

警方最近就公眾集會及公眾遊行採取的措施

警方一向致力便利市民行使和平集會的權利。為使現行有關公眾集會及公眾遊行的制度更加完善，警方最近採取了多項措施，其中包括－

- (a) 指引：為協助前線人員在管制公眾集會及遊行時行使酌情權，警方已向前線警務人員廣為公布“關於處理與公眾集會及公眾遊行有關的《公安條例》的指引”(指引)。該指引並不是要提供新的資料，而是旨在進一步解釋重要用詞的含意、為限制警方酌情權的條款提供更多指引，以及使有關準則與基本法的明確法律規定更趨一致。該指引現已存放於警方網站及分區報案室，供公眾人士閱覽。
- (b) 講座：律政司的高級及資深律師，分別於二零零五年九月和十一月為負責前線監督工作的警務人員主辦三個講座，使他們深入了解《公安條例》及規管公眾集會及遊行警務工作的原則。講座並談及梁國雄及其他人對香港特別行政區(*Leung Kwok Hung & Others v. HKSAR*) (FACC Nos. 1&2/2005) 判決書的主要內容。
- (c) 條件：警方在行使酌情權以就擬舉行的公眾集會及遊行施加條件時，已充分考慮合理性、相稱性及需要性這三大重點。警方亦已採取積極的行動去加強與主辦者的溝通，例如警方會鼓勵主辦者在預期參考人數有大幅變動時，要立刻通知警方，以便作出適當調動及採取適當的安全措施。說明上文各點的不反對通知書的樣本現載於附件。上文所述各點，均已納入指引內。.
- (d) 與律政司聯繫：律政司一直按需要就處理公眾集會及遊行通知的事宜，向警方提供意見。警方會繼續在這方面與律政司保持緊密聯繫。

香港警務處
二零零六年二月

Annex
附件

香港警務處
油尖警區總部
九龍尖沙咀
彌敦道 213 號



Hong Kong Police Force
Yau Tsim Police Headquarters,
No. 213 Nathan Road,
Tsim Sha Tsui,
Kowloon.

Our Ref. : LM (15) in KW YT 136/32 Pt.13
Telephone : 2731 7383
Fax. No. : 2314 8872

Hong Kong

Dear Ms. [REDACTED]

Notification of Public Procession

I refer to the notification of public meeting you made as the organizer on [REDACTED] at [REDACTED] Police Station.

Pursuant to Section 14(4) of the Public Order Ordinance, Cap. 245, I am writing to inform you that I have no objection to your intention to hold a public procession in connection with a [REDACTED] involving about 80 participants between 2100 and 0100 hours on [REDACTED] and [REDACTED] from outside [REDACTED] and then back to the same location.

Police deployment and assessment on public safety is based on the number of participants as notified, i.e. 80 people. If you anticipate a significant increase in the number of participants, you should inform Police promptly so that deployment can be adjusted accordingly and appropriate safety measures can be put in place. You are also advised to provide one marshal for approximately every four participants and ensure that they can be clearly identified.

You are reminded of the requirements in Section 15(1) of the Public Order Ordinance, Cap. 245, which states, *inter alia*,

(1) At every public procession -

(a) there shall be present throughout the procession either the person who organized the procession or, if he is not present, a person nominated by him to act in his place;

(b) good order and public safety shall be maintained throughout the procession; and

(c) the control of any amplification device that is used in such a manner that it causes a noise that would not be tolerated by a reasonable person shall, if so required by a police officer, be surrendered to the police officer for the duration of the procession.

Conditions

Section 15(2) of the Public Order Ordinance, Cap. 245 provides for the Commissioner of Police to exercise his discretion to impose conditions upon any public procession notified in the interests of public safety and public order – the term as used in this letter refers to the maintenance of public order and prevention of public disorder. Having given consideration to the particular details of the public procession you intend to hold, the Commissioner has decided that it is rational, proportionate and necessary to impose the following condition:-

(1) The procession shall be conducted between [redacted] hours on [redacted] and [redacted] hours on [redacted] taking the following route:-

(Starting Point) (Route) (Finishing Point)

(2) Due to a police crowd management operation that will be taking place in the area you may be required to change your route to avoid congested areas. In this regard you are required to comply with any instructions given to you by a police officer in respect of the route.

Furthermore you are reminded that any changes of details of the notified public procession may affect police deployment in ensuring public safety and public order. For this reason, you are urged to inform the police of any changes as soon as practicable so that conditions may be amended under section 15(3) of the Public Order Ordinance.

Appeal

If you are aggrieved by the imposing of these conditions, you are entitled to lodge an appeal to the Appeal Board on Public Meetings and Public Processions in accordance with Section 16 of the Public Order Ordinance. An appeal should be made as soon as possible in writing and addressed to the Secretary of the Appeal Board by Fax No. 2810 7702 or by personal delivery to Room 606, 6/F, Main Wing, Central Government Offices, Lower Albert Road, Central, Hong Kong.

Remarks

Please be advised that this letter does not exempt you from obtaining permission from other concerned authorities should the event take place in areas within their jurisdiction. Notwithstanding the Public Order Ordinance, there are other statutory provisions that may be applicable. Your attention is drawn to the list of commonly applicable legislation, together with brief details of procedural matters at Annex 'A'.

Should there be any change regarding the proposed event, please immediately inform Mr. LIM Che-chung, Acting Chief Inspector of the Police Community Relations Officer of Yau Tsim District at 2731 7223 during office hours of weekdays or the Duty Officer of Tsim Sha Tsui Police Station at telephone number 27317278 after office hours.

