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PERMANENT MISSION OF THE PEOPLE'S REPUBLIC OF CHINA

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The Permanent Mission of the People's Republic of China to the United Nations Office at Geneva and other International Organizations in Switzerland presents its compliments to the Office of the High Commissioner for Human Rights and with reference to the latter's communication [AL CHN 2/2020] dated 29 January 2020, has the honour to transmit herewith the reply by the Chinese Government.

The Permanent Mission of the People's Republic of China to the United Nations Office at Geneva and other International Organizations in Switzerland avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



Office of the High Commissioner for Human Rights
GENEVA

联合国人权理事会有毒废料问题特别报告员、和平集会与结社自由问题特别报告员 2020 年 1 月 29 日联合来函【AL CHN 2/2020】收悉。中国政府对来函答复如下：

一般原則

中華人民共和國香港特別行政區(“香港特區”)政府一向尊重市民和平集會及遊行的權利。

2. 《中華人民共和國香港特別行政區基本法》(“《基本法》”), 作為香港特區的憲法性文件, 對基本權利及自由提供憲制上的保證。
3. 《基本法》第二十七條更特別保證香港居民享有言論、集會、遊行及示威等自由。《基本法》第三十九條進一步訂明, 包括《公民權利和政治權利國際公約》(“《公約》”)等適用於香港的有關規定繼續有效並通過香港特區的法律予以實施。
4. 透過本地立法, 《香港人權法案條例》(第 383 章) 將《公約》中適用於香港特區的有關規定納入本地法律。該條例第 8 條載有《香港人權法案》全文。《香港人權法案》第十六及十七條分別參照《公約》第十九及二十一條, 並保證發表自由之權利及和平集會的權利。根據《香港人權法案》第十六及十七條, 該些條文所載的自由並非絕對, 得受限制, 而這些限制由法律規定, 並為保障公共秩序及尊重他人的權利和自由所必需。
5. 香港警方(“警方”)有法定責任採取合法措施, 維持公共秩序及公共安全。當出現堵路、癱瘓交通、損壞私人及公共財產、參與非法集結、以暴力衝擊警方防線, 以及暴徒對市民和警務人員進行暴力襲擊等非法行為, 以致公共秩序及公共安全受威脅和破壞時, 警方有責任採取適當行動維持治安及保障公共安全。如示威者以和平守法的方式表達意見, 警方便無需使用任何武力維持治安。警方在使用武力方面有清晰的指引, 並一直確保只使用所需的最低武力(包括使用化學劑)達到合法目的。

香港自 2019 年 6 月以來的社會動亂

6. 自 2019 年 6 月至今共有超過 1 400 場公眾活動，當中不少以示威者使用暴力告終。暴力程度不斷升級，加上衝突場面日益頻繁，對市民的生命財產構成極大威脅，令人深感憂慮。

暴力程度

7. 我們留意到，非法公眾活動的暴力程度日增，對香港的公共安全及公共秩序造成史無前例的挑戰。暴徒參與暴力活動，並配戴頭盔、防毒面具、眼罩及盔甲等保護裝備，以準備好可能參與暴力行為。除了暴力衝擊警方防線外，他們亦使用武器，包括磚頭、鐵枝、鐵珠、自製彈弓、弓箭、經改裝的氣槍、汽油彈、高功率鐳射筆、腐蝕性物質，甚至土製炸彈，襲擊警務人員和其他持不同意見的人士。其暴力不止針對警務人員、警署和警車，亦針對無辜的途人，特別是政見不同的人士¹。此外，暴徒肆意破壞不同的店舖、食肆、公共設施、銀行和鐵路站。這些極其暴力的違法行為對現場的其他人士(包括市民、記者和警務人員)構成嚴重危險。

8. 有實質證據顯示暴徒將大學變成兵工廠，用以製造和貯存汽油彈、弓箭、丫叉、磚頭等。他們佔據大學，將校園破壞至體無完膚，並向警務人員發動襲擊。大學實驗室的危險品(包括有毒、腐蝕性及易燃的化學物質)被盜，一旦這些化學物質用作武器，會對他人生命和公共安全構成嚴重威脅。

9. 警方搜獲與暴亂行為有關的武器和危險品的種類相當廣泛；所搜到的非法物品，其破壞力和數量均甚為驚人。警方在行動中檢獲的部分爆炸品和武器，包括三過氧化三丙酮²、六亞甲基

¹ 其中兩宗案件暴徒的暴行更令人髮指，包括 2019 年 11 月 11 日，一名男子被黑衣蒙面暴徒淋潑易燃液體後點火，男子全身四成皮膚被燒傷；以及 2019 年 11 月 13 日，有一名 70 歲清潔工被暴徒用磚頭擊中頭部不治身亡。

² 三過氧化三丙酮破壞力強，加上原料在零售市場可以輕易買到，因此一直被聖戰戰士視為首選炸藥。涉及使用三過氧化三丙酮的大型襲擊包括 2015 年巴黎襲擊和 2016 年導致 170 人死亡的布魯塞爾機場襲擊。

三過氧化二胺³、遙控土製炸彈⁴及 AR-15 步槍⁵，都是世界各地不同致命恐怖襲擊常用的武器。部分例子包括：

- (a) 2019 年 7 月 20 日，警方檢獲約 1.5 公斤三過氧化三丙酮自製烈性炸藥、十枚已製成的燃燒彈、鎊水、彈弓、彈珠、刀和鐵棍等。檢獲炸藥的威力足以造成嚴重破壞及使人嚴重受傷。一名男子被捕。
- (b) 2019 年 8 月 1 日，警方發現一批武器，包括兩支弓、六支箭、汽油彈、大量適合製造汽油彈的原材料，以及大量含有大麻成分的精油。七名男子及一名女子被捕。同日，警方亦檢獲 30 枚煙霧彈、27 枚半製成煙霧彈及適合製造煙霧彈的原材料，包括硝酸鉀、鎂、炸藥藥引等。一名男子及兩名女子被捕。
- (c) 2019 年 10 月 13 日，警務人員在一個人口密集的地區進行清場行動時，一枚炸彈在現場範圍爆炸。
- (d) 2019 年 10 月 13 日，一名軍裝警員從行動現場撤退經過一條行人天橋時，被一名男子用鋸刀割頸。該名男子其後被控企圖謀殺。
- (e) 2019 年 11 月 2 日，警方在一幢住宅樓宇檢獲 59 枚汽油彈及約 20 公升易燃化學品，包括松節水、汽油及乙醇。四名男子及一名女子被捕。
- (f) 2019 年 11 月中及 12 月初，警方分別在香港中文大學（“中大”）和香港理工大學（“理大”）檢獲的武器和危險品，包括超

³ 六亞甲基三過氧化二胺和硝化纖維素雖然較三過氧化三丙酮少用，但過去曾多次被恐怖分子使用。一名伊斯蘭極端分子曾於 2016 年 9 月在紐約和新澤西使用六亞甲基三過氧化二胺進行炸彈襲擊，造成 34 人受傷。硝化纖維素則曾於 2005 年倫敦自殺式炸彈襲擊中使用，造成 52 人死亡。

⁴ 遙控土製炸彈多年來廣為恐怖分子使用。分離武裝組織愛爾蘭共和軍是其中一個以使用遙控土製炸彈造成傷亡聞名的恐怖組織。

⁵ AR-15 步槍是一款半自動步槍，曾在過去多宗造成大量傷亡的襲擊中使用。在 2019 年 3 月基督城亂槍掃射案中，施襲者使用的其中一款武器就是 AR-15 步槍，該宗襲擊合共造成 51 人死亡。

過 8 000 枚汽油彈、800 樽石油氣、1 000 樽電油、700 樽易燃化學品(包括丙酮、乙腈、苯胺、甲醇、二氯甲烷、矽烷等)，以及約 600 件鎚、箭、刀、氣槍等武器。一名警務人員在理大附近執行傳媒聯絡職務期間被人用箭射中小腿。

