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Panel on Security

**Background brief prepared by the Legislative Council Secretariat
for meeting on 2 July 2013**

Police's handling of public meetings and public processions

Purpose

This paper summarizes past discussions of the Panel on Security ("the Panel") on the Police's handling of public meetings and processions.

Background

2. The main statutory provisions regulating public meetings and processions are set out in the Public Order Ordinance (Cap. 245) ("POO"), which provides that a public meeting or procession at which the attendance exceeds the prescribed limit, i.e. public meetings of more than 50 persons and public processions of more than 30 persons, can take place only if notice has been given to the Commissioner of Police ("CP") not less than seven days prior to the intended event, and CP has not prohibited or objected to it. CP may prohibit any public meetings or processions if he reasonably considers such prohibition necessary in the interests of national security, public safety and public order, or for the protection of rights and freedoms of others. If CP does not issue a notice of objection within the time limit, he is taken to have issued a notice of no objection and the meeting or procession can proceed. If CP prohibits, objects to or imposes conditions on a notified public meeting or procession, the organizers have a right of appeal to an independent Appeal Board on Public Meetings and Processions as provided under POO.

Deliberations by the Panel

3. The Panel had discussed issues relating to the Police's handling of public meetings and public processions at various meetings. The major deliberations are summarized in the following paragraphs.

Communication with organizers of public meetings and processions

4. Members noted that upon receipt of a notification about a public meeting or procession, the Police would maintain communication with the event organizers and discuss with them how order could be maintained on the day of the public meeting or public procession. In assessing the crowd/traffic management measures and manpower required for maintaining public safety and public order during the events, the Police would make reference to the information provided by the organizers, past experience in handling similar events as well as other operational considerations. The event organizers were responsible for arranging wardens to maintain order during the public meeting or public procession.

5. Concern was raised over whether the Police would maintain communication with organizers when public meetings and processions were being held. Members noted that apart from providing advice in advance and agreeing on certain arrangements in relation to the event, a Police Community Relations Officer might also be present during the event to act as a channel of communication between the organizer and the Field Commander.

6. Some members were concerned that the restriction imposed by the Police on procession routes had resulted in repeated confrontation between the Police and demonstrators. According to the Police, it would liaise with organizers on each public meeting or public procession. The procession route and other relevant details would be specified in the "letter of no objection" and participants were required to follow. Whenever a lane of a carriageway was made available for a procession, the next lane would not be used for safety considerations.

Handling of unlawful public meetings and processions

7. Some members considered that all public meetings and processions should be conducted in a lawful and peaceful manner. They noted that it was usually at the later stage of a public meeting or procession that some participants exhibited radical behaviour, such as blocking the roads, overturning water barriers, blowing whistle at the ear of a police officer and using bad

language against police officers, especially female police officers. These members considered that all these acts were unacceptable and the overturning of water barriers, which were very heavy, could cause serious injuries or even deaths to both demonstrators and police officers. They considered that the Police should take strict enforcement actions against any acts in breach of the law.

8. According to the Administration, the expression of views by any person should be made in a lawful and peaceful manner. If someone notified the Police for holding a public meeting or procession, the Police would make an assessment on the case before deciding whether to issue the letter of no objection in accordance with POO. Public order events held with or without prior notice given to the Police would be handled in accordance with established mechanisms and having regard to the specific circumstances of the case concerned. When there was a breach of the law, the Police would, first of all, advise the persons concerned to comply with the law. Warnings would be given where necessary. Where the situation did not improve and there was a need for the Police to take resolute actions, clear instructions and warnings would be given and adequate time would be allowed for the persons concerned to comply with the instructions.

Use of pepper spray against demonstrators and the deployment of water barriers

9. Concern was raised over the Police's use of huge water barriers and large canister pepper spray against demonstrators during the visit of President Hu Jintao to Hong Kong in June/July 2012. Information was sought on whether the dosage of the pepper spray used was in line with international practice.

10. According to the Police, it was not the first time that large canister of pepper spray was used. The levels of force and concentration as well as ingredients of the large canisters of pepper spray were the same as those of the small ones. The only difference was the volume of pepper spray contained therein. The large canister pepper spray would be effective within a range of five metres without causing harm. The guidelines on the use of large and small canisters of pepper spray were the same. After having stopped the violent behaviour of demonstrators, the Police had stopped using pepper spray.