Yours sincerely,



(K.M. Woods)
District Commander, Yau Tsim District
for Commissioner of Police

c.c. CP (Attn: SP LIC)
RC KW
SSP OPS KW
SP RCCC K
PCRO YTDIR
DOO YTDIR
DVC TSTDIV
ADVC OPS TSTDIV
OSSUC TSTDIV

Annex 'A'

Public Procession

**List of Commonly Applicable Legislation
and Brief Details of Procedural Matters**

Notwithstanding the Public Order Ordinance, the following provisions under various Ordinances are considered relevant to organizers of public procession : -

- (i) The Road Traffic Ordinance, Cap 374, s.61 requires that the drivers of vehicles and pedestrians obey the directives of uniformed Police Officers and Traffic Wardens who are engaged in the regulation of traffic, at all times;
- (ii) The Summary Offence Ordinance, Cap. 228, s.4 (17) prohibits fund raising, flag selling or exchange activities unless with a permit from either the Director of Social Welfare or the Secretary for Home Affairs;
- (iii) The Public Health and Municipal Services Ordinance, Cap. 132, s.4A, 104A(2) and 104B(1) prohibits the posting of such things as posters and notices on the walls of any building, or abandoning the same in any public place causing obstruction unless with the written approval from the landlord or occupants; and
- (iv) The Crimes Ordinance, Cap. 200, s.24, states that it is a criminal offence to threaten any person with injury to their person, reputation or property, with intention to alarm the person so threatened.

PERSONAL DATA-個人資料

香港警務處牌照課
香港灣仔軍器廠街1號
警察總部警政大樓12樓



Licensing Office
Hong Kong Police Force
12/F, Arsenal House, Police Headquarters
1 Arsenal Street, Wanchai,
Hong Kong

本處檔號 OUR.REF.: (E) in CP LIC 136/129/2005 LM 37

電 36 TELEPHONE: 2860 6525

傳 真 FAX: 2200 4325

[REDACTED]
[REDACTED]
[REDACTED]
(傳真: [REDACTED])

小姐：

公眾遊行通知書

有關你於 [REDACTED] 年 [REDACTED] 月 [REDACTED] 日向 [REDACTED] 警署以主辦者身分遞交公眾遊行通知書一事，本處已經備悉。

現特依據《公安條例》（第 245 章）第 14(4) 條通知你，本處不反對你在 [REDACTED] 年 [REDACTED] 月 [REDACTED] 日（星期 [REDACTED]），就「[REDACTED]」一事舉行約四十人參予的公眾遊行。遊行隊伍由 [REDACTED] 出發，前往 [REDACTED]。

警方是根據你所填報的人數（四十人）及車輛數目（十二輛私家車），作為人手調派及公眾安全評估的基礎。假如你知道或相信參予活動人數或車輛數目將可能大幅增加，你必須盡快通知警方，以便我們可以重新調配人手及提供適當的安全措施。

規定

請你留意《公安條例》（第 245 章）第 15(1) 條的規定，其中包括：

- (1) 在每次公眾遊行中：
 - (a) 遊行的組織人或（如他不出席）由他指定代替他行事的人，必須在整個遊行進行期間出席；
 - (b) 整個遊行進行期間均須維持良好秩序和公共安全；以及
 - (c) 如所使用的任何擴音器，其所發出的噪音為一個合理的人不會忍受者，則在警務人員提出要求下，須於遊行的持續期間將該擴音器的控制交予該警務人員。

條件

根據《公安條例》(第 245 章)第 15(2)條，為維護公共安全，維護公共秩序(維護公共秩序在本信中指維持公眾秩序和防止擾亂公眾秩序)，警務處處長可行使酌情權，就已作出通知的公眾遊行施加條件。處長考慮過擬舉行的公眾遊行細節後，根據相稱性原則，認為施加以下條件是合理和有需要的：

- ◆ 是次公眾遊行必須根據你在通知書內填報的資料，在[■]年[■]月[■]日(星期[■])由上午[■]時至上午[■]時[■]分的一段時間內依照下列路線進行：

(起點) 沿途路線 (終點)

請注意：已通知的公眾遊行細節如有任何變動，均可能影響警方為確保公共安全和維持公眾秩序而進行的調配工作。因此，你的公眾遊行細節如有變動，務須盡早通知警方，以便警方根據《公安條例》第 15(3)條修訂有關條件。

上訴

你如因警務處處長施加上述條件而感到受屈，可根據《公安條例》第 16 條，向公眾集會及遊行上訴委員會提出上訴。如擬上訴，須盡快把上訴書遞交上訴委員會秘書。上訴書可以傳真方式傳送(傳真號碼：2810 7702)或親自遞交(地址：香港下亞厘畢道中區政府合署中座 6 樓 606 室)。

附註

如這項活動在其他機構管轄的地方進行，你須向該等機構申請批准；本信並不豁免你在這方面的申請。除《公安條例》外，其他法例條文也可能適用於這項活動。

上述活動如有更改，請立即於辦公時間內致電 2860 6522 知會本處牌照課高級督察陳倩小姐；辦公時間後、星期天或假日，則可致電通知有關總區的指揮及控制中心的值日監督(九龍區：2666 4500，新界區：3472 7200)。

警務處處長



(趙安祺)

代行)

████████年████月████日
