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Panel on Security

**Updated background brief prepared by the Legislative Council Secretariat
for the meeting on 5 May 2015**

Police's handling of public meetings and public processions

Purpose

This paper summarises past discussions of the Panel on Security ("the Panel") on the Police's handling of public meetings and public 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 organisers may 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 summarised in the following paragraphs.

Communication with organisers of public meetings or public processions

4. Members noted that upon receipt of a notification about a public meeting or procession, the Police would maintain communication with the event organisers 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 organisers, past experience in handling similar events as well as other operational considerations.

5. Concern was raised over whether the Police would maintain communication with organisers while public meetings or public 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 organiser and the Field Commander.

6. Some members were concerned that the restriction imposed by the Police on procession routes had resulted in repeated confrontations between the Police and demonstrators. According to the Police, it would liaise with organisers 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.

Handling of confrontations at public meetings and public processions

7. Given that there were occasions on which different social groups with opposing views on a subject matter were held at the same time as well as same venue and later developed into confrontations and conflicts between the groups, some members were concerned about the Police's handling of such situations. Some members also 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 and overturning water barriers. Some participants even insulted or provoked front-line police officers to the extent that the officers faced tremendous pressure in the discharge of their duties. 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. Some members took the view that consideration should be given to legislating for insulting police officers.

8. According to the Administration, participants of public meetings or public processions were reminded to observe the laws of Hong Kong and respect others' rights so that the activities could proceed in a peaceful and orderly manner, without hindering the efforts of the Police to maintain law and order. 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 cases concerned. When there was a breach of the law, the Police would, first of all, advise the persons concerned to comply with the law. 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.

9. The Administration advised that when there was confrontation 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 people whose personal safety was under threat to leave the scene. With substantial experience in handling large scale public processions or public meetings, the Police would formulate corresponding deployment and contingency plans with reference to the objectives, nature, number of participants, risk assessments and operational needs of individual public order events, while deploying their manpower in a flexible manner and implementing crowd control measures. Appropriate arrangements would 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 opposing positions held public order events at the same place, the Police would adopt appropriate segregation measures, including the designation of "public activity areas" for various groups, to facilitate their expression of views.

10. In response to some members' criticism that the Police had used excessive force in the removal of demonstrators, the Administration emphasised 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 incidents. 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. People should be given every opportunity, whenever practicable, to obey police orders before force was used.

11. The Administration stressed that the enforcement policy of the Police was, on the one hand, to endeavour to facilitate lawful and peaceful public meetings and public processions, while on the other hand, minimising the impact of such activities on other members of the public and road users, as well as ensuring public order and public safety.

Impact of public meetings and public processions on other road users

12. Some members pointed out that many members of the public and road users, especially taxi drivers, had complained about the blocking of the road by participants of public meetings and public processions which caused serious traffic congestion. These members were concerned about how the Police would balance the rights of demonstrators and other road users.

13. According to the Police, its enforcement policy was to strike a balance between facilitating the smooth conduct of lawful and peaceful public meetings and public processions on the one hand, while minimising the impact of such events on members of the public and road users and ensuring public order and public safety on the other hand. The holding of a public order event would inevitably affect traffic in the areas concerned. The Police and the Transport Department had been taking steps to maintain the accessibility of emergency vehicles to the roads concerned and traffic flow through trunk routes when such events were held. The Police would take enforcement actions against any person in breach of the law.

Use of force by the Police in handling incidents relating to the Occupy Movement ("the Movement")

14. Concern was expressed by some members that police officers had used tear gas and batons against participants of the Movement who were peaceful. They considered that as police officers were empowered to use force, they should exercise particular restraint and impartiality when discharging their duties. Concern was expressed by some other members that some participants of the Movement had violently charged at Police cordon lines, blocked the roads, assaulted police officers, snatched police barriers and resisted arrest. These members expressed support for police officers who had been discharging their

duties professionally and impartially, and considered that the Police should take enforcement actions against acts in breach of the law to uphold the rule of law and restore public order.

