

LEGISLATIVE COUNCIL BRIEF

Public Order Ordinance
(Chapter 245)

CLOSED AREA (HONG KONG MINISTERIAL CONFERENCE OF WORLD TRADE ORGANIZATION) ORDER

INTRODUCTION

A At the meeting of the Executive Council on 27 September 2005, the Council ADVISED and the Chief Executive ORDERED that the Closed Area (Hong Kong Ministerial Conference of World Trade Organization) Order, at Annex A, should be made under section 36 of the Public Order Ordinance (POO) to declare certain areas in Wanchai and Admiralty to be closed areas during a certain period in December 2005.

JUSTIFICATIONS

2. According to the latest police intelligence, a large number of local and overseas protesters advancing various causes will stage demonstrations in Hong Kong during the Sixth Ministerial Conference (MC6) period. While most of these protesters are expected to be peaceful and law-abiding, as has been seen in previous World Trade Organization (WTO) Ministerial Conferences and other major international events, some may use disruptive or violent methods (which may range from non-violent passive resistance to the damage of property or even clashes with law enforcement officers), with a view to causing traffic paralysis and general chaos. In fact, some protest organizers have already vowed that their prime objective is to stop and derail MC6.

3. In preparing for this special and important international event, due consideration must be given to our local circumstances, especially the fact that Hong Kong is such a small, crowded and busy city. It is necessary to safeguard public safety and public order by setting up a closed area to restrict access to those specifically permitted to enter. We will do so under section 36 of the POO. Under that section, the Chief Executive may, where he reasonably believes that it is necessary for the protection of, inter alia, public safety and public order, by order declare

any area or place to be a closed area. Entry into the area will only be allowed with permission from the Commissioner of Police. The detailed justifications are set out below.

Land Closure

4. **Public order and public safety** - The environs of the meeting venue (i.e. the Hong Kong Convention and Exhibition Centre (HKCEC)), including the key access routes thereto, present obvious focal points for violent protest or wanton damage by radical protesters. As one of the major objectives for the protesters will be to gain maximum “visibility”, both to the WTO delegates and to the large number of journalists gathered at and near the Conference venue, they will try to get as close to HKCEC as possible. If the immediate proximity and access routes continue to be open to pedestrian and vehicular traffic, the safety of members of the public and MC6 participants, as well as public order in the Conference venue and its vicinity, will be put at risk. The current public order and public safety threat level for MC6 is assessed to be “high”.

5. **Traffic management problem** - We envisage that some protesters will, without prior notice to the Police, stage demonstrations on the roads near HKCEC. Indeed, disrupting road traffic and thereby paralyzing commerce and normal community life are common tactics used by demonstrators at global events. Such actions will cause serious disruption to the traffic not only near HKCEC, but depending on the scale of the obstruction, may also have a knock-on effect on nearby districts and beyond. This will present a significant traffic management problem.

6. **Terrorist attack** - Our current assessment level of a terrorist attack is “moderate”, i.e., middle ranking. Nonetheless, we cannot rule out the possibility of terrorist actions during such a high-profile international event with participants from all over the world, including from countries subject to higher terrorist threat. Areas closest or leading to HKCEC will carry the highest risks. Should there be any terrorist attempts, members of the public in the vicinity and MC6 participants would unlikely be spared.

Sea Closure

7. HKCEC is built along the waterfront and accessible by sea. According to presently available information, some non-governmental organizations (NGOs) are planning to stage sea protests during MC6. The protests may take the form of a boat parade or an incident on board a vessel. As such, we consider it necessary to extend the closed area to the sea side. Considerations similar to those of closure on land apply. For

instance, to disrupt the Conference, protesters may try to swim to the HKCEC island and then land and try to forcibly enter the Conference venue, or to gain visibility and publicity, the protesters may make dangerous manoeuvres with their vessels. At present there are two ferry routes to and from the Wan Chai Ferry Pier, which is right next to HKCEC. Any dangerous act by the protesters will put the safety of the Conference venue and the participants therein, as well as passengers on board the boats traveling nearby, at risk. Moreover, although our present risk assessment of a terrorist attack is moderate, we cannot rule out the possibility of an individual sailing a boat containing a large amount of explosives and crashing it into the HKCEC site. The normal legal instruments for sea closure for occasions like fireworks display may not be appropriate for the present purposes.

