

**A Note on provisions relating to the
regulation of public meetings and public processions in the
Public Order Ordinance (Cap. 245)**

Background information on the Public Order Ordinance

A. Public Order Ordinance 1967

The Public Order Bill 1967 was published on 6 October 1967 and was passed into law on 15 November 1967 by the Legislative Council. Before the enactment of the Public Order Ordinance 1967, the law dealing with public order was to be found in the Public Order Ordinance, the Peace Preservation Ordinance, the Summary Offences Ordinance and in the common law. The 1967 Ordinance was to consolidate into one Ordinance the various provisions dealing with public order.

2. The Attorney General's speech in moving the First Reading of the Bill is enclosed for members' easy reference (an extract from Hansard at **Annex A**). Part III (sections 6 - 17) of the Public Order Ordinance (POO) dealt with the control of meetings, processions and gatherings. It had not been amended until recent years.

3. In 1991, the Hong Kong Bill of Rights Ordinance (Cap. 383) was enacted. In the light of the enactment of this Ordinance, a number of Ordinances, including the POO, had to be reviewed.

B. Public Order (Amendment) Ordinance 1995

4. The Public Order (Amendment) Bill 1994 was gazetted on 15 April 1994. A LegCo Brief was issued by Security Branch in April 1994 (see **Annex B**).

5. The principal effect of the Bill was to amend the POO in order to provide a notification procedure for public processions in place of the licensing procedure. An organiser of a public procession was required to notify the Commissioner of Police (CP) within stipulated time instead of making an application to CP for a licence. CP might prohibit the holding of a public procession if he reasonably considered such prohibition to be necessary in the interests of public safety or public order. CP might impose conditions instead of prohibiting a public procession.

6. A Bills Committee was set up and nine meetings were held. The Bills Committee submitted its Report to the House Committee in July 1995 (See Paper No. HB1118/94-95 at **Annex C**). Some amendments were made, in particular, to the proposed appeal provision. After amendment, a person aggrieved by a decision of the CP could appeal to an Appeal Board instead of to the Governor.

7. The Bill was given assent on 27 July 1995 and came into operation on 22 December 1995 by virtue of L.N. 597 of 1995.

C. Public Order (Amendment) Ordinance 1996

8. A Private Member's Bill sponsored by Hon James TO was introduced into the Legislative Council in October 1996, amending section 6 of POO to remove the power of the CP to control the extent to which music or speech might be amplified. The Secretary for Security moved an amendment to make it more explicit that the CP would exercise such power only if "he reasonably considers it to be necessary to prevent an imminent threat to public safety or public order". The Secretary for Security's amendment was carried and the 1996 Amendment Ordinance came into effect on 20 December 1996.

D. Public Order (Amendment) Ordinance 1997

9. On 23 February 1997, the Standing Committee of the National People's Congress of the People's Republic of China resolved, under Article 160 of the Basic Law, that among other things, "major amendments" introduced to the POO since 27 July 1995 should not be adopted as the laws of Hong Kong Special Administrative Region (HKSAR).

10. A consultation document "Civil Liberties and Social Order" was issued by the Chief Executive's Office (CE's Office) in April 1997 to seek public views on proposals to amend the POO. Following the consultation, for which public submissions were received, the Public Order (Amendment) Bill 1997 was introduced to the Provisional Legislative Council on 17 May 1997. A Brief dated 15 May 1997 was issued by the CE's Office and relevant extracts are at **Annex D**.

11. The Bill sought to modify the notification procedure in that after CP had received a notice of an intended public procession, he had to issue a written "notice of no objection" within stipulated time. If he didn't issue such notice, he would be deemed to have issued a notice of no objection. The Bill also added another two grounds for CP to object to the holding of a public procession, i.e. "if he reasonably considers it necessary in the interests of national security or on the protection of the rights and freedoms of others".

12. A Bills Committee was set up and a Report was submitted to the House Committee on 7 June 1997 (see PLC Paper No. 375/96-97 at **Annex E**).

13. The Bill was passed on 14 June 1997 with minor technical amendments and came into force on 1 July 1997.

The Relevant Provisions

14. A table setting out the provisions in force (sections 6 - 17A) during the three relevant periods, i.e. before 22 December 1995, as from 22 December 1995 - 30 June 1997 and after 1 July 1997 is attached (see **Annex F**).

15. A summary of the relevant provisions is at **Annex G**.

Encl.

Prepared by
Legal Service Division
Legislative Council Secretariat
16 November 2000

LEGISLATIVE COUNCIL BRIEF

**Public Order Ordinance
(Chapter 245)**

PUBLIC ORDER (AMENDMENT) BILL 1994

INTRODUCTION

1. At the meeting of the Executive Council on 29 March 1994, the Council ADVISED and the Governor ORDERED that the annexed Public Order (Amendment) Bill 1994 should be introduced into the Legislative Council.

BACKGROUND AND ARGUMENT

2. There has long been public criticism of Part III of the Ordinance, dealing with public meetings and processions. The criticisms centre on -

- (a) the need to apply for licences for holding public processions, which restricts the right of peaceful assembly. The licensing system is cumbersome and bureaucratic and no longer meets the needs of the community; and
- (b) the need for clearer grounds on which the Police can exercise their powers to prohibit notified public meetings; cancel or amend licences for public processions; and prevent or stop the holding of public gatherings.

3. Despite these criticisms, there is a general consensus that, given Hong Kong's crowded environment, the Police need to have effective powers to direct and channel public meetings and processions to prevent disruption to daily life and to safeguard participants, and the public, from danger.

POLICE DIFFICULTIES IN ENFORCEMENT

4. The number of public meetings and processions held has increased substantially in recent years. There has been mounting criticism in the community in recent years that the procedures as set out in the Ordinance are inflexible, cumbersome and bureaucratic; and outdated, having been drawn up in the very different circumstances of the 1960s. The Police are themselves finding it increasingly difficult to enforce the Ordinance in a satisfactory manner.

ASSESSMENT

5. It is evident from the foregoing that amendments are necessary to deal with Police difficulties in enforcement, to update the Ordinance to meet present day needs, and to address public criticism. These amendments should -

- (a) remove the requirement for licensing of public processions;
- (b) specify clear and valid grounds for prohibiting public meetings and processions; and
- (c) simplify and rationalise procedures for the public to follow in respect of such events.

6. The amendments should cater for the Police need to have advance notification of large scale public assemblies, to enable them to plan deployment to safeguard public order and safety. Under section 17(1) of the Ordinance, the Police will have the power to prevent the holding of, stop or disperse public meetings and processions which have not been notified to the Police in advance, or which take place in contravention of the conditions and requirements imposed. They will have similar powers in respect of public meetings and processions whether or not they have been notified where a senior officer reasonably believes that the meeting or procession is likely to cause or lead to a breach of the peace.

OTHER AMENDMENTS

7. We have also taken the opportunity to modify other provisions as set out in the following paragraphs:

Section 33(6)

8. Section 33(6) of the Ordinance provides that any officer may stop and search any person in a public place. The Police need this power to ascertain whether the person has, in his possession, any offensive weapon where they reasonably believe that the offence of riot or unlawful assembly has been, is being, or may be, committed and that offensive weapons have been or may be used in such offences. We propose to amend the section to set out clearly that this power of the Police would

only be exercisable in the vicinity of the site of the offence or apprehended offence.

Section 36

9. We propose to clarify the purpose of closed areas by amending section 36(1) to specify that the Governor may declare any area or place to be a closed area where he reasonably believes it is necessary for the protection of security, public order or public health. This ensures that everyone lawfully within Hong Kong shall have the right to liberty of movement therein, subject to any restrictions prescribed by law for specified purposes.

Sections 43, 44 and 47

10. Sections 43 and 44 enable a magistrate to require a person to execute a good behaviour bond on a number of grounds falling short of the commission of a criminal offence. Section 47 assumes that a person concerned in the management of a society is guilty of any offence committed by the society unless that person can prove certain matters. These provisions may be held to violate the presumption of innocence. We propose therefore that they should be repealed.

