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The Legislative Council Commission

Meeting on 5 January 2015

Management of the designated demonstration areas of the Legislative Council Complex and the Legislative Council Square

Purpose

This paper invites the views of The Legislative Council Commission ("the Commission") on:

- (a) the proposed changes to the "Guidelines for staging petitions or demonstrations by individuals and groups at designated demonstration areas in premises managed by The Legislative Council Commission" ("the Demonstration Guidelines"); and
- (b) the proposed arrangements relating to the re-opening of the designated demonstration area under the drum ("DDA") of the Legislative Council ("LegCo") Complex and the LegCo Square.

Background

2. At present, members of the public are allowed to stage petitions or demonstrations at DDA and the LegCo Square in accordance with conditions set out in the Demonstration Guidelines in **Appendix I**. The LegCo Square may also be used for other activities, the conduct of which is subject to the "Guidelines for the use of the Legislative Council Square" ("the LegCo Square Guidelines") in **Appendix II**.

3. From late September to mid-December 2014, DDA and the LegCo Square were occupied continuously by individuals who set up tents and placed a large number of items including furniture and various objects, blocking the Emergency Vehicular Access ("EVA") and emergency exits of the Complex. In addition to setting up tents, the occupiers were also observed to have carried out various activities that are not related to the normal and proper use of DDA and

the LegCo Square for staging petitions and demonstrations, including setting up a shower facility, cooking food with an open fire, smoking, consuming alcoholic beverages, collecting and processing food and other wastes, as well as defacing the floor and wall tiles with political slogans. Despite repeated advice by the Secretariat, the occupiers refused to leave or to clear the EVA. The persistent presence of these persons, their tents and other belongings as well as their activities damaged public property, posed fire hazards and environmental hygiene problems, obstructed Members' access to the LegCo Complex as well as deprived other members of the public of the use of DDA and the LegCo Square.

4. Pursuant to the decision of the Commission on 8 December 2014, the Secretary General issued a written notice to these persons on the same date informing them that they must not occupy or remain in DDA or the LegCo Square, and requiring them to leave DDA and the LegCo Square as soon as possible. Few occupiers heeded the Secretariat's instructions and most continued to remain in the said areas. On 15 December 2014, acting on the instruction of the Commission, the Secretariat evicted all remaining occupiers. Police were asked to stand by, but their assistance was not sought. Since then, DDA and the LegCo Square have been closed to enable cleaning and repair works to be carried out.

5. At the meeting of the Commission on 15 December 2014, members considered that the Demonstration Guidelines should be reviewed in view of the practical difficulties that staff of the Secretariat face in handling the persistent presence of protestors in DDA and the LegCo Square and in removing objects causing obstructions to the EVA or emergency exits of the Complex.

Review of the Demonstration Guidelines

The 48-hour rule

6. When the Commission discussed the conditions of use for DDA and the LegCo Square in 2011, members generally agreed that a time limit should be imposed on demonstrators' stay in the said areas in order not to deprive other demonstrators of the opportunity to make use of the facilities and to prevent the place from being occupied by street sleepers under the pretext of staging demonstrations. It is therefore stipulated in Paragraph 4 of the Demonstration Guidelines (Appendix I) that the duration for demonstrators' stay in the demonstration areas (which include DDA and the LegCo Square) should be no more than 48 hours ("the 48-hour rule").

7. The recent occupation of DDA and the LegCo Square has shown that the 48-hour rule is ineffective in preventing members of the public from persistently staying in these areas on the pretext of staging demonstrations. There are also practical difficulties in enforcing the above rule since it is infeasible for the Secretariat to keep a record of the movement of every single person to ensure that he/she has complied with the 48-hour rule. Indeed, the 48-hour rule can be easily circumvented by a determined individual by exiting and re-entering DDA or the LegCo Square immediately thereafter.

Items brought by and behaviour/activities of the protestors

8. While Paragraph 3 of the Demonstration Guidelines requires persons staging petitions or demonstrations in DDA or the LegCo Square to remove all items, including personal belongings, foodstuffs and refuse upon leaving, there is no prohibition on the types of objects or items that may be brought into or placed in these two areas, except the restriction on erection of temporary stage in the LegCo Square for staging demonstrations or petitions as set out in the LegCo Square Guidelines.

9. The objects or items brought by persons who occupied DDA and the LegCo Square included tents, furniture and other items which appeared to have facilitated their prolonged stay and blocked emergency access and exits. Furthermore, activities engaged by many occupiers, including the use of an open fire to cook, as well as the processing of food waste for alleged environmental reasons, are clearly beyond the original intended use of DDA and the LegCo Square.

Holding of protests and demonstrations in the parliamentary precincts in selected places

10. In reviewing the Demonstration Guidelines, the Secretariat has made reference to the relevant rules and practices of overseas legislatures, including the Parliaments of Australia, Canada, Germany, New Zealand and the United Kingdom ("UK")¹. It is noted that these places have strict requirements to enable protests and demonstrations to be staged while ensuring that other members of the public can also use the facilities in a fair and equitable manner. A summary of the findings is highlighted below and also set out in **Appendix III**.

¹ The study mainly covers Australia, New Zealand, Germany, Canada, and the United Kingdom. Preliminary study has also been conducted on the legislative and administrative measures regarding holding protests in the parliamentary precincts of the European Parliament in Brussels and the National Assembly of South Korea. Both the latter two places have designated areas in which all kinds of protests are forbidden.

Duration of stay in the parliamentary precincts

11. Of the five parliamentary precincts under study, time limits on the holding of protests and demonstrations are imposed in Australia, Canada and New Zealand. In Australia and Canada, the time limits are between sunrise and sunset and from 7:00 am to 9:00 pm respectively. In New Zealand, without express authority to the contrary, no demonstration should last longer than a normal working day, i.e. eight hours.

12. While the German and UK Parliaments do not prescribe time limits for staging demonstrations, they have put in place strict measures restricting the staging of demonstrations in their respective parliamentary precincts. In the German Parliament, it is a statutory requirement to ensure Members' free access to the Parliament building and only protests which do not cause obstruction will be allowed. The UK Parliament does not explicitly prohibit protestors from staying overnight, although it imposes a statutory ban against camping in the Parliament Square².

Activities and items prohibited in parliamentary precincts

13. The Parliaments in Australia, Canada, New Zealand and UK prohibit certain activities and items to prevent encampment. In Australia, structures, such as tents, must not be erected or placed within the precincts, and camping is not permitted within the precincts³. In Canada, structures of any kind, including tents, shelters, stages, platforms, podiums, screening apparatus, bridges and games or any other structure must be pre-authorized⁴. Furthermore, camping and sleeping on Parliament Hill are prohibited by regulations against nuisances⁵. In New Zealand, no structure, such as tents, may be erected in

² The British Government took the view that the prohibition against the use of tents and sleeping bags does not infringe public rights to assemble, taking note of the views of a court ruling that (a) Parliament Square is not suitable for camping, and (b) allowing protestors to set up camps would deprive the public of the use of the well-maintained parliamentary lawn and gardens at the head of British democracy which is also a heritage site. For details, see paragraph 286 of the Explanatory Note to the Police Reform And Social Responsibility Bill, available from: <http://www.publications.parliament.uk/pa/cm201011/cmbills/116/en/2011116en.htm> [Accessed December 2014]

³ Operating Policies and Procedures No. 16 - Protests and other assemblies in the Parliamentary precincts, available from: <http://www.aph.gov.au/~media/06%20Visit%20Parliament/61%20Planning%20a%20Visit/ProtestGuidelines.pdf> [Accessed December 2014]

⁴ *General Rules on the Use of Parliament Hill*, Available from: <http://www.pch.gc.ca/eng/1407163839555> [Accessed December 2014]

⁵ *Public Works Nuisances Regulations*, Available from: <http://www.laws.justice.gc.ca/eng/Regulations/C.R.C., c. 1365/page-1.html#h-2> [Accessed December 2014]

parliamentary precincts⁶. The UK prohibits the use of tents and other sleeping equipment within the controlled areas designated for public assemblies in the Parliament Square⁷.