15. According to the Administration, where resistance and confrontation took place when enforcement actions were taken against participants of the Movement, some force would inevitably be used. In handling incidents relating to the Movement, despite the Police's repeated appeals and warnings on the spot, the Police cordon lines continued to be under serious charging. In view of the failure to achieve the effect of counteracting the charging of the crowd by the use of oleoresin capsicum foam, the Police, in preventing the situation from getting further out of control which would lead to more serious casualties, had no alternative but to use tear gas to put an immediate halt to the charging acts. Batons were used to maintain an appropriate and safe distance from persons charging at the Police cordon lines. The Administration stressed that there were strict guidelines on the use of force by police officers. Only the minimum force reasonably necessary to achieve a lawful purpose would be used and once that purpose had been achieved, the use of force should cease.

16. At its meeting on 4 November 2014, the Panel passed a motion moved by Hon CHUNG Kwok-pan extending sympathy to police officers who had sustained injuries on duty during the Movement, expressing staunch support for the Police's vigilant enforcement actions and appealing to all sectors of the community to stop regarding frontline police officers as targets of venting their anger. The Panel also passed a motion moved by Hon Michael TIEN urging the Government, among others, to address the additional psychological pressure borne by police officers due to the Movement, formulate measures to support frontline police officers and proactively provide them with psychological counselling.

Relevant questions raised at Council meetings and motions for the adjournment of the Council under Rule 16(2) of the Rules of Procedures for the purpose of relevant debates

17. Since the beginning of the 2014-2015 legislative session, Members have raised a number of oral and written questions relating to the handling of the Movement at various Council meetings. A motion for the adjournment of the Council under Rule 16(2) of the Rules of Procedures for the purpose of debating "the handling of people's assemblies by the SAR Government and the Hong Kong Police since 26 September this year" was moved at the Council meeting of 15 October 2014. Another motion for the adjournment of the Council under Rule 16(2) of the Rules of Procedures for the purpose of debating "the Police's

assistance in enforcing the injunction orders in Mong Kok and its handling of public assemblies since 25 November 2014" was moved at the Council meeting of 3 December 2014.

Relevant papers

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

Council Business Division 2
Legislative Council Secretariat
4 May 2015

**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 (Question 10)</u>
	22.5.2013	<u>Official Record of Proceedings (Question 12)</u>
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>
	2.7.2013 (Item V)	<u>Agenda</u> <u>Minutes</u>
	--	Administration's response to the issues raised in the letter from Hon WONG Kwok-kin regarding provocative behaviour against police officers at public meetings and public procession (<u>CB(2)1754/12-13(01)</u>)

Committee	Date of meeting	Paper
Panel on Security	--	Administration's response to the questions raised in the letter from Hon Cyd HO regarding the Police's handling of different parties at public meetings and the Police General Orders (CB(2)1755/12-13(01))
Panel on Security	30.9.2013 (Item I)	<u>Agenda</u> <u>Minutes</u>
Legislative Council	23.10.2013	<u>Official Record of Proceedings (Question 9)</u>
	19.2.2014	<u>Official Record of Proceedings (Question 10)</u>
Panel on Security	8.7.2014 (Item VI)	<u>Agenda</u> <u>Minutes</u>
Legislative Council	15.10.2014	<u>Official Record of Proceedings (Urgent Questions 1-5)</u> <u>Motion on "The handling of people's assemblies by the SAR Government and the Hong Kong Police since 26 September this year"</u>
Panel on Security	27.10.2014 (Item I)	<u>Agenda</u> <u>Minutes</u>
Legislative Council	29.10.2014	<u>Official Record of Proceedings (Questions 3, 6 and 17)</u>
Panel on Security	4.11.2014 (Item IV)	<u>Agenda</u> <u>Minutes</u>

Committee	Date of meeting	Paper
Legislative Council	5.11.2014	Official Record of Proceedings (Questions 3, 6 and 7)
Legislative Council	20.11.2014	Official Record of Proceedings (Urgent Question) Official Record of Proceedings (Questions 11 and 17)
Legislative Council	26.11.2014	Official Record of Proceedings (Questions 4 and 19)
Legislative Council	3.12.2014	Motion on "The Police's assistance in enforcing the injunction orders in Mong Kok and its handling of public assemblies since 25 November 2014"
Legislative Council	10.12.2014	Official Record of Proceedings (Question 2)
Legislative Council	17.12.2014	Official Record of Proceedings (Question 2)

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