Coverage of the Closed Area

8. From the perspectives of public safety and order, traffic management, etc, it is necessary for Government to take necessary precautionary steps by establishing a closed area under section 36 of the POO to facilitate the smooth running of MC6. Members of the public can then be notified well in advance to plan alternative routes and any disruption can be kept to a minimum. It will also allow efficient deployment of policing resources in the MC6 area and other parts of Hong Kong. In terms of geographical area, we believe closing the area around HKCEC (about 1km² in area - please refer to the map attached to the Order at Annex A) presents a balanced approach to ensuring public safety and order on the one hand and minimizing inconvenience to the general public on the other. This scale is also very modest compared to recent overseas large-scale events of comparable nature (see Annex B).

B

9. To be effective, the closure should be on a 24-hour a day basis from 1800 hours on 12 December 2005 (the day prior to the opening ceremony of the Conference) until 0500 hours of 19 December 2005. Otherwise this could provide a window for violent protesters (or even terrorists) to “sneak in”, or non-violent protesters intent on causing obstruction may congregate overnight when the roads are open and refuse to leave, thereby causing severe traffic congestion during the day. Moreover, as a security measure, the Conference venue and its approach roads will have to be swept for possible bombs and other safety hazards and be made secure prior to the Conference commencing. It would make little sense and cause additional burden to the workload of the Police if members of the public were allowed into the area after the sweeping. The duration of the restriction has been minimized to what is absolutely essential, taking into account the duration of MC6, and only allowing for a slight margin for necessary preparations before and after the conference.

10. Section 37(2) of the POO provides that a permit may be issued by the Commissioner of Police to any person allowing such person to enter or leave the closed area. Also, the Commissioner is empowered by section 38A of the Ordinance to grant general permission to persons of any class or category specified in a notice to enter or leave the closed area during such times and subject to such exceptions, conditions or restrictions as are specified in the notice. In this regard, the Commissioner will, by notice published in the Gazette under section 38A, grant general permission to holders of accreditation badges* to be issued by the MC6 Coordination Office (MCO) to MC6 participants and support staff, etc to enter or leave the closed area during the closure period. As regards other individuals who need to enter the closed area for justifiable purposes, their applications will be handled by the Police via the permit issuing mechanism under section 37(2) of the POO.

OTHER OPTIONS

11. A number of international/large-scale events have been held in Hong Kong in the past, including the Handover Ceremony, and the 1997 World Bank/International Monetary Fund Annual Meetings, the Fortune Global Forum in 2001, and the 16th World Congress of Accountant in 2002. Restricted access zones were established in those instances under various legal instruments, such as the Police Force Ordinance and the Road Traffic (Traffic Control) Regulations.

12. We have considered whether arrangements similar to those for previous events would suffice for the purpose of MC6 and have come to the view that MC6 necessitates a higher degree of protection than previous events for the following reasons -

- (a) There are considerable differences as far as the duration of the events, level of delegates, number of participants and coverage of the area are concerned.
- (b) The objectives of the previous events are comparatively less contentious than those of WTO Ministerial Conferences, which concern international trade rules and related affairs, and which are seen by many sectors as adversely affecting their livelihood. In particular, growing anti-globalization sentiments in recent years have become common causes for different groups from all over the world to stage large-scale protests, hence many of the protesters anticipated to attend MC6 are likely to be

* **Note** In line with the security practice of previous Ministerial Conferences and large scale international events in Hong Kong, all persons entering HKCEC during MC6 will be required to present a personalized accreditation badge for access to the Conference venue.

“professional” demonstrators from overseas. The manner in which some of them express their causes is known to be dangerous, as evident from previous Ministerial Conferences and large-scale international events such as the G8 Summit in Scotland. The legal tools required will therefore have to be commensurate.

- (c) Given the recent wave of terrorist attacks in other parts of the world, the possibility of terrorist actions during such a high-profile international event as MC6 cannot be ruled out as there will be participants coming from all over the world, including from countries subject to a high terrorist threat.