14. In the places under study, there are other activities and items which are prohibited, including the use of vehicles as part of a demonstration; obstruction to traffic or preventing access to parliamentary precincts; preparation or selling of food and beverages; consumption of alcohol; lighting, maintenance or carriage of fires; wilful marking of surfaces; and use of sound amplification equipment, etc..

Proposed changes to the Demonstration Guidelines

15. Having regard to the experience of DDA and the LegCo Square being occupied for some two and a half months and the practical difficulties faced by Secretariat staff in managing these areas, the following conditions are proposed to be added to the Demonstration Guidelines by drawing reference to relevant overseas rules and practices:

- (a) DDA and the LegCo Square will be open every day from 7:00 am to 11:00 pm for staging petitions and demonstrations;
- (b) using, placing, erecting or keeping any erected tent, or sleeping equipment is prohibited; no structure designed or adapted for the purpose of facilitating sleeping is allowed;
- (c) any behaviour/activity or item which may pose a fire hazard (e.g. the lighting, maintenance or carriage of fire; the keeping of dangerous goods, etc.) is prohibited;
- (d) defacing of the surface of any external wall, glass panel, column, ground, or any other structure or public property in the premises managed by the Commission is prohibited;

⁶ Speaker's Ruling on Demonstration in Parliament Grounds, Hansard, Volume 579, at pages 18473 to 18474, 27 July 1999. *Policing Functions Within the Parliamentary Precincts*, available from: <http://www.parliament.nz/resource/en-nz/47Speakpress220620041/cccl14ec735ed3db8b6cde043520c1ec7f6b6bdd> [Accessed December 2014]

⁷ Home Office (2014). *Guidance on the Provisions Relating to Parliament Square and the Areas Surrounding the Palace of Westminster*, p.6. Available from: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/364469/Parliament_Square_Guidance.pdf [Accessed December 2014]

- (e) sound amplification equipment may be used but it must be directed away from the building of the LegCo Complex and the noise levels must not be offensive or harmful or unreasonably interfere with the use of the LegCo Complex by other persons in the course of their business; and
- (f) no person or object (including the personal belongings of demonstrators, foodstuffs or refuse) shall obstruct the EVA, emergency exits of the LegCo Complex or interfere with the use of the LegCo Complex by other persons in the course of their business.

16. The revised Demonstration Guidelines with the proposed changes marked up is in **Appendix IV**. A clean copy is in **Appendix V**. The staging of petitions and demonstrations at the LegCo Square are also subject to the revised Demonstration Guidelines and, subject to the Commission's endorsement of the proposed changes, the LegCo Square Guidelines in Appendix II will be revised accordingly⁸.

Re-opening of DDA and the LegCo Square

17. DDA and the LegCo Square have been closed since 15 December 2014 to enable cleaning and repair work to be carried out. While cleaning work has been completed, the following repair work to DDA and the LegCo Square remains outstanding:

- (a) replacement of 18 glass panels damaged by protesters on 19 November 2014;
- (b) replacement of about 330 granite tiles of various sizes due to defacement;
- (c) replacement of the vehicular control gate at entrance to Carpark 1;
- (d) replacement of the winch cover of one of the flagpoles; and

⁸ Paragraph 6 of the LegCo Square Guidelines will be amended as follows: "6. Members of the public are allowed to stage petitions or demonstrations at the LegCo Square, subject to the terms set out in the "Guidelines for staging petitions or demonstrations by individuals and groups at designated demonstration areas in premises managed by The Legislative Council Commission" ("Demonstration Guidelines") (Annex), and all references to "designated demonstration areas" and "DDA" in the Demonstration Guidelines shall be construed as a reference to "the Legislative Council Square" or "LegCo Square.". The Annex to the " Guidelines for the use of Legislative Council Square" will also be replaced with the revised Demonstration Guidelines.

(e) other touch-up work.

18. It is proposed that DDA and the LegCo Square be re-opened for the staging of petitions and demonstrations with effect from 7 January 2015 with the revised Demonstration Guidelines taking effect on the same day. Members are invited to note that the Secretary General has approved the application from the Hong Kong Professional Teachers' Union for organizing a demonstration in the LegCo Square on 11 January 2015.

19. As the 18 glass panels mentioned above have yet to be replaced, for safety and security reasons, it is necessary to set a limit on the number of the protestors who may be allowed inside DDA and the LegCo Square before the replacement work is completed. It is recommended that the number should be kept at the low side of the capacity of DDA and the LegCo Square, i.e. 350 and 500 respectively.

20. Members are also invited to note that subject to the Commission's endorsement of the finalized report of the security review conducted by Vigers Security Limited, further measures on the overall security for the LegCo Complex will be proposed for members' consideration. In any event, it is proposed that the revised Demonstration Guidelines should be reviewed at the end of the 2014-2015 LegCo session.

Advice sought

21. Members' views are sought on the proposed changes to the Demonstration Guidelines as set out in paragraph 15 above and the revised Demonstration Guidelines in Appendix V, as well as the proposed arrangements in paragraphs 18 and 19 relating to the re-opening of DDA and the LegCo Square.

Appendix I

Guidelines for staging petitions or demonstrations by individuals and groups at designated demonstration areas in premises managed by The Legislative Council Commission

Individuals and groups are generally allowed to stage petitions or demonstrations at designated demonstration areas in premises managed by The Legislative Council Commission. The location and size of the demonstration area will be decided by the security staff, having regard to the number of demonstrators and other safety, security and operational considerations. Security staff may direct different groups of demonstrators to take up separate positions within a demonstration area to ensure safety and order. Press Areas may be set up and media representatives should stay in designated Press Areas. If media representatives are to cover the petition or demonstration at a place outside the designated Press Areas, they should position themselves in accordance with directions given by security staff, if any.

2. Organizers should note the provisions in the Public Order Ordinance (Cap. 245) concerning public gatherings, public meetings and public processions, and requirements to notify the Commissioner of Police. Organizers should comply with all applicable ordinances, regulations, rules or technical memoranda in connection with the proposed public gatherings, public meetings, public processions and activities to be conducted in those gatherings, meetings and processions.

3. Conditions as to the use of demonstration area(s) for public gatherings, public meetings and public processions are set out below -

- (a) the event organizer or, if not present, a person nominated to act in his place, is to be present throughout the event;
- (b) all posters, banners, objects, or notices brought by the participants must be removed after the event;
- (c) all items, including personal belongings, foodstuffs and refuse must be removed upon leaving the area;
- (d) good order and public safety shall be maintained throughout the event; and

- (e) participants must comply with all directions given by security staff of the Secretariat.

4. The duration for demonstrators' stay in demonstration areas should be no more than 48 hours, and the Secretary General may exercise discretion in handling cases in which demonstrators have stayed for a prolonged period. In exercising such discretion, the Secretary General may take into account whether obstruction has been caused to others.

5. Users of demonstration areas are advised to take good care of their personal belongings and they should take such belongings with them when leaving the demonstration areas. Any unattended object found on the premises managed by The Legislative Council Commission will be dealt with as the Secretariat sees fit. Neither the Commission nor any of its employees or agents is responsible for any property loss or damage sustained by any person using the demonstration areas, whether such loss or damage is occasioned by the negligence of the Commission, its employees or agents, or by any other causes whatsoever. The Commission, its employees and/or agents do not accept responsibilities for any bodily injuries (howsoever caused except those resulting from negligence) sustained by any person using the demonstration areas.

Failure to comply

6. For the purpose of ensuring safety, security or good order, the Commission reserves the right to deny admission, or to require a person already admitted to leave the premises managed by The Legislative Council Commission, in the event of that person's failure to comply with any of the conditions, or for unsafe, unhygienic, illegal, disorderly, or offensive behaviour, or in circumstances where the staff of the Secretariat consider it necessary.

7. Any person who fails to comply with the administrative instructions issued under section 8(3) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) for the purpose of maintaining the security of the precincts of the Chamber, ensuring the proper behaviour and decorum of persons therein and for other administrative purposes commits an offence, and is liable to a fine of \$2,000 and to imprisonment for 3 months.

Notice

8. The Commission reserves the right to amend the conditions of use of the LegCo Square at anytime without prior notice.

Legislative Council Secretariat
June 2013

Appendix II

Guidelines for the use of the Legislative Council Square

Introduction

The Legislative Council ("LegCo") Square is an outdoor area adjoining the LegCo Complex which is managed by The Legislative Council Commission ("the Commission").