- (g) 2019 年 12 月 8 日，警方在一幢住宅樓宇檢獲一支 9 毫米 Glock 半自動手槍、105 發子彈、五個彈匣，以及其他違禁武器，包括匕首、軍刀及武士刀。檢獲的五個彈匣中，三個已上滿子彈，可以隨時使用。七名男子及四名女子被捕。
- (h) 2019 年 12 月 9 日，警方檢獲兩枚遙控土製炸彈，發現其成分為硝酸鋁和高爆炸性有機化合物六亞甲基三過氧化二胺，一旦爆炸，其威力足以對附近 50 至 100 米範圍造成嚴重破壞，導致建築物倒塌和人命傷亡。這兩枚炸彈更被發現裝上尖釘，加大殺傷力。
- (i) 2019 年 12 月 14 日，警方拘捕三名男子，懷疑他們進行爆炸品試驗，並檢獲一個爆炸品遙控裝置及約 27 克懷疑爆炸粉末。現場有進行爆炸的痕跡。
- (j) 2019 年 12 月 20 日，警方在一處公眾地方拘捕一名男子，發現他藏有一支手槍。該名被捕人士在拘捕期間開了一槍。警方其後在其住處檢獲一支 AR-15 長距離步槍、200 發子彈及一個環形快速入彈器。
- (k) 2019 年 12 月 24 日，警方檢獲 500 克煙霧餅、15 克爆炸品及一些化學品(包括硝化纖維素和氯化鈉)，一名男子被捕。
- (l) 2020 年 1 月 14 日至 16 日，警方在兩幢住宅樓宇分別檢獲一枚自製金屬水喉通炸彈及搗破一個製造炸彈的臨時實驗室。十名男子被捕。
- (m) 2020 年 1 月 17 日，警方在一幢住宅樓宇檢獲一支手槍及 92 發子彈。一名男子被捕。

破壞程度

10. 在 2019 年 6 月至 12 月期間，對大量關鍵社會設施所造成

的破壞和阻礙同樣驚人。約 52 800 米欄杆及 21 800 平方米的行人路路磚被拆除及移走。全港各區累計共有 740 組交通燈遭受破壞，主要包括被切斷線路或被塗污，以及部分交通燈組件或控制器受損，甚至被焚毀。在該 740 組交通燈中，有 365 組遭受多於一次破壞，而個別交通燈遭破壞的次數高達 17 次。

11. 截至 2020 年 2 月 19 日，在 93 個重鐵車站及 68 個輕鐵車站之中，累計共有 85 個重鐵車站及 62 個輕路鐵車站先後受破壞，大量設施損毀，包括出入閘機遭破壞 1 974 次、售票機和八達通增值機及查閱機及客務中心設備 1 153 次、輕鐵月台八達通收費器 1 592 次、閉路電視鏡頭 1 289 次、扶手電梯 117 次、升降機 81 次、車站出入口玻璃幕牆 1 129 次及車站出入口捲閘 221 次。自 2019 年十月，警方接到 1 200 宗報案，涉及超過 1 000 個地點被破壞，當中有部份地點更被多次破壞。

傷亡

12. 截至 2020 年 2 月 10 日，與公眾集會有關的傷者共 2 806 人(包括市民及警務人員)。有 585 名警務人員在行動中受傷，其受傷原因包括：

- (a) 被暴徒投擲汽油彈燒傷，其中一名警務人員在警署執行職務期間被汽油彈擊中而導致身體皮膚嚴重燒傷，另一名警務人員在遇襲受傷後被暴徒投擲汽油彈致身體皮膚嚴重燒傷；
- (b) 被暴徒投擲腐蝕性液體灼傷，其中一名警務人員在處理騷亂情況期間被淋腐蝕性液體而導致身體皮膚嚴重灼傷；
- (c) 被暴徒毆打，其中若干警務人員在驅散示威者期間被多名示威者毆打，另一名警務人員在進行拘捕及制服一名示威者期間被咬斷部分手指；
- (d) 被硬物所傷，包括磚頭、鐵棒、木棍、石塊等，導致骨折或不同程度的創傷；
- (e) 被利器所傷，包括利刀，鐮刀、弓箭，以及被暴徒削尖的物件，包括鐵枝、竹枝、行山杖、水喉通等，導致不同程

度的割傷及插傷。其中一名警務人員被暴徒以鋸刀割傷頸部，需施行緊急手術救治，另一名警務人員被暴徒以弓箭射穿小腿，需施手術救治；以及

- (f) 被改裝的武器所傷，包括丫叉、彈弓等發射鋼珠、玻璃樽或其他硬物，導致不同程度的擦傷及挫傷。其中一名警務人員口部被金屬彈珠擊中，導致牙齒碎裂及口部嚴重受傷。

拘捕及檢控

13. 截至 2020 年 2 月 6 日，警方共拘捕 7 324 人，年齡介乎 11 至 84 歲，罪名包括暴亂、管有攻擊性武器、非法集結、襲警、刑事毀壞等，其中共有 1 190 人已被起訴或傳召。大部分被捕人士的司法程序仍在進行，但其中 44 人已被定罪，罪名包括非法集結、刑事毀壞、侮辱國旗、傷人等；其刑罰包括監禁兩星期至 14 個月、介乎 80 至 200 小時的社會服務令、感化令、戒毒中心令、更生中心令等。另外，有 25 人已獲簽保，一人獲頒照顧保護令。

警方使用武力

14. 警方於 2019 年 6 月 12 日至 2019 年 12 月 31 日期間的相關行動中，共使用約 16 000 枚催淚彈、10 000 枚橡膠彈、2 000 枚布袋彈、1 900 枚海綿彈及 19 發子彈。沒有人因警方的行動死亡。然而，一名 70 歲人士被暴徒用磚頭擊中頭部不治身亡。

15. 警方在使用武力方面有嚴格的指引，有關指引符合國際人權標準，包括特別報告員信件的附件所援引文書內所載標準。警務人員只有在必須及沒有其他辦法可完成合法任務的情況下，才會使用適當的最低程度武力。警務人員在使用武力前，會在情況許可下盡量向聚集羣眾發出警告，並在可行範圍內，讓有關人士有機會服從警方命令。當使用武力的目的已達，警方會停止使用該武力。

16. 警務人員在現場使用武力均是考慮到實際情況和行動需要後作出審慎及專業的決定。一般而言，警方會因應急劇轉變的實地情況使用最低的必要武力，而警方使用武力的地點及程度，會視乎(a)參與公眾活動的暴徒或示威者的暴力程度及(b)當時的現場環境而定。在處理暴力和違法的示威活動時，警方會按現場

情況和示威者的暴力程度，透過揚聲器作出呼籲及警告，並展示以下適當的警告橫額，盡可能預留時間讓示威者服從警方命令或自行散去：

(a) 黃色警告旗：

警察警告 你現正違反法例 你可能被檢控；

(b) 藍色警告旗：

警察警告 這集會或遊行乃屬違法
請即散去 否則我們可能使用武力；

(c) 淺橙色警告旗：

警告警察封鎖線 不得越過；

(d) 紅色警告旗：

停止衝擊 否則使用武力；

(e) 黑色警告旗：

警告 催淚煙；

(f) 深橙色警告旗：

速離 否則開槍。

17. 為控制場面及驅散暴力人士，警務人員會在需要時使用最低武力，包括使用胡椒噴劑、催淚煙、胡椒球、布袋彈、橡膠彈及人群管理特別用途車等非致命性裝備，以防止情況惡化。我們重申，若市民大眾能以和平合法方式表達意見，警方根本無需使用武力。

