

(English translation)

**Legislative Council
Subcommittee on Prohibition on Face Covering Regulation**

Information on Relevant Legislation in Overseas Countries

As requested by the Legislative Council (“LegCo”) Subcommittee on Prohibition on Face Covering Regulation (“the Regulation”), further information on the relevant legislation in overseas countries is provided as follows.

Legislative Background in Overseas Countries

2. According to information available from our research, anti-mask laws in quite a number of Western countries were enacted out of the need to restore public order following large-scale riots or disturbances during which many perpetrators of violence used facial covering. For example, following the “Yellow Vest” protests, France amended its *Code pénal* in April 2019 to reinforce and ensure the maintenance of public order during demonstrations, and has prohibited a person who is within or in the immediate surroundings of a demonstration which disrupts or runs the risk of disrupting public order, from concealing the person’s face illegitimately. A person in breach of the requirement is liable to a maximum penalty of imprisonment of one year and a fine of EUR 15,000 (approximately HKD 130,000). In 2013, following the disturbances during the G20 Summit held in Toronto and after a sport event held in Vancouver, Canada passed the *Preventing Persons from Concealing Their Identity during Riots and Unlawful Assemblies Act* to prohibit any person who takes part in a riot or unlawful assembly from covering the person’s face. A person in contravention of the requirement is liable to a maximum penalty of imprisonment of 10 years. Anti-mask laws in countries such as Sweden and Denmark also had similar backgrounds.

Legislative Procedures in Overseas Countries

3. It is our understanding that anti-mask laws of the eight countries mentioned in the LegCo Brief on the Regulation, namely Canada, France,

Sweden, Spain, Denmark, Norway, Germany and Austria, are permanent primary legislation enacted by their respective legislature pursuant to the legislative procedures concerned (e.g. as examined by and debated in their parliaments). The Regulation, aimed at dealing with the prevailing public danger, is a piece of subsidiary legislation and had been laid on the table of LegCo for negative vetting in accordance with section 34 of the Interpretation and General Clauses Ordinance. The Government has made clear to the public that when the prevailing public danger drops to a level which no longer justifies the Regulation, the Security Bureau will seek the approval from the Chief Executive in Council to repeal the Regulation.

Security Bureau
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