

For information
on 30 September 2013

Legislative Council Panel on Security
Police's handling of public meetings and public processions

Introduction

This paper provides information on matters in relation to the Police's handling of public meetings and public processions.

Principles adopted by the Police in handling public order events

2. Hong Kong residents enjoy the rights of meeting, procession and demonstration according to the Basic Law and other relevant laws. The Police always handle all public order events 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 striving to facilitate the smooth conduct of lawful and peaceful public meetings and processions on one hand, while on the other, minimizing the impact of such events on members of the public and road users, as well as ensuring public order and public safety.

3. When expressing their aspirations, participants of public meetings or processions are advised by the Government to abide by the laws of Hong Kong and respect others' rights so that the events could proceed in a peaceful and orderly manner, without compromising the efforts of the Police to maintain law and order. The Police will act in accordance with the law under all circumstances and will, in the light of the prevailing circumstances, take decisive measures against any illegal behaviour, breach of social peace or public order in a bid to maintain public order and ensure public safety.

4. Under the Public Order Ordinance (the Ordinance) (Cap 245), in the event of 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, the organiser(s) 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 notification shall cover such basic information as the date of the public

meeting or procession, time of commencement and duration, location or route, theme, as well as the estimated number of participants, etc. CP may impose condition(s) on a notified public meeting or procession to ensure order of the event and overall public safety, and the corresponding condition(s) imposed will be stated explicitly in the “letter of no objection” issued to the organiser(s). Organiser(s) 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 a 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 prevalent in jurisdictions around the world. It also affirmed that such statutory requirement for notification is constitutional, and is necessary to enable the Police to fulfil their duties by taking reasonable and appropriate measures, thereby enabling lawful meetings and demonstrations to take place peacefully.

5. Generally speaking, upon receipt of a notification of a public meeting or procession, the Police will maintain an active and close communication with the organiser(s) to offer advice and assistance. Police Community Relations Officer(s) may also be present during an event as required to act as a channel of communication between the organiser(s) and the Field Commander. The Police have a duty to take lawful measures to regulate public meetings and processions as appropriate to ensure public order and public safety.

Handling of groups with different positions

6. The Police have considerable experience in handling public order events. Based on the objectives, nature, number of participants, risk assessments and operational commitments of individual events, the Police formulate corresponding strategies and contingency plans, deploy their manpower flexibly and adopt crowd management measures. Appropriate arrangements will also be made by the Field Commander, after taking into account the circumstances and conditions at the scene, to ensure public safety and public order. In the event that groups with different positions hold public order events at the same place, the Police will adopt appropriate segregation measures to facilitate their expression of views, including the designation of “public activity areas” for various groups.

Training in relation to the handling of public order events

7. The Police have been making efforts to enhance officers' training in handling demonstrations launched by groups with different positions and increasingly drastic demonstrations. Training in relation to the handling of public order events is provided to officers of all ranks, which include programmes on relevant legislation and their application, assistance to be rendered to organisers for the orderly conduct of public order events, designation of "public activity areas" and formulation of contingency plans, etc.

8. When handling public order events, police officers may be subject to various degrees of physical and verbal provocations. To help officers exercise restraint and remain calm under such circumstances for effective enforcement, the Police attach importance to officers' training on emotion management, which has been incorporated into the foundation training for recruit police constables and promotion courses for officers of respective ranks. Through interactive processes guided by professional instructors, officers in training would be equipped with emotion management skills to tackle challenges under different scenarios.

Way forward

9. Maintaining law and order, preventing and detecting crimes, as well as safeguarding lives and properties are important missions of police officers. Their effective discharge of duties depends on the co-operation, respect and support from the general public. The Police will continue to uphold their professionalism and handle public order events in a fair and just manner according to the law.

**Security Bureau
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