

**Statement of the Hong Kong Bar Association (HKBA) on**  
**Police action in relation to public protests**

1. The fundamental duties of the Police Force are to *protect* the life, safety and well-being of residents, to *safeguard* public order, and to bring offenders before the courts for them to be dealt with in accordance with due process. It is an important part of our system which defends and upholds the Rule of Law.
  
2. There is, however, evidence that some elements in the Police Force have fallen below their usual high standards of conduct. In the past few months there has been a great deal of television and video footage showing police officers using excessive force to disperse protesters and in making arrests. Excessive crowd dispersal techniques have included the indiscriminate use of tear gas (including inside an MTR station) and the shooting of crowd control projectiles at shoulder height level or above at close range. Beatings upon arrests are apparent and have been widespread.
  
3. Video footage from the Prince Edward MTR station last Saturday night show riot police launching indiscriminate attacks without any apparent lawful excuse and using pepper spray on passengers inside a train compartment or hitting them with batons, especially since the officers in question left the train carriage afterwards without making any arrests.
  
4. Members of HKBA who have assisted arrested persons have experienced obstruction at police stations where arrested persons were denied timely access to legal assistance and representation. Arrested persons have also complained of abuses suffered during detention, many of whom required hospitalization or other non-trivial medical treatments.
  
5. There have been other violations of the Police General Orders such as the failure of police officers to display any form of identification which fosters a sense of impunity and lack of accountability. The various explanations that have been proffered to justify this - such as there being “no room” on the uniform of the Special Tactical Squad to display proper identification – are unconvincing to say the least.
  
6. It is paramount that whatever difficult or provocative circumstances that the Police Force may have to face, they must respect the constraints that are placed on them by the Police General Orders, and the law generally, which ensure professionalism, especially with respect to the use of force that is no more than proportionate in the circumstances.
  
7. The HKBA condemns any abuse of power by the Police Force. As disciplined professionals equipped with public authority and lethal and non-lethal weaponry, any unwarranted or excessive use of force against members of the public, be they protesters or ordinary passers-by or residents in housing estates, cannot be condoned. The incidents described above have greatly reduced public confidence in the Police Force. An independent inquiry will offer the truth that the public and the police deserve and may restore public confidence in our Police Force.