| To: The Duty Officer   |
|--|
| Police Station   |
| Notification of the Intention to hold a Public Meeting/Procession under the Public Order Ordinance, Cap. 245   |
| IMPORTANT: Please read the accompanying guidance notes before completing this form in BLOCK LETTERS. Additional plain paper may be used if space is not enough.  |
| I wish to notify the Commissioner of Police of the intention to hold a public meeting/public procession. The information I am required to supply in accordance with the provisions of section $8(4)$ /section $13A(4)$ of the Public Order Ordinance, Chapter 245 is:- |
| Section A - Particulars of the Organiser   |
|  |
| 1. Name: ** Mr./Mrs./Miss  |
| 2. Address: In English Surname first, then Other Names Chinese Characters  |
| 3. Contact Telephone Number:   |
| 4. The name and address of any society or organisation promoting or connected with the holding   |
| of the meeting/ procession:  |
| Name :   |
| Contact telephone number:  |

## Section B - Particulars of the Meeting/Procession

| 1. Date/ time:  Nature  Date (dd/mm/yy)  Time (From - To)  i)   |                                       |                                   |                      |                   |                      |
|---|---------------------------------------|-----------------------------------|----------------------|-------------------|----------------------|
| i)  | 1. Date/                              |                                   | Data (dd/mm/s        | <i>m</i> )        | Time (From To)       |
| ii)   | i)                                    |                                   |                      |                   |                      |
| 2. Location: i) ii) iii)  3. The precise route, time of commencement and duration of the procession (if appropriate):  4. The purpose of the meeting/procession (e.g. fund-raising, increase public awareness): |                                       |                                   |                      |                   |                      |
| 2. Location: i)   | •                                     |                                   |                      |                   |                      |
| i)  | ,                                     |                                   |                      |                   |                      |
| ii)   | 2. Locat                              | tion:                             |                      |                   |                      |
| 3. The precise route, time of commencement and duration of the procession (if appropriate):  4. The purpose of the meeting/procession (e.g. fund-raising, increase public awareness):                           | i)                                    |                                   |                      |                   |                      |
| 3. The precise route, time of commencement and duration of the procession (if appropriate):  4. The purpose of the meeting/procession (e.g. fund-raising, increase public awareness):                           | ii)                                   |                                   |                      |                   |                      |
| 4. The purpose of the meeting/procession (e.g. fund-raising, increase public awareness):  | iii)                                  |                                   |                      |                   |                      |
| 4. The purpose of the meeting/procession (e.g. fund-raising, increase public awareness):  |                                       |                                   |                      |                   |                      |
|   | 3. The p                              | precise route, time of commencer  | ment and duration    | of the procession | on (if appropriate): |
|   |                                       |                                   |                      |                   |                      |
|   |                                       |                                   |                      |                   |                      |
|   |                                       |                                   |                      |                   |                      |
|   |                                       |                                   |                      |                   |                      |
|   |                                       |                                   |                      |                   |                      |
|   |                                       |                                   |                      |                   |                      |
|   | 4 751                                 |                                   |                      |                   |                      |
| 5. The subject matter of the meeting/procession (e.g. housing, public transport fare):  | 4. The p                              | ourpose of the meeting/processio  | n (e.g. fund-raising | g, increase publ  | ic awareness):       |
| 5. The subject matter of the meeting/procession (e.g. housing, public transport fare):  |                                       |                                   |                      |                   |                      |
| 5. The subject matter of the meeting/procession (e.g. housing, public transport fare):  |                                       |                                   | •••••                | •••••             |                      |
| 5. The subject matter of the meeting/procession (e.g. housing, public transport fare):  | ••••••                                |                                   | •••••                | •••••             |                      |
| 3. The subject matter of the meeting procession (e.g. nousing, public transport rare).  | 5 The s                               | whicet matter of the meeting/pro  | cession (e.g. housi  | ng public trans   | enort fare):         |
|   | J. The s                              | doject matter of the meeting/pro  | cession (e.g. nousi  | ing, public trans | port rare).          |
|   | · · · · · · · · · · · · · · · · · · · |                                   |                      |                   |                      |
|   |                                       |                                   |                      |                   |                      |
| 6. Number of persons expected to attend the meeting/procession.   | 6 Numi                                | har of narrane avmasted to offens | the meeting/press    | accion:           |                      |
| 6. Number of persons expected to attend the meeting/procession:   | o. muini                              | ber of persons expected to attend | the meeting/proce    | 2881011           |                      |
|   | •••••                                 |                                   | •••••                | •••••             |                      |

