

For information
on 8 May 2012

**Legislative Council Panel on Security
Police's handling of public meetings and public processions**

Purpose

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

Handling of Public Meetings and Public Processions

2. The freedom and right of procession and peaceful assembly are enshrined in Article 27 of the Basic Law and Section 8 of the Hong Kong Bill of Rights Ordinance (Cap. 383). It is the Police's operational policy to strike a balance by facilitating all lawful and peaceful public meetings and processions on the one hand and on the other hand reducing the impact of public meetings and processions on other people or road users to ensure public safety and public order. In expressing their views, participants of public meetings or processions should, under the premise of observing the Hong Kong law and without affecting public order, proceed in a peaceful and orderly manner.

3. Under the Public Order Ordinance (Cap. 245), any public meeting or procession the attendance of which exceeds the limit prescribed in the Ordinance, i.e. public meetings of more than 50 persons and public processions of more than 30 persons, should give notice to the Commissioner of Police (CP) not less than seven days prior to the intended event, and it can only be conducted if CP has not prohibited or objected to it. The notification should provide basic information including the date of public meeting or procession, time of commencement and duration, location or route, purpose and estimated number of participants, etc. CP may impose condition(s) on a notified public meeting or procession as reasonably necessary to ensure order of the event and public safety, and the corresponding condition(s) imposed will be stated explicitly beforehand in the "letter of no objection" issued to the organiser. Organisers may appeal to the statutory Appeal Board on Public Meetings and Processions if they consider CP's decision unreasonable.

4. Generally speaking, upon receipt of a notification of a public meeting or procession, the Police will maintain an active and close communication with the organiser to offer advice and assistance. Police Community Relations Officers may also be present during an event as appropriate to act as a bridge of communication between the organiser and the Field Commander. The Police have a duty to take lawful measures to regulate public meetings and processions as appropriate to ensure public order and public safety.

Principles governing the use of force by the Police

5. As regards the use of force, the Police have clear guidelines and training for officers which provide that only the minimum force necessary to achieve the purpose may be used and the force used must be reasonable in the circumstances. The principles governing the use of force by the Police are:

- only the minimum force reasonably necessary to achieve a lawful purpose may be used and once that purpose has been achieved, the use of force shall cease;
- when circumstances permit, police officers shall give warning of the intention to use force and of the nature and degree of force that they intend to use; and
- persons shall be given every opportunity, whenever practicable, to obey police orders before force is used.

6. 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 lead to a breach of the public order, the Police will make professional judgement based on the assessment at scene, and if intervention is required, issue warnings to the person concerned when circumstances permit. Depending on whether the person involved has ceased the illegal or possibly illegal acts, and whether his acts lead to a breach of public order, or even public safety, the Police will take appropriate actions according to the circumstances, including the use of minimum level of force required, in a professional and resolute manner in order to ensure public safety and public order.

Use of Oleoresin Capsicum (OC) Foam

7. Regarding the use of OC foam, the Police have stipulated safety regulations and guidelines. All frontline officers equipped with OC foam

are required to undergo suitable training. When participants of public meetings or processions start charging the police defence line by using force, and police officers are unable to control the protestors' aggression after exhausting practicable options, the police may resort to the use of OC foam to defend attack from protestors, or to prevent protestors from charging the police cordon line. When police officers use OC foam, they have to ensure that OC foam is used in compliance with the principle of using minimum force.

Facilitating the work of the media

8. The Police always respect press freedom and media's freedom of reporting, and will take measures to facilitate the work of the media as much as practicable. As regards facilitating the work of the media, the Police have stipulated clear principles and guidelines. The responsibilities of the Police in facilitating the work of the media are clearly defined in the Force Procedures Manual which stipulates that the Police should facilitate the media to film, record or take photographs and opportunities should be provided to the media to get to vantage points to do so. The Police Headquarters has informed all operations formations that the guidelines on facilitation of the work of the media should be incorporated in the Operational Order when planning each operation, so as to remind frontline police officers to facilitate the work of the media as much as possible and accord media representatives consideration and courtesy when carrying out their duties.

9. In handling public order events, the Police also adopt the above policy to facilitate the work of the media. The Police will, having taken into account the specific situations and various factors concerned, such as the geographical constraints of the venue concerned, the nature and content of the event, the anticipated number of participants and the actual situation of the demonstration, as well as the impact on local residents, traffic conditions and road users, consider setting up designated public activity areas and designated press areas, with a view to facilitating the conduct of public meetings and media coverage and to ensuring public safety and public order.

10. Furthermore, the Police will implement various measures and allocate resources, such as providing training on media relations and media facilitation to officers from the rank of recruit Constable to Chief Superintendent, to enhance officers' understanding on how to build a constructive working relationship with the media and their roles and

responsibilities in relation to cooperation with the media, as well as the application of what they have learnt to their work.

11. The Police will continue to establish good working relationship and maintain communication with the media and on the basis of mutual respect and understanding maintain good relationship with and facilitate the work of the media.

**Security Bureau
Hong Kong Police Force**

May 2012