Section 49

11. Section 49 provides that a member of Her Majesty's forces acting in the course of his duty, or a police officer, may, for the purpose of preventing, detecting any offence, require a person to give his name and address and produce any paper by which he can be identified. We propose to set out, clearly, that the police officer can only exercise this power when he reasonably believes that it is necessary for the purpose of preventing, detecting or investigating any offence for which a person may be sentenced to imprisonment upon first conviction.

THE BILL

12. To overcome the aforesaid criticisms, the Bill at annex seeks to amend the Ordinance to:

- (a) repeal the requirement to apply for a licence from the Commissioner of Police for organising public processions, and introduce similar notification procedures for both public meetings and processions (new sections 8, 13 and 13A in Clause 7). With better communications and command systems, a notification system for public processions is considered sufficient to enable the Police to monitor and regulate such events;

- (b) raise the threshold for requiring the notification of public meetings in the open from 30 to 50 persons (Clause 6). With improved standards of Police mobility and communications, they can now cope with public meetings of up to 50 persons in the open without notification;
- (c) raise the threshold for requiring the notification of public meetings in private premises from 200 persons to 500 persons (Clause 6). The 200-person threshold was set in 1980 having regard to the then capacity of community centres and related facilities, and the likely number of attendees at community oriented meetings. The capacity of new community centres has been increased to around 500. As this number does not present the Police with any control difficulties, we recommend the 500-person threshold to apply across-the-board to regulate such meetings and omit reference to specified capacity of the premises, (which is more properly regulated as a matter of public safety through building and fire services requirements, and not by the Police as a matter of public order);
- (d) raise the threshold of regulation (requirement to notify) for public processions from 20 persons to 30 persons (new section 13 in Clause 7). This is also due to the increased standards of Police mobility and communications;
- (e) rationalise the period of notice to be given to the Commissioner of Police in respect of public meetings and processions and the information needed to be included in the notice; and require the Commissioner of Police to issue a written acknowledgment of receipt of such notice (new sections 8 and 13A in Clause 7).
- (f) Specify more clearly the grounds upon which the Commissioner of Police may prohibit, or impose conditions in respect of, the holding of a notified meeting or procession (new sections 9, 11(2), 14 and 15(2) in Clause 7).
- (g) revise the deadline for the Commissioner of Police to exercise his discretion to prohibit a duly notified public meeting or procession. At present, a public meeting cannot be prohibited after four days from its being duly notified, while there is no deadline governing the Commissioner of Police's discretion to prohibit public processions. We believe that there should be a uniform deadline for both public meetings and processions. New sections 9(3) and 14(3) in Clause 7 provide that the Commissioner of Police may

exercise his discretion to prohibit a duly notified meeting or procession not later than 48 hours before the event, and in the case of events notified 72 hours or more, not later than 24 hours before the event. This arrangement is necessary to allow Police sufficient time to consider whether prohibition is necessary and appropriate and to give organisers of a notified meeting or procession adequate notice of any prohibition;

- (h) provide that meetings or processions should only be prohibited if imposition of requirements and conditions under the proposed section 11 and 15 in Clause 7 would be insufficient to ensure public order and public safety (new section 9(4) and 14(4) in Clause 7). This would ensure that the CP would exercise his power to prohibit only as a last resort;
- (i) repeal section 11(1) of the Ordinance, which provides for the Governor-in-Council to prescribe by order general conditions applying to the holding of meetings, and the Public Order (Public Meetings) (General Conditions) Order; and incorporate the fundamental requirements and obligations, appropriately revised, in the principal Ordinance to give a better presentation of the legal requirements. In addition, CP will be empowered to impose conditions in the interests of public order and public safety (new section 11(2) in Clause 7). Similar provisions applying to public processions are provided in new section 15;
- (j) provide the Police with the power to require the surrender of the control of the amplification equipment if the noise generated would not be tolerated by a reasonable person (new section 11(1)(c) and 15(1)(c) in Clause 7);
- (k) provide a right of appeal against any condition imposed by the Commissioner of Police and restrict the general right of appeal to persons connected with the organization of the event (new section 16 in Clause 7).
- (l) repeal section 17D because the power in this provision duplicates that in section 17(1) and (2); and
- (m) introduce amendments to the Ordinance set out in paragraphs 8 to 12.

13. The Bill also seeks to repeal section 4(29) of the Summary Offences Ordinance (Chapter 228) on the use of loudhailers in public, which has been strongly criticized as

over-restrictive. We consider that section 5(1)(b) of the Noise Control Ordinance is adequate for the prevention of this nuisance while the provisions of the Public Order Ordinance cover sufficiently the grounds of public order. We conclude that this section is a duplication and is no longer necessary. We therefore propose that the conditions governing the use of loudhailers at public meetings and processions should, like other essential conditions and requirements, be incorporated into the Public Order Ordinance as an integral part of the main legislation. New sections 11(1)(c), and 15(1)(c) in Clause 7 are thus proposed.

FINANCIAL AND STAFFING IMPLICATIONS

14. The proposed legislative amendments have no staffing implications.

LEGISLATIVE TIMETABLE

15. The Legislative timetable is as follows:

Publication in the gazette	15 April 1994
First Reading and Commencement of Second Reading Debate	20 April 1994
Resumption of Second Reading Debate, Committee Stage and Third Reading	to be notified

PUBLICITY

16. A press release will be issued on gazettal of the Bill to inform the public of the aim of the review which is to ensure that the provisions of the Ordinance meets the present day requirements of the community.

Security Branch
April 1994

(*11/XC-E1-POO)

Ref. : HB/C/54

**Meeting of the House Committee
on 7 July 1995**

**Report of the Bills Committee to study
the Public Order (Amendment) Bill 1994**

Purpose

This paper reports on the work of the Bills Committee to study the Public Order (Amendment) Bill 1994 and seeks Members' endorsement for the Bill to resume its Second Reading Debate on 19 July 1995.

Background

2. The Bill seeks to revise and update the provisions on the regulation of public meetings and processions and is a result of a review of legislation in the light of the Bill of Rights Ordinance. The principal effect of the Bill is to amend Part III (control of meetings, processions and gatherings) of the Public Order Ordinance in order to (a) provide a notification procedure for public processions in place of the existing licensing procedure; (b) incorporate into the Ordinance in modified form the general conditions provided under the Public Order (Public Meetings) (General Conditions) Order (Cap. 245 sub. leg.); and (c) amend the grounds upon which the Commissioner of Police may prohibit, or impose conditions in respect of, the holding of a notified meeting or procession. On the whole the Bill seeks to liberalise the present stringent controls on public meetings and public procession.

The Bills Committee

3. At the House Committee meeting held on 22 April 1994, Members agreed to form a Bills Committee to study the Bill. The membership list of the Bills Committee is at Appendix I. Under the chairmanship of Hon Zachary WONG Wai-yin, the Bills Committee met nine times including eight meetings with the Administration. The Bills Committee received a deputation from the Hong Kong Human Rights Commission at its fourth meeting. The Bills Committee did not meet for a period of seven months between 8 November 1994 to 13 June 1995 to await response from the Administration on the Committee's suggestion to establish an independent appeal board. The Bills committee made an interim report to the House Committee on 10 February 1995 in this connection.

Deliberations of the Bills Committee

4. The Bills Committee discussed in detail the general approach of control, the notice requirement, the appeal channel, the power of the Police, the threshold requirements, and the power of the Governor-in-Council to prohibit public gatherings. The gist of discussions is set out in the ensuing paragraphs.

