

For information
on 5 May 2015

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 handling of public meetings and public processions by the Police.

Principles adopted by the Police in handling public order events

2. Hong Kong residents enjoy the freedom of and the right to peaceful assembly, procession and demonstration under the Basic Law. The Police have been handling all public order events in a fair, just and impartial manner in accordance with the law of Hong Kong. It has been the established enforcement policy of the Police to endeavour to strike a balance between facilitating the smooth conduct of lawful and peaceful public meetings and processions on one hand, while on the other, minimising the impact of such events on members of the public and road users, as well as ensuring public order and public safety. The HKSAR Government has been urging participants of public order events to remain law-abiding, peaceful and orderly when expressing their views and refrain from behaviour that is detrimental to public order or violent.

3. The Police have the duty to take lawful measures to regulate public meetings and processions as appropriate. Under the Public Order Ordinance (Cap 245), in the event of the attendance of public meetings or processions exceeding the respective limits prescribed in the Ordinance, i.e. public meetings of more than 50 persons and public processions of more than 30 persons, organisers shall, in accordance with the Ordinance, give a notice in writing to the Commissioner of Police ("the Commissioner") not less than seven days prior to the intended event, which can only be conducted if the Commissioner gives no prohibition or objection. The notice shall include such information as the date, time, location, theme and estimated attendance of the intended event etc. The Commissioner may impose conditions on a notified public meeting or procession to ensure order of the event and overall public safety. The conditions so imposed will be stated explicitly in the "letters of no objection" issued to organisers and uploaded to the police website for public viewing. Organisers who consider the Commissioner's decision unreasonable may appeal to the

statutory and independent Appeal Board on Public Meetings and Processions.

4. In handling public order events, the Police will conduct holistic risk assessment and consideration, taking into account the purpose, nature and attendance of such events as well as strategies used and experience gained in similar past events. By doing so, the Police will work out the overall strategies and contingency plans, and, having regard to the circumstances at the time, deploy manpower flexibly and implement crowd management measures.

Illegal behaviour in recent public order events

5. From the illegal “Occupy Movement” between September and December last year to the recent spate of so-called “shopping tour” and “anti-parallel trader” protests, there were various forms of unlawful behaviour, violent acts and wilful disruption, seriously upsetting the rule of law, public safety and social order in Hong Kong. The HKSAR Government has severely condemned such acts. The Police will definitely take resolute enforcement actions against any illegal behaviour, which are by no means tolerated.

6. During the illegal “Occupy Movement” last year which lasted for 79 days, numerous protesters gathered to hold large-scale unlawful assemblies at various places in Hong Kong, resulting in illegal road blockage and serious impact on traffic, emergency rescue services, government operations and daily life of the public. Also, persistent crowd confrontations and even violent incidents took place at many locations. As at 15 December 2014, the day on which the illegal “Occupy Movement” ended, 955 persons were arrested by the Police for various alleged offences, and another 48 persons were arrested by the Police afterwards.

7. During the illegal “Occupy Movement”, the Police had to deal with unlawful behaviour in illegally occupied areas and, at the same time, maintain public safety and public order in different districts of Hong Kong. As a result, the Police had to deploy substantial manpower and resources. Major items of Police’s expenditure in handling the illegal “Occupy Movement” included the disciplined services overtime allowance, provision of meals and hire of vehicles for transporting police officers etc, which amounted to about \$350 million in total.

8. Moreover, in the recent so-called “anti-parallel trader” protests in different districts of Hong Kong in February and March this year, there were various forms of unruly behaviour, verbal abuses, nuisances, violence and illegal acts. A total of 72 persons were arrested.

9. To cope with “anti-parallel trader” protests, the Police have strengthened their manpower and made corresponding deployment in districts with higher risk, such as mobilising police manpower of various regions to deal with emergencies. Deployment is also strengthened during holidays at places more frequented by visitors and in districts clustered by protesters. The Police have also enhanced communications with shopping malls, shop operators and public transport companies etc in districts with higher risk in order to minimise the impact on personal safety, public order and public transport services during such protests.

Police manpower and equipment

10. To effectively handle large-scale and prolonged public assemblies that are held simultaneously at various places and illegal behaviour that may occur on such occasions, the Police have to review their manpower, equipment and deployment. In terms of manpower, the Police consider it necessary to create 442 posts in 2015-16 for increasing the establishment of the Police Tactical Unit and back-end support services to strengthen frontline operational capabilities and support the handling of major security and crowd management events.

11. On equipment, the Police have, after making reference to overseas experience in handling large-scale public assemblies, noticed that “specialised crowd management vehicles” with water spray devices have been used in such countries/ places as the United Kingdom, Germany, Belgium, Korea and Macau for effectively dispersing protesters who stage violent charging acts, creating a safe distance between protesters and police officers, reducing the chance of injuries to protesters and police officers, and stopping behaviour jeopardising public safety and public order.

12. Upon thorough consideration, the Police plan to procure three “specialised crowd management vehicles” with water spray device. The vehicles will be equipped with large display screens and public address systems, which can put across effectively the Police’s advice, warnings or other messages to the protestors. The vehicles can also spray liquid dye for identification of related offenders to facilitate follow-up investigations

in the future. The Police will formulate strict operating guidelines for these specialised vehicles and provide stringent training in driving and operation for the relevant officers.

13. In any event, the force to be used by the Police shall be the minimum force necessary for achieving a lawful purpose. There are stringent Police guidelines for the use of force in that police officers shall, before using force and when circumstances permit, give warning of their intention to use force, and the persons involved shall be given every opportunity, whenever practicable, to obey police orders. Police officers shall exercise a high level of restraint at all times in the use of force. The use of force shall cease once the purpose of which has been achieved. The Police will not have to resort to the use of force if protesters express their views in a peaceful and rational manner, follow police advice, and do not stage any violent charging or illegal acts.

Conclusion

14. The HKSAR Government always respects the public's freedom of and right to expression, speech and assembly. The Police will continue to uphold their professionalism and handle public order events in a fair and just manner according to the law. Hong Kong is a community where the rule of law prevails. In order to uphold the rule of law, in addition to the Police's stringent law enforcement, co-operation from the general public by complying with the law and jointly maintaining social order is also required. In future, the Police will continue to keep a watch on the situation and adopt necessary measures to ensure public order and public safety.

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