使用催淚煙

背景

18. 關於特別報告員的信件第 4 頁(英文版)第 2 條問題，我們想澄清在香港的和平示威中不會使用化學劑。只有當示威變得暴力和非法，而且沒有其他辦法控制情況或防止情況惡化時，警方才需要使用化解劑。如在行動上可行，警方會先給予足夠通知和警告才使用化學劑，讓附近的人可離開或服從警方命令。

19. 世界各地的執法機關普遍使用催淚煙處理暴動和驅散暴力示威者。香港警察並非唯一為上述合法目的使用催淚煙的執法機關。近年有使用催淚煙事例的國家包括美國(2019年1月)、法國(2018年11月至今)、智利(2019年10月)、比利時(2019年12月)和意大利(2016年5月)。

警方使用催淚煙

20. 使用催淚煙的主要目的是為了在警方和示威者之間製造安全距離，避免出現近距離的衝突，務求在作出驅散及控制暴力場面的同時，盡量減低雙方受傷的機會。警方所使用的催淚煙的活性成分是鄰-氯代苯亞甲基丙二腈，俗稱 CS。下文第 23 至 28 段關於催淚煙對健康和環境的影響，包括當中的科學文獻及證據，與此相關。在防暴及驅散人群行動中，警方會繼續於絕對必要時按照安全指引，安全地使用催淚煙。

21. 特別報告員的信件提到“警方單日使用催淚煙數量的記錄，分別是 2019 年 10 月 1 日 1 667 枚、2019 年 11 月 12 日 2 330 枚、2019 年 11 月 18 日 3 293 枚”。然而，當中沒有提到現場的實際情況，尤其是暴徒的極端暴力行為。我們必須重申警方使用武力是回應性的。所使用的武力的程度和類別，視乎示威者的行為及所在位置等因素而定。為了恢復公共秩序和安全，警方在行動中須使用最低所需武力，包括催淚煙。例子包括：

- (a) 2019 年 10 月 1 日，示威者在全香港各處廣泛破壞。暴徒不理會公共交通系統安全和公共秩序，堵塞各主要幹道，在不同的地鐵站和路軌縱火，甚至向地鐵站投擲氣油彈。部分暴徒更向警務人員使用致命武力，向他們投擲氣油彈、腐蝕性液體及磚塊，導致 30 名警務人員受傷，當中一人因被腐蝕性液體濺到而受三級化學燒傷。事件中中共有 285 人被捕，被控以參與暴動、非法集結、管有攻擊性武器等罪名。
- (b) 2019 年 11 月 12 及 18 日，暴徒分別佔據中大和理大。他們在該處大肆破壞、非法堵路、縱火，向警務人員、記者及無辜市民投擲氣油彈。暴徒甚至把兩個校園變成兵工廠，用作貯存攻擊性武器和製造氣油彈。雖經多次警告，激進

示威者仍然繼續以致命武力衝擊警方防線，嚴重危害公共秩序和公共安全。警方必須用最低所需武力，包括催淚煙，以驅散他們和防止情況惡化。在中大檢獲的 3 900 枚氣油彈以及在理大檢獲的超過 4 200 氣油彈及 600 件攻擊性武器，正好說明暴徒所用暴力的程度。

22. 特別報告員的信件也提到，一些學校被指受警方使用催淚煙影響，“[唐俊街附近一間小學]被催淚煙包圍但當時仍有學生在內”，而“一枚催淚彈據報射進鄰近一間公立學校的操場”。同樣，這些說法並無提出證據或提述導致有關情況的實際環境。2019 年 11 月 11 日，數以百計的示威者由早上 7 時開始在主要道路聚集，造成阻塞。部分暴徒在路障放火，並以玻璃樽、磚塊及鐵枝等硬物襲擊警務人員。有些暴徒甚至從行人天橋上投擲物件，嚴重危害在場人士的安全。經多次警告後，警方使用最低所需武力，包括催淚煙，以恢復公共秩序和驅散在場的暴徒，而該處是有關學校所在。直至現在，警方沒有收到關於催淚煙射進學校校園或操場的報告。香港特區政府必須強調，警方只是對暴徒的暴力和非法行為作出回應，因此不是由警方選擇使用催淚煙的地點。警方在決定適當使用最低所需武力前，需要考慮各種因素，包括現場情況和在場人士的人身安全，從而減低對公共安全的危害和防止情況進一步惡化。暴徒參與暴力行為，尤其在民居和學校附近作出不負責任的危險行為，應該受到嚴厲譴責。

23. 特別報告員的信件似乎指出學校在 2019 年 11 月停課是因警方使用催淚煙所致。同樣，這說法並無提及實際情況。為正視聽，我們必須指出自 2019 年 11 月 11 日起，激進網民號召發動“三罷”（即罷工、罷市、罷課），並在全港各區進行堵路、阻礙交通服務及破壞交通設施等示威活動，令市民日常生活大受影響。有蒙面暴徒不顧人命安危，向列車路軌投擲磚頭、木塊、床褥、單車甚至汽油彈，試圖阻止市民出行、工作、上課等。蒙面暴徒破壞跟他們政見不同的人士所擁有或經營的商店和食肆；火燒商場；在高空投下磚塊雜物堵塞馬路，令途人嚴重受傷和死亡，並損壞行駛中的汽車。隨着在公眾活動中使用的暴力升級，暴徒投擲汽油彈及其他致命物件已是司空見慣，做法令人髮指。全港很多市民和多個地區都受到蒙面暴徒此等違法活動所影響，情況仍然持續。2019 年 11 月 13 日，香港教育局宣布鑑於交通情況以及需要確保學生安全，所有學校(包括幼稚園、小學、中學及特殊學校)由 2019 年 11 月 14 日起暫時停課(後來小學、中學及部分特殊學校

停課至 2019 年 11 月 19 日，而幼稚園、肢體傷殘兒童學校及智障兒童學校則停課

24. 警方不會在密封地方使用催淚煙。我們重申，警方使用武力有一套嚴格指引。警方在使用武力的時間、地點和選擇方面常處於被動。當暴力及非法行為發生時，警方須迅速考慮現場環境及所有在場人士的安全等不同因素，作出專業判斷和決定使用所需武力的程度，以減低威脅、防止情況進一步惡化及減少傷亡。警務人員在使用武力前，會在情況許可下盡量向聚集的人群發出警告，並且在可行範圍內，讓對方有機會服從警方命令，才使用武力。面對暴力及非法行為，警方一直保持高度克制，當合法目的達到後，便會停止使用武力。

對健康的影響

25. 香港衛生署已把催淚煙的健康資訊上載衛生防護中心的網站，以供公眾參考。有關的健康資訊載於 **附件一**。一般而言，催淚煙對人體健康的影響視乎多種因素，例如催淚煙內的具體化學成分、所暴露的時間和劑量、暴露途徑、受影響人士的個人健康狀況，以及暴露時所處的環境等。衛生署已建議任何人士因接觸催淚煙霧而持續感到不適，應立即諮詢專業醫護人員的意見。

26. 根據香港醫院管理局(“醫管局”)的資料，有市民在暴露於催淚煙後，因身體不適到醫管局轄下急症室求診。曾暴露於催淚煙的人士一般出現輕微的呼吸系統和皮膚不適的症狀，並沒有嚴重的身體影響。**他們在急症室進行清洗及接受治療後，大部分可即時出院。**醫管局轄下 18 間急症室均設有清洗設施，協助受到生化／有害物質污染的傷者進行清洗，醫護人員亦具備經驗處理有關個案。

27. 此外，據了解，燃燒有機物(例如催淚煙或示威者和暴徒在公眾活動期間燃燒的物件)都有可能產生不同化學物質，包括氰化物(俗稱山埃)及二噁英。所產生的化學物質、數量及濃度會視乎燃燒時間和溫度，以及物質本身的特性而有所不同。衛生署及醫管局香港中毒諮詢中心**沒有發現文獻或研究顯示使用催淚煙而引致二噁英中毒的個案**。另外，特別值得注意的是催淚彈的燃燒時間甚短，所產生的氰化物(如有的話)亦在空氣中很快消散。詳情請參閱上載至環境保護署(“環保署”)網站的資料(載於 **附件二**)。