2. The LegCo Square is intended for the leisure purposes of the general public, demonstration, and activities permitted by the Commission. Commercial filming, videotaping or recording may only be carried out with the express permission of the Commission.

3. To ensure the proper management and safety of users in the LegCo Square, visitors are requested to use the LegCo Square in a safe and hygienic manner, and with due respect to the rights of other users. Motor vehicles are not permitted to enter the LegCo Square unless authorized by the Secretariat. The Commission reserves the right to assign relevant areas for the exclusive use of authorized users or for specific purposes and may define and protect such areas in any manner as it sees fit.

4. For the purpose of ensuring public safety, security or good order, users are requested to comply with directions given by the Secretariat staff.

5. The Commission reserves the right to deny admission to the LegCo Square, or to request an user already admitted to leave the LegCo Square, in the event of that user's failure to comply with any of the conditions, or for unsafe, unhygienic, illegal, disorderly or offensive behaviour, or in circumstances where the staff of the Secretariat consider it necessary.

Staging petition and demonstration in the LegCo Square

6. Members of the public are allowed to stage petitions or demonstrations at the LegCo Square, subject to the conditions as stipulated in "The Guidelines for Staging Petitions or Demonstrations by Individuals and Groups at Designated Demonstration Areas in Premises Managed by The Legislative Council Commission" (**Annex**) [**See Appendix I**].

Erection of temporary stage in the LegCo Square for staging demonstration or petition

7. Members of the public are requested to notify the Secretariat in writing (so@legco.gov.hk) four weeks in advance of the proposed date of use if they wish to erect a temporary stage in the LegCo Square for the purpose of demonstration or petition.

8. Applicants may be required to furnish information such as the materials and dimensions of the stage and the backdrop, other temporary structures to be erected, the estimated number of participants, the electricity supply requirement, the media arrangements, the area required, the proposed layout of the event and details about the proposed activities to be conducted on the stage and in other areas of the LegCo Square, etc, to a Committee formed under the Commission to consider applications for the use of the LegCo Square ("the Committee").

9. Applications made less than four weeks prior to the proposed date of use may be received if the Chairman of the Committee, on recommendation of the Secretary General, considers that there are justifications for the delay.

10. In connection with the height restrictions of the temporary stage, permission will normally be given by Secretary General to organizers to erect a temporary stage in the LegCo Square provided that the height of the stage does not exceed 0.5 metre, and the stage with backdrop combined does not exceed 1.7 metres (backdrop made purely of cloth and a light frame is excluded from the said height restrictions).

11. If dimensions of temporary stages to be set up by an event organizer are different from the said dimensions, the organizer should put forward his case to the Committee for further consideration. The Committee may, in the light of that, consider imposing requirements such as taking out insurance policy coverage or approval by an authorized person on the proposed structure as a condition for giving permission to the organizer.

12. The organizer would be requested to sign an undertaking, agreeing to abide by the conditions imposed by the Committee. The organizer or any person employed or authorized by the organizer would be required to take all necessary precautions to ensure the adequacy, stability and safety of all works, equipment and operations in the LegCo Square and methods of construction. The organizer would also be required to take steps to ensure that the demonstration or petition would proceed in a safe and orderly manner.

13. Failure on the part of the organizer to comply with any of the conditions will result in the immediate revocation and withdrawal of the permission to erect the temporary stage and/or to use the LegCo Square without compensation of any kind.

Use of the LegCo Square for activities other than demonstrations or petitions

14. Applications for the use of the LegCo Square other than staging a demonstration or petition should be made in writing (so@legco.gov.hk) to the LegCo Secretariat at least three months in advance of the proposed date of use.

15. Applicants may be required to furnish information such as event title, objectives, aims, media broadcast, estimated number of participants, previous experience of organizing similar events or functions, temporary structures to be erected, electricity supply requirement, the area required and the proposed layout of the function, programmes of the function, and any other information which may be relevant but not mentioned above, to the Committee.

16. Applications made less than three months prior to the proposed date of use may be received if the Chairman of the Committee, on recommendation of the Secretary General, considers that there are justifications for the delay.

17. If the application is accepted, an approval letter stating the conditions for the specific use of the LegCo Square, and an undertaking to abide by the conditions will be sent to the applicant. The applicant is required to sign and return a copy of the undertaking.

Appeal

18. If the Committee decided not to approve an application, or decided to approve an application but subject to conditions imposed, the applicant may make an appeal against that decision to an appeals committee formed under the Commission. This appeals committee will consider the appeal and it may affirm, vary or revoke any decision made by the Committee.

Disclaimer

19. Neither the Commission nor any of its employees or agents is responsible for any property loss or damage sustained by any person using the LegCo Square, whether such loss or damage is occasioned by the negligence of the Commission, its employees or agents, or by any other causes whatsoever. The Commission, its employees and/or agents do not accept responsibilities for any bodily injuries (howsoever caused except those resulting from negligence) sustained by any person using the LegCo Square.

Enquiries

20. Enquiries on the use of the LegCo Square can be directed to the Secretariat via so@legco.gov.hk.

Legislative Council Secretariat
June 2013

Issues relating to holding protests and demonstrations in the parliamentary precincts in selected places¹

	Australia	New Zealand	Germany	Canada	The United Kingdom
Responsible authority	<ul style="list-style-type: none"> Pursuant to subsection 6(1) of the <i>Parliamentary Precincts Act 1988</i>, the precincts are under the joint control and management of the Presiding Officers of the Parliament—the President of the Senate and the Speaker of the House of Representatives. The guidelines for the conduct of public demonstrations in the parliamentary precincts took effect on 4 November 1988. These guidelines have since been amended and updated. The current version was approved by the Presiding Officers on 8 August 2007 and reviewed on 31 January 2013. 	<ul style="list-style-type: none"> The Speaker is responsible for the control and administration of the parliamentary precincts. These powers are entrusted to the Speaker to promote the effective functioning of the parliamentary system. They are explicitly conferred on the Speaker by the House. The conditions for demonstrations in Parliament grounds were set out in a statement made by the Speaker on 27 July 1999. These conditions were reiterated by the Speaker in a statement released on 22 October 2003. 	<ul style="list-style-type: none"> The Ministry of the Interior is empowered under section 3 of the <i>Law on Inviolable Precincts for the Federal Constitutional Bodies</i> to control outdoor assemblies outside the German Bundestag Building. 	<ul style="list-style-type: none"> The Interdepartmental Committee on the use of Parliament Hill² receives and approves requests for events, demonstrations, ceremonies and ensures that the proposed activities do not obstruct the work of Parliament or have a negative impact on the heritage character of the grounds. It is set up by the Department of Canadian Heritage which maintains and coordinates public activities held on Parliament Hill, a public park covered by the <i>Public Works Nuisances Regulations</i>. 	<ul style="list-style-type: none"> The Metropolitan Police, Greater London Authority, Westminster City Council are designated as Responsible Authorities under the <i>Police Reform and Social Responsibility Act 2011</i> for the management of Parliament Square and surrounding areas.
Guiding principles	<ul style="list-style-type: none"> According to the <i>House of Representatives Practice</i>, "there is the undeniable right of people in a parliamentary democracy to observe their Parliament at work and to have reasonable access to their representatives. On the other hand, Members and Senators must be provided with conditions which will enable them to perform their duties in safety and without interference. This is basic to the operation of Parliament and a balance must be struck between these two important principles". 	<ul style="list-style-type: none"> According to the <i>Parliamentary Practice in New Zealand</i>, "in exercising the occupier's powers the Speaker must: act in good faith, exercise the powers for the purposes conferred (as a public function) and not for an ulterior purpose (for example, party advantage), exercise the powers reasonably when balanced against the rights and freedoms of those affected, exercise the powers with due regard to others present in the grounds and others wishing to enter or use the grounds, and take into consideration the need effectively to operate, manage and control the property". 	<ul style="list-style-type: none"> According to the <i>Law on Inviolable Precincts for the Federal Constitutional Bodies</i>, special "inviolable precincts" outside the Parliament Building are set up to ensure Members' free access to the buildings, in order to allow Parliament to carry out its business. 	<ul style="list-style-type: none"> According to the General Rules on the Use of Parliament Hill, activities are regulated on the Parliament Hill "to ensure the security of the general public and to maintain the integrity of Parliament Hill as a national historic site, where general respect for Canadian society and its democratic institution is essential". 	<ul style="list-style-type: none"> The <i>Police Reform and Social Responsibility Act 2011</i> aims to: <ul style="list-style-type: none"> (a) restore rights to non-violent protest; (b) ensure the enjoyment of public spaces; and (c) deal with the harm caused by encampments and other disruptive activities in and around Parliament Square.

