

For information  
on 12 September 2011

**Legislative Council Panel on Security  
Security Arrangements and Handling of Public Meetings and  
Public Processions at the Central Government Offices and during  
Visits of Political Dignitaries to Hong Kong**

**Introduction**

At its meeting on 29 August 2011, the Legislative Council Panel on Security discussed the Police's security arrangements and handling of public meetings and public processions at the Central Government Offices and during visits of political dignitaries to Hong Kong. This paper provides supplementary information on the arrangements for the protection of visiting political dignitaries.

**Legal Basis for the Police's Security Arrangements for the Protection of Visiting Political Dignitaries**

2. There is a legal basis for the Police to set up "core security zones" when carrying out operations for the protection of political dignitaries. Relevant statutory basis and court case references are set out in Annex A.

**International Practices on Protection of Political Dignitaries**

3. The VIP Protection Unit of the Hong Kong Police Force (the Police) is a member of the Association of Personal Protection Services (the Association). The Association has over 60 members from 50 countries such as the United Kingdom, the United States, Australia, Japan and Singapore, etc. Members of the Association, which are mainly law enforcement agencies on VIP protection of advanced countries around the world, have been exchanging views and information with each other on the perspectives, best practices and latest developments on various aspects of VIP protection. The VIP Protection Unit of the Police takes part in the meetings of the Association periodically for exchanges with overseas law enforcement agencies to ensure that the techniques employed are of international standard.

4. In planning operations for the protection of political dignitaries, it is a global practice that corresponding protection measures will be drawn up on the basis of risk assessment to ensure the personal safety of the

protected dignitaries. According to international practices, such measures include close personal protection, residential safety, venue security, convoy route safety, security checks and medical protection, etc. One of the crucial aspects is to set up core security zone at a place in which a political dignitaries stays, visits or through which he travels to safeguard their personal safety. The extent of the core security zone is determined with regards to the risk assessment and depends on the safety distance between the dignitaries and the object or weapon that the assailants may use.

5. According to international practices, all persons (including guests, staff and reporters) entering the security zone are subject to security checks to ensure that they are not in possession of any dangerous items or weapons. The standard of security checks is determined in accordance with the risk assessment. Factors to be taken into account in the actual implementation of the security checks include the arrangements of the event to be attended by the political dignitaries, site constraints and the prevailing circumstances. In terms of the frequency and extent of security checks, such as whether checking of small items carried by a person is needed, vary on a case-by-case basis and subject to the risk assessment as well as the factors listed above such as the prevailing circumstances at the scene.

### **Security Arrangements of the University of Hong Kong**

6. The Vice-Premier of the State Council, Mr Li Keqiang, attended the Centenary Ceremony of the University of Hong Kong (HKU) on 18 August 2011. Details of the security arrangements discussed beforehand by the Police and HKU are at Annex B.

7. HKU has already announced the setting up of a review panel, the task of which is to conduct a detailed review, submit a report and make recommendations on the various arrangements for the Centenary Ceremony which Vice-Premier attended. The Convenor of the panel has indicated that representatives from the Police would be invited to attend its meeting(s). The Police will fully collaborate with the review panel.

### **Media Coverage Arrangements**

8. The Government attaches great importance to press freedom and the needs of media coverage. It will arrange and facilitate the media in conducting reporting activities where practicable, in accordance with the needs of media coverage, site conditions, preference of the subject

persons and security considerations. The confidentiality and security requirement is one of the considerations. The relevant authorities will continue with their efforts to facilitate the media in conducting reporting activities and make the relevant sites available for open press. If open press is not possible because of various restrictions, pool arrangement will also be conducted as far as possible.

### **Police Operational Orders for Security Operations**

9. Operational orders issued by the Police on the protection of visiting political dignitaries, as well as detailed instructions for handling different scenarios given by commanders to frontline officers, are police internal guidelines and information for execution of police duties. Disclosing information such as security arrangements, manpower deployment and detailed operational procedures may reveal operational details and enforcement capabilities of the Police to criminals, which will seriously undermine the effectiveness of similar Police operations in future and even threaten the personal safety of future visiting political dignitaries, thereby jeopardising public interests. It is therefore considered inappropriate to disclose such information.

