

For Information
on 2 February 2010

Legislative Council Panel on Security
Police's Handling of Public Meetings and Public Processions

INTRODUCTION

This paper provides information on the Police's handling of public meetings and processions.

PROCESSING OF NOTIFICATION RELATING TO PUBLIC MEETINGS AND PROCESSIONS

Notification

2. The freedom or right of peaceful assembly and procession is enshrined in Article 27 of the Basic Law and Article 17 of the Hong Kong Bill of Rights Ordinance (Cap. 383). It is the Police's policy to facilitate all lawful and peaceful public meetings and processions. As Hong Kong is a crowded place, large-scale public assemblies and processions will affect other people or road users, and may have impacts on public safety and order. In this connection, while facilitating the expression of views by participants of processions, it is also the Police's responsibility to maintain public order, and at the same time strike a balance by ensuring the rights of other people to use the public place or road as well as their safety. Participants of processions, in expressing their views to the public, should also observe the Hong Kong law and public order and proceed in a peaceful and safe manner.

3. Public meetings and processions should be held in accordance with the Public Order Ordinance (Cap. 245). A public meeting or procession at which the attendance exceeds the limit prescribed in the Ordinance should take place only if notice has been given in accordance with the requirements of the Ordinance, and the Commissioner of Police (CP) has not prohibited or objected to it. The CP (or delegated officers) will carefully examine each case. He may impose condition(s) on a notified public meeting or procession as reasonably necessary to ensure public order would be preserved at public meetings or processions and to ensure the overall public safety. During the hearing of a case, the Court of Final Appeal has pointed out that Hong Kong's legal requirement for notification is widespread in jurisdictions around the world. It has also affirmed that the statutory requirement for notification is constitutional, and is required to enable the Police to fulfil its duty of taking reasonable

and appropriate measures to enable lawful assemblies and demonstrations to take place peacefully.

Appeal Mechanism

4. If the CP prohibits / objects to or imposes conditions on a notified public meeting or procession, the organizer may lodge an appeal to the independent Appeal Board on Public Meetings and Processions (the Appeal Board) if he / she considers CP's decision unacceptable. The Appeal Board, which is chaired by a retired judge and consists of three members selected in rotation from a panel of 15 members, can be convened at short notice upon receipt of an appeal application. The Appeal Board may confirm, reverse or vary the prohibition, objection or condition imposed by CP.

HANDLING OF PUBLIC MEETINGS AND PROCESSIONS

5. Upon receipt of a notification about a public meeting or procession, the Police will establish early contact and maintain an active and close communication with the event organizer to provide advice and assistance. The police community relations officers may also be present during an event as appropriate to act as a channel of communication between the organizer and the Field Commander. In assessing the crowd / traffic management measures and manpower required for maintaining public safety and public order during the events, the Police will make reference to the information provided by the organizers, past experience in handling similar events as well as other operational considerations.

6. The Police have a duty to take lawful measures to regulate public meetings and processions as appropriate to ensure public order. On occasions where the law is, or is likely to be, violated during public meetings or processions by acts of individuals (especially when there are acts which may cause danger to others or acts which lead to a breach of the public order), the Police will, based on the assessment at scene and professional judgement, issue verbal warnings where appropriate. Depending on whether the person involved has ceased the illegal acts and whether his acts lead to a breach of public order, or even affect public safety, the Police will, depending on the situation, take appropriate actions at scene. These actions include – but not limited to – issuing verbal warnings or orders at scene, collection of evidence for subsequent investigation and consideration of prosecution, peaceful dispersal of the crowd or other law enforcement including arrest actions.

7. From 2007 to 2009, a total of about 9 340 public meetings and 2 990 public processions were held in Hong Kong (or an average of 11 events daily). The Police will continue to communicate with, and secure the support of, the event organizers to ensure that the public events are peacefully and orderly conducted.

**Security Bureau
Hong Kong Police Force
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