28. 我們亦建議特別報告員參考中大進行檢測的科學結果。中大三次於校園內警方早前曾施放催淚煙驅散暴徒的地點進行二噁英檢測，結果顯示有關地點沒有驗出二噁英，反而在校園內暴徒曾燃燒物件的地點驗出二噁英。檢測清楚說明使用催淚煙不會釋放二噁英。香港科學園及理大亦委託獨立認可化驗所在香港科學園及理大曾施放催淚煙的多個地點進行相關檢測，結果顯示二噁英的濃度遠低於參考水平。有關檢測結果載於附件三。

對環境的影響

29. 在環境影響方面，催淚煙主要為粒狀的物質，由於較空氣重，其擴散範圍有限。環保署研究了自 2019 年 6 月至今，在曾使用催淚煙地區附近空氣監測站所錄得的粒子數據。通過比對在使用催淚煙期間與之前時段附近監測站的粒子濃度變化，以及比對同期間其他沒有使用催淚煙地區監測站的數據，環保署並沒有發現在曾使用催淚煙地區附近的監測站錄得的粒子水平出現異常情況。然而，有個別日子因有示威者及／或暴徒在監測站附近進行縱火活動，而令該監測站錄得的懸浮粒子濃度有數小時上升至高水平，差不多是該站當天正常水平的兩倍。這顯示縱火活動會對附近一帶的空氣質素和於該些地方逗留的人的健康造成嚴重影響。在過去數月的社會事件中，暴徒使用了大量汽油彈和在多處縱火，露天燃燒垃圾、雜物、商店甚至汽車，產生大量濃煙，而眾所周知，這些濃煙或含有各種有毒化學物質(可能亦包括少量二噁英)。

30. 在**水環境**方面，環保署自 2019 年 6 月至今，在例行水質監測結果均未見異常。

清潔

31. 警方會盡量通過各種渠道，與附近一帶的大廈管理處、商戶和安老院等保持密切聯絡，提醒他們警方就示威活動可能作出的行動，以便他們可相應地作出適當的安排。警方也會呼籲附近居民留意情況，如有需要，應關好窗戶，並留在室內安全地方。根據衛生防護中心網站所發布的健康資訊(見附件一)，市民如果身處有催淚煙的地方應盡快離開。皮膚接觸到催淚煙後亦應用大量清水和肥皂徹底清洗，並更換受污染的衣物，而眼睛若有不適可

用大量的清水或生理鹽水沖洗。如身處於室內地方而附近有催淚煙發放，應關閉所有門窗，並關上空調，以及可用濕布封上門窗隙罅。

32. 再者，在家居清潔催淚煙殘留物時，盡量使用一次性清潔物品清潔家居。在進行清潔時，應戴上適當的個人防護裝備，例如口罩、橡膠手套、膠圍裙等。留有殘留物的表面一般可使用肥皂水浸濕的布抹拭，而不應使用熱水以免令殘留物蒸發。同時，要避免揚起殘留微粒，因此，不應使用高壓水槍及掃把等工具，亦不應使用電風扇。在清潔完成後，應把一次性清潔物品妥善包妥後(例如放進密封的膠袋)才棄置。

33. 就食物環境衛生署(“食環署”)轄下地點及公眾地方，食環署已向其員工和清潔服務承辦商發出工作指引，當中包括清理化學物品殘留物需注意的事項及個人防護裝備。其中，指引訂明清潔工人在進行有關工作時需戴上口罩、橡膠手套、膠圍裙等。如認為有需要，應戴上口罩(N95 或同級)、眼罩及帽等。清潔工人在工作時如發現有危險品或化學廢料，應通知食環署轉介相關部門跟進處理。食環署亦會進行定期和突擊巡查，以查核承辦商的服務表現。

支援長者及殘疾人士

34. 社會福利署(“社署”)經常與營運安老及康復服務單位的資助及非資助機構聯絡，了解其運作情況，並在有必要時提供適當的提示與支援。社署已去信所有安老院營運機構，向它們提供兩條網絡連結，一條連接至衛生署轄下衛生防護中心所發出有關催淚煙的健康建議，另一條連接至食環署轄下食物安全中心就催淚煙的影響所發出有關如何預防食物被污染及處理受污染食物的建議。

35. 在可預知的大型公眾活動(包括近期的示威)舉辦前，社署會特別提醒相關服務單位負責人須採取適當的應變措施，保障長者及殘疾人士的安全。此外，社署地區福利辦事處亦會與當區警署保持溝通，通知警方社福單位的位置，尤其包括安老院及殘疾人士院舍。若社署知悉安老院或殘疾人士院舍所在地區附近曾經發放催淚煙，會主動並盡快向相關院舍了解其院友及員工的情況、提供適當支援，並提醒負責人特別留意患有呼吸道困難及體弱

人士的身體狀況。社署已通過非政府機構設立情緒輔導熱線，向因社會事件而有情緒困擾的人士提供支援。此外，社署設有 24 小時熱線，為市民提供輔導、情緒支援及協助。

人群管理特別用途車使用顏色水

36. 特別報告員的信件亦提及“水炮噴射刺激性藍色液體”。近年，英國、法國、德國、比利時和南韓等海外執法機關經常使用水炮車(或稱人群管理特別用途車)來處理大型公眾集結。使用人群管理特別用途車是為了驅散在遠處使用暴力衝擊的示威者，以盡量減少與他們的直接衝突。人群管理特別用途車亦會按行動需要加入催淚水劑(即 Pelargonic Acid Vanillylamide)及／或顏色水，以制止暴力及違法行為。

37. 催淚水劑的效用與胡椒噴劑相若，使接觸到的人感到短暫皮膚灼熱及眼部不適。任何人如沾染催淚水劑應即時離開現場，並於空氣流通地方使用大量清水沖洗。人群管理特別用途車使用的是無毒的顏色物料，有助警方識別暴力示威者。向衣服及皮膚噴灑顏色物料的目的，是為協助警方決定暴力或非法集結時有關人士是否在場。催淚水劑不會對人體造成傷害，亦不會對公眾健康構成風險，而且可以大量清水作出清洗。

38. 根據香港醫管局的資料，有市民在接觸人群管理特別用途車的藍色液體後因身體不適到急症室求診。曾接觸藍色液體的人士一般出現輕微的呼吸系統和皮膚不適的症狀，並沒有嚴重的身體影響；他們在急症室進行清洗及接受治療後，大部分可即時出院。醫管局轄下 18 間急症室均設有清洗設施，協助受到生化／有害物質污染的傷者進行清洗，醫護人員亦具備經驗處理有關個案。

結論

39. 特別報告員在信件中就“在校園、易受影響院友的院舍、地鐵站等密封或半密封範圍，以及香港天然與建築環境所構成的具體處境，或其附近”施用化學劑表達關注。香港特區政府完全明白社會人士對於在住宅樓宇附近使用防暴化學劑(特別是催淚煙)的關注；在使用任何防暴化學劑之前，會盡量顧及受影響人士的安全和利益。警方在公眾活動期間展開行動前，會以各種途徑盡量與鄰近樓宇管理處、商戶及安老院保持密切聯絡，提醒他們警方

可能就示威活動採取行動，使他們可以作出相應的適當安排。行動期間，警方亦會呼籲附近市民藉社交媒體和新聞稿留意有關情況，在有需要時關上窗戶及留在安全的室內地方。

40. 香港特區政府向來呼籲市民以和平理性的方式表達訴求及意見、包容社會上不同意見，以及尊重法治。如果市民和平合法地表達意見，警方便無需使用任何武力或化學劑。

General principles

The Government of the Hong Kong Special Administrative Region (“HKSAR”) of the People’s Republic of China has all along respected citizens’ rights to peaceful assembly and procession.

