

**For discussion
on 7 March 2002**

Legislative Council Panel on Security

Designation of Designated Public Activity Areas and Guidelines for frontline Police officers when handling demonstrations

Purpose

This paper seeks to explain two issues in relation to handling of public order events by the Police, viz. designation of designated public activity areas and guidelines for frontline Police officers when handling demonstrations.

Designation of designated public activity areas

2. Designated public activity areas (DPAA) are areas specified by the Police to facilitate the organization of public meetings and processions. The objectives are to facilitate the process of these events and crowd management in the vicinity more effectively so as to preserve public order and safety. The DPAA may apply to demonstrations irrespective of the number of participants, or whether the event is a notified one or not.

3. There are no set criteria for designating a DPAA. Each case is decided on its prevailing circumstances by taking into account the nature and objectives of the activity, sentiments of participants, number of participants, time and duration, proposed location and unique features, and other relevant factors such as the nearby vehicular and pedestrian traffic. DPAA are usually determined by the district/division commander in charge of the area (Chief Superintendent / Superintendent of Police) or officer commanding the operation, in consultation with his / her Regional Commander (Assistant Commissioner of Police). Other than handling public meetings and processions, DPAA are not designated for any other purposes.

4. If protesters opt to stage a protest outside the boundary of the DPAA when one has been designated in the vicinity, the Police may issue verbal warnings to the protesters and advise them to return to the DPAA. Should the protesters ignore the warnings and advice, and the protest causes any breach of the peace or obstruction to members of the public, the

Police may have to take further appropriate action. However, the beliefs of the protesters are not factors considered by the Police in taking any action.

5. The designation of DPAA for public order events has been in force for many years. This mechanism has proved to be effective in regulating processions and assemblies in public places, preserving order and public peace, and minimising inconvenience to other members of the public. It has helped to strike a balance between facilitating public demonstrations and preserving public order and safety.

Guidelines for frontline Police officers when handling demonstrations

6. The Police Force Ordinance, Cap. 232, charges the Police with the duties to preserve the public peace; to regulate processions and assemblies in public places; and to preserve order in public places and at public meetings. Public meetings and processions are regulated in accordance with the provisions of the Public Order Ordinance, Cap. 245. As a general principle, the Police endeavour to facilitate all peaceful demonstrations or public order events, and at the same time strive to minimize obstruction and inconvenience to the general public. It must be recognized that Hong Kong is a small territory and very densely populated. The holding of public meetings and processions in such a crowded environment may often cause inconvenience to other members of the public. Hence, a reasonable balance between the public's right to assemble peacefully and express their views, and the broader interests of the community at large must be struck.

7. Guidelines have been issued to frontline Police officers for them to follow when handling public meetings and processions. The main points are that the Police should impartially carry out their duties required by the law by upholding the following principles : -

- respect for the rights of members of the public;
- fairness, impartiality and compassion in all operations;
and
- professionalism.

8. The responsible Police officer is also required to establish a dialogue with the organizers of a public order event so that the requirements of the law and the duties of the Police are clearly conveyed. Furthermore, it is important to establish the dialogue before the event is

held so that the responsible officer may offer further advice and assistance to the organizers on procedures and explain the law; and, where necessary, explain the rationale behind any conditions that may be imposed. On some occasions, the presence of community relations officers will be required during an event, to continue the dialogue with the organizers and, if necessary, to act as a channel of communication between the organizers and the Field Commander.

9. Police officers have also been instructed that when deciding upon any necessary conditions to be imposed on an event, or the police deployment and operational plan, they should : -

- presume the demonstrators are doing no more than exercising their freedom of expression unless specific and reliable information indicates otherwise;
- ensure that Police action are commensurate with the actual behaviour of demonstrators, rather than possible motives or actions;
- ensure demonstrations are facilitated in a way which does not give rise to a breach of public order or public peace;
- avoid tactics which may unnecessarily curtail rights of freedom of expression, and of assembly and demonstrations, or which may unnecessarily give rise to such a perception; and
- minimize inconvenience to the general public.

10. These principles apply to all public meetings and processions. During the course of the event, if there is any violation of the Public Order Ordinance, breach of previously imposed conditions or illegal behaviour by the participants, the Field Commander will be required to assess the threat to public safety and order, and the inconvenience caused to the others before taking enforcement action. Enforcement action may take the form of a verbal warning to those involved or prosecution by summons or charging. Decisions as to what appropriate action to take in regulating public meetings and processions are made by the Police Commander at the scene in accordance with the law and having regard to the circumstances of each case.

11. All cases of unauthorized public assemblies are evaluated independently having regard to the circumstances of the event. If there was

any breach of the peace, the Police are obliged to investigate and take follow up action in accordance with legal advice.

12. Frontline officers are clearly briefed about the above principles and guidelines when handling demonstrations. Training on this particular subject is also provided on a regular basis. They are also reminded to foster communication with the participants and facilitate the demonstrations in an orderly and peaceful manner.

Security Bureau
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