¹ The Research Office has also conducted a preliminary study on the legislative and administrative measures regarding holding protests in the parliamentary precincts of the European Parliament in Brussels and the National Assembly of South Korea. Both places have designated areas around the parliamentary buildings in which all kinds of protests are forbidden. Approval must be sought from the relevant authorities to hold demonstrations outside the parliamentary precincts. Special restrictions on protests in Brussels include the prohibition of protesters hiding their identities with face masks or makeup or any other means. In South Korea, prior to 30 June 2010, Article 10 of the *Assembly and Demonstration Act* prohibited outdoor assemblies and demonstrations prior to sunrise and after sunset. Such provision had been ruled by the South Korean Constitutional Court on 24 September 2009 as an unconstitutional violation of the right to free assembly. The Constitutional Court requested the National Assembly to revise the law by 30 June 2010. As the provision had not been revised by the set date, Article 10 of the *Assembly and Demonstrations Act* is now void.

² The Interdepartmental Committee comprises the Sergeant-at-Arms and representatives of the Senate, the Royal Canadian Mounted Police, the National Capital Commission, the Privy Council Office, and the departments of Canadian Heritage and Public Works and Government Services.

Issues relating to holding protests and demonstrations in the parliamentary precincts in selected places (cont'd)

	Australia	New Zealand	Germany	Canada	The United Kingdom
Designated area for protests	<ul style="list-style-type: none"> • Authorised Assembly Area (see Figure 1a and 1b). 	<ul style="list-style-type: none"> • Parliament grounds (see Figure 2). 	<ul style="list-style-type: none"> • Protests in these areas, which are specified in legislation³, will only be allowed if prior approval is given (see Figure 3). 	<ul style="list-style-type: none"> • Organized public gatherings may take place within the confines of the main walkway between the Centennial Flame and the base of the main stairs on the grounds of Parliament, including two lawns in front of the Parliament Building which are part of public grounds (see Figure 4). 	<ul style="list-style-type: none"> • Controlled areas are designated in the Parliament Square for public assemblies. The controlled areas are specified in legislation.⁴ (see Figure 5)
Prior notification/ approval needed	<ul style="list-style-type: none"> • Formal approval to conduct a protest or demonstration within the National Capital (i.e. including the Authorised Assembly Area) is not required. • However, protesters must seek approval for erecting structures within the parliamentary precincts. The Presiding Officers have the discretion to approve or not approve the conduct of protests, demonstrations or public assemblies and private activities within the precincts. 	<ul style="list-style-type: none"> • All persons wishing to use Parliament grounds for a demonstration should contact the Office of the Speaker first so that appropriate arrangements can be made. However, access to Parliament grounds will not be barred in normal circumstances. 	<ul style="list-style-type: none"> • Protesters may apply to the Ministry of the Interior no later than 7 days before the proposed assembly. Approval will be given on a case-by-case basis. 	<ul style="list-style-type: none"> • Approval must be applied from the Interdepartmental Committee 10 working days prior to the date of the event. 	<ul style="list-style-type: none"> • Protesters are not legally required to notify the Police or obtain permission in advance of a demonstration. However, the Home Office considers it desirable for organisers of large demonstrations to communicate with the Police in advance.
Time limits	<ul style="list-style-type: none"> • Between sunrise and sunset.⁵ 	<ul style="list-style-type: none"> • Without express authority to the contrary, no demonstration should last for longer than a normal working day, i.e. 8 hours.^{6,7} 	<ul style="list-style-type: none"> • Not specified in the <i>Law on Inviolable Precincts for the Federal Constitutional Bodies</i>. 	<ul style="list-style-type: none"> • 7:00 am to 9:00 pm.⁸ 	<ul style="list-style-type: none"> • Not specified in the <i>Police Reform and Social Responsibility Act 2011</i>.

³ *Law on Inviolable Precincts for the Federal Constitutional Bodies* (BefBezG 2008).

⁴ *Police Reform and Social Responsibility Act 2011*, Part 3.

⁵ Both the House of Representatives and the Senate have meetings on Monday to Thursday. According to Standing Order 29 of the House, the House commences at 10:00 am on Monday, 12:00 pm on Tuesday, 9:00 am on Wednesday and Thursday, and adjourns at 9:30 pm on Monday and Tuesday, 8:00 pm on Wednesday and 5:00 pm on Thursday. While for the Senate, Standing Order 55 of the Senate stipulates that the Senate commences at 12:30 pm on Monday and Tuesday and 9:30 am on Wednesday and Thursday, and adjourns at 10:30 pm on Monday, 8:00 pm on Wednesday and 8:40 pm on Thursday. Adjournment time is not specified for Tuesday.

⁶ The House sits on Tuesday to Thursday. According to Standing Order 45, the House commences at 2:00 pm and adjourns at 10:00 pm on Tuesday and Wednesday and 6:00 pm on Thursday.

⁷ According to the email reply from the Office of the Speaker, the time limit is three hours per-protest, daylight hours only. If there is no booking after the timeframe, they allow protestors to stay a little longer. Most of the demonstrations take place during the lunch hours, i.e. 12 noon to 2:00 pm, so they do not have an issue with events going over time.

⁸ The House of Commons usually adjourns by 7:00 pm, except on Friday when it rises at 2:30 pm.

Issues relating to holding protests and demonstrations in the parliamentary precincts in selected places (cont'd)

	Australia	New Zealand	Germany	Canada	The United Kingdom
Types of materials disallowed	<ul style="list-style-type: none"> Structures, such as tents, must not be erected or placed within the precincts. Vehicles must not be used within the precincts as part of a protest. Signs or banners (including flags) must not be erected, attached or otherwise fixed to any built or natural object, including land, within the precincts. Hand-held signs and banners (including flags) may be used in the Authorised Assembly Area, but must not be displayed in other areas of the precincts. 	<ul style="list-style-type: none"> No structure, such as tents, may be erected. No vehicles may be brought on to the ground as part of a demonstration. 	<ul style="list-style-type: none"> Weapons are prohibited to be carried in protests and public assemblies under the law.⁹ 	<ul style="list-style-type: none"> Structures of any kind, including tents, shelters, stages, platforms, podiums, screening apparatus, bridges and games or any other structure must be pre-authorized by the Interdepartmental Committee. Props such as backdrops, billboards or other such displays, or giant games, tractors, lawn mowers and boats are prohibited. 	<ul style="list-style-type: none"> Police and authorised officers are required to use discretion to judge whether certain materials carried by protesters may constitute structures designed or adapted for the purpose of facilitation of sleeping or staying in a place for any period. For example, cardboard or wooden boxes may be disallowed if they are used to store camping equipment or food supplies.
Other restrictions	<ul style="list-style-type: none"> Camping is not permitted within the precincts. Sound amplification may be used within the Authorised Assembly Area, but the sound amplification must be directed away from Parliament House while in use. The use of amplification equipment is not permitted during ceremonial occasions, or at any other time or in any part of the precincts if that use might disrupt the business of the Parliament. Noise levels, whether inside or adjacent to the precincts must not be offensive or harmful or unreasonably interfere with the activities of other people. Participants must arrive and depart in an orderly manner without obstructing traffic or otherwise preventing access to the precincts or to Parliament House. Food, beverages or other items must not be prepared or sold in areas of the precincts outside Parliament House. Participants in protests within the precincts must not consume alcohol during the event. The lighting, maintenance or carriage of fires within the precincts is prohibited. The wilful marking of surfaces, including land, in the precincts is prohibited. Participants must observe any lawful direction given by Australian Federal Police or members of the Parliamentary Security Service. 	<ul style="list-style-type: none"> Sound amplification equipment may be used, but never from the main steps of Parliament Buildings without express permission, it must always be directed away from the building, and it must not be operated in a manner disruptive to occupants of the building. Participants must assemble within and disperse from the grounds in an orderly manner, using the pedestrian ways so as to avoid damage to the lawns and flower beds and so as not to interfere with the flow of vehicular traffic. Participants must not mount the main steps nor interfere with the use of Parliament Buildings by those entering or leaving it in the normal course of their business. No food may be prepared or sold within Parliament grounds, but there is no restriction on people consuming food that they may have brought with them. The size of any deputation from the group waiting upon a Minister or member is to be limited to six people. Participants are to conduct themselves in such a way as to avoid any breach of the peace. 	<ul style="list-style-type: none"> Not specified in the <i>Law on Inviolable Precincts for the Federal Constitutional Bodies</i>. 	<ul style="list-style-type: none"> Camping and sleeping on Parliament Hill are prohibited by regulations against nuisances.¹⁰ Noise levels of activities may not exceed 65dBA. Hunger strikes must be pre-authorized by the Interdepartmental Committee. 	<ul style="list-style-type: none"> The following activities are prohibited: <ol style="list-style-type: none"> using, erecting or keeping any erected tent, or any other structure designed or adapted for the purpose of facilitating sleeping or staying in a place for any period; using, placing or keeping in place any sleeping equipment with a view to its use for the purpose of sleeping in the controlled area; and operating any amplified noise equipment.

