

立法會
Legislative Council

LC Paper No. AS 55/10-11

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**Paper for the House Committee Meeting
on 19 November 2010**

**Handling of disturbances which interrupt proceedings of the Council or its
committees**

Purpose

This paper sets out the arrangements for handling disturbances in the public galleries and the Chamber. It also provides information requested by Hon Emily LAU Wai-hing vide her letter dated 15 November 2010 to the Chairman of the House Committee (LC Paper No. CB(2) 308/10-11(01)).

**Relevant statutory provisions and Rules of Procedure for the handling of
disturbances which interrupt proceedings of the Council or its committees**

2. Section 17(c) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) ("the P&P Ordinance") provides that any person who creates or joins in any disturbance which interrupts or is likely to interrupt the proceedings of the Council or a committee while the Council or such committee is sitting, commits an offence and is liable to a fine of \$10,000 and to imprisonment for 12 months, and in the case of a continuing offence to a further fine of \$2,000 for each day on which the offence continues.

3. Section 8(3) of the P&P Ordinance provides that the President may from time to time, for the purpose of maintaining the security of the precincts of the Chamber, ensuring the proper behaviour and decorum of persons therein and for other administrative purposes, issue such administrative instructions as he may deem necessary or expedient for regulating the admittance of persons (other than members or officers of the Council) to, and the conduct of such persons within, the Chamber and the precincts of the Chamber.

4. Breaches of the Administrative Instructions are offences under section 20(b) of the P&P Ordinance which provides that any person, other than a member or officer of the Council, who contravenes any administrative instructions issued under section 8(3), or any direction given thereunder, regulating the admittance of persons to or the conduct of persons within the Chamber or the precincts of the Chamber, commits an offence and is liable to a fine of \$2,000 and to imprisonment for 3 months.

5. Section 26 of the P&P Ordinance provides that no prosecution for an offence under the Ordinance shall be instituted except with the consent of the Secretary for Justice.

6. Rule 87 of the Rules of Procedure also provides that the President, Chairman of a committee of the whole Council or chairman of a committee or subcommittee may order the removal from a meeting of any member of the press or of the public who behaves, or who appears likely to behave, in a disorderly manner.

7. Security staff has the general duty to enforce the Administrative Instructions pursuant to instructions given by the President or a chairman of a committee, or under circumstances where it is their duty to do so.

Guidelines on Handling of Disturbances in the Public Galleries

8. In handling cases where members of the public are suspected to have committed an offence under section 17(c) of the P&P Ordinance in the public galleries, the Secretariat deals with these cases according to the respective circumstances of each case by following the Guidelines on Handling of Disturbances in the Public Galleries of the Legislative Council Building ("the Guidelines") that was approved by The Legislative Council Commission on 10 June 1999. Details of the Guidelines are set out below.

(a) Circumstances under which no further action will be taken by the Secretariat

If the person concerned immediately stops shouting slogans/displaying signs/causing disruption as soon as he is given warning by the chairman of the meeting/security staff, the Secretariat will not take any further action.

- (b) Circumstances under which the person concerned should be removed from the public galleries and be given warnings again before his release

If the person concerned repeatedly shouts slogans during a meeting although he stops every time upon being given warning, or he refuses to stop shouting slogans/displaying signs in spite of warnings given by the chairman of the meeting/security staff, the chairman of the meeting may order the person to be removed from the public galleries. Under such circumstances, if the person concerned leaves the public galleries by himself, he will be given a warning before his release.

- (c) Circumstances under which the person concerned should be handed to the Police after he has been removed from the public galleries

The Secretariat will report to the Police where

- the person concerned throws articles from the public galleries to the Chamber, hence causing disturbance;
- the person concerned displays violent behaviour and has to be removed from the public galleries by the security staff;
- the behaviour of the person concerned has caused injury to himself and/or others, or damage to the property of the Council;
- the person concerned has a record of having been removed from the public galleries and forewarned of the consequence should he cause disruption again.

Statistics on disturbances when observing proceedings at the public galleries

9. During the period between October 2007 and September 2010, there were 20 occasions on which the President or the chairman of a committee had ordered the removal of a member/members of the public from the public

galleries. On 14 of these occasions, the persons concerned were given warnings before release. As regards the remaining six, they were reported to the Police as the relevant circumstances fall within those described in paragraph 8(c) above.