### **Section C - Other relevant information**

| 1. Name of a person able to act, if necessary, in place of myself for the purpose of section 11(1)(a)/section 15(1)(a) of the Public Order Ordinance:  |
|--|
|  |
| 2. Contact telephone number :  |
| 3. Address:  |
| <ul><li>4. Has permission been obtained from the management of the location of the proposed meeting (Yes/No).</li><li>5. Remarks :</li></ul>   |
| Section D - Declaration  |
|  |
| ** I attach herewith a photocopy of my Hong Kong Identity Card as this notice is not delivered by myself. As I have not given 7 days advance notice which section 8(1)/section 13A(b) requires I have attached a separate letter explaining why I think the Commissioner of Police should agree to my request that he accepts the shorter period of notice I have given. |
| I understand that I shall be responsible for observing the terms of every condition which may be imposed by the Commissioner of Police and, in particular I must be in attendance at the Public Meeting/Public Procession from its first assembly to its final dispersal.  |
|  |
|  |
| (Signature of the Person   |
| who Submits the Notification)  |
|  |
| Date:  |

**Section E - Additional Information**: (Note: Providing this information may enable your notification to be processed promptly and allow police to determine the level of management.)

| of the organiser:( ) of his representative :( )  |
|--|
| 2. FAX No. (if any):   |
| 3. The number and names of the persons proposed as platform speakers :   |
| 4. The nature, form and contents of advertisements, posters and banners or others (please specify) intended for publication, distribution or display in respect of the meeting/procession: |
| 5. The amplification devices to be used at the meeting/procession :  |
| 6. The number of marshals employed to assist in conducting the event :   |
| 7. The number of vehicles involved :   |
| Section F - Acknowledgement of Receipt : FOR OFFICIAL USE ONLY   |
|  |
| This is to acknowledge receipt of notice under section 8(4)/13A(4) of the Public Order Ordinance, Chapter 245 given by   |
| (Name of the organiser):   |
| being delivered in person by **himself / on his behalf by  |
| at   |
| at** a.m./p.m.   |
| R.Nrefers.   |
| *Signed  |
| Name   |
| Rank   |
| Number   |
| Name   |
| (Duty Officer Police Station)  |
|  |

1. HK Identity Card No.

<sup>\*</sup> Notification to be personally handled and acknowledgement of receipt signed for by the Duty Officer.

<sup>\*\*</sup> Delete if not applicable

#### **Guidance Notes**

#### Notification of the Intention to Hold a Public Meeting/ Procession under the Public Order Ordinance, Cap. 245

Organisers of public meetings/public processions are requested to note the following when giving notification in accordance with section 8 and section 13A of the Public Order Ordinance, Cap 245:-

- notice of the intention to hold public meeting/public procession shall be given in writing to the Commissioner of Police not less than 7 days prior to the intended meeting/procession;
- when notice has not been given, within the required 7 days, the organiser must give a detailed explanation of the reason why, and request the Commissioner of Police to accept a shorter notice;
- the Commissioner of Police may, when he is satisfied that earlier notice could not have been given, accept shorter notice;
- in case where the Commissioner has decided not to accept shorter notice, he shall inform the
  organiser in writing as soon as practicable of his decision and the reason why shorter notice is not
  acceptable;
- notification to hold public meetings/public processions shall be delivered in person by the organiser or by a person on his behalf, to the Duty Officer of a Police Station or a Police Service Centre:
- Neighbourhood Policing Offices, Police Reporting Centres and police offices, away from a police station are not regarded as a Police Station for the purposes of notification of public meetings/public processions;
- the proforma notification accompanying this note is designed to assist an organiser in furnishing all the information required in section 8(4) and section 13A(4) of the Public Order Ordinance.
   An organiser is not required by law to use this proforma and he may elect to give notice without using this proforma as long as all the information required is provided;
- public meetings attended by no more than 50 persons; public meetings conducted in private premises attended by no more than 500 persons or public processions attended by no more than 30 persons need not be notified.
- organisers are encouraged to include a sketch, map or location plan indicating details of route to be taken when giving notification;
- the Commissioner of Police may impose conditions upon the conduct of the public meeting/procession in the interest of national security or public safety, public order or the protection of the rights and freedoms of others, and if the Commissioner of Police chooses to do so, such conditions, together with the reason, will be communicated in writing to the organiser; and
- a public meeting may proceed as notified unless the organiser is informed by the Commissioner of Police of his decision to prohibit under section 9. A public procession may only proceed if the Commissioner has notified him in writing that he does not object to the procession or the Commissioner is taken to have issued a notice of no objection under section 14(4).