⁹ Law on assemblies and processions (Versammlungsgesetz).

¹⁰ Public Works Nuisances Regulations.

Issues relating to holding protests and demonstrations in the parliamentary precincts in selected places (cont'd)

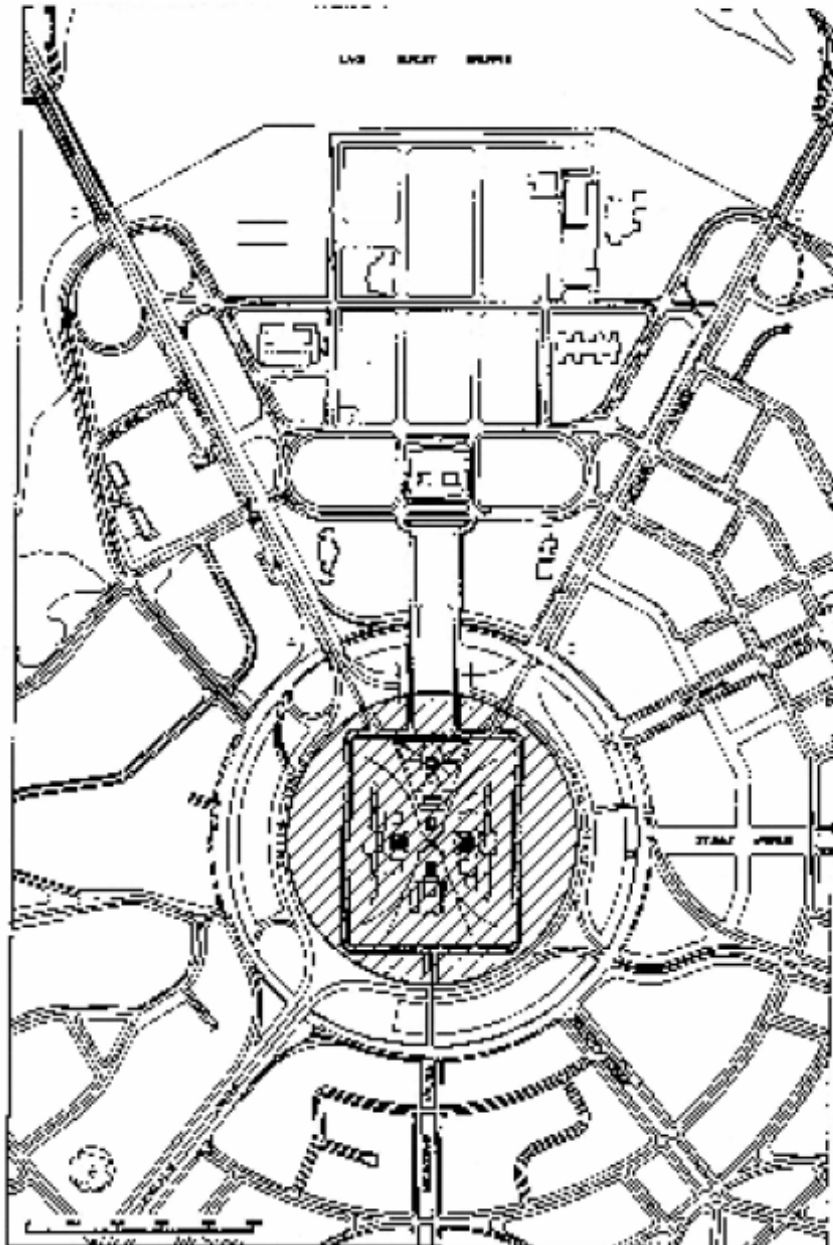
	Australia	New Zealand	Germany	Canada	The United Kingdom
Enforcing authority	<ul style="list-style-type: none"> The Presiding Officers have the discretion to approve or not approve the conduct of protests, assemblies, and private activities within the precincts. Any breaches of the guidelines for the conduct of public demonstrations may be the subject of action by the Australian Federal Police. 	<ul style="list-style-type: none"> It is for the Speaker to judge in each case whether demonstrators are conducting themselves in a way which makes it reasonable to require them to desist or to leave. As the lawful occupier of the parliamentary precincts, the Speaker may give directions to any persons to leave the precincts, otherwise they commit the offence of trespass. Trespass notices are not generally issued by the Speaker personally; they are issued by the police or senior Parliamentary Service staff under powers delegated to them by the Speaker.¹¹ 	<ul style="list-style-type: none"> The legislation on assemblies and processions is enforced by the Police. 	<ul style="list-style-type: none"> The <i>Public Works Nuisances Regulations</i> which applies to Parliament Hill as public grounds is enforced by the Police. 	<ul style="list-style-type: none"> The Police or an authorised officer of the Greater London Authority or the Westminster City Council may direct the person to stop engaging in any prohibited activities. The direction continues to be in force for a period of up to 90 days.
Non-compliance with the relevant regulations / breaches of guidelines	<ul style="list-style-type: none"> Failure to observe a lawful direction may result in arrest. Persons considered to pose a threat to the Parliament, for example, because of a history of attempts to disrupt proceedings, have been barred from entry to the Chamber or the building for a period of time by order of the Speaker or both Presiding Officers. 	<ul style="list-style-type: none"> According to the <i>Trespass Act 1980</i>, a person who commits an offence of trespass after warning to leave shall be liable on conviction a fine not exceeding NZ\$1,000 (HK\$5,992) or to imprisonment for a term not exceeding 3 months. The court has recognised the necessity, for its proper functioning, for a legislature, through its Speaker, to have control over the parliamentary precincts, including the power to exclude persons from the premises. It is for the House and the Speaker to judge whether in a particular case it is necessary to exclude an individual. 	<ul style="list-style-type: none"> It is an administrative, rather than criminal, offence liable for a maximum fine of € 20,000 (HK\$190,500) for anyone who organises or participates in unauthorized assemblies in the inviolable precinct. 	<ul style="list-style-type: none"> Any person found contravening the regulations shall, on receiving notice from police, leave the grounds and remove his personal property. Contravention of the regulations is an offence and liable on summary conviction to a fine not exceeding CAN\$400 (HK\$2,680). Event organizers failing to abide by these rules may be refused permission to hold future events. 	<ul style="list-style-type: none"> Failure to comply with the direction without reasonable excuse is a criminal offence attracting a maximum of level 5 fine (equivalent to £5,000/ HK\$62,500) The Police or any authorized officers are empowered to seize and retain a prohibited item in the controlled area. The court may make any appropriate order which has the purpose of preventing a defendant from engaging in prohibited activities in the controlled area.

¹¹ According to the email reply from the Office of the Speaker, trespass notices would occur rarely and as a last resort. No one is now holding a notice for disturbances outside. Groups in New Zealand are very compliant with behaviour and timeframes set.