2. The Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China (“Basic Law”), which serves as the constitutional document of the HKSAR, provides constitutional guarantee for fundamental rights and freedoms.
3. Article 27 of the Basic Law, in particular, guarantees that Hong Kong residents shall have, amongst others, freedom of speech, assembly, procession and demonstration. Article 39 of the Basic Law further provides, amongst others, that the provisions of the International Covenant on Civil and Political Rights (“ICCPR”) as applied to Hong Kong shall remain in force and shall be implemented through the laws of the HKSAR.
4. By way of a local piece of legislation, namely the Hong Kong Bill of Rights Ordinance (Cap. 383), provisions of the ICCPR as applied to the HKSAR have been incorporated into local law. Under section 8 of Cap. 383, the full text of the Hong Kong Bill of Rights (“HKBOR”) is set out. Articles 16 and 17 of the HKBOR, modelled on Articles 19 and 21 of the ICCPR respectively, guarantee the right to freedom of expression and the right of peaceful assembly. According to Articles 16 and 17 of the HKBOR, the freedoms enshrined therein are not absolute and are subject to restrictions as prescribed by law and necessary for the protection of public order and respect of the rights and freedom of others.
5. The Hong Kong Police (“Police”) are under a statutory duty to take lawful measures to maintain public order and public safety. When public order and public safety are threatened and compromised by illegal acts such as blocking of roads, paralyzing of traffic, damaging of private and public properties, taking part in unlawful assemblies, charging of police cordon lines by force, and violent attacks on citizens and police officers by rioters, Police are duty bound to take appropriate actions in order to maintain law and order and safeguard public safety. If the

demonstrators express their views in a peaceful and lawful manner, there would be no need for Police to use any force to maintain law and order. Police have clear guidelines on the use of force and always ensured that only minimum force necessary for achieving lawful purposes (including the use of chemical agents) will be used.

Social unrest in Hong Kong since June 2019

6. There have been more than 1 400 public order events since June 2019, with many of them ended up in the use of violence by protestors. The continuous escalation of violence, as well as the increasingly frequent confrontational situations, have caused grave threat to people's lives and properties.

Level of violence

7. It is observed that the unlawful public order events had become increasingly violent and posed serious challenges to public safety and public order of Hong Kong in an unprecedented scale. Rioters took part in violent activities with protective gears including helmets, respirators, goggles and body armors, as possible means to preparing themselves for violent acts. Other than violently charging Police cordon lines, they used weapons including bricks, metal rods, metal pellets, makeshift slingshots, arrows and bows, modified air guns, petrol bombs, high-powered laser pointers, corrosive substances and even improvised explosive devices to launch attacks against police officers and other people with different views. The violence aimed not only at police officers, police stations and vehicles, but also innocent bystanders, especially people with opposing political views¹. In addition, rioters vandalized various shops, restaurants, public facilities, banks and metro stations. These serious violent and illegal acts have posed severe danger to other people at the scene, including members of the public, reporters and police officers.

8. There was concrete evidence indicating that rioters had turned universities into arsenals, manufacturing and storing petrol bombs, bows

¹ Among which were two heinous cases in which a man suffered 40% burns to his body after he was poured with inflammable liquid and set into fire on 11 November 2019. The second case was on 13 November 2019 in which a 70-year-old cleaner was hit in his head by a brick hurled by radicals and subsequently died.

and arrows, catapults, bricks, etc. They occupied the universities, damaging the campuses to a devastated state and initiating attacks against police officers. Dangerous goods including toxic, corrosive, and inflammable chemical were stolen from the universities' laboratories, posing serious threats to other people's lives and public safety should the chemicals be used as weapons.

9. Weapons and dangerous goods seized by Police in connection with the riotous acts were of a great variety; and the situation was extremely alarming in terms of both the destructive power and quantity of the illicit items seized. Some of the explosive and weapons seized in Police's operations, including Triacetone Triperoxide (TATP)², Hexamethylene Triperoxide Diamine (HMTD)³ and Radio-controlled Improvised Explosive Devices (RCIEDs)⁴, AR15 rifle⁵ are commonly used in deadly terrorist attacks around the world. Some examples included:

- (a) On 20 July 2019, Police seized around 1.5 kg of self-produced powerful explosive known as TATP, 10 completed incendiary bombs, nitric acid, slingshots, pellets, knives, iron rods, etc. The power of the explosives found could have caused serious damages and severe injuries to people. A male was arrested.
- (b) On 1 August 2019, Police found a batch of weapons, including two bows, six arrows, petrol bombs and a large quantity of raw materials fit for manufacturing petrol bombs, and a considerable amount of essential oils containing cannabis. Seven males and

² TATP has long been considered the bomb of choice for jihadists due to its destructive power and the existence of readily available retail ingredients. Prominent attacks involving the use of TATP include the 2015 Paris Attacks and the 2016 Brussels Airport Attacks which killed over 170 people.

³ HMTD and Nitrocellulose, although less commonly used than TATP, have a history of being deployed by terrorists in the past. HMTD was used in the New York and New Jersey Bombings carried out by an Islamist extremist in September 2016 resulting in 34 injured, whereas the Nitrocellulose was used in the 2005 London Suicide Bombing resulting in 52 deaths.

⁴ RCIEDs have been widely utilised by terrorists for decades. The Irish Republican Army, a separatist militant group, is one of the terrorist groups that is notorious for using RCIEDs to cause casualties and damage.

⁵ AR-15 is a type of semi-automatic rifle that had been used in numerous mass-casualty attacks in the past. One of the weapons used by the perpetrator in the shooting rampage in Christchurch in March 2019 was AR-15 and the attack killed a total of 51 persons.

one female were arrested. On the same day, Police also seized 30 smoke bombs, 27 half-finished smoke bombs and raw materials fit for manufacturing smoke bombs including potassium nitrate, magnesium, fuses for explosive, etc. One male and two females were arrested.

- (c) On 13 October 2019, a bomb exploded in a densely populated area where police officers were there to conduct a clearance operation.
- (d) On 13 October 2019, a male slashed the neck of a uniformed police officer by using a cutter, whilst the officer was withdrawing from the scene and walking on a footbridge. He was later charged with attempted murder.
- (e) On 2 November 2019, on a residential premises, Police seized 59 petrol bombs and around 20 litres of inflammable chemical including turpentine, petrol and ethanol. Four males and one female were arrested.
- (f) In mid-November and early December 2019 respectively at the Chinese University of Hong Kong (“CUHK”) and the Hong Kong Polytechnic University (“PolyU”), the weapons and dangerous goods seized by Police included a total of over 8 000 petrol bombs, 800 bottles of liquefied petroleum gas, 1 000 bottles of petrol, 700 bottles of inflammable chemicals (including acetone, acetonitrile, aniline, methanol, dichloromethane, silane, etc.), and about 600 weapons including hammers, arrows, knives, air pistols, etc. A police officer was shot by an arrow in his shank whilst he was performing media liaison duty near the PolyU.
- (g) On 8 December 2019, on a residential premises, Police seized a 9mm Glock semi-automatic handgun, 105 bullets, five magazines, as well as other prohibited weapons including dagger, sabre and katana. Three of the five magazines seized were fully loaded and ready for use. Seven males and four females were arrested.
- (h) On 9 December 2019, Police found two RCIEDs which were found to be composed of aluminium nitrate and HMTD, a highly

explosive organic compound. Explosion of the devices would have posed severe damage to the surrounding 50 to 100-metre range, and led to collapse of buildings and fatalities. These devices were also found to have contained sharp nails to create a greater lethality.