A comparison of the circumstances of MC6 with those of previous events is at Annex C.

C

13. For legal and practical reasons, conventional measures and legal procedures used in the past are incapable of providing the necessary level of protection of public order and public safety required during the MC6 period. More elaborate and stringent arrangements are required. This points to the need to invoke section 36 of the POO.

THE ORDER

14. The Order seeks to set up a closed area, under section 36 of the POO, of such coverage and for the duration as set out in paragraphs 8 and 9 above.

LEGISLATIVE TIMETABLE

15. The legislative timetable will be -

Publication in the Gazette	7 October 2005
Tabling at the Legislative Council	12 October 2005
Commencement	2 December 2005

IMPLICATIONS

Basic Law and Human Rights Implications

16. The setting up of a closed area by invoking section 36 of the POO restricts the rights to liberty of movement, of peaceful assembly, of

freedom of expression and of freedom of demonstration since, in the absence of a permit, a person is prohibited from exercising any of these rights and freedoms inside the area on a 24-hour basis from 12 December 2005 to the early morning of 19 December 2005. However, for the justifications set out in paragraphs 2 to 13 above, we are satisfied that the current arrangement is no more than what is necessary and proportionate to accomplish the purpose of protection of public order and public safety.

17. Moreover, despite the setting up of the closed area, we will facilitate the exercise of the rights of expression and assembly as far as possible. Both the MCO and the Police have proactively sought to, from an early stage, establish and maintain dialogue with NGOs, local and overseas, who may wish to organize protest activities during the MC6 period. To enable the demonstrations to take place in a way that is safe for the demonstrators, for MC6 participants and for the general public, and in a way which causes the least inconvenience to the general public whilst at the same time ensuring the safe and uninterrupted conduct of MC6, we are also identifying a number of possible sites as designated public activity areas for public meetings.

Financial and Civil Service Implications

18. Police officers will be needed to patrol, maintain law and order and generally ensure the restrictions of the closed area. Such needs will be met by internal deployment and will be absorbed within existing resources. There will not be any additional financial or civil service implications.

Economic Implications

19. If premises directly supporting MC6 are discounted, the closed area will only affect 11 business premises. All the staff of the 11 premises (about 300 in number) could apply for permission to enter and leave the area if they wish to run their usual business. Care has also been taken to exclude the two hotels (i.e. Grand Hyatt Hong Kong and Renaissance Harbour View Hotel Hong Kong), one serviced apartment block (i.e. Convention Plaza Apartment) and the Office Tower of the Convention Plaza near HKCEC from the area.

20. On the traffic side, making of the Order will necessitate the suspension of the taxi stands, certain regular ferry services (including one licensed ferry service running between Wanchai and Hung Hom, and one franchised ferry service running between Wanchai and Tsim Sha Tsui) and two sightseeing tours in the harbour. The bus termini and stops in

the vicinity of HKCEC will also be suspended during the MC6 period on traffic management grounds. About 22 000 bus passengers and 24 000 ferry passengers will be affected daily. Taxi trips may also be reduced due to road closure and the expected traffic congestions in the area. Transport Department is liaising with major transport operators in an attempt to minimize impact on them and the economic implications of these necessary arrangements.

21. The closed area may cause some inconvenience to the general public and some disruption to business activities. However, such costs should be outweighed by the benefits to be brought about by the arrangement in terms of protection of public safety and order and prevention of serious traffic congestion.

Other Implications

22. The arrangement has no significant sustainability implications as it is temporary in nature and would not entail long-term impacts.

23. The Order will not affect the current binding effect of the POO.

PUBLIC CONSULTATION

24. We consulted the Legislative Council (LegCo) Panel on Commerce and Industry on 19 July 2005 on the proposal of setting up the closed area. Although some Members have expressed concern over the possible impacts on commercial and tourist activities during the peak shopping season during Christmas, Members were generally supportive of the proposal.

