during the 2014 "Occupy Central" movement in HK, there were "consistent reports that the police resorted to violence against more than 1300 people, and around 100 were subsequently admitted to hospitals."

The CAT urged the HK government to conduct an independent investigation into excessive use of force by the police, to publish the Police General Orders and related guidelines on the use of force and ensure that they are in compliance with international standards. The CAT also states that the HK government should strengthen going training for all law enforcement officers, including in respect of international standards on the use of force as well as on their liability in the event of excessive use of force.

AIHK urges the HKPF to
**publicise the full Police
General Orders**

and related guidelines on the use of
force and ensure that they are

**in compliance with
international standards.**



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**STOP EXCESSIVE
USE OF FORCE**



**PUBLICISE
"GUIDELINE ON
THE USE OF FORCE"**



What is the police “guideline on the use of force”?

The use of force and firearms by the police is restricted under Police General Orders and the so-called “guideline on the use of force” is set out in Chapter 29 of the Police General Orders – which covers “use of force and firearms”. The chapter includes **principles and limitations on the use of force**, including, for example, the circumstances under which firearms may be deployed or which parts of the body the police officer in question should avoid targeting.

Why does the Hong Kong Police Force (HKPF) refuse to publish the “guideline on the use of force”?

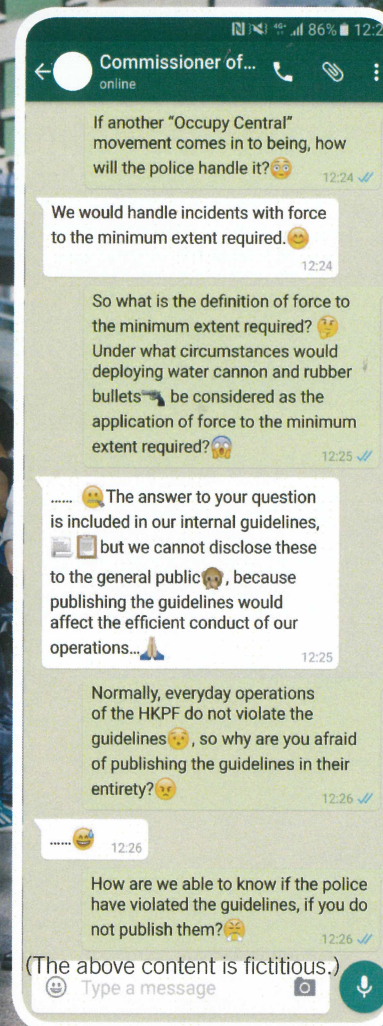
The HKPF continues to insist that several of the chapters of the Police General Orders (including chapter 29) are **restricted police documents for internal use only**. The HKPF is concerned that by publishing the full set of Police General Orders, it may hinder or prejudice the efficient conduct of the Force’s operations. (Legislative Council Paper No. CB(2)235/02-03(05))

What problems arise from not publishing the “guideline on the use of force”?

If the general public is **not aware of the boundaries of police power**, it also implies that the general public is not aware of the boundaries of their own rights (including, for example, under certain circumstances, an individual is protected from being subdued with a baton). The lack of such information in the public domain ultimately affects the extent to which individuals are in a position to discuss their rights, and thus **indirectly affecting their freedom of expression**.

Photo courtesy: epochtimes, Ar Lit

THE POLICE’S PARALOGISM



What counts as excessive use of force?

In any dispersal of non-violent assemblies of people, law enforcement officials should avoid the use of force or where that it is not practicable, **shall restrict such force to the minimum extent necessary**. Such use of force should also **satisfy principles of proportionality**. With this in mind, on 2014.9.28, the deployment of riot police wearing full riot gear and quick use of pepper spray and tear gas clearly constitute excessive use of force.

No.13

*In the dispersal of assemblies that are unlawful but non-violent, law enforcement officials shall avoid the use of force or, where that is not practicable, shall restrict such force **to the minimum extent necessary**.*

UNITED NATIONS “BASIC PRINCIPLES ON THE USE OF FORCE AND FIREARMS BY LAW ENFORCEMENT OFFICIALS”

No.19 (excerpt)

Governments and law enforcement agencies shall ensure that all law enforcement officials are provided with training and are tested in accordance with appropriate proficiency standards in the use of force.

In the dispersal of an unlawful but non-violent assembly where protestors do not show any form of physical or violent resistance, police should **deploy force to the minimum extent**, such as dispelling the crowd with mill barriers, roadblocks or a human chain of police officers. Police should also **try to employ all other possible means** before deploying pepper spray and using batons.