The approach of control

5. Members and the representation received from the Hong Kong Human Rights Commission felt that the right of peaceful assembly should be fully respected and any system of control should be mapped out on the basis of mutual trust and co-operation. The Administration replied that the Bill sought to introduce a number of modifications to the Public Order Ordinance (Cap. 245) (the Ordinance), which would effectively relax the general control on public meetings and processions.

The notice requirement

6. Members considered the proposed seven-day notice requirement unnecessarily long, especially for urgent public meeting or procession. The Administration explained that the Police would need sufficient advance notification to arrange for the necessary policing deployment to safeguard public order and safety in respect of large scale public assembly and/or procession. They pointed out that the new sections 8(2) and 13(A) (2) already provided the flexibility to oblige the Commissioner of Police to accept shorter notice where he was satisfied that earlier notice could not reasonably have been given. Nevertheless, in the light of Members' comments, the Administration agreed to move a Committee Stage Amendment (CSA) to the new section 8(2) so that the Police would be obliged to accept shorter notice if the Commissioner was reasonable satisfied that earlier notice could not be given.

Conditions imposed by Police on notified meetings or processions

7. Members considered that the conditions imposed by the Police were sometimes excessively restrictive and would create difficulties for the participants. The Administration said the Police had all along been endeavouring to discuss and reach agreement with the organisers regarding the conditions. It agreed with Members and would move a CSA to the new section 11(3) to specify that the Police should give reasons for imposing conditions. The Police would also revise its internal enforcement guidelines to ensure standardisation and consistency of enforcement in the light of the provisions of the Bill and the CSAs immediately upon their enactment.

Notice of prohibition

8. The Administration agreed to Members' suggestion that the reasons for prohibition should be stated clearly and therefore would move a CSA to the new sections 9(2)(a) and 14 (2)(a) to specify that Police should give reasons for prohibiting notified public meeting and notified public procession.

Notice to a person under proposed sections 9(2)(b) and 14(2)(b)

9. Members suggested and the Administration agreed to move Committee Stage Amendments to the proposed sections 9(2)(b) and 14(2)(b) to the effect that the Commissioner of Police was required to give a notice of prohibition to the person who gave notice under sections 8 or 13A, or who was named in the notice for the purpose of proposed section 8(3)(a)(i) or section 13A(3)(a)(i).

The appeal provision

10. Members found the new section 16 inadequate. This new section provided that an aggrieved person could appeal to the Governor in writing against such prohibition or condition imposed by the Commissioner of Police. Members held the view that the appeal body should be independent, effective and able to command trust and should give decision on the appeal before the proposed event. After lengthy deliberation on the principle and the details, the Administration agreed to set up an Appeal Board which would consist of a Chairman and a panel of 15 persons as members. Members discussed in detail the proposed constitution and powers of the Appeal Board with the Administration. Members also discussed in detail the qualification of the Chairman of the Appeal Board and they opined that in order to ensure its independence from Government, both in substance and in appearance, he should be a member of the community with high standing and should command respect. The Bills Committee recommended that he should be a retired High Court or District Court judge, or a former magistrate who had served in the Judiciary for ten years or more. The Administration agreed with Members' suggestion and would move a Committee Stage Amendment to this effect.

11. Members considered whether the Appeal Board should be empowered to consider appeals against the Police's decision not to accept notices of less than seven days for holding of a public meeting, despite the fact that the Board might not be able to meet and give a ruling prior to the event. The Administration said the organiser would then be at liberty to seek a judicial review as a post-event ruling given by the Appeal Board would not be meaningful. Hon FUNG Chi-wood however remained unsatisfied with the answer and might consider moving a Committee Stage Amendment.

Proposed amendments to section 6

12. Members had reservations about the provisions of section 6 of the principal Ordinance which they considered were giving the Police too much power in regulating public meetings and processions. In particular, they considered section 6(a) was in breach of the right to freedom of expression. The Administration agreed to amend section 6 to ensure consistency with other sections under Part III of the Ordinance and to improve section 6(c) by adding the word 'reasonable' and deleting the word 'expedient'. Some members held the view that the proposed amendments failed to address their concern. They considered that the possibility of prohibiting public meetings because of the content or form of speeches, or simply of the perceived effect of such possibility, would be a serious threat to freedom of expression. The Administration stressed that there was no intention to use the provision as a tool of censorship. The provision was only to provide the Police with a lawful and effective means of maintaining public order. The Police would invoke such a power only if they considered it to be reasonably necessary in the interests of public order or public safety and the decision would be subject to judicial review. Members of the Democratic Party would consider moving a CSA to section 6(a) to remove the power of the Police to control or direct an open meeting or a procession on the ground of the content of human speech or music or sound directing towards persons in public places.

Delegation of the Commissioner of Police's authority under section 6(a)

13. The Administration agreed to Members' suggestion to move a Committee Stage Amendment to section 52 of the principal Ordinance to effect that the powers of the Police under section 6(a) could only be delegated to a police officer of the rank of Chief Superintendent or above.

Thresholds of participants to trigger off notification requirement

14. A Member pointed out that the organisers would face practical difficulties due to the different thresholds set for public meetings and processions since it was not uncommon for processions to be held immediately after an open public meeting. The Police explained that the Bill amended the term "procession" to include any meeting held in conjunction with a procession.

The power of the Governor in Council to prohibit public meetings

15. Members expressed concern over section 17E of the Ordinance in that the Governor in Council was empowered to prohibit all public gatherings for any period not exceeding three months. In view of the limited time available for this legislative session, Members asked the Secretary for Security to

give an undertaking in his speech at the resumption of the Second Reading Debate of the Bill that he would review the section.

Committee Stage Amendments

16. The draft CSAs to be moved by the Administration are at Appendix II.

Recommendation

17. The Bills Committee recommends that, subject to the Committee Stage Amendments to be proposed by the Administration, the Second Reading debate of the Bill should be resumed at the LegCo sitting on 19 July 1995.

Advice sought

18. Members are invited to support the recommendation of the Bills Committee at paragraph 17 above.

LegCo Secretariat
4 July 1995

**Bills Committee to study the
Public Order (Amendment) Bill 1994**

Membership List

Hon Zachary WONG (Chairman)
Hon James TO (Deputy Chairman)
Hon Mrs Selina CHOW
Hon Martin LEE
Hon SZETO Wah
Hon Andrew WONG
Hon Ronald Arculli
Hon CHEUNG Man-kwong
Rev Hon FUNG Chi-wood
Hon Emily LAU Wai-hing
Hon LEE Wing-tat
Dr Hon YEUNG Sum
Hon LEE Cheuk-yan

Appendix II

1st draft: 13.6.95

2nd draft: 20.6.95

3rd draft: 28.6.95

4th draft: 30.6.95

5th draft: 4.7.95

PUBLIC ORDER (AMENDMENT) BILL 1994

COMMITTEE STAGE

Amendments to be moved by (_____)

Clause

Amendment Proposed

5 By deleting the clause and substituting -

**"5. General powers of
Commissioner of Police**

Section 6 is amended -

(a) by repealing "if it appears to him to be necessary or expedient in the interests of public order so to do" and substituting -

"if he reasonably considers it to be necessary in the interests of public safety or public order";

(b) in paragraph (a), by repealing "notwithstanding the issue of any permit under section 4(29) of the Summary Offences Ordinance (Cap. 228),";

(c) in paragraph (c), by deleting "as he may consider necessary or expedient" and substituting "as he may reasonably consider necessary".

- 7
- (a) In the proposed section 8(2), by deleting "satisfied that earlier notice could not reasonably" and substituting "reasonably satisfied that earlier notice could not".
 - (b) In the proposed section 9(2)(a), by adding "and the reasons for the Commissioner's opinion as to those grounds" after "necessary".
 - (c) By deleting the proposed section 9(2)(b)(i) and substituting -
 - "(i) to the person who gave notice under section 8 or to any person named in the notice for the purposes of section 8(3)(a)(i); or".
 - (d) In the proposed section 11(3), by adding "and shall state the reasons why such condition is considered necessary" after "the meeting".
 - (e) In the proposed section 11(4), by adding after "imposed" -
 - "and references in this section and section 16 to a condition imposed under or pursuant to subsection (2) shall include reference to an amendment to such a condition pursuant to this subsection".
 - (f) In the proposed section 13A(2), by deleting "satisfied that earlier notice could not reasonably" and substituting "reasonably satisfied that earlier notice could not".
 - (g) In the proposed section 14(2)(a), by adding "and the reasons for the Commissioner's opinion as to those grounds" after "necessary".