- (i) On 14 December 2019, Police arrested three males who were suspected to be conducting tests on explosives, with a radio control for explosion and about 27 grams of suspected explosive powder seized. Signs of explosion were found at the scene.
- (j) On 20 December 2019, Police arrested a male at a public place with a gun found in his possession. The arrested person fired a shot during the course of arrest. An AR-15 long-range rifle, 200 bullets and a circular speedloader were further located at his place of abode.
- (k) On 24 December 2019, Police seized 500 grams of smoke cakes, 15 grams of explosives and some chemical including nitrocellulose and sodium chloride with a male arrested.
- (l) Between 14 and 16 January 2020, at two residential premises, Police seized a home-made metal pipe bomb and cracked down a makeshift laboratory for explosives respectively. Ten males were arrested.
- (m) On 17 January 2020, Police seized a pistol and 92 bullets at a residential premises with a male arrested.

Level of destruction

10. From June to December 2019, the damages and obstruction to a large number of essential community facilities were alarming too. **Around 52 800 metres of railings and 21 800 square metres of paving blocks of footpaths were dismantled and removed. A cumulative total of 740 sets of traffic lights across Hong Kong were vandalised.** The vandalism mostly involved the cutting of traffic light cables or blackening the surface. In some cases, the traffic lights had the

components or traffic signal controllers damaged or even burnt. Among these 740 sets of traffic lights, 365 were vandalised more than once and with a particular set vandalised up to 17 times.

11. As at 19 February 2020, **among the 93 heavy rail and 68 light rail stations, a cumulative total of 85 heavy rail and 62 light rail stations were vandalized respectively**, involving numerous facilities including entry/ exit gates (1 974 times), ticket machines, Octopus add-value machines/ enquiry processors and Customer Service Centre facilities (1 153 times), Octopus fare processors on light rail platforms (1 592 times), CCTV cameras (1 289 times), escalators (117 times), elevators (81 times), glass panels at station entrances/ exits (1 129 times) and roller shutters of station entrances/ exits (221 times). Since October 2019, 1 200 cases had been reported to Police, involving vandalism of more than 1 000 venues, some of which were repeatedly damaged.

Injuries

12. As at 10 February 2020, 2 806 casualties (including both citizens and police officers) relating to mass gathering incidents were reported. 585 police officers were injured during the operation. Causes of the injuries included:

- (a) Being burnt by petrol bombs hurled by rioters. A police officer was hit by a petrol bomb while performing duties inside a police station and suffered from severe burns on the skin. Another police officer, after sustaining injuries in an attack, also suffered from severe burn by petrol bombs hurled by rioters.
- (b) Being burnt by corrosive liquid hurled by rioters. A police officer suffered from severe skin burn caused by corrosive liquid splashed on him when handling a public disorder situation.
- (c) Being assaulted by rioters. A number of police officers were assaulted by a number of protestors during dispersal operations. A police officer had part of his finger bitten off by a protestor when he was trying to subdue the latter during the course of arrest.

- (d) Being injured by hard objects including bricks, iron bars, wooden sticks and stones, resulting in fractures or various degrees of trauma.
- (e) Being injured by sharp objects including sharp knives, cutters, arrows and objects sharpened by rioters including iron rods, bamboo sticks, hiking poles and water pipes, resulting in different degrees of lacerations and stabbing wounds. A police officer was slashed on his neck by a rioter with a cutter and was required to undergo an urgent surgical operation. Another police officer's calf was shot by an arrow and needed to undergo a surgery.
- (f) Being injured by modified weapons including steel balls, glass bottles and other hard objects shot from catapults and slingshots, resulting in various degrees of abrasions and contusions. A police officer was hit in the mouth by a metal ball with his teeth broken and serious injury on his mouth.

Arrest and prosecution

13. As at 6 February 2020, Police arrested 7 324 persons aged 11 to 84 for various offences including riot, possession of offensive weapons, unlawful assembly, assaulting police officers, criminal damage, etc. A total of 1 190 arrested persons have been either charged or summoned. Whilst the judicial proceedings of most of the arrested persons are still on-going, 44 of them have been convicted for offences including unlawful assembly, criminal damage, desecrating the national flag, wounding, etc. Their sentences included imprisonment for a period between two weeks and 14 months, community service order between 80 and 200 hours, probation order, drug addiction treatment centre order, rehabilitation centre order, etc. Also, 25 persons were bound over and one was put under a care and protection order.

Police's use of force

14. In the relevant Police's operations between 12 June 2019 and 31 December 2019, around 16 000 tear gas rounds, 10 000 rubber rounds,

2 000 bean bag rounds, 1 900 40 mm react rounds and 19 live rounds were used. No person died as a result of Police actions. One 70-year-old man, however, died after he was hit on the head by a brick thrown by rioters.

15. Police have a set of stringent guidelines on the use of force that are consistent with the international human rights norms and standards, including those stated in the instruments cited in the Annex to the Special Rapporteurs' letter. Police officers may use minimum force as appropriate only when such an action is necessary and there are no other means to accomplish lawful duties. Before force is used, police officers will, where circumstances permit, give warnings to the gathering crowd, and give the person(s) involved every opportunity, whenever practicable, to obey police orders. Once the purpose of using force is achieved, Police will cease to use force.

16. Use of force at scene are based on the conscious and professional decisions of police officers, having regard to the actual circumstances and operational needs with due considerations. **In general, minimum necessary force should be used in response to the rapidly changing situation on the ground, and the location and the level of force used by Police would depend on (a) the level of violence committed by rioters or protestors participating in the public order events and (b) the then circumstances at the scene.** In handling violent and illegal protests, Police will, having regard to the situation on the ground and the level of violence committed by protestors, make appeals and give warnings through loudspeakers, and display the following warning banners as appropriate, giving time for protestors to obey police orders or disperse themselves as far as practicable:

(a) Yellow warning banner:

Police Warning: You are in breach of the law. You may be prosecuted;

(b) Blue warning banner:

Police Warning: This meeting or procession is in breach of the law. Disperse or we may use force;

- (c) Light orange warning banner:
Police cordon Do not cross;
- (d) Red warning banner:
Stop Charging or We Use Force;
- (e) Black warning banner:
WARNING TEAR SMOKE;
- (f) Dark orange banner:
DISPERSE OR WE FIRE.

17. To control the situation and disperse violent persons, police officers will use minimum force as necessary, including less-lethal weapons including pepper spray, tear gas, pepper balls, bean bag rounds, rubber rounds, and Specialised Crowd Management Vehicles (“SCMVs”), to prevent deterioration of the situation. It should be reiterated that Police will not be required to use any force should members of the public express their views in a peaceful and lawful manner.

Use of tear gas

Background

18. We refer to question no. 2 on page 4 of the Special Rapporteurs’ letter. We wish to clarify that no chemical agents will be used during peaceful demonstrations in Hong Kong. It is only necessary for Police to use chemical agents when the demonstrations become violent and unlawful and there are no other means to contain the situation or to prevent it from further deteriorating. Police will give ample notice and warning before using chemical agents in order that people in the vicinity can leave the area or obey police orders as long as it is operationally practicable.

19. Across the world, tear gas is widely used by law enforcement agencies to handle riots and disperse violent protestors. The Hong Kong Police are not the only law enforcement agency that use tear gas for the same legitimate purpose. Some recent examples where tear gas was used

include the USA (January 2019), France (November 2018 till now), Chile (October 2019), Belgium (December 2019) and Italy (May 2016).

Police's use of tear gas

20. The primary objective of using tear gas is to create a safe distance between police officers and protesters, so as to avoid close confrontation and to reduce the chance of injury to both parties as far as practicable, whilst dispersing the crowd and controlling the violent scenes. The active ingredient of tear gas used by Police is a chemical called 2- chlorobenzalmalononitrile, commonly known as CS. Information set out in paragraphs 23 to 28 below regarding the impact of tear gas on health and the environment, including the scientific literature and evidence therein, is relevant. Police will continue to use tear gas safely when operationally necessary in anti-riot and crowd dispersal situations in accordance with the safety guidelines.

