

香港特別行政區政府  
保安局



The Government of the  
Hong Kong Special Administrative Region  
Security Bureau

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*(Total : 8 pages)*

12 January 2012

Mrs Sharon Tong  
Clerk to the Panel on Security  
Legislative Council  
Legislative Council Complex  
1 Legislative Council Road  
Central  
Hong Kong

Dear Mrs Tong,

**Legislative Council Panel on Security  
Follow-up Issues to the Meeting on 12 November 2011**

Thank you for the Secretariat's letter dated 30 November 2011. As regards the supplementary information requested by the Panel, the replies of the Police and the Administration Wing are as follows:

**Supplementary information requested in the letter dated 30 November 2011**

**Appeal Board on Public Meetings and Processions**

There is an independent appeal mechanism for the arrangements of public meetings and processions. If the Commissioner of Police (CP) prohibits or objects to or imposes conditions on a notified public meeting or procession, the organiser may lodge an appeal to the statutory Appeal Board on Public Meetings and Processions (the Appeal Board) if he/she

considers CP's decision unreasonable. 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. A chairman or a deputy chairman shall preside at the hearing in the Appeal Board. In the past five years, the Appeal Board considered a total of five appeal cases. In two of the cases, the Appeal Board upheld the Police's decision to object to the relevant public meetings or processions. In the remaining three cases, the Appeal Board reversed and/or varied the conditions imposed by the Police and/or imposed new conditions. Please see **Annex** for the verdict.

#### Procession held on 24 September 2011

According to the record of the Police, when handling the procession from East Point Road, Causeway Bay to the new Central Government Offices on 24 September 2011, the Police had not issued any warning or displayed any warning banner or warning notice.

#### Number of Visitors to the New Central Government Offices on Saturdays

According to the information provided by the Administration Wing, as the relocation of the Government Headquarters was only completed in end 2011, collecting statistics on visitors to the new Central Government Offices (CGO) on Saturdays in the past few months at this time may not wholly reflect the actual situation when the CGO is in full operation. Hence, the Administration Wing will collect relevant statistics of 2012 for reviewing the current arrangement for opening the East Wing forecourt for conducting public activities and will report the review findings to Members in due course. Currently, visitors may enter into the CGO through the entrance located on the Ground Floor of East Wing. The purpose of designating a visitor/public entrance is to facilitate effective management of pedestrian flow.

#### Supplementary information requested during the meeting on 12 November 2011

#### Principles of the Police in handling public meetings and public processions

The freedom and right to peaceful assembly and procession is guaranteed in Article 27 of the Basic Law and Article 17 of the Hong Kong Bill of Rights Ordinance (Cap. 383). It is the Hong Kong Police Force's policy to facilitate all lawful and peaceful public meetings and processions. And in so doing, the Police have to strike a balance in ensuring public

safety and public order and taking into account the impact of large-scale public meetings and processions on other people or road users.

Under the Public Order Ordinance (Cap. 245), CP may prohibit/object or impose conditions on a notified public meeting or procession when he reasonably considers such prohibition/objection to be necessary to ensure public safety or public order. The purpose of imposing conditions on a public meeting or procession by the CP is to fulfill the positive duty of the Government, i.e., to take reasonable and appropriate measures to enable lawful meetings to take place peacefully, and at the same time, to ensure public safety, maintain public order and protect the rights and freedoms of others, including the protection of the rights of personal safety and physical integrity of the passers-by as well as those of the participants, and the protection of private property of others. The procession should not result in unreasonable disruption of normal operations and business along, or in the vicinity of, the proposed procession route, and the concentration of persons, vehicles or things at the formation and dismissal areas, along the procession route and in nearby areas should not prevent necessary fire and police protection or other emergency services. In considering whether to object to or impose conditions on a public meeting or procession, the CP will apply the proportionality test to ensure that the conditions imposed are rationally connected with the purposes of ensuing public order, public safety and protecting the rights and freedoms of others and no more than is necessary to accomplish those purposes. The Police have issued relevant guidelines to frontline police officers to help them handle public meetings and processions.

Yours sincerely,

( Mrs Millie Ng)  
for Secretary for Security

c.c.

Commissioner of Police  
(Attn : Ms Winnie Chiu)

Fax no. : 2200 4328

Director of Administration  
(Attn : Miss Helen Tang)

Fax no. : 2877 0802

Appeal concerning public procession dismissed

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The following is issued on behalf of the Appeal Board on Public Meetings and Processions :

The Appeal Board on Public Meetings and Processions (the Appeal Board) announced that an appeal lodged by [REDACTED] against the decision of the Commissioner of Police to object to a public procession had been dismissed by the Appeal Board.