- (h) By deleting the proposed section 14(2)(b)(i) and substituting -
 - "(i) to the person who gave notice under section 13A or to any person named in the notice for the purposes of section 13A(3)(a)(i); or".
- (i) In the proposed section 15(2), by adding "and shall state the reasons why such condition is considered necessary" after "the procession".
- (j) In the proposed section 15(3), by adding after "imposed" -
 - "and references in this section and section 16 to a condition imposed under or pursuant to subsection (2) shall include reference to an amendment to such a condition pursuant to this subsection".
- (k) By deleting the proposed section 16 and substituting -
 - "16. Appeals
 - Subject to this section, any person,
 - society or organization -
 - (a) named in a notice given under section 8 or 13A; or
 - (b) to whom a notice of prohibition may be given under section 9 or 14,
 - and who is aggrieved by a prohibition issued under section 9 or 14 or by a condition imposed by the Commissioner of Police under section 11 or 15 may appeal in writing to an appeal board constituted under section 44".

14 and By deleting the clauses and substituting -
15

"14. Sections substituted

Sections 43 and 44 are repealed and the following substituted -

"43. Appeal Board

(1) Every appeal made under section 16 shall be determined by an appeal board to be known as the Appeal Board on Public Meetings and Processions ("the Appeal Board").

(2) The Governor shall appoint to be the Chairman of the Appeal Board a person who -

(a) is a retired Justice of Appeal or judge of the High Court;

(b) is a retired District Judge; or

(c) has served for more than 10 years as a magistrate but who is no longer serving as a magistrate."

(3) The Governor shall appoint a panel of 15 persons, not being public officers, whom he considers suitable for appointment under section 44 as members of the Appeal Board, 2 of whom he shall appoint to be the Deputy Chairmen of the Appeal Board.

(4) Subject to subsection (6), the Chairman and any person appointed under subsection (3) shall be appointed for a term of not more than 2 years but may be reappointed.

(5) An appointment under subsection (2) or (3) shall be notified in the Gazette.

(6) The Chairman and any person appointed under subsection (3) may at any time resign by notice in writing to the Governor.

44. Constitution and powers of Appeal Board

(1) The Appeal Board shall consist of the Chairman or a Deputy Chairman who shall preside at the hearing and 3 persons selected in rotation in accordance with the alphabetical order of their surnames from the panel referred to in section 43(3), whom the Chairman shall appoint to be members of the Appeal Board to hear any appeal.

(2) In relation to the hearing of appeals every question before the Appeal Board shall be determined by the opinion of the majority of the members hearing the appeal and in the case of an equality of votes the Chairman or Deputy Chairman shall have a casting vote.

(3) In hearing an appeal the Appeal Board may receive and consider any material, whether by way of oral evidence, written statements, documents or otherwise, and whether or not it would be admissible in a court of law.

(4) The Appeal Board may, after hearing an appeal, confirm, reverse or vary the prohibition or condition appealed against.

44A. Supplementary provisions relating to appeals

(1) The procedure and practice of an Appeal Board shall, subject to this Ordinance, be determined by the Chairman.

(2) If the Chairman is precluded by illness, absence from Hong Kong or any other cause from exercising his functions the Deputy Chairmen shall take it in turn to act as Chairman, and as such to exercise all the functions of the Chairman during the period the Chairman is precluded from exercising his functions, with the identity of the Deputy Chairman to act on the first such occasion being determined in accordance with the alphabetical order of the surnames of the Deputy Chairmen.

(3) In the hearing of an appeal, the appellant and the Commissioner of Police shall be entitled to be heard either in person or through a representative.

(4) If a party mentioned in subsection (3) fails to attend or be represented at a hearing of which he has been notified the Appeal Board may hear and determine the appeal in the party's absence.

(5) Before deciding to dispose of any appeal in the absence of a party the Appeal Board shall consider any representations in writing submitted by that party and, for the purposes of this subsection, an appeal and any reply to an appeal shall be treated as representations in writing.

(6) Where any notice of an appeal is given the Appeal Board shall consider and determine the appeal with the greatest expedition possible so as to ensure that the appeal is not frustrated by reason of the decision of the Appeal Board being delayed until after the date on which the public meeting or public procession is proposed to be held.

(7) The determination of an appeal by the Appeal Board shall be final.

(8) The Chairman of the Appeal Board, in consultation with the Secretary for Security, may make rules providing for matters in connection with appeals to the Appeal Board and the hearing and determination of such appeals."

18 By deleting the clause and substituting -

"18. Delegation of powers

Section 52 is amended -

- (a) in paragraph (a) by repealing "section 4, 6, 9, 11, 13 or 14; and" and substituting "section 9, 11, 14 or 15;";
- (b) by adding -
 - "(aa) delegate to any police officer of the rank of chief superintendent or above any of the powers conferred on him by section 6; and".

Brief for the Provisional Legislative Council

**SOCIETIES (AMENDMENT) BILL 1997
PUBLIC ORDER (AMENDMENT) BILL 1997**

INTRODUCTION

At its meeting on 13 May 1997, the Executive Council of the HKSAR advised and the Chief Executive of the HKSAR ordered that the Societies (Amendment) Bill 1997 at Annex A and the Public Order (Amendment) Bill 1997 at Annex B should be introduced into the Provisional Legislative Council.

BACKGROUND

2. On 23 February 1997, the Standing Committee of the National People's Congress (NPC) of the People's Republic of China (PRC) resolved, under Article 160 of the Basic Law, that among other things, major amendments to the Societies Ordinance (Cap 151) and the Public Order Ordinance (Cap 245) introduced in 1992 and 1995 respectively shall not be adopted as the laws of the Hong Kong Special Administrative Region (HKSAR). The NPC Standing Committee also resolved that the HKSAR should enact laws on its own to avoid any legal vacuum arising on 1 July 1997.

3. On 9 April 1997, the Chief Executive's Office published a consultation document "Civil Liberties and Social Order" to seek public views on proposals to amend the Societies Ordinance (SO) and the Public Order Ordinance (POO) to fill the legal vacuum resulting from the resolution of the NPC Standing Committee, in a way which must be in compliance with the provisions in the Basic Law and consistent with the International Covenant on Civil and Political Rights (ICCPR).

4. The proposals in the Consultation Document focus on the following areas -

- (a) Whether a registration system should be put in place for the

orderly management and operation of societies.

- (b) How a proper balance can be struck between the right to public processions and social order.
- (c) How interference by foreign political forces in local political activities can be prevented.

5. The consultation drew an enthusiastic response from the public, with over 5,000 submissions received by the Chief Executive's Office. The Chief Executive and senior officials of the Chief Executive's Office met over 70 organisations. The Provisional Legislative Council held a motion debate on the Consultation Document on 10 May 1997. In the light of public comments, the proposals in the Consultation Document have been amended and are now contained in the Societies (Amendment) Bill 1997 and the Public Order (Amendment) Bill 1997.

(Paragraphs 6 - 10 are not relevant)

PUBLIC ORDER (AMENDMENT) BILL 1997

11. The Bill provides for various amendments to the provisions relating to public processions. Under **Clause 6**, a public procession may take place if:-

- (a) the Commissioner of Police is notified of the intention to hold the public procession;
- (b) the Commissioner of Police has notified the person who gave notice of the intended public procession that he has no objection to the procession or is taken to have issued a notice of no object; and
- (c) the conditions imposed are complied with.