Figure 1a – Parliamentary precincts of the Parliament of Australia

Schedule 1—Parliamentary Precincts

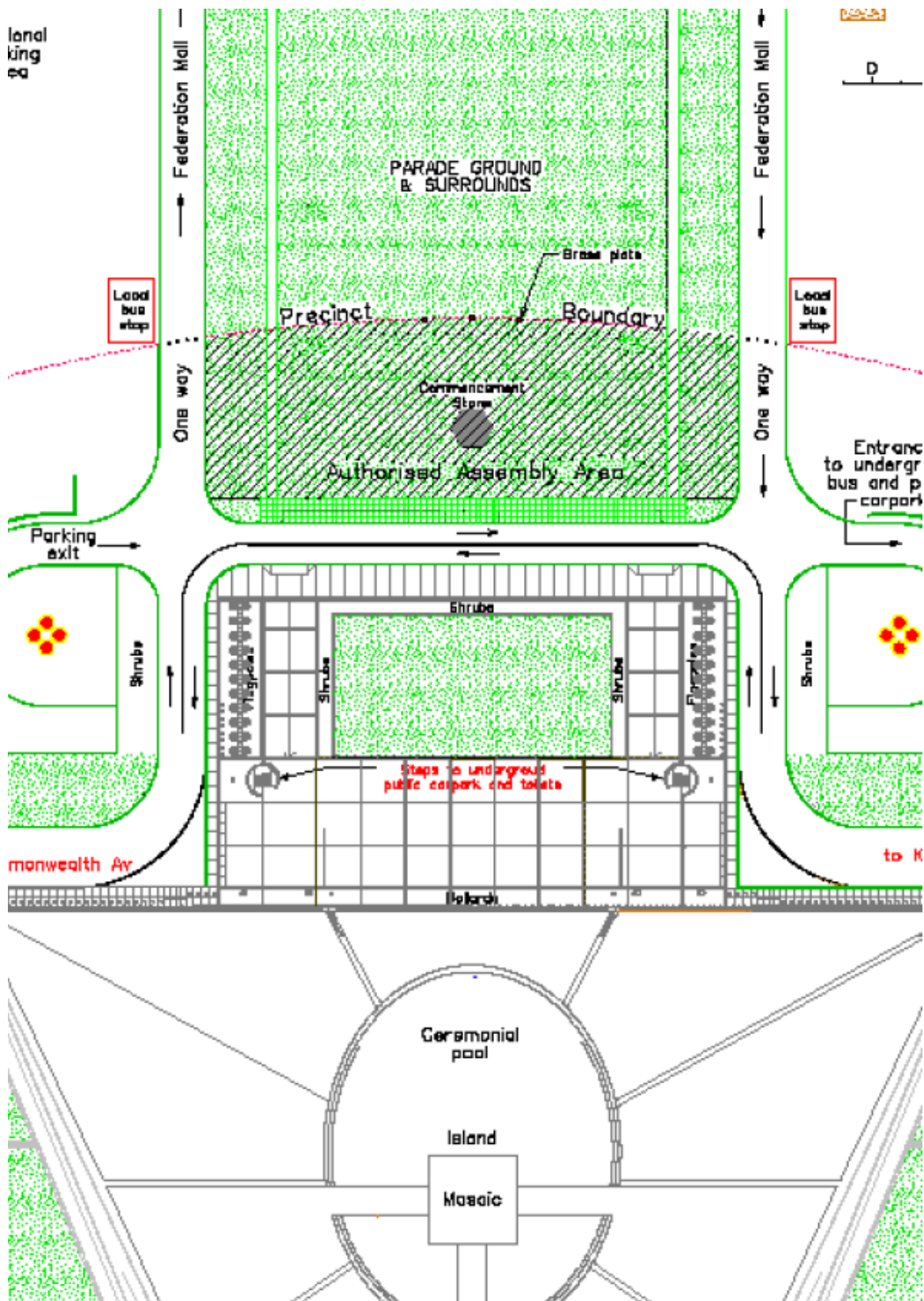
Section 4



6 *Parliamentary Precincts Act 1988*

Source: Department of Parliamentary Services, Parliament of Australia (2010).

Figure 1b – Authorised Assembly Area of the Parliament of Australia



Source: Department of Parliamentary Services, Parliament of Australia (2010).

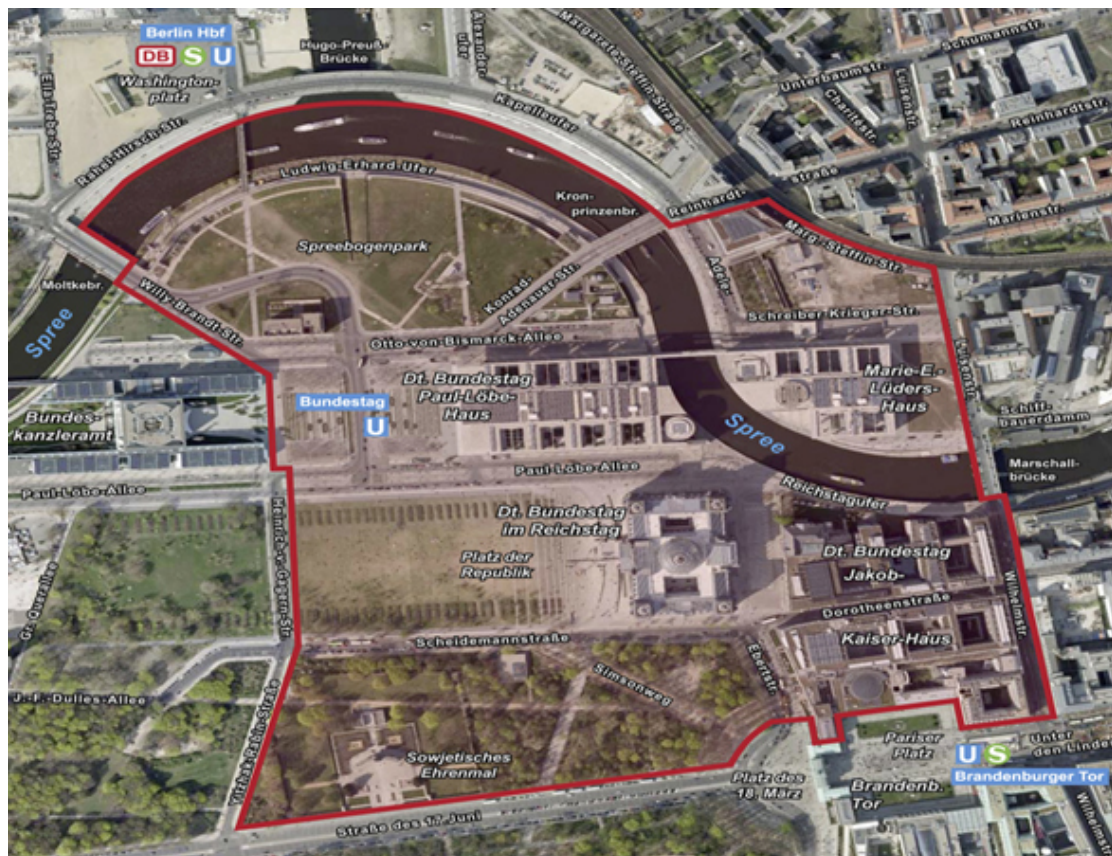
Figure 2 – Parliament grounds of the New Zealand Parliament



Note: The public is able to walk around and enjoy the grounds of Parliament. The grounds have been used for gatherings of various kinds - celebrations, announcements of national significance, protest, and to mourn the death of major public figures.

Source: New Zealand Parliament.

Figure 3 – Inviolable Precinct outside the Germany Bundestag



Note: The precinct is shown within the red boundary.
Source: Ministry of Interior (2014).

