

For Information  
on 2 July 2013

**Legislative Council Panel on Security**  
**Police's handling of cases in relation to public order events**

**Introduction**

This paper provides information on Police's handling of public order events and cases in relation to public order events.

**Principles adopted by Police in handling public order events**

2. Hong Kong residents enjoy the rights of assembly, procession and demonstration according to the Basic Law and other relevant laws. The Police have always handled public meetings, processions and demonstration activities in a fair, just and impartial manner in accordance with the laws of Hong Kong. The enforcement policy of the Police is to endeavour to strike a balance by facilitating all lawful and peaceful public meetings, processions and demonstrations on the one hand, and on the other hand, reducing the impact of such activities on other members of the public or road users, and ensuring public order and public safety.

3. When expressing their views, participants of public meetings, processions or demonstrations should, under the premise of observing the laws of Hong Kong, conduct such activities in a peaceful and orderly manner. Participants of public meetings, processions and demonstrations should not engage in any behaviour to the detriment of public order or any act of violence. The Police have a duty to take lawful measures to regulate public meetings and processions as appropriate to ensure public order and public safety. In case the peace and public order are jeopardised, the Police have to take decisive enforcement actions to restore public order and public safety.

4. Under the Public Order Ordinance (Cap 245) ("the Ordinance"), any public meeting or procession the attendance of which exceeds the limit prescribed in the Ordinance, i.e. public meetings of more than 50 persons and public processions of more than 30 persons, shall give a notice to the Commissioner of Police (CP) not less than seven days prior

to the intended event, and it can only be conducted if CP does not prohibit or object to it. The notice shall cover such basic information as the date of the public meeting or procession, the time of commencement, duration, location or route, subject-matter, as well as the estimated number of participants, etc. CP may impose conditions on a notified public meeting or procession to ensure public order of the event and overall public safety. Such condition(s) will be stated explicitly beforehand in the “letter of no objection” to the organisers. Organisers may appeal to the statutory and independent Appeal Board on Public Meetings and Processions (“the Appeal Board”) if they consider CP’s decision unreasonable. Chaired by a retired judge, the Appeal Board, consisting of three other members selected in rotation from a panel of 15 members, can be convened at short notice upon receipt of an appeal application. The Court of Final Appeal pointed out in a judgment that Hong Kong’s statutory requirement for notification is widespread in jurisdictions around the world. It also affirmed that such statutory requirement for notification is constitutional, and is required to enable the Police to fulfil their duties by taking reasonable and appropriate measures, thereby facilitating lawful assemblies and demonstrations to take place in a peaceful manner.

5. Generally speaking, upon receipt of a notice of a public meeting or procession, the Police will actively maintain close communication with the event organisers in order to provide advice and assistance to them. Where necessary, Police Community Relations Officers may also be present during the event to act as a bridge of communication between the organisers and the Field Commander.

### **Handling of cases in relation to public order events**

6. According to the Police internal guidelines, Department of Justice (“DoJ”)’s prior advice will be sought if the Police intend to press charges against any persons arrested in public order events. The Police will also seek DoJ’s advice as to which legal provisions shall be invoked when pressing charges. DoJ will make the prosecution decisions based on the Statement of Prosecution Policy and Practice and relevant laws, after examining the relevant evidence. All prosecution decisions are totally free from political, media or public pressure. In considering

whether charges should be pressed in accordance with the Ordinance, DoJ will adopt the same principles as those adopted when handling other criminal prosecution cases, i.e. to consider whether there is sufficient evidence, and whether the public interest requires a prosecution to be pursued.

7. Hong Kong is a society under the rule of law, and the Police have the responsibility to maintain law and order. The Police have been acting in accordance with the law, and there is absolutely no political consideration involved. The Police will take enforcement action against any person who commits an offence in a fair, just and impartial manner, regardless of the person's identity, job or background.

**Security Bureau**  
**Hong Kong Police Force**  
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