25. At the district level, apart from briefing sectors and the community, we have also been briefing the District Councils on the arrangements of the Conference. (In particular, detailed briefings were specifically conducted for the districts concerned, including Wanchai, Eastern, Yau Tsim Mong, Central and Western and Kowloon City). Members of the DCs stressed the importance of the Police deploying sufficient manpower to maintain law and order as well as Government to make suitable traffic and transport arrangements beforehand to ensure the normal life of the community would not be disturbed. There was also discussion on the arrangement for MC6-related public activities.

PUBLICITY

26. A press release will be issued on 7 October 2005. We will also make available a spokesman to answer media enquiries.

27. Transport Department will consult the relevant District Councils and affected parties as soon as possible on details of the alternative traffic and transport arrangements. In addition, departments concerned will disseminate (by holding press conferences as well as through other means) detailed information to the public on the actual arrangements of the closed area and the traffic and transport arrangements related thereto well in advance of MC6 to prepare the public for temporary changes to their commuting and traffic plans. We shall provide such information to NGOs which may wish to organize protest activities during the MC6 period and continue to discuss with them demonstration arrangements. We shall also continue the promotion efforts on the overall benefits of WTO and free trade to win public acceptance for hosting the Conference in Hong Kong.

ENQUIRIES

28. Any enquiries on this brief can be addressed to Miss Rosalind Cheung, Assistant Secretary for Security, on 2810 2686.

Security Bureau
7 October 2005

**CLOSED AREA (HONG KONG MINISTERIAL CONFERENCE
OF WORLD TRADE ORGANIZATION) ORDER**

(Made by the Chief Executive under section 36(1) of
the Public Order Ordinance (Cap. 245) after
consultation with the Executive Council)

1. Commencement

This Order shall come into operation on 2 December 2005.