# Notification for a Public Meeting/Public Procession 公聚集會/公眾遊行通知 - PROVISION OF PERSONAL DATA - 提供個人資料

#### **Purpose of Collection**

#### 收集資料的目的

- 1. The personal data provided by means of this form will be used by the Hong Kong Police Force for facilitating processing of notifications/record purpose/record update/all kinds of present and subsequent investigation and related conditions as well as their enforcement for a Public Meeting/Public Procession under the Public Order Ordinance, Cap. 245.
  - 香港警務處會使用本申請表所提供的個人資料,以便根據香港法例第 245 章《公安條例》處理有關公眾集會/遊行的通知事宜/記錄用途/記錄更新/所有現階段和以後的調查工作及執行管制行動。
- 2. The provision of personal data by means of this form is voluntary. If you do not provide sufficient information, we may not be able to process your notification/update your record. 在本表格上提供個人資料屬自願性質。倘若你提供的資料不充足,本處可能無法處理你的通知/更新你的紀錄。
- 3. Any material falsification or omission of information may result in the Commissioner's refusal to give approval. 若虛報或漏報重要資料,警務處處長可拒絕批准通知。

#### **Classes of Transferees**

#### 可獲披露資料的機構

4. The personal data you provide by means of this form may be disclosed to other government departments and public or private organisations for the purposes mentioned in paragraphs 1-3 above. 本處可能會向其他政府部門及公營或私營機構披露本表格上的個人資料,以作上文第 1 至 3 段所載的用途。

#### Access to Personal Data

#### 查閱個人資料

5. You have a right of access and correction with respect to personal data as provided for in section 18 and 22 and Principle 6 of Schedule 1 of the Personal Data (Privacy) Ordinance. Your right of access includes the right to obtain a copy of your personal data provided by this form.

根據《個人資料(私隱)條例》第十八條及第二十二條和附表一的第六原則,你有權查閱及改正個人資料。你 亦有權獲取一分塡有你個人資料的本表格的副本。

#### **Enquiries**

#### 查詢

6. Enquiries concerning the personal data collected by means of this form, including the making of access and corrections, should be addressed to:

如對本表格所收集的個人資料有任何疑問,包括申請查閱及改正資料,請向以下人士查詢:

| * | Regional Commander ()   | Tel.: |  |
|---|-------------------------|-------|--|
|   | 總區指揮官                   | 電話    |  |
| * | District Commander ()   | Tel.: |  |
|   | 區指揮官                    | 電話    |  |
| * | Divisional Commander () | Tel.: |  |
|   | 分區指揮官                   | 電話    |  |

\* Delete/Fill-in as appropriate. 請刪去不適用者或塡上適當資料。

Note: Paragraph 6 of this form to be completed and handed over to the person who delivers the notification.

**備註**: 本表格第六段須由接收通知的警區填妥及交予送達通知的人士。

### 公眾集會及公眾遊行 組織者注意事項

# Public Meeting and Public Procession Notice to Organiser

- (i) 主辦者須向其他機構就他們所管轄的地方提出使用申請;
  - Organiser shall apply to other organisations for using places under their administration;
- (ii) 所有參加者須服從當值軍裝警務人員所發出的指示,並確保遵守所有 現行法例及規例,尤其是:

All participants shall comply with the instructions of uniformed police officers on duty and obey the existing laws and regulations while paying particular attention to the following:

- a) 在任何時間完全遵守《道路交通條例》(第374章)及有關附屬法例的各項規定;
  - to observe the provisions of the Road Traffic Ordinance, Cap. 374 and related subsidiary legislations at all times;
- b) 參加者若未獲得食物環境衛生署所發牌照,不得從事販賣活動《公 眾衞生及市政條例》(第132AI章第5、7或10條);
  - unless with a licence issued by the Food and Environmental Hygiene Department, no participant is allowed to hawk contravening section 5, 7 or 10 of the Public Health and Municipal Services Ordinance, Cap. 132AI;
- c) 參加者若未獲得社會福利署署長或民政事務局局長根據《簡易程序 治罪條例》(第 228 章)第 4(17)條發出的許可證,不得擅自進行任 何籌款、售賣或交換活動;
  - unless with a permit from either the Director of Social Welfare or the Secretary for Home Affairs under section 4(17) of the Summary Offences Ordinance, Cap. 228, no participant is allowed to conduct any fund raising, flag selling or exchange activities:
- d) 在未得業主或住戶的書面許可前,參加者不得在任何建築物的牆壁上張貼海報/告示或其他物品,或將這些物品棄置而對公眾地方造成阻塞《公眾衞生及市政條例》(第132章第4A、104A(2)及104B(1)條);以及
  - unless with a written approval from the landlord or occupants, no participant is allowed to post posters/notice or the like on the wall of any building, or abandon the same in any public place causing obstruction, contravening section 4A, 104A(2) and 104B(1), the Public Health and Municipal Services Ordinance, Cap. 132; and
- e) 遊行車輛在參與公眾遊行期間不可運載危險貨品《危險品規例》(第 295B 章第7條)。
  - to ensure that no vehicle would carry dangerous goods whilst participating in the public procession contravening section 7 of the Dangerous Goods Regulations, Cap. 295B.