### **Liaison with the Property Management of Laguna City**

10. Vice-Premier's visit to Laguna City was not announced in advance. The Police liaised with the property management company of Laguna City on the day of the visit for the temporary security arrangements, as such no minutes of meeting were taken.

**Security Bureau  
Hong Kong Police Force  
September 2011**

**Statutory Basis for the Police's Operations for Protection of  
Political Dignitaries and Relevant Court Cases**

1. The Government fully respects the rights under the Basic Law and the Hong Kong Bill of Rights to the freedom of speech, of the press, of assembly, of movement, of procession and of demonstration, and will take all reasonable steps to protect the same.
2. At the same time, a proper balance needs to be struck between ensuring that those who wish to lawfully exercise the abovementioned rights are able to do so while maintaining public order, protecting the rights of others and pursuing other legitimate purposes. In this regard, these rights are not absolute and may be subject to restrictions so long as the restrictions pursue legitimate purposes such as the protection of public order and the rights of others, and are proportionate.
3. Whenever there are visits by political dignitaries to Hong Kong, the HKSAR Government has the responsibility to protect their personal safety and to maintain public order at the functions they attend. The Police have to balance between various factors, including the public's freedom of expression, media's rights of reporting and professional risk assessment based on the actual circumstances, before making timely and appropriate decisions. It is the Police's operational policy to implement reasonable and appropriate management measures with a view to safeguarding human rights, maintaining public order and ensuring the safety of the political dignitaries visiting Hong Kong.
4. The security measures taken during the visit of the Vice-Premier Li Keqiang seek to protect the public order, including ensuring the safety and security of the Vice-Premier Li Keqiang and the events he attended. These purposes are legitimate and reasonable.

Police's statutory duties

5. The **duties** of the Police are set out in s.10 of the Police Force Ordinance (Cap. 232) which include taking lawful measures for, inter alia, preserving the public peace, preventing and detecting crimes and offences, preventing injury to life and property, regulating processions and assemblies in public places or places of public resort, and preserving order in public orders and places of public resort.

6. **Every duty** carries with it **the power to perform that duty**. Section 39(1) of the Interpretation and General Clauses Ordinance (Cap. 1) provides that where any Ordinance confers any power or imposes any duty, then the power may be exercised and the duty shall be performed from time to time as occasion requires. (see *R v To Kwan Hang* [1994] HKC 293) Therefore, the Police are conferred with the powers to carry out the duties under section 10 of the Police Force Ordinance (Cap. 232). However the courts have also held that the exercise of powers must be reasonably necessary and proportionate.
7. Every police officer enjoys the power and is subject to a duty to seek to prevent, by arrest or other action, **any breach of the peace** occurring in his presence. The power and duty extend to any breach of the peace which (having occurred) is likely to be renewed, or any breach of the peace which is about to occur. (*Chan Hau Man Christina v CP* [2009] 6 HKC 44)
8. In *Rice v Connolly* [1966] 2 QB 414, Lord Parker CJ said that it is clear “that it is part of the obligations and duties of a police constable to take all steps which appear to him to be necessary for keep the peace, for preventing crime or for protecting property ... There is no exhaustive definition of the powers and obligations of the police...”.
9. The Police are often in the frontline having to assess the situation and the risks involved, and to make timely judgment and take prompt actions. This is not always an easy task. It has been held that when freedom was involved, the courts must scrutinize the conduct of the police with care. On the other hand, the courts should not carry the scrutiny to the length of second-guessing the Police on operational matters. (see *R v To Kwan Hang* [1994] 2 HKC 293, at 304B per Bokhary JA (as he then was))
10. According to the House of Lord judgment in *R (Laporte) v Chief Constable of Gloucestershire* [2007] 2AC 105 and the judgment in *Chan Hau Man Christina v Commissioner of Police supra*, at 55, “[t]he court must guard against the danger of hindsight, and the judgment of the officer on the spot, in the exigency of the moment, deserves respect.”
11. “The law also calls upon demonstrators to accommodate other people’s rights .... For that purpose demonstrators have to tolerate

some interference with their own freedom to demonstrate. Such tolerance is expected of demonstrators however strongly they may feel about their cause.” (see *Yeung May Wan & ors v. HKSAR* (2005) 8 HKCFAR 137, at 185, per Bokhary PJ)

