

選定地方警察使用低致命武器的指引

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1. 引言

1.1 在近月的社會事件中，香港警務處多次使用低致命武器，作為人群管理措施。2019年6-11月間，警方累計發射了約15 970枚催淚彈、10 010枚橡膠子彈、2 000枚布袋彈及1 860枚海綿彈，期間亦曾使用警棍。由於警方並無向公眾披露其使用低致命武器的指引，有意見關注到本港使用低致命武器的情況，是否符合國際指引。此外，儘管政府多次作出澄清和解釋，公眾仍然對低致命武器帶來的短期至較長期的健康影響，存有疑慮。

1.2 應梁繼昌議員的委託，資料研究組就下列議題蒐集了相關資料，它們分別是(a)低致命武器對健康影響的全球研究；及(b)3個選定地方使用低致命武器的具體指引。由於英國、美國及澳洲的警方執法被認為具有較高透明度，故此它們的指引成為本文的選定研究對象。有鑑本港社會現時的關注，這項研究只聚焦於3類主要低致命武器(即催淚氣體與相關化學刺激物、橡膠子彈與相關投射物和警棍)。相關文件經整理後收納於一個資料套，下文概述主要的研究結果。

2. 使用低致命武器的整體國際指引

2.1 聯合國剛在2019年8月發表低致命武器的使用指引，確認低致命武器整體上相較傳統槍械的"危險程度較低"，並可減少市民和執法人員的"受傷風險"。然而，如不適當使用低致命武器，它們仍可導致死亡及永久傷害。

2.2 聯合國指引中，指出使用低致命武器須符合6大使用原則。它們包括**合法性**(即符合當地和國際法律)、**預防性**(即盡量減低傷害)、**必要性**(即並無其他合理方法)、**相稱性**(即行使的武力須合乎比例)、**一致性**(即所有人士均獲同等對待)及**問責性**(即使用武力的單位，須受到具備足夠獨立性的內部機制及外部監管機構監察)。上述原則，與美國及英國分別在2009年5月和2019年3月就使用低致命武器進行的檢討，大體相符。

3. 三類選定低致命武器對健康的影響及具體使用指引

3.1 **催淚氣體與相關化學刺激物**主要在嚴重擾亂公安的事故中使用，目的是控制人群。這類武器對健康的影響可以差異甚大，取決於多項不同

因素，當中包括：(a)刺激物的化學成分與濃度；(b)受影響人士暴露於刺激物的時間和途徑；(c)現場通風狀況和人口密度；(d)施放催淚氣體的目標、方向和距離；及(e)個別人士本身的健康狀況。參考這項議題的有限相關文獻，大部分受影響人士的眼部、皮膚及呼吸系統一般會感到短暫不適，長期暴露則可能產生較長遠健康問題，例如青光眼、哮喘和慢性支氣管炎。根據近期一項涵蓋 1990-2015 年間於 11 個地方的宏觀綜合研究，這些刺激物據報導導致超過 5 100 人受傷，當中包括 2 宗死亡及 58 宗永久傷殘個案。此外，部分研究亦顯示催淚氣體在某些條件下，可產生有毒物質(例如氰化氫)。

3.2 簡單而言，選定地方的警員指引指明：(a)不應直接向個人發射催淚彈；(b)不應在密閉空間使用催淚氣體；及(c)執法人員事前須給予充分警告及提供撤離路線。

3.3 儘管**橡膠子彈與相關投射物**(亦稱"動能打擊投射物"，包括布袋彈和海綿彈)的接觸面積較大，有助減低穿透人體的風險，但它們仍可構成重大傷害。這類投射物主要應用於牽涉暴力或生命威脅事件的個別人士。這類武器對人體的影響視乎：(a)所用投射物的類型；(b)發射速度和距離；及(c)被擊中的身體部位，嚴重情況下可引致鈍傷、貫穿性創傷及骨折。據近期一項涵蓋 26 篇醫學文章的研究指出，這類投射物在 1990-2017 年間共引致 1 984 宗受傷個案，其中 53 名受害者死亡，另有 300 人遭受永久傷害。

3.4 簡單來說，選定地方對警員使用該等投射物的指引指明：(a)應射向個別行為激烈人士的下身或腳部，而非頭部、頸部和下陰；及(b)不應近距離發射，而英國規定須至少距離 1 米發射。

3.5 **警棍**通常用於防衛、展示力量及支援驅散和拘捕行動。警棍對人體的影響視乎：(a)警棍物料(例如木製、膠製與金屬製)和重量；(b)施棍力度；及(c)被擊中的身體部位，所受的傷害介乎軟組織瘀傷至脫臼和骨折。雖然目前未有警棍引致傷亡的全球統計數字，惟部分研究指出，由於警棍對受害人的攻擊較為直接，它們造成受傷的比率高於其他低致命武器。

3.6 選定地方的警員指引規定：(a)施棍時應以手、腳為目標，而非頭部、頸部和胸部；(b)向警員提供適當的警棍使用訓練；及(c)警員須記錄和解釋使用警棍的理據，包括拔出和揮動警棍。

Guidelines on the use of less-lethal police weapons in selected places

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