

February 6, 2023

Press Release

Re: **Peng Chau Shooting Incident**

We are deeply concerned that, according to various reports, on 24th January a 43 years old Philippine national was shot three times by a police officer during investigation of a noise complaint on Peng Chau. The man, who allegedly resisted arrest and attacked the police officer, was wounded on his arm and his abdomen and was in critical condition, while two police officers were also slightly injured.

We found the incident of an unarmed man being shot three times tragic and disturbing. It is likely that the escalation of events resulting in the use of firearm was a case of misunderstanding and a problem with communication. It may be a result of the racial and cultural insensitivity by the police in dealing with ethnic minorities. It may also be a consequence of ethnic minority language difficulties in comprehending the situations.

This incident has shocked the local community. We urge the relevant authorities to address the following questions particularly considering the police guidelines on use of force to provide additional information for the community to understand the actions taken in their proper context:

- (1) How did a noise complaint escalate to a shooting incident?
- (2) What are the Force's guidelines for subduing an uncooperative person without resorting to the use of a firearm? Did the police officer follow the guidelines on use of force? Why was minimal use of force not an option in this situation and how did the man end up with injuries leaving him in critical condition?
- (3) According to the police guidelines on use of force, it reads: "the force used must be **absolutely necessary** and there are no other means to achieve a lawful purpose." Was the use of firearm absolutely necessary in the present case? If yes, why?
- (4) In the circumstances, was the use of a firearm and the number of shots fired considered the **minimum necessary** level of force and **reasonable**? Were other means used to subdue the man such as batons, taser, incapacitant spray, or the help of the other officer on the scene to exercise control and restraint? If not, why not?
- (5) Was the use of firearm reasonable in the circumstances or proportionate to the act of an unarmed man? Was the use of force excessive given that the man was unarmed?
- (6) Did the police officer give **prior warning of his intention to use force**, and provide **opportunities for the subject to obey officer's order** before the firearm was used? If so, what language was the warning given in? Did the officer assess whether the man understood his warning before firing shots?

If it appeared that the man may not have understood the warning, did the officer attempt to communicate by other means?

- (7) According to the police guidelines on use of force, it reads: “the officer must use force with **restraint** and the force must **cease after the purpose is met.**” Why were so many shots fired? Did the actions of the man constitute a continuing threat that persisted even after the firing of the first shot? Since there are a range of means to restore order, would the incident run counter to the **principle of avoidance** of the use of firearms?
- (8) Would the police offer more training for officers to deal with drunk people?
- (9) As general measures concerning the policing of members of ethnic minority communities, does the Police offer racial and cultural sensitivity training to police officers on a regular basis? How many police officers have received such training in the past 5 years and who received such training generally?

To avoid such tragedy from happening again, we strongly recommend the following measures be taken by the Government:

- (A) A formal investigation be carried out according to the principles of accountability and transparency.
- (B) There is an urgent need to provide racial and cultural sensitivity training to **all** police officers carrying out frontline duties.
- (C) A review of the **Police General Orders** and **Force Procedures Manual** covering the policy and guidelines on use of force and firearms in general and how police officers deal with non-Chinese speaking persons in particular or other persons who are uncooperative due to emotional, psychological, alcohol or drug induced conditions.

Asian Migrants Coordinating Body-International Migrants Alliance (AMCB-IMA)

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