12. “A right of peaceful assembly is not infringed by the police doing their duty to preserve the public peace and to prevent injury to life and property. On the contrary, the right would be put in peril if the police were to refrain from doing that duty.” (see *R v To Kwan Hang supra*, at 303F per Bokhary JA (as he then was).
13. In exercising the above powers, police officers may need to cordon off and stop people from entering an area (see *R v To Kwan Hang supra*, *Chan Hau Man Christina supra* and *HKSAR v Au Kwok Kuen* [2010] 3 HKLRD 371). In the context of public assembly and demonstration for example, the court has sanctioned the setting up of “clear zones” by the Police to maintain order or where necessary.

#### The legal basis for the “core security zone”

14. The expression “core security zone” is not a legal term or an area to be declared or designated pursuant to any statutory provisions. It is an operational term used by the Police. The Police when protecting political dignitaries would draw up “security zones”, the zoning of which is built on the principle of graduated defence layering with intensifying security measures towards the core, introduced to ensure the safety and security of the protected person. “Core security zone” refers to a place in which the protected person stays, visits or through which he travels, and in which he is thereby exposed to substantial physical danger. It is an area of **enhanced security** that is deemed necessary for the protection of important visitors subject to security risk.
15. The demarcation of security zone and core security zone is one of the internationally recognized best practices, commonly adopted by protective agencies of developed countries in security operations involving important personnel or risky undertakings.
16. Factors relevant to the establishment of a core security zone and its size include: (1) the threat assessment which may include prevailing intelligence; (2) the timing and locations of the programme; (3) local geographical features; (4) the persons who

will be participating in the individual events; and (5) possible modes of attacks (e.g. different types and ranges of firearms or explosives, etc.).

17. General members of the public are not absolutely excluded from the core security zone but may be subjected to restricted access (depending on the movements of the protected person at any particular time) and security screening, to ensure that they do not carry any weapons or dangerous items.
18. The deployment of the security zoning and the designation of “core security zone” are but means adopted by the Police in the proper discharge of their duty and in the proper exercise of their power. Similar security arrangements involving the establishment of core security zones were made before when other important visitors with high security risks visited Hong Kong.
19. Because (1) the core security zone is not static but subject to the movement of the protected person, (2) the duration of the designation of the core security zone is short and temporary, (3) the public is not absolutely barred from entering the zone, and (4) the need to keep confidential as appropriate the precise whereabouts and itinerary of the protected person and to continue to make adjustments in light of actual circumstances, there are real difficulties in giving prior notice to the public of the precise details of the core security zone. To require that any such security zones must be gazetted or designated in advance is clearly unrealistic and impracticable.

**Vice-Premier Li Keqiang's Attendance of the  
Centenary Ceremony of the University of Hong Kong  
Summary of Meetings between the  
Hong Kong Police Force and the University of Hong Kong**

It was the responsibility of the Police to ensure the safety of Vice-Premier Li Keqiang during his attendance of the Centenary Ceremony of the University of Hong Kong (HKU). As such, HKU, the Western Police District and the VIP Protection Unit of the Hong Kong Police Force held three working meetings at HKU to prepare for the Vice-Premier's visit to HKU. The arrangements within HKU campus were worked out following communication and discussion by HKU and the Police. No formal minutes of meetings were taken on the three meetings. The following is a summary of the information available to the Police when participating in the meetings.

**Working Meeting on 4 August 2011**

2. Based upon the communication between both parties and site visits prior to the meeting, HKU briefed the Police on the arrangements in relation to the visit of the Vice-Premier (see map at Annex I), followed by a further site visit. The map under discussion indicated the initial area of the restricted zone, the traffic arrangements for accessing the campus and the restricted zone, the pick-up and drop-off points of the guests and the arrangements for entering the entrance/exit of the Main Building, etc. The University also briefed the Police on the proposal to set up a public activity area at the podium of Kadoorie Biological Sciences Building, as well as various arrangements such as prohibition of using loudspeakers in the campus without prior permission of the University.