21. The Special Rapporteurs' letter mentions that "the single-day records of Police's use of tear gas are 1 667 rounds on 1 October 2019, 2 330 rounds on 12 November 2019 and 3 293 rounds on 18 November 2019". The statement was however made without referring to the actual circumstances at the scene, in particular the extremely violent acts committed by rioters. It should be reiterated that the use of force by Police is reactive. The level and type of force used are dependent on factors such as the acts of protestors, as well as the physical location. Minimum necessary force, including tear gas, has to be used during police operation in order to restore public order and public safety. Examples included:

- (a) On 1 October 2019, protestors caused widespread destruction across the territory in Hong Kong. Without observing the safety of public transportation system and public order, rioters obstructed different major thoroughfares, set fire inside different metro stations and the railways and even hurled petrol bombs at metro stations. Some rioters even used deadly force against Police officers, hurling petrol bombs, corrosive fluid and bricks at them, resulting in 30 police officers injured with one suffered from third-degree chemical burns after being splashed with corrosive fluids. A total of 285 persons were arrested for offences including taking part in a riot, unlawful assembly and possession of offensive weapons, etc.
- (b) On 12 and 18 November 2019, rioters occupied CUHK and PolyU respectively. They wreaked havoc to the areas where they unlawfully blocked the roads, set fire, and hurled petrol bombs at police officers, reporters and innocent citizens. Rioters even turned the two campuses into arsenals for storing offensive weapons and producing petrol bombs. In spite of repeated warnings, radical protestors continued to charge police checklines with deadly force, posing severe threat to public order and public safety. Police had to use minimum force as necessary, including tear gas, to effect dispersal and prevent any deterioration in situation. The 3 900 petrol bombs seized at CUHK and over 4 200 petrol bombs and 600 offensive weapons seized at PolyU spoke of the level of violence adopted by the rioters.

22. The Special Rapporteurs' letter also mentions that some schools were allegedly affected by Police's use of tear gas, with tear gas "engulfing [a Primary School near Tong Chun Street] while students were still inside" and a canister "reportedly fired into the school playground of another nearby public school". Again, the statement was made without any evidence or reference to the actual circumstances leading to the situation. On 11 November 2019, hundreds of protestors started to gather and caused obstruction at a number of major roads since 7:00 a.m. Some rioters set fire to the obstacles and attacked police officers by hurling hard objects including bottles, bricks and rods. Some rioters

even threw objects from the footbridge, posing severe danger to the safety of persons at scene. Upon repeated warnings, Police had to use minimum necessary force, including tear gas, to restore public order and disperse rioters in the area, where schools were located thereat. To date, Police have not received any reports regarding the firing of tear gas into school campus or playground. The HKSAR Government must reiterate that Police are only reactive to violent and illegal acts committed by rioters, and therefore it is not for Police to choose the location of using tear gas. Police need to consider various factors, including the prevailing situation and the personal safety of the people at scene, before deciding the appropriate use of minimum necessary force to eliminate the threat posed to public safety, and to prevent the situation from further deterioration. Rioters should be seriously condemned for engaging in violence, in particular their irresponsible and dangerous acts near residential and school areas.

23. The Special Rapporteurs' letter appears to suggest that the suspension of classes in schools in November 2019 was due to Police's use of tear gas. Again, the statement was made without any reference to the actual circumstances. To set the record straight, since 11 November 2019, radical netizens incited a so-called "all-in strike" (i.e. labour strike, boycott of businesses and classes) and other protest actions including the blocking of roads, disruption of transportation services and vandalising of transport facilities. The daily routines of the general public had therefore been significantly and adversely affected. Some masked rioters ignored the safety of others and threw bricks, wooden planks, mattresses, bicycles, and even petrol bombs onto railway tracks in order to prohibit other citizens from going out, going to work and going to school, etc. The masked rioters damaged shops and restaurants owned or operated by people holding political views different from theirs, set shopping malls on fire and threw items and bricks onto roads from atop, causing serious injuries and death to passers-by and damages to vehicles in motion. The throwing of petrol bombs and other lethal objects, which is an outrageous act, has gradually become common as the violence used in the public order events escalated. Many citizens and areas in Hong Kong were adversely affected by the unlawful activities of the masked rioters, and the situation had persisted. On 13 November 2019, the Education Bureau of Hong Kong announced that in view of the traffic conditions as well as the

need to ensure the safety of students, classes of all schools (including kindergartens, primary schools, secondary schools and special schools) had to be suspended starting from 14 November 2019 (and eventually till 19 November 2019 for primary schools, secondary schools and some special schools, and 24 November 2019 for kindergartens, schools for children with physical disability and schools for children with intellectual disability). Apart from causing dangerous road conditions, there were also malicious damages to school private light buses (or nanny vans) and intimidation against schools of varying degrees. The situation was outrageous and went far beyond the limits of peaceful assembly.

24. Police do not use tear gas in closed space. We reiterate that Police have a set of stringent guidelines on the use of force. Police are reactive with regard to the timing, location and the choice on the use of force. When violent and unlawful acts occur, Police have to swiftly consider various factors, including the prevailing circumstances, the safety of all persons at scene, etc., in order to make a professional judgement and decide on the level of force necessary to eliminate threats, prevent further deterioration of the situation and minimise casualties. Before using any force, police officers will, where circumstances permit, give warnings to the gathering crowd prior to the use of force, and give the persons involved every opportunity, whenever practicable, to obey police orders. In face of violent and unlawful acts, Police always exercise a high level of restraint. Once the lawful purpose has been achieved, the use of such force will cease.

Health effect

25. The Department of Health (“DH”) of Hong Kong has uploaded the health information on tear gas on the website of the Centre for Health Protection for general public’s reference. The relevant health information is at **Annex A**. In general, health effects brought by tear gas depend on a number of factors such as the specific chemical composition of tear gas, duration and dose of exposure, exposure route, health conditions of the individuals affected and the physical environment during exposure. DH has advised individuals who had been exposed to tear gas with persistent symptoms to consult healthcare professionals promptly.

26. According to the Hospital Authority (“HA”) of Hong Kong, there were cases where people attended the accident and emergency (“A&E”) departments of the HA due to discomfort after exposure to tear gas. Those who were exposed to tear gas generally experienced mild respiratory and skin irritation, and there was no serious health impact reported. **Most of them could be immediately discharged after rinsing and receiving treatment at the A&E departments.** Decontamination facilities are available at all 18 A&E departments of the HA for treating patients who have been exposed to biochemical/hazardous substances. Healthcare personnel are also experienced in treating these cases.

27. In addition, it is understood that combustion of any substance (such as tear gas or materials burnt by demonstrators and rioters during public order events) could produce different chemicals, including cyanide and dioxin. The nature, quantity and concentration of chemicals produced would be subject to the duration and temperature of combustion, as well as the properties of the substance itself. The DH and the Hong Kong Poison Information Centre of the HA have **found no literature or scientific evidence on dioxin poisoning cases caused by the use of tear gas.** It is particularly notable that given the short duration of combustion of tear gas canisters, any cyanide produced (if any) would quickly disperse in the air. For details, please refer to the information uploaded to the website of the Environmental Protection Department (“EPD”) at **Annex B**.

28. The Special Rapporteurs are also advised to refer to the scientific findings of CUHK which conducted testing for dioxin for three times at the campus where Police had previously discharged tear gas for dispersing rioters. The test result showed that no dioxin was detected at the locations inside the campus where tear gas was discharged. On the contrary, the result showed dioxin was detected at the locations inside the campus where rioters had burnt objects. The test clearly stated that the use of tear gas would not release dioxin. Hong Kong Science Park and PolyU also appointed independent accredited laboratories to initiate similar testing at various locations at Hong Kong Science Park and PolyU where tear gas was discharged. According to the test results, the concentration of dioxin was well below the reference level. The relevant

test results are at **Annex C**.

