

香港特別行政區政府
政務司司長辦公室轄下行政署



The Government of
The Hong Kong Special Administrative Region
Administration Wing,
Chief Secretary for Administration's Office

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By Email

13 December 2018

Clerk to the Panel on Security of the Legislative Council
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong
(Attn.: Miss Betty MA)

Dear Miss MA,

Panel on Security
Joint Letter from Hon Claudia MO, Hon CHAN Chi-chuen,
Hon CHU Hoi-dick and Hon AU Nok-hin

Thank you for your letter dated 22 November 2018.

We respect the judgment handed down by the Court of First Instance of the High Court on 19 November 2018 (the Judgment) on the judicial review case concerning the East Wing Forecourt (the Forecourt) of the Central Government Offices (CGO), and also respect public's freedoms of speech and assembly. The Forecourt mainly serves as a vehicular access and a passenger pick-up/drop-off point at the CGO, as well as a passageway for visitors and staff of the CGO and Legislative Council Complex. Hence, there is a genuine need to ensure the accessibility of these routes during weekdays. Since the reopening of the Forecourt on 28 December 2017, 30 public meetings have been approved to be held in the Forecourt so far and the overall arrangements were smooth. For individuals/groups who entered the Forecourt to express their opinions and submit their petition letters during weekdays, we handled them flexibly as far as possible, so that these activities (a total of 18 have been held so far since 28 December 2017) were conducted without obstructing the daily operation of the Forecourt.

The Judgment involved some important legal principles which have far reaching impact on the property management work in Government premises. Having studied the Judgment in detail and having carefully considered the legal advice of the Department of Justice, the Administration Wing has lodged an appeal against the Judgment with a view to clarifying the relevant legal points, including the standard that the Court should adopt when examining the proportionality and constitutionality of the restrictions on the rights to freedom of speech and assembly for the purpose of property management measures in Government premises (for example whether to adopt the “no more than necessary” standard or “manifestly without reasonable foundation” standard when considering the restrictions imposed), and the weight that should be given to the Government’s property and management rights in the proportionality analysis. We consider that clarification of the relevant legal points can help refine the property management measures in Government premises.

Our responses to the issues raised by the four Legislative Council Members in their joint letter are as follows:

- (1) We are now reviewing the existing mechanism and guidelines on using the Forecourt for public meetings/processions to see if there is room for improvement, and will announce the outcome as soon as possible upon completion. As stated in our earlier press release, pending the completion of the review, the Administration Wing will process the applications for using the Forecourt for public meetings/processions on a case by case basis. For enquiry on the use of the Forecourt for holding public meetings/processions, members of the public may contact the staff of the Administration Wing at 2810 2827.
- (2) In reviewing the mechanism and guidelines on using the Forecourt for public meetings/processions and when processing relevant applications, we will take into consideration all relevant factors, including the manner, form and impact of the public meetings/processions on the Government’s operation and the primary use of the Forecourt, etc., with a view to striking a balance in our decisions.
- (3) As for the perimeter fence of the Forecourt, the CGO and Chief Executive’s Office at Tamar are critical Government facilities where a majority of policy-making authorities and relevant officials of the HKSAR Government conduct their business. It is the Government’s responsibility to maintain appropriate security facilities for the office buildings and the immediate vicinity. After reviewing the security arrangements for the CGO in 2014, we decided to erect perimeter fence at the Forecourt with the purpose of enhancing the overall security standard of the CGO and bringing the security infrastructure at the East Wing on par with that of the West Wing. Thus, the perimeter fence has to be retained.

- (4) For improving the overall environment of the Forecourt and optimising the space for greening, we implemented a greening programme at the Forecourt earlier on. The works that are now in progress include replacing planter pots with fixed planter boxes, adding soil and drainage pipes in order to improve the planting environment and achieve better greening effect. The flagstaff platform has never been used for public meetings/processions and, therefore, the works currently carrying out at the Forecourt will not reduce the areas for public meetings/processions.

For enquiries, please contact Mr YUNG Ying-fai, Principal Executive Officer (Administration) at 2810 3228.

Yours sincerely,



(Ms Kitty Choi)
Director of Administration

c.c.: Chief Secretary for Administration
Secretary for Justice
Secretary for Security