3. The University explained to the Police in detail about the traffic arrangements within the campus, including the control measures to be implemented at the one-way road at Green Zone, the two-way road at Blue Zone and the accesses at the West Gate and the East Gate. The University also raised concern to the Police of the possible traffic blockage that might occur outside the West Gate and requested the Police to assist managing the traffic there.

4. During the meeting, the Police and the University discussed the measures for ensuring the personal safety of the Vice-Premier, which included setting up an access control point outside the Main Building by the University with a view to ensuring that no unauthorised persons would stay at the pick-up and drop-off point of the Vice-Premier (i.e. at the entrance of the Main Building and opposite to Hung Hing Ying



Building). In case any unauthorised persons were found at the Red Zone, the security staff of the University would direct them to leave the zone immediately, and if such persons intended to hold any public activities, the security staff would ask them to proceed to the public activity area set up by the University.

5. Given the HKU campus is a private area, both sides agreed that the University should deploy security staff to take initial actions at the scene to handle the public activity that might possibly occur. The Police would take appropriate actions or provide assistance only when there was a breach of the peace or when there was a request from the University.

### **Working Meeting on 8 August 2011**

6. The University further explained the arrangements within the campus to the Police. After discussions, both sides agreed that control measures should be implemented at the Red Zone approximately one hour before the Vice-Premier arrived to ensure a clear passage for vehicular traffic. No one would be allowed to stay without any reasonable cause.

7. The University stated that additional security staff had been arranged but that might not be able to meet the security requirements necessary for the protection of political dignitaries and to deal with the public activities that might possibly occur. The Police agreed that they would take appropriate action to assist the University under prevailing circumstances at the time.

8. The Police suggested the University to consider implementing control measures at a road section between the West Gate Entrance and the staircase at Kadoorie Biological Sciences Building, so as to ensure a smooth flow of traffic.

9. Following the meeting, the University provided the Police with the revised map (Annex II) on 11 August 2011.

### **Working Meeting on 17 August 2011**

10. It was learnt from the Internet that, in the morning of the Centenary Ceremony, students and some other people would stage a demonstration on the Swire Bridge. Both sides agreed to hold a meeting to discuss the issue.

11. Following a discussion, both sides considered that accidents, or even person(s) falling from height, might easily occur if demonstration was to be held at the Swire Bridge which was a viaduct. To ensure the safety of both the demonstrators and the security staff, it was agreed by the Police and the University that the Swire Bridge was not suitable for demonstration activities. The Police, having conducted a risk assessment, suggested the University to expand the restricted area of the Red Zone. Following discussions, both sides agreed to designate the Swire Bridge, the original Orange Zone, Green Zone and the vehicular access outside LG2 of K K Leung Building as restricted zone. (After the meeting, the Police prepared the map based on the revised arrangements (Annex III) for internal reference).

12. To facilitate the holding of public activity at the vicinity of the Swire Bridge, both sides discussed and subsequently agreed to set up another public activity area at the open space outside the Swire Building.