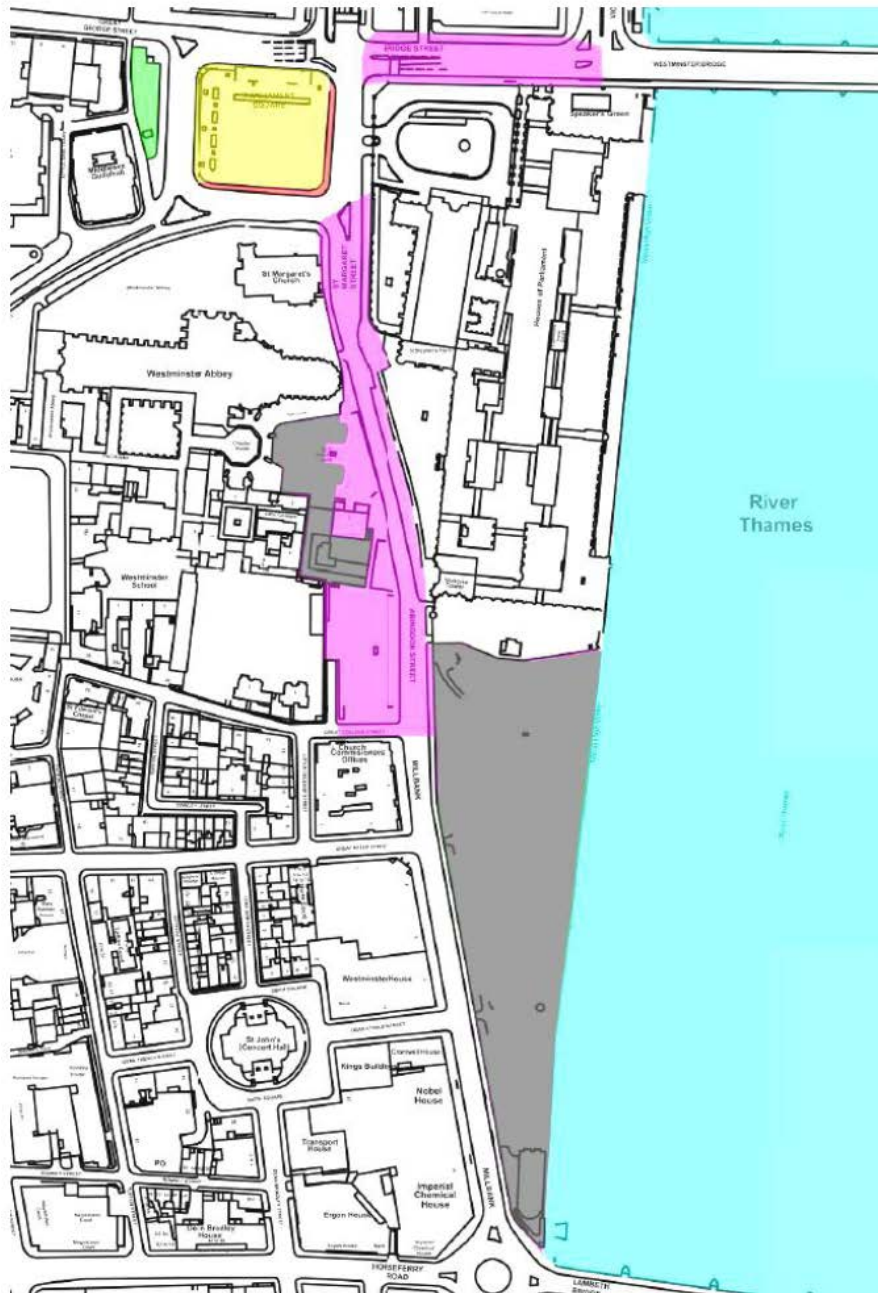
Figure 4 – Parliament Hill grounds in Canada



Note: Protesters must position themselves and remain within the confines of the main walkway between the Centennial Flame and the base of the main stairs so as not to block pedestrian traffic. For events with a large number of participants, the Committee on the use of Parliament Hill may grant access to the grassed areas of the East and West lawns of the forecourt. The entire Parliament Hill grounds covers an area of 88 480 sq. m.

Source: Public Works and Government Services Canada (2014).

Figure 5 – Controlled areas in the Parliament Square, UK



Note: Yellow – Greater London Authority is the responsible authority
Red – Westminster City Council is the responsible authority
Green – Area covered by regulations for parks
Purple – Palace of Westminster controlled area, for which Westminster City Council is responsible
Grey – Palace of Westminster controlled area, for which Secretary of State is the responsible authority
Source: Home Office, UK (2014).

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Germany

Law on Inviolable Precincts for the Federal Constitutional Bodies:
http://www.gesetze-im-internet.de/befbezg_2008/BJNR236610008.html

Law on Assemblies and Processions:
<http://www.gesetze-im-internet.de/versammlg/index.html>

Federal Ministry of the Interior:
http://www.bmi.bund.de/DE/Themen/Gesellschaft-Verfassung/Staatliche-Ordnung/Versammlungsrecht/Befriedete-Bezirke/befriedete-bezirke_node.html

Canada

General Rules on the Use of Parliament Hill:
<http://www.pch.gc.ca/eng/1407163839555>

Public Works Nuisances Regulations:
http://www.laws.justice.gc.ca/eng/Regulations/C.R.C.,_c._1365/page-1.html#h-2

Criminal Code:
<http://www.canlii.org/en/ca/laws/stat/rsc-1985-c-c-46/latest/rsc-1985-c-c-46.html#sec63subsec1>

The United Kingdom

Home Office Guidance:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/364469/Parliament_Square_Guidance.pdf

Police Reform and Social Responsibility Act 2011:

<http://www.legislation.gov.uk/ukpga/2011/13/contents/enacted>

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Appendix IV

Guidelines for staging petitions or demonstrations by individuals and groups at designated demonstration areas in premises managed by The Legislative Council Commission

Introduction

Individuals and groups are generally allowed to stage petitions or demonstrations at designated demonstration areas ("DDA") in premises managed by The Legislative Council Commission ("the Commission")¹. The location and size of the ~~demonstration area~~ DDA will be decided by the ~~security staff of the Legislative Council Secretariat~~ ("the Secretariat"), having regard to the number of demonstrators and other safety, security and operational considerations. ~~Security s~~ Staff of the Secretariat may direct different groups of demonstrators to take up separate positions within a ~~demonstration area~~ DDA to ensure safety and order. Press Areas may be set up and media representatives should stay in designated Press Areas. If media representatives are to cover the petition or demonstration at a place outside the designated Press Areas, they should position themselves in accordance with directions given by ~~security staff of the Secretariat, if any.~~

Relevant statutory provisions

2. Organizers should note the provisions in the Public Order Ordinance (Cap. 245) concerning public gatherings, public meetings and public processions, and requirements to notify the Commissioner of Police. Organizers should comply with all applicable ordinances, regulations, rules or technical memoranda in connection with the proposed public gatherings, public meetings, public processions and activities to be conducted in those gatherings, meetings and processions.

3. Demonstrators should note and comply with the provisions in the Administrative Instructions for Regulating Admittance and Conduct of Persons (Cap. 382A) issued under section 8(3) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) for the purpose of maintaining the security of

¹ Individuals or groups staging petitions or demonstrations at DDA are referred to as "demonstrators" in these Guidelines.

the precincts of the Chamber, ensuring the proper behaviour and decorum of persons therein and for other administrative purposes.

Conditions of use

34. DDA will be open from 7:00 am to 11:00 pm every day for the staging of petitions or demonstrations. The Commission reserves the right to change the opening hours of or close the DDA without prior notice. Other conditions as to the use of demonstration area(s) DDA for public gatherings, public meetings and public processions are set out below -

- (a) no person shall stage petitions or demonstrations in DDA outside its opening hours, i.e. 7:00 am to 11:00 pm, every day;
- (a)(b) the event organizer or, if not present, a person nominated to act in his place, is to be present throughout the event;
- (c) using, placing, erecting or keeping any erected tent, or sleeping equipment is prohibited; no structure designed or adapted for the purpose of facilitating sleeping is allowed;
- (d) any behaviour/activity or item which may pose a fire hazard is prohibited;
- (e) defacing of the surface of any external wall, glass panel, column, ground, or any other structure or public property in the premises managed by the Commission is prohibited;
- (f) sound amplification equipment may be used but it must be directed away from the building of the Legislative Council ("LegCo") Complex and the noise levels must not be offensive or harmful or unreasonably interfere with the use of the LegCo Complex by other persons in the course of their business;
- (g) no person or object shall obstruct the Emergency Vehicular Access ("EVA"), emergency exits of the LegCo Complex or interfere with the use of the LegCo Complex by other persons in the course of their business; and

~~(b) all posters, banners, objects, or notices brought by the participants must be removed after the event;~~

~~(e) all items, including personal belongings, foodstuffs and refuse must be removed upon leaving the area;~~

~~(d) good order and public safety shall be maintained throughout the event; and~~

~~(e)(h) participants-demonstrators must comply with all directions given by security-staff of the Secretariat.~~

4. ~~————— The duration for demonstrators' stay in demonstration areas should be no more than 48 hours, and the Secretary General may exercise discretion in handling cases in which demonstrators have stayed for a prolonged period. In exercising such discretion, the Secretary General may take into account whether obstruction has been caused to others.~~

55. ~~Users of demonstration area~~Demonstrators shall be advised to maintain good order, environmental hygiene and public safety. Demonstrators are also advised to take good care of their personal belongings and they should take such belongings with them when leaving the demonstration areas. All items, including posters, banners, objects, or notices brought by the demonstrators as well as personal belongings, foodstuffs and refuse must be removed by demonstrators upon leaving DDA. Any unattended objects found on the premises managed by The Legislative Council—the Commission and objects causing obstruction to the EVA or emergency exits of the LegCo Complex will be dealt with or disposed of as the Secretariat sees fit.

