

For discussion on
6 June 2002

Legislative Council Panel on Security

Follow-up on Issues related to Designated Public Activity Areas

Purpose

This paper seeks to explain two issues in relation to designated public activity areas (DPAA) for holding public assemblies, namely -

- (i) designation of a prohibited zone instead of a DPAA; and
- (ii) DPAA outside the West Gate of Central Government Offices (CGO).

Background

2. At the meeting of LegCo Panel on Security on 7 March, issues in relation to DPAA were discussed. Members requested that the two points mentioned above be followed up.

Designation of a Prohibited Zone instead of a DPAA

3. It has always been the Police Force's policy to endeavour to facilitate, as far as possible, all public order events so that the participants may exercise their freedoms of assembly and expression peacefully and lawfully. The purpose of designating a DPAA is to help to ensure that the participants may express their views freely without compromising the security and interests of others or causing undue obstruction or inconvenience. Such arrangements may also help to ensure that Police work at the scene will not be hindered. Given that the Police have a statutory duty to preserve public safety and public order, and

regulate public assemblies and processions, they have to deploy adequate resources to the public places where these events take place to ensure that the duties are discharged properly.

4. When setting up a DPAA, the prevailing circumstances of each case are considered carefully, including the nature and objectives of the activity, sentiments of participants, number of participants, time and duration, proposed location, and nearby vehicular and pedestrian traffic. As the circumstances of each case may vary, it is not practicable to designate certain locations as prohibited zones for any public order events. Instead, the setting up of a DPAA helps both Police and the demonstrators have a clear understanding as to where a public assembly may take place. This could avoid possible confusions.

DPAA outside the West Gate of CGO

5. Following the Court of Final Appeal's judgement on 10 January 2002 against the Right of Abode claimants, and as an interim measure, security at the Government Secretariat was enhanced. This interim arrangement was based on the prevailing threat assessment by the Police and the track record of the Right of Abode claimants. The car parking area between the West Gate of CGO and the Court of Final Appeal has been designated as a DPAA for public assemblies. This area outside the West Gate has been considered appropriate because it is close to the Government Secretariat. Arrangements may be made for representatives of policy bureaux or the Police to receive petitions outside the West Gate where necessary. Depending on the size of the group, the Police may advise protestors to use some alternative sites such as the Chater Garden.

6. A special and additional arrangement is made on the day of Executive Council (ExCo) meeting (usually on Tuesdays) to facilitate representatives of petitioning groups to hand their letters to ExCo members outside the Main Wing of CGO.

7. Locating the DPAA outside the West Gate has helped to maintain effective operation of the Government Secretariat while safeguarding the

public's right to freedom of peaceful assembly and expression. The Administration Wing and Police monitor the situation closely and review the security arrangements regularly.

8. Of late, an organization notified the Police that it planned to hold a public meeting cum procession with an expected turnout of around 5 000 and to assemble outside the Main Wing of CGO. The Police issued a letter of no objection to the organizer but imposed certain conditions on the event. One of the conditions was that the procession should end at the DPAA outside the West Gate of CGO. The organization lodged an appeal with the Appeal Board on Public Meetings and Processions (the Appeal Board) against the condition. A hearing was held on 21 May 2002. The Appeal Board ruled against the condition imposed by the Police. The Police respected the decision of the Appeal Board and hence the procession was allowed to end at the compound outside CGO Main Wing rather than outside the West Gate on 26 May 2002.

9. All future notifications for public meetings planned to be held at CGO will be considered on a case-by-case basis having regard to the circumstances and prevailing threat assessment, and in accordance with the provisions under the Public Order Ordinance.

Security Bureau
May 2002