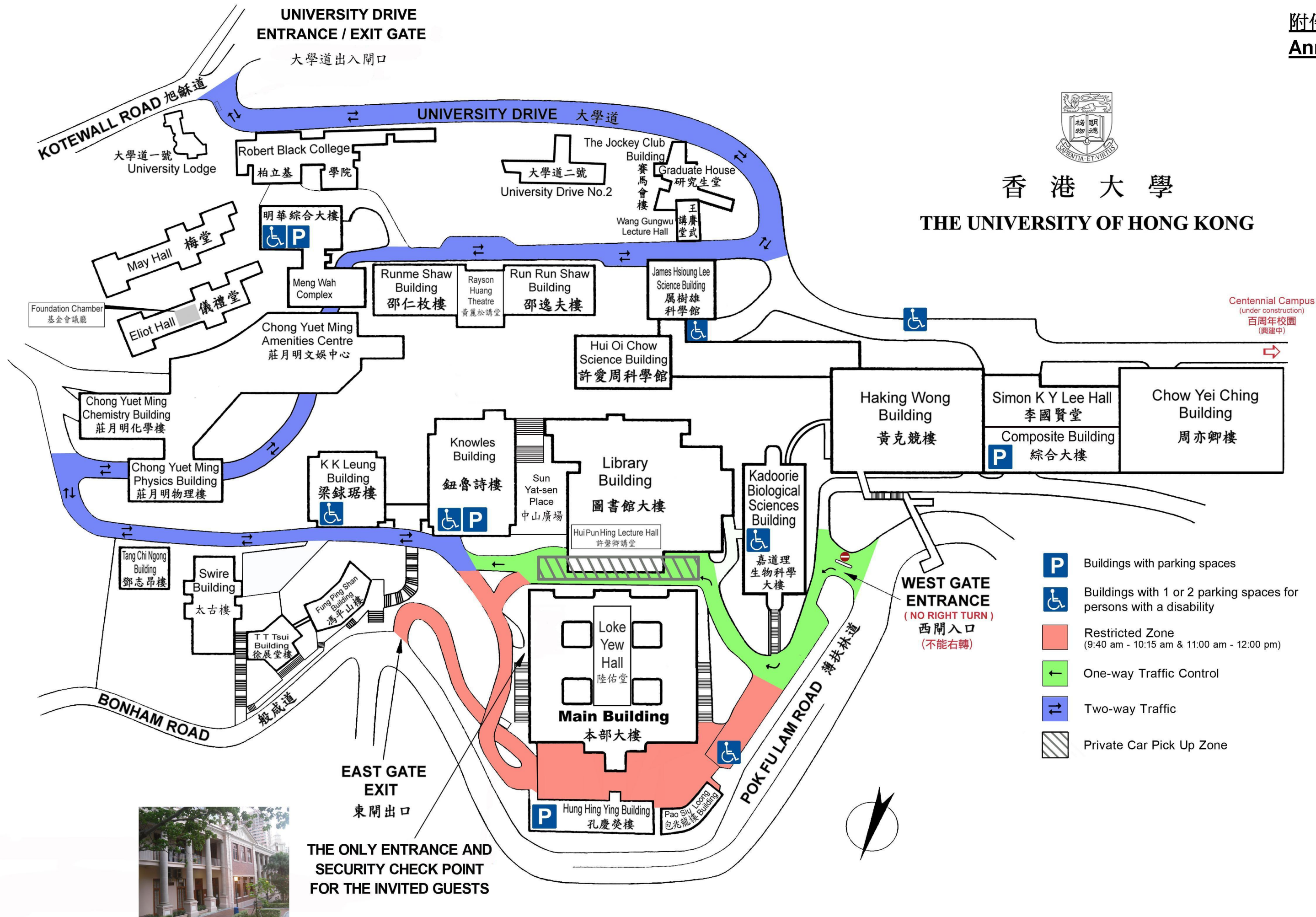
13. The Police recommended the University to deploy additional security staff to maintain order. The University stated that they did not have adequate security staff and the Police agreed that they would take appropriate action to assist the University under prevailing circumstances at the time.

14. The Police and the University further discussed the arrangements in relation to the pedestrian and vehicular access to the Red Zone. It was agreed that the restriction would start from 7 am on the day of the Ceremony until the departure of the Vice-Premier's convoy; only authorised persons and vehicles would be allowed to access the Red Zone; security staff of the University would be deployed at various major access points to confirm the identities of the visitors and the Police would render assistance as and when required. Both sides also conducted a site visit to the vicinity of the Swire Bridge after the meeting.