The Appeal Board, chaired by Mr Raymond Sears and comprised three other members, met on March 7 to hear the appeal. Having considered the justifications provided by the appellant as well as the submissions and explanations by the government representatives, the Appeal Board decided to uphold the Police's original decision and dismissed the appeal.

“The Appeal Board considered that holding a procession on the route proposed at 7.30 pm was not in the public interest. It was however made clear to the appellant that a procession starting at 4 pm or 4.30 pm would be without objection,” said a spokesman for the Appeal Board.

“The Appeal Board has made clear that there is no objection in principle to such a procession and that it is the citizen’s right to hold one. It is the proposed starting time of procession, which is a night time, which opens to substantial objection,” the spokesman added.

Constituted under section 44 of the Public Order Ordinance (Cap. 245), the Appeal Board is tasked to consider appeals against a prohibition against public meeting under section 9, an objection to public procession under section 14, or the condition imposed or amended by the Commissioner of Police under section 11 or section 15 of the Ordinance. The Appeal Board may confirm, reverse or vary the decision being appealed against.

Ends/Friday, March 9, 2007

Issued at HKT 21:08

Appeal concerning public procession allowed

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The following is issued on behalf of the Appeal Board on Public Meetings and Processions :

The Appeal Board on Public Meetings and Processions (the Appeal Board) on June 26 heard an appeal lodged by [REDACTED] against three of the conditions imposed by the Police on a public procession planned for July 1, 2007.

The Appeal Board, chaired by Mr Raymond Sears and comprising three other members, made the following decisions :

1. [REDACTED] should have the right to use all three westbound lanes in the procession route.
2. The hours of procession should be between 2:30 pm to 6:30 pm.
3. There should be no restriction by the Police on the right to enter the Central Government Offices compound. Any such use was within the jurisdiction of the Director of Administration.

Ends/Wednesday, June 27, 2007  
Issued at HKT 19:57

The Appeal Board on Public Meetings and Processions met on 17 August 2007 for an appeal and the decision of the Board announced at the hearing was as follows :

- the Board was of the view that people had the right to have meetings and processions in Hong Kong unless there were cogent reasons for preventing them from doing so. Nevertheless, it was agreeable to the Police's objection to the proposed public procession on a Saturday in the Central District in view of the disruption that might cause to the general public and the traffic. The Board was also concerned about the disorderly behaviour of the protesters during their public procession on 11 August earlier, and was pleased to note that the proposal had subsequently been amended after discussion between the appellant and the Police. As the public meeting and public procession was being organized by the appellant, the Board trusted that the procession would be conducted in an orderly manner; and
- despite the potential risk to public order and public safety, as assessed by the Police, the Board considered that there should be no limit on the number of participants and that the procession and meeting should take place between 11:00 am and 1:00 pm on 19 August (Sunday) at the route which had been demonstrated to the Board. The only condition the Board imposed, however, was that the organizers had to provide at least 50 marshals who should clearly identify themselves from other protesters. The appellant had also been advised to impress upon the protesters that they had to abide by the law to ensure that the procession should take place in a peaceful manner.

The Appeal Board on Public Meetings and Processions met on 28 June 2011 for an appeal and the decision of the Board announced at the hearing was as follows :

- to vary two conditions imposed by the Police, as stated on the 'letter of no objection', as follows :
  - the organizer shall adopt the most suitable measures to assist the Police to control the crowd in a tidal manner to ensure that the participants can leave from the designated area of Central Government Offices as soon as possible to make room for the other participants who are queuing into it, including, if necessary, to assist the Police to ensure that participants shall disperse; and
  - the organizer shall use his best endeavours to assist the Police to ensure that no participants are engaged in any activities of fund-raising, flag-selling, exchanging of badges or souvenirs or similar articles for obtaining money without any permit.

The Appeal Board on Public Meetings and Processions met on 30 June 2011 for an appeal and the decision of the Board announced at the hearing was as follows :

- the Board upheld the decision of the Police to object the appellant's application for holding a public meeting on 1 July 2011 from 2:00 pm to 8:00 pm outside the main entrance of Cheung Kong Centre, having regard to the Police's duty to maintain public safety and public order, including the safety of the appellant and protestors, and the following reasons:
  - the date, time and location of the proposed public meeting (on 1 July 2011 from 2:00pm to 8:00pm outside the main entrance of Cheung Kong Centre) were very close to another large scale public procession to be held on the same day and at the same time (from Victoria Park to Central Government Offices via Queen's Road Central). Also, the venue of the proposed public meeting lies on the route of the large scale public procession; and
  - the location of the proposed public meeting also lies on the major dispersal route of other large scale public events, including the abovementioned procession, to be staged on the same day in the vicinity.