12. No amendment will be made to the present requirement that the notice for a public procession must be given not later than 7 days (except a funeral procession which requires 24 hours' notice) but the Commissioner of Police may accept shorter notice than 7 days at his discretion. The minimum notice of 48 hours proposed in the Consultation Document has been removed.

13. **Clause 7** provides that the Commissioner of Police may object to a public procession being held if he reasonably considers that the objection is necessary in the interests of national security or public safety, public order, or the protection of the rights and freedoms of others. "National security" is defined in a similar way as in the case of the Societies (Amendment) Bill 1997.

14. If the Commissioner of Police objects to a public procession being held, he must, within the stipulated time, notify the organizer of his objections together with the reasons. The stipulated time is as follows:-

- (a) not later than 48 hours prior to the procession if a 7-day notice is given;
- (b) not later than 24 hours prior to the procession if shorter notice of not less than 3 days is given.

Should the Commissioner fail to do that within the stipulated time, it will be deemed that he has no objection to the procession.

15. The Commissioner must not exercise his right to object to a public procession being held if he considers the interests of national security or public safety, public order, or the protection of the rights and freedoms of others could be met by imposing conditions.

16. Transitional arrangements are provided in the Bill (**Clause 16**). Without prejudice to the power of the Commissioner of Police to accept shorter notice, notice of intention to hold a public procession must be given in writing to the Commissioner of Police on 24, 25 and 26 June 1997 respectively for a public procession to be held on 1, 2 and 3 July 1997 respectively and notice of intention must be given in writing to the Commissioner of Police for a public procession to be held on 4-9 July 1997. If the Commissioner of Police does not give notice to prohibit the public procession, this is taken to be a notice of no objection.

FINANCIAL AND STAFFING IMPLICATIONS

17. There would be additional costs arising from the requirement on the Police to issue "Notice of No Objection" and to enforce the prohibition of connection between local and foreign political organizations. However, it is difficult to quantify at this stage.

LEGISLATIVE TIMETABLE

18. The legislative timetable will be:-

Publication of the Bills	15 May 1997
First Reading and commencement of Second Reading debate	17 May 1997
Resumption of Second Reading debate, committee stage and Third Reading	to be notified

PUBLICITY

19. A press conference will be held on 15 May 1997 when the Bills are published. A compendium of the submissions received, together with a summary of the public views on the Consultation Document, will be made available for public inspection.

Chief Executive's Office
15 May 1997

臨時立法會
Provisional Legislative Council

Annex E

PLC Paper No. 375/96-97

Ref.: PLC/BC/04

**Paper for House Committee Meeting
on 7 June 1997**

**Report of the Bills Committee on
Societies (Amendment) Bill 1997 and
Public Order (Amendment) Bill 1997**

Purpose

This paper reports on the deliberations of the Bills Committee on the Societies (Amendment) Bill 1997 and Public Order (Amendment) Bill 1997 and seeks the support of the House Committee on its recommendation that with the approval of the President, the Second Reading debate of the Bills should be resumed at the Council meeting to be held on 14 June 1997, subject to Committee Stage amendments (CSAs).

Background

The Bills

2. On 23 February 1997, the Standing Committee of the National People's Congress (NPC) of the People's Republic of China resolved, under Article 160 of the Basic Law, that among other things, major amendments to the Societies Ordinance (Cap 151) and the Public Order Ordinance (Cap 245) introduced in 1992 and 1995 respectively should not be adopted as laws of the Hong Kong Special Administrative Region (HKSAR). The NPC Standing Committee also resolved that HKSAR should enact laws on its own to avoid any resultant legal vacuum on 1 July 1997.

3. The Bills were introduced into the Council on 17 May 1997. The Societies (Amendment) Bill 1997 seeks to reinstate the registration system for societies which was repealed in 1992, and provides that a local society (or its branch) to which the Societies Ordinance applies must apply to the Societies Officer for registration or exemption from registration within one month of its establishment. In this regard, the Bill has made provisions for:

- (a) application for registration or exemption from registration; appeal against refusal to register or to exempt; and offences in relation to registration;
- (b) cancellation of registration or exemption from registration; appeal against such cancellation and offences of continued operation;
- (c) prohibition of operation of societies; and
- (d) other consequential and technical amendments.

The Bill also provides for new definitions of the terms of "connection", "election", "exempted society", "foreign political organization", "political body", "political organization of Taiwan", "specified form" and "national security", and specifications in respect of the interpretation of the expressions of "public safety", "public order (*ordre public*) and "the protection of rights and freedoms of others".

4. The Public Order (Amendment) Bill 1997 seeks to modify the notification system introduced in 1995 for organizing public procession. It provides that a public procession may take place if the Commissioner of Police (CP) is notified of the intention to hold such public procession. CP may object to a public procession being held if he reasonably considers that the objection is necessary in the interests of national security or public safety, public order, or the protection of the rights and freedoms of others. If CP objects to a public procession being held, he must, within the stipulated time, notify the organizer of his objection together with reasons. Should CP fail to do that within the stipulated time, it will be deemed that he has no objection to the procession. CP must not exercise his right to object to a public procession being held if he considers the interests of national security or public safety, public order, or the protection of the rights and freedoms of others could be met by imposing conditions. Transitional arrangements are also provided for in the Bill.

The Bills Committee

5. At the House Committee meeting held on 17 May 1997, it was decided that a Bills Committee should be formed to study these two Bills. 15 members joined the Bills Committee, among whom Hon TAM Wai-chu, Maria, was elected Chairman and Hon WONG Ying-ho, Kennedy, Deputy Chairman. The membership list of the Bills Committee is at **Appendix I**. The Bills Committee has met three times, including two meetings with members of the Chief Executive's Office.

6. The Bills Committee issued press releases to the media of Hong Kong and placed notices on the internet to invite public views on the Bills, and received two submissions. The Bills Committee has taken note of the views expressed in these submissions.

Findings and Deliberations of the Bills Committee

7. The gist of findings and deliberations of the Bills Committee on the Bills is summarised in the following paragraphs.

(Paragraphs 8 - 19 are not relevant)

The Public Order (Amendment) Bill 1997

The definition of "national security"

20. The majority members of the Bills Committee agrees with the definition of "national security" in the Bill, which is also used in the Societies (Amendment) Bill 1997. Hon CHAN Choi-hi regards that the definition should be deleted and all references to the term made in the Bill should be deleted and substituted by "the territorial integrity and independence of the People's Republic of China, without the interference and threat of external force".

General powers of the Commissioner of Police

21. The Bills Committee considers amended section 6(2) provided for under Clause 3(2) of the Public Order (Amendment) Bill 1997 and suggests to the Chief Executive's Office that the phrase "to prevent an imminent threat to" should be restored, since it is not the intention of the Bill to lower the standard of triggering point at which CP could intervene during meetings, processions and gatherings. The

Chief Executive's Office agrees with the suggestion and will move CSA to such effect.

Power of Commissioner of Police to prohibit notified public meeting

22. Amended section 9(4) provided for under Clause 4(2) of the Bill provides that CP shall not exercise the power to prohibit notified public meeting if he considers that the interests of national security or the interests of public safety, public order (*ordre public*) or the protection of the rights and freedoms of others could be met by the imposition of conditions. Since section 9(1) has a standard of "reasonableness", members suggest and the Chief Executive's Office agrees to move CSA to insert the same standard in amended section 9(4) as well. Similar amendment will also be made to new section 14(5) provided for under Clause 7.

Written Notice of No Objection to be issued by the Commissioner of Police

23. The Bills Committee notes that under new section 14(4) provided for under Clause 7, if CP does not object to a public procession being held, he shall notify the person who gave notice in writing of his having no objection as soon as practicable within the stipulated time. Should CP fail to do so, it will be deemed that he has issued such a notice. Hon CHAN Choi-hi does not regard such arrangement as necessary and will move CSA to delete the provision as well as all other relevant provisions.