Impact on the environment

29. In terms of environmental impact, tear gas is mainly a particulate compound. Since it is heavier than air, its dispersion is limited. The EPD had studied all the particulate matter (“PM”) data recorded at the air quality monitoring stations near the areas where tear gas was used since June 2019. By comparing the PM levels recorded at the monitoring station during the period when tear gas was used and the period before, as well as comparing the data with those recorded at other monitoring stations near the areas where no tear gas was used, the EPD did not find any anomalies in the PM levels recorded at the monitoring stations near the areas where tear gas was used. On the other hand, there were instances showing that when rioters’ arson activities conducted by demonstrators and/or rioters took place near a monitoring station, the PM concentrations recorded at the station increased to a high level for several hours which was almost double the normal levels recorded at the station for that day. This reflects that arson activities would significantly affect the air quality and the health of persons staying in the vicinity. In the past few months of social events, rioters hurled thousands of petrol bombs and committed arson at various locations, caused open burning of refuse, sundries, shops and even vehicles. These arson attacks generated a large amount of smoke and it is well known that such smoke may contain various toxic chemicals (possibly also including some dioxins).

30. Concerning the **water environment**, the EPD has not found any anomaly in its routine water quality monitoring results since June 2019.

Cleaning

31. Police will, as far as possible, maintain close contact with the nearby building management offices, commercial tenants and elderly homes, etc. in the vicinity through various channels to remind them of Police’s possible actions in relation to the demonstration activities so that they can make appropriate arrangements accordingly. Police will also appeal to residents in the vicinity to pay attention to the situation, and to close the windows and stay indoor in a safe place if necessary.

According to the health information published on the website of the Centre for Health Protection (see Annex A), the public should leave the area affected by tear gas immediately. Skin exposed to tear gas should be washed thoroughly with water and soap and contaminated clothing should be changed. Eyes with discomfort should be irrigated with large amount of water or saline. For persons who are in an indoor environment when tear gas is being used nearby, they should close all the doors and windows, turn off the air conditioners, and could seal the gaps over the doors and windows with wet towels.

32. Further, when cleaning the tear gas residual materials at home, disposable cleaning items are preferred to be used for cleaning the household. Suitable personal protective equipment such as masks, rubber gloves and rubber aprons should be worn when carrying out the cleaning work. In general, surface with residual materials could be wiped by cloth soaked with soapy water and hot water should not be used in order to avoid evaporation of the materials. Also, residual materials should not be stirred up and therefore tools such as high pressure water jet and brooms, as well as electric fans, should not be used. The disposable cleaning items should be properly packed (such as in a sealed plastic bag) after cleaning and then disposed.

33. The Food and Environmental Hygiene Department (“FEHD”) has issued guidelines to its employees and cleansing service contractors, including points to note and the use of personal protective equipment for cleaning the residues of chemicals in venues under the management of the FEHD and in public places. The guidelines stipulate, among others, that cleansing workers should wear face masks, rubber gloves, rubber aprons when conducting relevant work, and put on masks (N95 type or compatible), goggles and caps if considered necessary. Cleansing workers should, upon discovery of dangerous goods or chemical waste, report to the FEHD which will then refer the case to the relevant departments. The FEHD also conducts routine and surprise inspections to check on its cleansing service contractors’ performance.

Support for the elderly and persons with disabilities

34. The Social Welfare Department (“SWD”) maintains regular contact with elderly and rehabilitation service units operated by subsidised and non-subsidised organisations to keep tabs on their operations and provide them with appropriate reminders and assistance when necessary. The SWD has written to operators of all residential care homes for the elderly providing them with a web link to the health advice relating to tear gas given by the Centre for Health Protection of the DH and a web link to the advice given by the Centre for Food Safety of the FEHD on how to prevent contamination of food and handle contaminated food insofar as the impact of tear gas is concerned.

35. Before commencement of foreseeable major public order events (including the recent demonstrations), the SWD will issue special reminders to the persons-in-charge of relevant service units to adopt appropriate contingency measures to safeguard the elderly and persons with disabilities. Furthermore, the District Social Welfare Offices of the SWD will keep in contact with police stations in their respective districts to inform them of the location of social welfare units, including in particular residential care homes for the elderly (“RCHEs”) and residential care homes for persons with disabilities (“RCHDs”). When the SWD learns that tear gas has been released in the vicinity of RCHEs or RCHDs, the SWD will proactively and promptly contact the concerned homes to enquire about the conditions of their residents and staff, provide appropriate assistance to them, and remind the persons-in-charge to pay particular attention to health conditions of persons with respiratory difficulty and of frail health. The SWD has set up emotional support hotlines through NGOs to render support to those who are emotionally distressed arising from the social incidents. The SWD is also running a 24-hour hotline to provide counselling, emotional support and assistance for members of the public.

Use of coloured water in SCMV's

36. The Special Rapporteurs’ letter also mentions “the irritating blue fluid fired from the water cannons”. The water cannons (or SCMV's) are commonly used by overseas law enforcement agencies including the

United Kingdom, France, Germany, Belgium, South Korea, to handle large-scale public assemblies in recent years. The purpose of deploying SCMV is to disperse protestors who stage violent charging acts at a distance in order to minimise direct confrontation with protestors. SCMV can be equipped with pepper based solution, namely Pelargonic Acid Vanillylamide (“PAVA”) and/or coloured water having regarded to operational needs in order to stop the violent and illegal acts.

37. The effect of PAVA is similar to that of pepper spray which causes people exposed to the solution to have a short-term burning sensation of the skin and discomfort in the eyes. Anyone who is in contact with PAVA should leave the scene immediately and rinse the affected body parts with plenty of water in a ventilated place. The colourant used in SCMV is a non-toxic colouring substance which can assist Police to identify violent protestors. The purpose of spraying colorant on the clothes and skin is to facilitate Police in determining whether a person was at the scene of violent or unlawful assembly. It will not cause bodily harm or pose risks to public health and it can be cleaned by using plenty of water.

38. According to the HA of Hong Kong, there were cases where people attended the A&E departments due to discomfort after exposure to blue liquid sprayed by SCMV. Those who were exposed to blue liquid generally experienced mild respiratory and skin irritation, and there was no serious health impact reported. Most of them could be immediately discharged after rinsing and receiving treatment at the A&E departments. Decontamination facilities are available at all 18 A&E departments of the HA for treating patients who have been exposed to biochemical/hazardous substances. Healthcare personnel are also experienced in treating these cases.

Conclusion

39. The Special Rapporteurs’ letter expresses concern over the deployment of chemical agents “in or near schools, institutions hosting vulnerable populations, enclosed or semi-enclosed areas such as metro stations, as well as the physical conditions imposed by the natural and built environment of Hong Kong”. The HKSAR Government fully

understands the community's concern about the use of anti-riot chemical agents (especially tear gas) near residential buildings, and will take into account the safety and interests of the affected people as far as possible when using any anti-riot chemical agent. Before an operation during a public order event, Police will, as far as possible, maintain close contact with the nearby building management offices, commercial tenants and elderly homes through various channels to remind them of Police's possible actions in relation to the demonstration activities so that they can make appropriate arrangements accordingly. During the operation, Police will also appeal to residents in the vicinity to pay attention to the situation through social media and press releases, and to close the windows and stay indoor in a safe place if necessary.

40. The HKSAR Government has always appealed to the public to express their demands and views in a peaceful and rational manner, to tolerate different views expressed in the community, and to respect the rule of law. If the public express their views in a peaceful and lawful manner, it would not be necessary for Police to use any force or chemical agents.