Liability for damages or compensation

6. The Commission reserves the right to claim compensation from demonstrators for the property loss or damage sustained by the Commission arising from or out of their behaviour, activities or objects used while staging petitions or demonstrations in DDA.

7. Neither the Commission nor any of its employees or agents is responsible for any property loss or damage sustained by any person using the demonstration areas DDA, whether such loss or damage is occasioned by the negligence of the Commission, its employees or agents, or by any other causes whatsoever. The Commission, its employees and/or agents do not accept

responsibilities for any bodily injuries (howsoever caused except those resulting from negligence) sustained by any person using the demonstration areas DDA.

Failure to comply

68. For the purpose of ensuring safety, security or good order, the Commission ~~may reserves the right to deny a person's admission to, or to require a person already admitted to leave,~~ the premises managed by ~~The Legislative Council~~ Commission, in the event of that person's failure to comply with any of the conditions, or for unsafe, unhygienic, illegal, disorderly, or offensive behaviour, or in circumstances where the staff of the Secretariat consider it necessary. The Commission reserves the right to take legal action against the use of DDA in contravention of the conditions of use.

79. Any person who contravenes fails to comply with the administrative instructions issued under section 8(3) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) referred to in paragraph 3 above commits an offence and is liable to a fine of \$2,000 and to imprisonment for 3 months. Under section 19(b) of Cap. 382, any person who resists or obstructs any officer of the Council while in execution of his duty commits an offence and is liable to a fine of \$10,000 and to imprisonment for 12 months. ~~for the purpose of maintaining the security of the precincts of the Chamber, ensuring the proper behaviour and decorum of persons therein and for other administrative purposes commits an offence, and is liable to a fine of \$2,000 and to imprisonment for 3 months.~~

Notice Amendment to the Guidelines

810. The Commission reserves the right to amend the "Guidelines for staging petitions or demonstrations by individuals and groups at designated demonstration areas in premises managed by The Legislative Council Commission" ~~conditions of use of the LegCo Square at anytime any time~~ without prior notice.

Legislative Council Secretariat
June-January 20135

Guidelines for staging petitions or demonstrations by individuals and groups at designated demonstration areas in premises managed by The Legislative Council Commission

Introduction

Individuals and groups are generally allowed to stage petitions or demonstrations at designated demonstration areas ("DDA") in premises managed by The Legislative Council Commission ("the Commission")¹. The location and size of DDA will be decided by staff of the Legislative Council Secretariat ("the Secretariat"), having regard to the number of demonstrators and other safety, security and operational considerations. Staff of the Secretariat may direct different groups of demonstrators to take up separate positions within DDA to ensure safety and order. Press Areas may be set up and media representatives should stay in designated Press Areas. If media representatives are to cover the petition or demonstration at a place outside the designated Press Areas, they should position themselves in accordance with directions given by staff of the Secretariat.

Relevant statutory provisions

2. Organizers should note the provisions in the Public Order Ordinance (Cap. 245) concerning public gatherings, public meetings and public processions, and requirements to notify the Commissioner of Police. Organizers should comply with all applicable ordinances, regulations, rules or technical memoranda in connection with the proposed public gatherings, public meetings, public processions and activities to be conducted in those gatherings, meetings and processions.

3. Demonstrators should note and comply with the provisions in the Administrative Instructions for Regulating Admittance and Conduct of Persons (Cap. 382A) issued under section 8(3) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) for the purpose of maintaining the security of the precincts of the Chamber, ensuring the proper behaviour and decorum of persons therein and for other administrative purposes.

¹ Individuals or groups staging petitions or demonstrations at DDA are referred to as "demonstrators" in these Guidelines.

Conditions of use

4. DDA will be open from 7:00 am to 11:00 pm every day for the staging of petitions or demonstrations. The Commission reserves the right to change the opening hours of or close the DDA without prior notice. Other conditions as to the use of DDA for public gatherings, public meetings and public processions are set out below -

- (a) no person shall stage petitions or demonstrations in DDA outside its opening hours, i.e. 7:00 am to 11:00 pm, every day;
- (b) the event organizer or, if not present, a person nominated to act in his place, is to be present throughout the event;
- (c) using, placing, erecting or keeping any erected tent, or sleeping equipment is prohibited; no structure designed or adapted for the purpose of facilitating sleeping is allowed;
- (d) any behaviour/activity or item which may pose a fire hazard is prohibited;
- (e) defacing of the surface of any external wall, glass panel, column, ground, or any other structure or public property in the premises managed by the Commission is prohibited;
- (f) sound amplification equipment may be used but it must be directed away from the building of the Legislative Council ("LegCo") Complex and the noise levels must not be offensive or harmful or unreasonably interfere with the use of the LegCo Complex by other persons in the course of their business;
- (g) no person or object shall obstruct the Emergency Vehicular Access ("EVA"), emergency exits of the LegCo Complex or interfere with the use of the LegCo Complex by other persons in the course of their business; and
- (h) demonstrators must comply with all directions given by staff of the Secretariat.

5. Demonstrators shall maintain good order, environmental hygiene and public safety. Demonstrators are also advised to take good care of their personal belongings. All items, including posters, banners, objects, or notices brought by the demonstrators as well as personal belongings, foodstuffs and

refuse must be removed by demonstrators upon leaving DDA. Any unattended objects found on the premises managed by the Commission and objects causing obstruction to the EVA or emergency exits of the LegCo Complex will be dealt with or disposed of as the Secretariat sees fit.

Liability for damages or compensation

6. The Commission reserves the right to claim compensation from demonstrators for the property loss or damage sustained by the Commission arising from or out of their behaviour, activities or objects used while staging petitions or demonstrations in DDA.

7. Neither the Commission nor any of its employees or agents is responsible for any property loss or damage sustained by any person using DDA, whether such loss or damage is occasioned by the negligence of the Commission, its employees or agents, or by any other causes whatsoever. The Commission, its employees and/or agents do not accept responsibilities for any bodily injuries (howsoever caused except those resulting from negligence) sustained by any person using DDA.

Failure to comply

8. For the purpose of ensuring safety, security or good order, the Commission may deny a person's admission to, or require a person already admitted to leave, the premises managed by the Commission, in the event of that person's failure to comply with any of the conditions, or for unsafe, unhygienic, illegal, disorderly, or offensive behaviour, or in circumstances where the staff of the Secretariat consider it necessary. The Commission reserves the right to take legal action against the use of DDA in contravention of the conditions of use.

9. Any person who contravenes the administrative instructions issued under section 8(3) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) referred to in paragraph 3 above commits an offence and is liable to a fine of \$2,000 and to imprisonment for 3 months. Under section 19(b) of Cap. 382, any person who resists or obstructs any officer of the Council while in execution of his duty commits an offence and is liable to a fine of \$10,000 and to imprisonment for 12 months.

Amendment to the Guidelines

10. The Commission reserves the right to amend the "Guidelines for staging petitions or demonstrations by individuals and groups at designated demonstration areas in premises managed by The Legislative Council Commission" at any time without prior notice.

Legislative Council Secretariat
January 2015