Confirmation of Public Order (Amendment) Ordinance 1995 and Public Order (Amendment) Ordinance 1996

24. As it is essential to ensure that the Ordinance as amended by this Bill will have continual legal effect on or after 1 July 1997, and at the request of the Bills Committee, the Chief Executive's office has agreed to amend Clause 15 of the Bill to read as follows:

"Subject to the amendments made in this Ordinance, the Public Order (Amendment) Ordinance 1995, the Public Order (Amendment) Ordinance 1996 and any other amendments made to the Public Order Ordinance since the Public Order (Amendment) Ordinance 1995 are, to avoid doubt, adopted as laws of the Hong Kong Special Administrative Region and continue to have legal effect."

Transitional arrangements

25. At the suggestion of the Bills Committee, the Chief Executive's Office agrees that the transitional arrangements provided in Clause 16 of the Bill should be amended so that the existing procedures adopted by the Hong Kong Government will remain until before 1 July 1997.

Other technical amendments

26. There are some other technical amendments on the Bill which the Chief Executive's Office has agreed to move, by way of CSAs.

Committee Stage amendments

27. A set of draft Committee Stage amendments proposed by the Chief Executive's Office is at **Appendix II**, that proposed by Hon LIU Sing-lee, Bruce, is at **Appendix III**, and that proposed by Hon CHAN Choi-hi at **Appendix IV**.

Recommendation of the Bills Committee

28. The Bills Committee recommends that with the approval of the President, the Second Reading debate of these Bills be resumed at the Council meeting to be held on 14 June 1997, subject to CSAs to be moved by the Chief Executive's Office.

Advice sought

29. Members' advice is sought as to whether the Second Reading debate of the Bills be resumed at the Council meeting on 14 June 1997.

Provisional Legislative Council Secretariat

5 June 1997

1997 年社團（修訂）條例草案
及
1997 年公安（修訂）條例草案委員會

**Bills Committee on
Societies (Amendment) Bill 1997 and
Public Order (Amendment) Bill 1997**

委員名單
Membership List

譚惠珠議員（主席）	Hon TAM Wai-chu, Maria (Chairman)
黃英豪議員（副主席）	Hon WONG Ying-ho, Kennedy (Deputy Chairman)
朱幼麟議員	Hon CHU Yiu-lin, David
何鍾泰議員	Dr Hon HO Chung-tai
杜葉錫恩議員	Hon Mrs TU, Elsie
周梁淑怡議員	Hon Mrs CHOW LIANG Shuk-ye, Selina
林貝聿嘉議員	Hon Mrs LAM, Peggy
夏佳理議員	Hon Ronald ARCULLI
袁武議員	Hon YUEN Mo
陳財喜議員	Hon CHAN Choi-hi
楊耀忠議員	Hon YEUNG Yiu-chung
葉國謙議員	Hon IP Kwok-him
廖成利議員	Hon LIU Sing-lee, Bruce
劉江華議員	Hon LAU Kong-wah
譚耀宗議員	Hon TAM Yiu-chung

(共 15 位委員)
(Total: 15 members)

臨時立法會秘書處
1997 年 5 月 24 日

PUBLIC ORDER (AMENDMENT) BILL 1997

COMMITTEE STAGE

Amendments to be moved by the Secretary for Policy Co-ordination

<i>Clause</i>	<i>Proposed amendment</i>
2(2)	By deleting "freedoms and rights" and substituting "rights and freedoms".
3(1)	By deleting "in".
3(2)	By deleting "to prevent an immediate... to" and "in".
4(1)	By deleting "in".
4(2)	(a) By adding "considers that the interests of" before "public safety or public order". (b) By adding "reasonably considers that the interests of" before "national".
5	By deleting "in".
7	(a) In proposed section 14(1), by deleting "則他在諮詢保安局局長後,". (b) In proposed section 14(2) - (i) in paragraph (a) by deleting "反對通知" and substituting "反對遊行通知"; (ii) in paragraph (b) by deleting "the objection" and substituting "objection"; (iii) in paragraph (c) by deleting "the objection" and substituting "objection". (c) In proposed section 14(3) - (i) by deleting ", other than held solely for a funeral as referred to in section 13A(1)(a)";

- (ii) in paragraph (a) by deleting "反對通知" and substituting "反對遊行通知";
 - (iii) in paragraph (b) by deleting "反對通知" and substituting "反對遊行通知";
 - (iv) in paragraph (c) by deleting "反對通知" and substituting "反對遊行通知";
 - (v) by adding "This subsection does not apply to a procession held solely for a funeral as referred to in section 13A(1)(a)." after paragraph (c).
- (d) In proposed section 14(4), by deleting "limited" and substituting "limit specified", and by adding "遊行" after "發布 反對".
- (e) In proposed section 14(5), by adding "reasonably" before "considers".

8 By deleting "in".

9 In proposed section 16(1)(c), by deleting "反對通知" and substituting "反對遊行通知".

15 By deleting "confirmed" and substituting", to avoid doubt, adopted as laws of the Hong Kong Special Administrative Region and continue to have legal effect".

16 Delete Clause 16 and substitute -

"16. Arrangements for public processions from 1 to 9 July 1997

(1) For a notice of intention to hold a public procession during the period from 1 July to 9 July 1997 (both days included) given in writing to the Commissioner of Police before 1 July 1997 in accordance with section 13A -

- (a) if the Commissioner of Police notifies a person of conditions imposed under section 15(2) before 1 July 1997, the Commissioner's notice is taken to be a notice of no objection subject to the conditions;
- (b) if the Commissioner of Police issues a notice of prohibition for the public procession under section 14 before 1 July 1997, the notice of prohibition is taken to be a notice of objection;

- (c) if the Commissioner of Police notifies the person giving notice of intention to hold a public procession before 1 July 1997 that the shorter notice is not accepted under section 13A, the Commissioner's notice of his decision is taken to be a notice of objection; and
- (d) if the Commissioner of Police does not give notice under paragraphs (a), (b) or (c) for a procession to be held between 1 July and 3 July (both days included), this is taken to be a notice of no objection.

(2) If a public procession takes place during the period from 1 July to 9 July 1997 (both days included) for which a person has not given notice to the Commissioner of Police or for which the Commissioner has not accepted shorter notice, the public procession is taken to be an unauthorized assembly for the purposes of the Public Order Ordinance (Cap. 245)."

A summary of relevant provisions (sections 6 - 17A) of the Public Order Ordinance (Cap. 245)

<p>Pre 22.12.1995 (Prior to amendment by Ordinance No. 77 of 1995)</p>	<p>22.12.1995 - 30.6.1997 (As amended by Ordinance No. 77 of 1995)</p>	<p>After 1.7.1997 (As amended by Ordinance No. 119 of 1997)</p>
<p>(I) Section 6 - General powers of the Commissioner of Police (CP) to regulate public meetings and public processions</p>		
<p>Notwithstanding the issue of any permit, CP may by order as he may think fit, in the interests of public order, control and direct the conduct of all public gatherings and public processions.</p>	<p>(i) CP's general power is changed in that no permit is required; and (ii) CP may by order as he reasonably considers necessary in the interests of public safety or public order, control and direct the conduct of all public gatherings and public processions.</p>	<p>Same as the 1995 Amendment Ordinance except that the words "in the interests of national security or in the protection of the rights and freedoms of others" are added.</p>
<p>(II) Specific powers of CP on public meetings (sections 7 - 12)</p>		
<p>(A) sections 7 and 8 - CP to regulate public meetings and to be notified of public meetings</p>		
<p>(i) A public meeting of more than 30 persons and a meeting in private premises of more than 200 persons shall notify CP of prescribed particulars of the intended meeting not less than 7 days prior to date of meeting. This does not apply to meetings in schools.</p>	<p>(i) A public meeting of more than 50 persons and a meeting in private premises of more than 500 persons shall notify CP of prescribed particulars of the intended meeting not later than a week before the meeting. This does not apply to meetings in schools.</p>	<p>Same as the 1995 Amendment Ordinance.</p>