Use of force in the removal of demonstrators

11. In response to some members' criticism that the Police had used excessive force in the removal of demonstrators, the Administration emphasized that the Police had all along been upholding the principles of exercising maximum restraint and using minimum force in facilitating the conduct of public order

events and dealing with violent incident. According to the Police's internal guidelines on the use of force, a police officer should display self-discipline and exercise a high degree of restraint when dealing with the public and should not resort to the use of force unless such action was strictly necessary and he was otherwise unable to effect his lawful purpose. Once that purpose had been achieved, the use of force should cease. Police officers should identify themselves as such and, when circumstances permitted, a warning should be given of the intention to use force and of the nature and degree of force intended to be used. Persons should be given every opportunity, whenever practicable, to obey police orders before force was used.

Impact of public meetings and processions on other road users

12. Some members expressed concern over complaints from many road users about serious traffic congestion arising from public meetings and public processions held during weekends. Some members enquired whether public meetings and processions could be arranged to be held at different places and time in order to minimize impact on other road users.

13. According to the Administration, the Commissioner of Police might impose conditions under POO on a notified public meeting or procession to ensure public order and public safety as well as minimize impact on other road users. Where there were road closure or traffic diversion arrangements, the Administration would inform members of the public through different means, including issuing press releases and disseminating such information during press conferences. The Police would also upload the procession routes and the conditions imposed on a public order event to the Police webpage. The Transport Department's Emergency Transport Co-ordination Centre would come into operation when public meetings or processions of a large scale were held.

Confrontation between different social groups at public meetings or processions

14. Concern was raised over situations in which public order events organized by different social groups with different views on a subject matter were held at the same time as well as at same venue and later developed into confrontation and conflict between the groups. Information was sought on how the Police would handle cases in which the safety of some social groups was under threat in such confrontation.

15. According to the Administration, when there was confrontation between different social groups at a public meeting or procession, the Police would try to calm down the confronting groups and separate them from each other. Where

necessary, the Police might arrange persons whose personal safety was under threat to leave the scene.

Arrest and prosecution of demonstrators

16. There was a view that the Police had been increasingly harsh in handling public meetings and processions. Concern was raised that over some 400 demonstrators had been arrested in 2011, which was 6.7 times of the figure in 2010.

17. Members were advised that the substantial increase in the number of people arrested during public order events in 2011 were mainly due to three large-scale demonstrations in which a total of 398 persons were arrested. There were a number of occasions on which the Police had arrested people who had assembled unlawfully and had committed acts damaging social order after the end of public meetings or processions. These people had blocked trunk roads and caused serious traffic congestion. After having repeatedly advised them to leave but in vain, the Police had to take action decisively. According to the Police, in exercising the freedom of expression, participants of public meetings or processions should, under the premise of observing the laws of Hong Kong, proceed in a peaceful and orderly manner.

Relevant papers

18. A list of the relevant papers on the Legislative Council website is in the **Appendix**.

**Relevant papers on
Police's handling of public meetings and public processions**

Committee	Date of meeting	Paper
Legislative Council	21.2.2001	<u>Official Record of Proceedings (Question 8)</u>
	22.1.2003	<u>Official Record of Proceedings (Question 1)</u>
	30.6.2004	<u>Official Record of Proceedings (Question 1)</u>
	23.11.2005	<u>Motion on "Security and public order issues relating to the Sixth Ministerial Conference of the World Trade Organization"</u>
	24.6.2009	<u>Official Record of Proceedings (Question 3)</u>
	2.12.2009	<u>Official Record of Proceedings (Question 12)</u>
	10.11.2010	<u>Official Record of Proceedings (Question 6)</u>
	12.1.2011	<u>Official Record of Proceedings (Question 4)</u>
	13.7.2011	<u>Official Record of Proceedings (Urgent Question 2)</u>
	19.12.2012	<u>Official Record of Proceedings (Question 3)</u>
	27.3.2013	<u>Official Record of Proceedings (Question 18)</u>

Committee	Date of meeting	Paper
Legislative Council	24.4.2013	<u>Official Record of Proceedings</u> (Question 10)
	22.5.2013	<u>Official Record of Proceedings</u> (Question 12)
Panel on Security	5.6.2007 (Item VII)	<u>Agenda</u> <u>Minutes</u>
	2.2.2010 (Item V)	<u>Agenda</u> <u>Minutes</u>
	11.11.2010 (Item III)	<u>Agenda</u> <u>Minutes</u>
	8.4.2011 (Item II)	<u>Agenda</u> <u>Minutes</u>
	5.7.2011 (Item IV)	<u>Agenda</u> <u>Minutes</u>
	8.5.2012 (Item V)	<u>Agenda</u> <u>Minutes</u>
	4.7.2012 (Item VI)	<u>Agenda</u> <u>Minutes</u>
	5.4.2013 (Item V)	<u>Agenda</u> <u>Minutes</u>

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