10. Of the six cases reported to the Police, we notice that one case is still under investigation by the Police whereas no prosecution was instituted by the Administration on three of the cases. Prosecution was instituted on two cases in which the persons concerned were ordered by the Magistrates' Courts to be bound over in the sum of \$2,000 for one year for maintaining good behaviour and abstaining from causing further disturbance in the Legislative Council Building.

11. Information on cases involving disturbances in the public galleries of the Legislative Council Building including the relevant circumstances and whether they were reported to the Police during the period from October 2007 to September 2010 is set out in **Appendix I** and **Appendix II**.

Handling of disturbances by deputations/individuals when attending meetings

12. At present, a committee may invite deputations/individuals to make oral representations to the committee on a certain subject. Between October 2007 and September 2010, there had been two cases, involving five persons where their acts, including chanting slogans, created a disturbance which interrupted a meeting. As a result, both committee chairmen had to order the removal of the persons concerned from the meetings. Of the five persons involved, one was reported to the Police as the relevant circumstances fall within those described in paragraph 8(c) above. No further action was taken in respect of the remaining four.

13. In deciding how a particular case of disturbance caused by a member of the public in a meeting room is to be handled, reference is made to the Guidelines. In brief, the Secretariat will not take any further action if the person concerned, upon an order of removal given by the chairman of the meeting, leaves the meeting room by himself or under the escort of the security staff. However, if the person concerned displays violent behaviour, and has to be removed from the meeting room by the security staff, and/or if he has caused injury to himself and/or others, or damage to the property of the Council, the Secretariat will make a report to the Police.

14. To date, only one case has been reported to the Police by the Secretariat. The brief facts of the case are as follows. A member of a deputation appearing before a committee to give oral views when ordered to leave the Chamber by the Chairman of the committee refused to do so but charged at a public officer. Two Security Assistants were injured when preventing him to reach the public officer and in the course of removing him from the Chamber. One of the Security Assistants was given 10 days' sick leave because of the injury sustained, while another was not granted sick leave as the injury he sustained was relatively minor.

15. Prosecution had subsequently been instituted against the member of the public as the person concerned had allegedly contravened section 20 of the P&P Ordinance. The person concerned was ordered to be bound over in the sum of \$1,000 over 12 months with the condition for maintaining good behaviour and not to commit or attempt to commit any criminal act involving the use of violence or threat of violence against any person.

Advice sought

16. Members are invited to take note of this paper.

Administration Division
Legislative Council Secretariat
18 November 2010

**Summary of cases involving disturbances in the public galleries
which were reported to the Police
from October 2007 to September 2010**

Item No.	Date	Meeting	Details of the case	Relevant Guidelines applied	Updated position of the case
1.	15.1.2009	The Chief Executive's Question and Answer Session	A member of the public threw articles from the public galleries during the meeting. The case was reported to the Police.	➤ The person concerned throws articles from the public galleries to the Chamber, hence causing disturbance.	No prosecution was instituted.
2.	22.5.2009	Subcommittee to Study Issues Arising from Lehman Brothers-related Minibonds and Structured Financial Products	A member of the public threw articles from the public galleries during the meeting. The case was reported to the Police.	➤ The person concerned throws articles from the public galleries to the Chamber, hence causing disturbance.	No prosecution was instituted.

Item No.	Date	Meeting	Details of the case	Relevant Guidelines applied	Updated position of the case
3.	10.6.2009	Council Meeting	A member of the public injured himself using a cutter and threw articles from the public galleries during the meeting. The case was reported to the Police.	<ul style="list-style-type: none"> ➤ The person concerned throws articles from the public galleries to the Chamber, hence causing disturbance. ➤ The person concerned whose behaviour has caused injury to himself and/or others, or damage to the property of the Council 	No prosecution was instituted.
4.	17.9.2009	Subcommittee on Matters Relating to Railways	15 members of the public shouted slogans and had to be removed from the public galleries by the security staff. Two Security Assistants were injured when they tried to remove two members of the public from the gallery. The case was reported to the Police.	<ul style="list-style-type: none"> ➤ The person concerned displays violent behaviour and has to be removed from the public galleries by the security staff. ➤ The person concerned whose behaviour has caused injury to himself and/or others, or damage to the property of the Council. 	Prosecution had been instituted against one member of the public concerned who had allegedly contravened section 17(c) of the Legislative Council (Powers and Privileges) Ordinance ("the P&P Ordinance"). The person concerned was ordered to be bound over in the sum of \$2,000 for one year for maintaining good behaviour and abstaining from causing further disturbance in the LegCo Building.