Pre 22.12.1995 (Prior to amendment by Ordinance No. 77 of 1995)	22.12.1995 - 30.6.1997 (As amended by Ordinance No. 77 of 1995)	After 1.7.1997 (As amended by Ordinance No. 119 of 1997)
<p>(ii) Particulars in the notice to CP include-</p> <ul style="list-style-type: none">(a) the name, address and telephone no. of organiser;(b) the purpose of meeting;(c) the date, location, time of commencement and duration of meeting;(d) number and names of platform-speakers;(e) the amplification devices; and(f) the contents of advertisements, printed matters intended for distribution. <p>(iii) Shorter notice may be accepted.</p>	<p>(ii) Particulars in the notice to CP include -</p> <ul style="list-style-type: none">(a) the name, address and telephone no. of organiser and his replacement;(b) the purpose of meeting;(c) the date, location, time of commencement and duration of meeting; and(d) an estimate of the number of attendees. <p>(iii) Shorter notice may be accepted. If CP decides not to accept shorter notice, he shall inform in writing the organiser the reasons therefor.</p> <p>(iv) Notice containing prescribed particulars by organiser is to be delivered to an officer in charge of a police station.</p> <p>(v) CP has to acknowledge receipt of such notice.</p>	

<p align="center">Pre 22.12.1995 (Prior to amendment by Ordinance No. 77 of 1995)</p>	<p align="center">22.12.1995 - 30.6.1997 (As amended by Ordinance No. 77 of 1995)</p>	<p align="center">After 1.7.1997 (As amended by Ordinance No. 119 of 1997)</p>
<p>(B) Section 9 - CP to prohibit notified public meeting</p>		
<p>(i) CP may prohibit the holding of any public meetings on several grounds, e.g. notice of prescribed particulars has not been given; or CP opines that the holding of the public meeting is likely to prejudice the maintenance of public order or to be used for an unlawful purpose.</p> <p>(ii) Such prohibition notice shall be given either orally or in writing and is to be given not after 4 days from the date of notice.</p> <p>(iii) If shorter notice of public meeting is accepted, CP may prohibit such meeting 24 hours prior to meeting.</p>	<p>(i) CP may prohibit the holding of any public meeting where he reasonably considers such prohibition to be necessary in the interests of public safety or public order.</p> <p>(ii) CP shall state the grounds of prohibition in writing within stipulated time.</p> <p>(iii) CP may impose conditions instead of prohibiting a public meeting.</p>	<p>Same as the 1995 Amendment Ordinance except that the words "in the interests of national security or the protection of the rights and freedoms of the others" are added.</p>
<p>(C) Section 10 - Designated public areas for public meeting</p>		
<p>Governor may by order designate any area as designated public area for public meeting.</p>	<p>Governor may publish in the Gazette any area as a designated public area.</p>	<p>The Chief Executive may publish in the Gazette any area as a designated public area.</p>

<p align="center">Pre 22.12.1995 (Prior to amendment by Ordinance No. 77 of 1995)</p>	<p align="center">22.12.1995 - 30.6.1997 (As amended by Ordinance No. 77 of 1995)</p>	<p align="center">After 1.7.1997 (As amended by Ordinance No. 119 of 1997)</p>
<p>(D) Section 11 - CP to impose conditions before or during public meetings</p>		
<p>(i) The Governor in Council may prescribe general conditions.</p> <p>(ii) CP may impose additional conditions.</p>	<p>(i) CP may impose conditions before or during the public meeting where he considers it necessary in the interests of public safety or public order.</p> <p>(ii) CP may amend any condition previously imposed.</p> <p>(iii) At every meeting, -</p> <p>(a) the organiser has to be present;</p> <p>(b) good order and public safety shall be maintained throughout the meeting; and</p> <p>(c) any amplification device is to be used in a reasonable manner.</p> <p>(iv) The organiser has to comply with any police officer's direction.</p>	<p>Same as the 1995 Ordinance except that the words "in the interests of national security or the protection of the rights and freedoms of others" are added.</p>
<p>(E) Section 12 - Compliance with safety requirements for public meetings on private premises</p>		
<p>In case of any public meeting held in private premises, the owner or occupier of the premises, and the organiser have the duty to comply with the Ordinance relating to the safety of persons or the prevention of fire.</p>	<p>Same as the Pre-1995 provisions.</p>	<p>Same as the Pre-1995 provisions.</p>

<p align="center">Pre 22.12.1995 (Prior to amendment by Ordinance No. 77 of 1995)</p>	<p align="center">22.12.1995 - 30.6.1997 (As amended by Ordinance No. 77 of 1995)</p>	<p align="center">After 1.7.1997 (As amended by Ordinance No. 119 of 1997)</p>
<p>(III) Specific powers of CP on public processions (sections 13 - 15)</p>		
<p>(A) Sections 13 and 13A - CP's power to regulate public processions</p>		
<p>(i) A public procession may take place if-</p> <p>(a) authorized by a licence issued by CP;</p> <p>(b) conditions imposed by CP or by section 15 are complied with.</p> <p>(ii) No licence is required if procession is-</p> <p>(a) not on a public highway or in a public park;</p> <p>(b) of not more than 20 persons; and</p> <p>(c) of specified nature.</p>	<p>(i) A public procession may take place if-</p> <p>(a) CP is notified;</p> <p>(b) CP has not prohibited such procession; and</p> <p>(c) requirements under section 15 are complied with, i.e.-</p> <ul style="list-style-type: none"> ● the organiser has to be present throughout the procession; ● good order be maintained; ● any amplification device is to be used in a reasonable manner. <p>(ii) No notification is required if procession is -</p> <p>(a) not on a public highway or in a public park;</p> <p>(b) of not more than 30 persons; and</p> <p>(c) of specified nature.</p>	<p>(i) A public procession may take place if-</p> <p>(a) CP is notified;</p> <p>(b) CP has notified the organiser that he has no objection to the procession or he is taken to have issued a notice of no objection; and</p> <p>(c) requirements under section 15 are complied with.</p> <p>(ii) Same as the 1995 Amendment Ordinance.</p>

Pre 22.12.1995 (Prior to amendment by Ordinance No. 77 of 1995)	22.12.1995 - 30.6.1997 (As amended by Ordinance No. 77 of 1995)	After 1.7.1997 (As amended by Ordinance No. 119 of 1997)
<p>(iii) An application for a licence shall be made to CP 7 days prior to date of public procession. CP may issue a licence if he is satisfied that the public procession is not likely to prejudice the maintenance of public order or to be used for any unlawful purpose.</p> <p>(iv) CP may accept late application.</p>	<p>(iii) Notification to CP must be given containing prescribed particulars not less than 7 days prior to procession. CP to acknowledge receipt of notice. Particulars in the notice to CP include -</p> <ul style="list-style-type: none">(a) the name, address and telephone number of organiser and his replacement;(b) the purpose of procession;(c) the date, route, time of commencement and duration of procession;(d) details of any public meeting in conjunction with procession; and(e) an estimate of the number of attendees. <p>(iv) CP may accept shorter notice. If he decides not to accept shorter notice, he must state the reasons for refusal.</p>	<p>(iii) Same as the 1995 Amendment Ordinance.</p> <p>(iv) Same as the 1995 Amendment Ordinance.</p>

