

For information
on 27 October 2014

**Legislative Council Panel on Security
Handling of Large-scale Unlawful Assemblies by the Police**

Introduction

This paper provides information on matters in relation to the handling of large-scale unlawful assemblies by the Police.

Principles governing the handling of assemblies by the Police

2. Hong Kong residents enjoy the freedom of and the right to peaceful assembly, procession and demonstration under the Basic Law. However, in exercising such rights, they shall not wilfully disrupt public order or act in defiance of the law. In 2005, the Court of Final Appeal (CFA) pointed out in a case involving the freedom of demonstration that the right to assembly, procession and demonstration was not unrestricted in that, for instance, if the assembly concerned caused unreasonable obstruction to the free passage along a public road, i.e. exceeding what the public can reasonably be expected to tolerate, then the protection for the assembly concerned under the Basic Law would be lost. In another case heard by the CFA in 2012, a permanent judge also pointed out that an act could be properly regarded as "disorderly" when it went well beyond what any citizen would have to tolerate.

3. When expressing their aspirations, participants of public meetings or processions are advised by the SAR Government to abide by the law and respect others' rights so that the events could proceed in a peaceful and orderly manner without compromising the Police's efforts to maintain law and order. The Police endeavour to facilitate peaceful public meetings and expression of views. As the guardian of public order, the Police act in accordance with the law under all circumstances and shall, in the light of the prevailing circumstances, take resolute measures against any illegal behaviour and acts in breach of the peace or public order in a bid to maintain public order and ensure public safety.

Principles governing the use of force by the Police

4. According to section 10 of the Police Force Ordinance (Cap 232), the Police have the responsibility to adopt lawful measures to

maintain public safety and public order, as well as safeguard people's life and property. On occasions where an act causing danger to others is occurring or is about to occur, the Police shall, based on the circumstances at scene, make assessments and exercise professional judgment to take appropriate actions, which include using the minimum force required.

5. There are strict Police guidelines for the use of force in that the force to be used shall be the minimum force necessary for achieving a lawful purpose. Before using force, police officers shall, when circumstances permit, give warning of their intention to use force. The person(s) involved shall be given every opportunity, whenever practicable, to obey police orders before force is used. Police officers exercise a high level of restraint at all times in the use of force. Field commanders shall decide on the appropriate force to be used after an assessment is made in the light of the overall circumstances and practical needs at the material time. The use of force shall cease once the purpose of which has been achieved.

Handling of confrontations among crowds with different views

6. When the Police handle confrontations in a crowded and chaotic situation, their primary consideration is to ensure the safety of people on the scene. The Police's top priority is to as quickly as possible separate crowds with different views to avoid deterioration of the situation, lest casualties may be triggered. The Police endeavour to render assistance to those who wish to leave while requiring help for that purpose, as well as those whose personal safety is at stake as considered by the Police, by escorting them out of the scene and taking them to a safe place, without taking into account which side they are on during the confrontation. The Police shall definitely follow up, in accordance with the law, any case in which there is evidence for suspected offences. Members of the public shall report to the Police unlawful acts which are considered to have taken place and provide information for the Police's investigation and follow-up.

Recent large-scale unlawful assemblies

7. Following a spate of unlawful acts by radical protesters, the public meeting on the pavement outside the Central Government Offices on 26 September developed into an unlawful assembly, during which protesters forced their way into Government buildings, violently charged

the Police cordon lines, seized the mills barriers, assaulted police officers, occupied major trunk roads, erected large barricades and paralysed the traffic, seriously jeopardising public safety and public order. The large-scale unlawful assemblies concerned have persisted for weeks, causing extremely widespread, serious and actual implications on traffic and transport, emergency rescue services, Government operation, daily life of the community and even various kinds of economic activities. The Government severely condemns such irresponsible and illegal acts.

8. While the Police have exercised utmost tolerance in maintaining public order over these days, protests staged beyond the legal framework are unlawful acts that are extremely dangerous and could entail dire consequences. More than 200 members of the public and police officers were injured as a result of the confrontations and clashes at different locations of unlawful assemblies in recent days. Protesters occupying the roads illegally should leave in a peaceful manner as soon as possible and remove barricades to restore unimpeded traffic so that the community's daily life could return to normal.

9. During the operations over the last few weeks, the Police have stood fast to their posts and performed their duties with perseverance and untiring devotion in a professional and impartial manner while exercising a high level of restraint. The SAR Government fully supports the Police in their continued efforts to handle with professionalism such extremely difficult tasks.

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