Item No.	Date	Meeting	Details of the case	Relevant Guidelines applied	Updated position of the case
5.	24.6.2010	Council meeting	<p>A member of the public shouted slogans in the public gallery during the meeting. A Security Assistant was injured when he tried to remove the member of the public concerned from the gallery. The member of the public concerned had a record of having been removed from the public galleries and had been forewarned of the consequence should he cause disruption again when he entered the LegCo Building. The case was reported to the Police.</p>	<ul style="list-style-type: none"> <li data-bbox="1305 347 1684 579">➤ The person concerned displays violent behaviour and has to be removed from the public galleries by the security staff. <li data-bbox="1305 635 1684 906">➤ The person concerned whose behaviour has caused injury to himself and/or others, or damage to the property of the Council. <li data-bbox="1305 962 1684 1313">➤ The person concerned who has a record of having been removed from the public galleries and forewarned of the consequences should he cause disruption again. 	<p>Prosecution had been instituted against the member of the public concerned who had allegedly contravened section 17(c) of the P&P Ordinance. The person concerned was ordered to be bound over in the sum of \$2,000 for one year for maintaining good behaviour and abstaining from causing further disturbance in the LegCo Building</p>

Item No.	Date	Meeting	Details of the case	Relevant Guidelines applied	Updated position of the case
6.	6.7.2010	Panel on Food Safety and Environmental Hygiene	A member of the public shouted slogans in the public gallery during the meeting. The member of the public concerned had a record of having been removed from the public galleries and had been forewarned of the consequence should he cause disruption again when he entered the LegCo Building. The case was reported to the Police.	➤ The person concerned who has a record of having been removed from the public galleries and forewarned of the consequences should he cause disruption again.	Under investigation by the Police

Appendix II

Summary of cases involving disturbances in the public galleries which were not reported to the Police from October 2007 to September 2010

Item No.	Date	Meeting	Details of the Case
1.	10.7.2008	Council Meeting	Three members of the public displayed banner during the meeting. Upon the President's order, the persons concerned were removed from the public gallery and were given warnings before release.
2/3.	14.5.2009	The Chief Executive's Question and Answer Session	Two members of the public shouted slogans during the meeting. Upon the President's orders, the persons concerned were removed from the public gallery on two separate occasions and were given warnings before release.
4.	15.5.2009	Subcommittee to Study Issues Arising from Lehman Brothers-related Minibonds and Structured Financial Products.	A member of the public shouted slogans during the meeting. Upon the Chairman's order, the person concerned was removed from the public gallery and was given warning before release.
5.	22.5.2009	Subcommittee to Study Issues Arising from Lehman Brothers-related Minibonds and Structured Financial Products	Two members of the public shouted slogans during the meeting. Upon the Chairman's order, the persons concerned were removed from the public gallery and were given warnings before release.

Item No.	Date	Meeting	Details of the Case
6.	17.9.2009	Subcommittee on Matters Relating to Railways	A member of the public shouted slogans during the meeting. Upon the Chairman's order, the person concerned was removed from the public gallery and was given warning before release.
7.	2.12.2009	Public Works Subcommittee	Three members of the public shouted slogans during the meeting. Upon the Chairman's order, the persons concerned were removed from the public gallery and were given warnings before release.
8/9.	14.4.2010	Council Meeting	Five members of the public shouted slogans during the meeting. Upon the President's orders, the persons concerned were removed from the public gallery on two separate occasions and were given warnings before release.
10/11/12.	23.4.2010	Subcommittee to Study Issues Arising from Lehman Brothers-related Minibonds and Structured Financial Products	Seven members of the public shouted slogans during the meeting. Upon the Chairman's orders, the persons concerned were removed from the public gallery on three separate occasions and were given warnings before release.
13.	23.6.2010	Council Meeting	A disabled member of the public when observing a Council meeting in the Chamber generated noise through his computer. Upon the President's order, the person concerned was removed from the public gallery and was given warning before release.
14.	6.7.2010	Panel on Food Safety and Environmental Hygiene	Three members of the public shouted slogans during the meeting. Upon the Chairman's order, the persons concerned were removed from the public gallery and were given warning before release.