<p align="center">Pre 22.12.1995 (Prior to amendment by Ordinance No. 77 of 1995)</p>	<p align="center">22.12.1995 - 30.6.1997 (As amended by Ordinance No. 77 of 1995)</p>	<p align="center">After 1.7.1997 (As amended by Ordinance No. 119 of 1997)</p>
<p>(v) The licence is subject to conditions. Such conditions may relate to the forming, conduct, route and times of procession as CP may impose.</p>	<p>(v) CP has to acknowledge receipt of such notice.</p>	<p>(v) Same as the 1995 Amendment Ordinance.</p>
<p align="center">(B) Section 14 - CP's power to prohibit public processions</p>		
<p>CP may at any time cancel or amend licence if it appears to him to be necessary or expedient in the interests of public order or for preventing the carrying out of any unlawful purpose.</p>	<p>(i) CP may prohibit the holding of any notified public procession in the interests of public safety or public order.</p> <p>(ii) Written notice of prohibition is to be given to the organiser with reasons therefor.</p> <p>(iii) If organiser notifies CP 7 days before procession, CP shall not prohibit procession later than 48 hours before commencement of processions.</p>	<p>(i) CP may object to a public procession being held in the interests of national security or public safety, public order or the protection of rights and freedoms of others.</p> <p>(ii) If CP objects to the public procession, he shall notify the organiser in writing with reasons therefor.</p> <p>(iii) If organiser notifies CP 7 days before procession, CP shall not issue a notice of objection later than 48 hours before commencement of processions.</p>

Pre 22.12.1995 (Prior to amendment by Ordinance No. 77 of 1995)	22.12.1995 - 30.6.1997 (As amended by Ordinance No. 77 of 1995)	After 1.7.1997 (As amended by Ordinance No. 119 of 1997)
	<p>(iv) If notice is given 72 hours earlier than commencement of procession and CP has accepted such short notice, then CP shall not prohibit such procession later than 24 hours before commencement of procession.</p> <p>(v) CP may impose conditions instead of prohibiting a procession.</p>	<p>(iv) If notice is given 72 hours earlier than commencement of procession and CP has accepted such short notice, then CP shall not issue a notice of objection later than 24 hours before commencement of procession.</p> <p>(v) If less than 72 hours notice is given, CP shall not issue a notice of objection later than the notified commencement time of procession.</p> <p>(vi) If CP does not object to a public procession, he shall notify the organiser within the time limited for him to give notice of objection. If CP does not issue a notice of no objection within the time limit specified, then CP is deemed to have issued such notice.</p> <p>(vii) CP may impose conditions instead of objecting to a procession.</p>

<p align="center">Pre 22.12.1995 (Prior to amendment by Ordinance No. 77 of 1995)</p>	<p align="center">22.12.1995 - 30.6.1997 (As amended by Ordinance No. 77 of 1995)</p>	<p align="center">After 1.7.1997 (As amended by Ordinance No. 119 of 1997)</p>
<p>(C) Section 15 - CP to impose conditions</p>		
<p>CP may impose conditions of every licence. Conditions include -</p> <ul style="list-style-type: none"> (a) the licensee shall be present throughout the procession; (b) police direction has to be complied with; and (c) good order has to be maintained. 	<ul style="list-style-type: none"> (i) CP may impose and amend conditions previously imposed in the interests of public order and public safety. (ii) At every public procession, <ul style="list-style-type: none"> (a) the organiser has to be present; (b) good order and public safety shall be maintained; (c) any amplification device is to be used in a reasonable manner. (iii) The organiser has to comply with police officer's direction. 	<p>Same as the 1995 Amendment Ordinance except that the words "in the interests of national security and for the protection of the rights and freedoms of others" are added.</p>
<p>(IV) Section 16 - Appeals</p>		
<p>Appeal to Governor.</p>	<p>Any person who is aggrieved by CP's prohibition or condition may appeal to an appeal board constituted under s.44.</p>	<p>Any person who is aggrieved by the decision of CP (including CP's notice of objection) may appeal to an appeal board.</p>

<p align="center">Pre 22.12.1995 (Prior to amendment by Ordinance No. 77 of 1995)</p>	<p align="center">22.12.1995 - 30.6.1997 (As amended by Ordinance No. 77 of 1995)</p>	<p align="center">After 1.7.1997 (As amended by Ordinance No. 119 of 1997)</p>
<p>(V) Section 17 - Police powers over meetings, processions and gatherings</p>		
<p>(i) Any police officer may prevent the holding of, stop or disperse - (a) a public meeting that is in contravention of section 7 or 11; (b) a public procession that is in contravention of section 13, 14 or 15.</p> <p>(ii) Any police officer may prevent the holding of, stop or disperse any public gathering, other than for religious purposes, if he reasonably believes that the public gathering is likely to cause or lead to a breach of the peace.</p> <p>(iii) Police may give order and use reasonable force to prevent, stop or disperse any public meeting or public procession.</p> <p>(iv) Police may close any public place to any person for such time as may be necessary to prevent the public meeting or public procession taking place.</p>	<p>Substantially the same as the pre-1995 Ordinance.</p>	<p>Same as the 1995 Amendment Ordinance.</p>

<p align="center">Pre 22.12.1995 (Prior to amendment by Ordinance No. 77 of 1995)</p>	<p align="center">22.12.1995 - 30.6.1997 (As amended by Ordinance No. 77 of 1995)</p>	<p align="center">After 1.7.1997 (As amended by Ordinance No. 119 of 1997)</p>
<p>(VI) Section 17A - Offences</p>		
<p>(i) Any person who -</p> <ul style="list-style-type: none"> ● refuses or wilfully neglects to obey police order; ● knowingly contravenes any condition imposed in respect of any public meeting or public procession; ● knowingly enters or remains in a public place closed by police; ● publishes, distributes any advertisement of a public meeting which has not been notified to CP, or of a public procession not licensed by CP, <p>shall be liable on conviction to a fine of \$5,000 and to imprisonment for 12 months.</p>	<p>(i)(a) Any person who -</p> <ul style="list-style-type: none"> ● refuses or wilfully neglects to obey police order, ● knowingly contravenes any condition imposed in respect of any public meeting or public procession; ● knowingly enters or remains in a public place closed by police; ● announces, publishes any advertisement of a public meeting or a public procession which has not been notified to CP, <p>shall be liable to a fine of \$10,000 and to imprisonment for 12 months.</p> <p>(b) Any organiser of public meeting or public procession who without reasonable excuse fails to comply with any police officer's direction in ensuring due performance of the conditions imposed is liable to a fine of \$5,000 and to imprisonment for 12 months.</p>	<p>(i)(a) Any person who -</p> <ul style="list-style-type: none"> ● refuses or wilfully neglects to obey police order, ● knowingly contravenes any condition imposed in respect of any public meeting or public procession; ● knowingly enters or remains in a public place closed by police; ● announces, publishes any advertisement of a public meeting or a public procession which has not been notified to CP, or which is prohibited/objected to by CP and which prohibition/objection has not been reversed on appeal, <p>shall be liable to a fine of \$10,000 and to imprisonment for 12 months.</p> <p>(b) Same as the 1995 Amendment Ordinance.</p>

Pre 22.12.1995 (Prior to amendment by Ordinance No. 77 of 1995)	22.12.1995 - 30.6.1997 (As amended by Ordinance No. 77 of 1995)	After 1.7.1997 (As amended by Ordinance No. 119 of 1997)
<p>(ii) Where -</p> <p>(a) any public meeting or public procession takes place in contravention of section 7 or 13,</p> <p>(b) 3 or more persons in a public gathering or a public procession refuse or wilfully neglect to obey police order, the public meeting or public procession shall be an unauthorized assembly. Every person who without lawful authority or reasonable excuse, knowingly takes or continues to take part in the unauthorized assembly and every organiser shall be guilty of an offence and shall be liable -</p> <ul style="list-style-type: none">● on conviction on indictment, to imprisonment for 5 years; and● on summary conviction to a fine of \$5,000 and to imprisonment for 3 years.	<p>(ii) Same as the pre-1995 provisions described in the first column.</p>	<p>(ii) Same as the pre-1995 provisions described in the first column.</p>