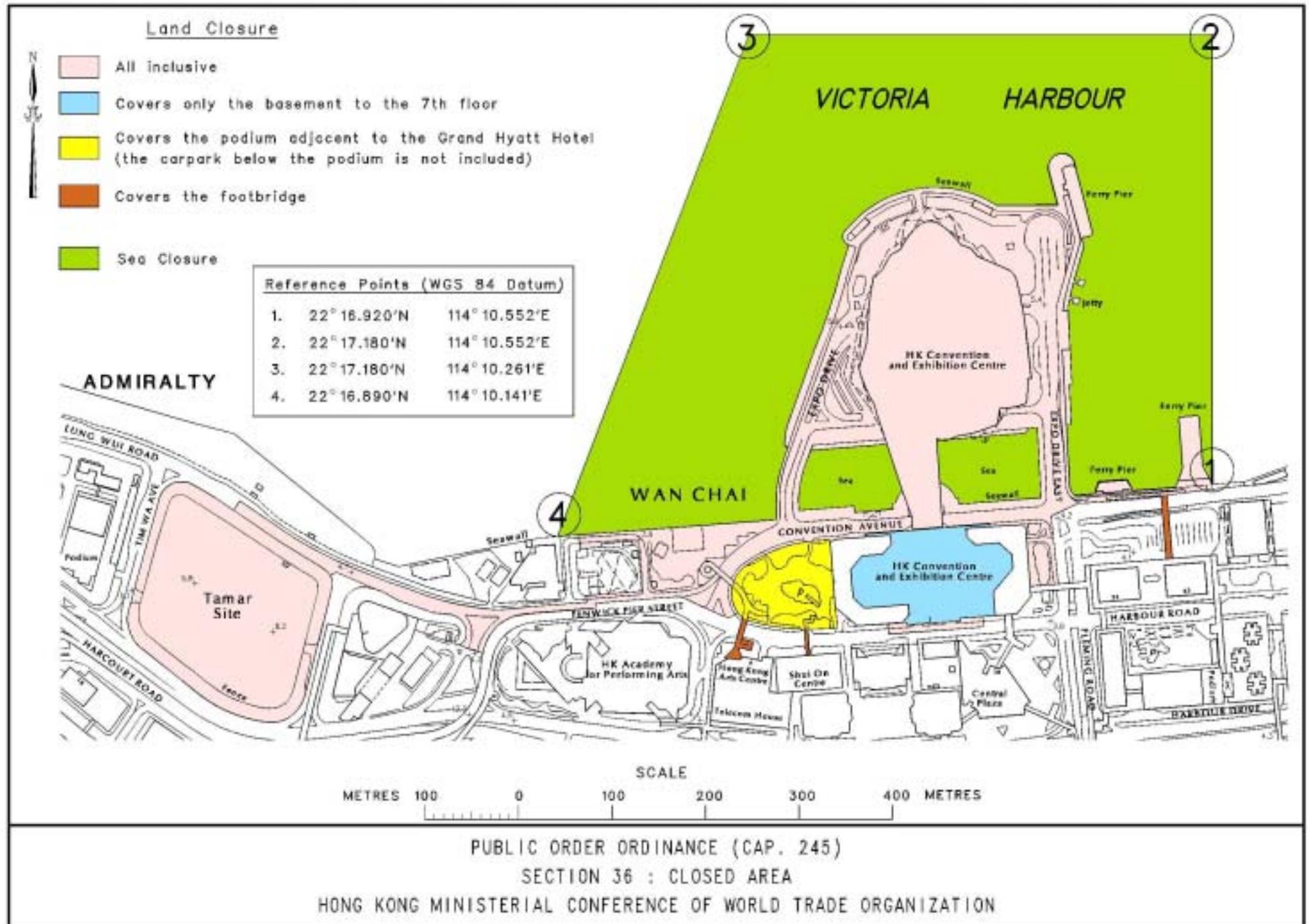
2. Declaration of closed areas

The areas delineated as "Land Closure" and "Sea Closure" on
the map set out in the Schedule are declared to be closed areas
during the period from 6 p.m. on 12 December 2005 to 5 a.m. on 19
December 2005.

SCHEDULE

[s. 2]

CLOSED AREAS



Chief Executive

3 October 2005

Explanatory Note

The purpose of this Order is to declare certain areas in Wan Chai and Admiralty to be closed areas during a certain period in December 2005 under the Public Order Ordinance (Cap. 245).

Size of the Restricted Access Zone of Recent Overseas Large-scale Events of Comparable Nature as MC6

- (a) MC5 - Cancun, Mexico (10-14 September 2003)**
- The conference took place on an island.
 - The whole island was within a restricted access zone.
 - The conference venue was about 7 km from the restricted access zone at one point and more than 12 km in the other direction.
- (b) G8 Summit - Kananaskis, Canada (26-27 June 2002)**
- The restricted access zone extended to 6.5 km in radius from the venue.
- (c) G8 Summit - Evian, France (1-3 June 2003)**
- The restricted access zone extended to 30 km from the venue.
- (d) G8 Summit - Gleneagles, UK (6-8 July 2005)**
- The restricted access zone was divided into two parts, i.e. an inner and outer cordon.
 - The inner cordon was immediately surrounding the Gleneagles Hotel and there was no physical barrier.
 - The outer cordon was 6.5 miles (10 km) long and was a steel fence.
 - The restricted access zone was established on 3 July 2005 (Sunday), 3 days before the Summit

MC6 and Other Large-scale Events Held in Hong Kong

	MC6	Handover Ceremony	1997 World Bank /International Monetary Fund Annual Meetings	Fortune Global Forum in 2001	16 th World Congress of Accountant in 2002
Date (Duration)	LONGEST 13 – 18 December 2005 (6 days)	30 June – 1 July 1997 (2 days)	21 – 25 September 1997 (5 days)	8 – 10 May 2001 (3 days)	18 – 21 November 2002 (4 days)
No. of participants	2nd LARGEST GROUP 11 000 (6 000 delegates, 3 000 press members, 2 000 NGO representatives)	20 000	11 000	600	5 000
Level of delegates	Ministers of States, Internationally Protected Persons (IPPs)	Central People's Government (CPG) Leaders, Heads of State, IPPs	CPG Leaders, Ministers of States, IPPs	CPG Leaders, Heads of State, IPPs	CPG Leaders
Scope of issues concerned	MOST CONTENTIOUS World trade and globalization issues – contentious	Reunification with the PRC – not contentious	International economic and monetary issues – less controversial	International economic and monetary issues – less controversial	International economic and monetary issues – less controversial