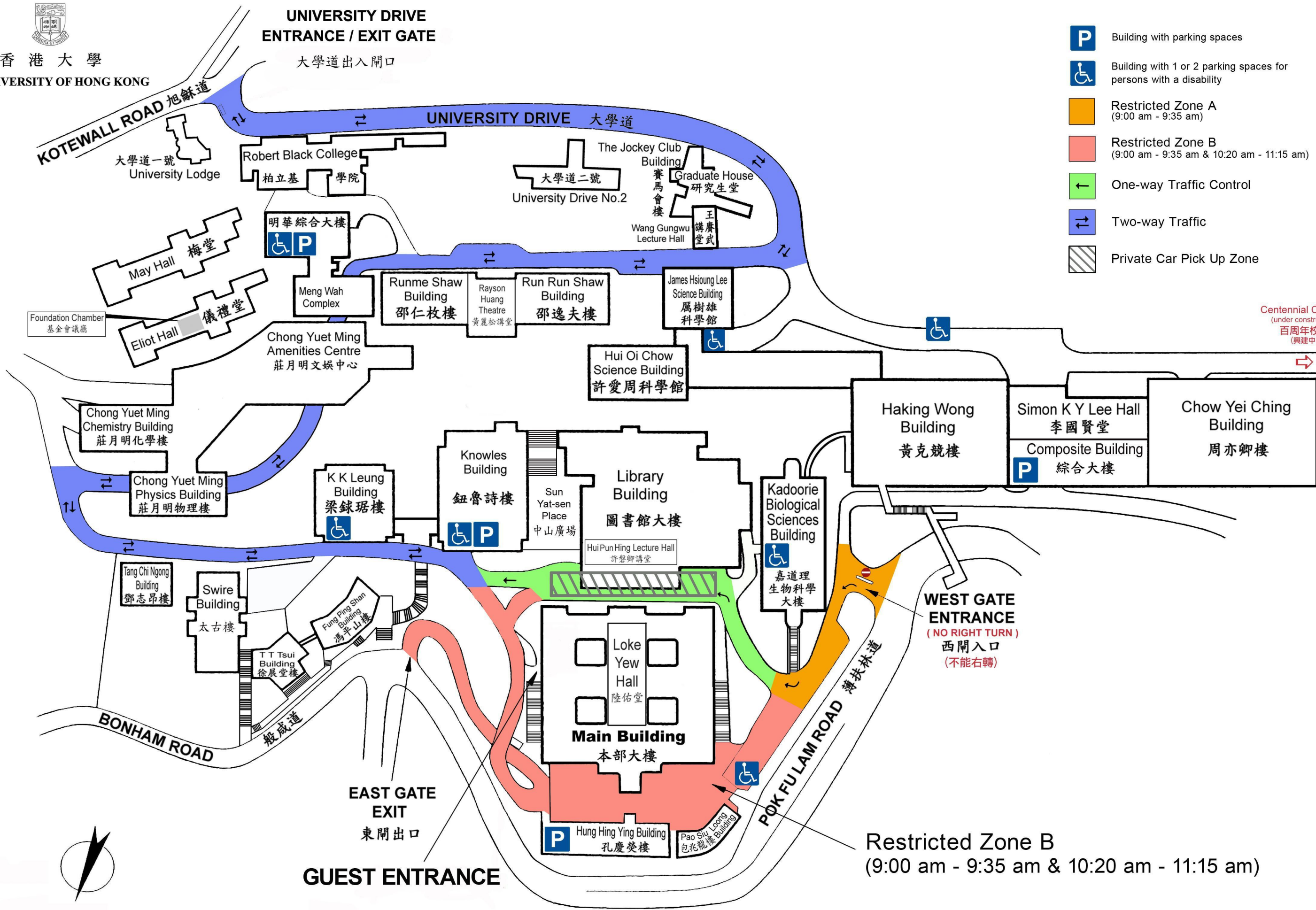


香港大學

THE UNIVERSITY OF HONG KONG







- Building with parking spaces
- Building with 1 or 2 parking spaces for persons with a disability
- Restricted Zone A (9:00 am - 9:35 am)
- Restricted Zone B (9:00 am - 9:35 am & 10:20 am - 11:15 am)
- One-way Traffic Control
- Two-way Traffic
- Private Car Pick Up Zone

Centennial Campus  
(under construction)  
百周年校園  
(興建中)

**WEST GATE ENTRANCE**  
(NO RIGHT TURN)  
西閘入口  
(不能右轉)

**EAST GATE EXIT**  
東閘出口

**GUEST ENTRANCE**

**Restricted Zone B**  
(9:00 am - 9:35 am & 10:20 am - 11:15 am)





Restricted Zone