# Guidelines on the Approach to the Public Order Ordinance in Relation to Public Meetings and Public Processions

These Guidelines are not intended to be exhaustive. They are intended to assist enforcement officers and other persons in their understanding of the statutory scheme, including some of the terms, of the Public Order Ordinance (POO), Cap. 245, in the light of the constitutional right of peaceful assembly in relation to public meetings and public processions.

#### **The Relevant Freedoms**

2. The freedom or right to peaceful assembly and to peaceful public procession are fundamental rights guaranteed in the Basic Law (BL) of the HKSAR and the Hong Kong Bill of Rights Ordinance (BORO), Cap. 383. Article 27 of the Basic Law provides:

"Hong Kong residents shall have freedom of speech, of the press and of publication; freedom of association, of assembly, of procession and of demonstration; and the right and freedom to form and join trade unions; and to strike."

3. The BOR is the domestic enactment of the International Covenant on Civil and Political Rights (ICCPR) as applied to Hong Kong. BL 39 has entrenched the ICCPR as applied to Hong Kong. The most relevant right recognized in BOR is Article 17 which provides:

"The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of the rights and freedoms of others."

The right to freedom of expression, BOR 16, is a right that has close association with the right to peaceful assembly. The rights of peaceful assembly and freedom of expression are not absolute but may be subject to restrictions provided that the restrictions are provided by law and are necessary to pursue one of the legitimate purposes specified in the two articles.

#### 'Peaceful Assembly'

4. The POO is inter alia concerned with the regulation of public assemblies. The relevant freedoms envisage that only peaceful, intentional, temporary gatherings of groups of persons for a specific purpose are afforded the protection. Assemblies that are not peaceful or that lose their peacefulness through force do not fall within the protective scope of the freedoms. Thus, assemblies involving disorderly conduct causing unreasonable obstruction to others are not protected.<sup>1</sup> In exceptional circumstances, an exercise of the right of peaceful assembly may have to be curtailed to prevent an imminent breach of the peace not to be committed by the participants themselves but by others who are provoked by the

<sup>&</sup>lt;sup>1</sup> HKSAR v Pearce [2007] 5 HKLRD 1.

behavior of the participants. Alongside with the positive duty to take measures to enable lawful assemblies to take place peacefully, Police also have the duty to take lawful measures for preserving the public peace and have to strike the right balance between the two duties.<sup>2</sup> The regulation of assemblies, if within limits, is permissible.

#### 'Democratic Society'

5. BOR Article 17 permits restrictions to be placed on the exercise of the right of peaceful assembly if they are (amongst other things) necessary in a 'democratic society'. This expression has a special meaning in regard to human rights that has been recognised at the United Nations (UN) in relation to the ICCPR. It refers to a society that recognises the Universal Declaration of Human Rights and the two Covenants of the UN, that is the ICCPR and International Covenant on Economic, Social and Cultural Rights, a society, in short, that believes in pluralism and tolerance and the need for differing views to be reasonably and appropriately heard in a peaceful environment. The necessity for objections, prohibitions or conditions must be seen in that context. In particular, "a procession is a potent method of expression and is a common phenomenon in democratic societies including Hong Kong."

#### **Government's Positive Duty**

- 6. The right of peaceful assembly involves a positive duty on the part of Government to take reasonable and appropriate measures to enable lawful assemblies. This obligation is not absolute for the Government cannot guarantee that lawful assemblies will proceed peacefully and it has a wide discretion in the choice of the measures to be used. What are reasonable and appropriate measures must depend on all the circumstances in the particular case.<sup>4</sup>
- 7. Organisers and participants should be aware of the need for the peaceful nature of public meetings and public processions, and the need for the police to ascertain that such assemblies are intended to be peaceful, and to have powers, to be exercised if necessary, to ensure that they remain so.

#### **Conditions and Prohibitions**

8. The CP has a discretionary power under the POO to prohibit, object to or impose conditions on public meetings and public processions if he reasonably considers it to be necessary.<sup>5</sup> However, he is restricted by law as to the conditions he may impose and the circumstances in which he may prohibit public meetings or processions. It is important to appreciate that these statutory powers are in place not to restrict the exercise of the relevant

<sup>&</sup>lt;sup>2</sup> Chan Hau Man Christina v Commissioner of Police [2009] 4 HKLRD 797.

<sup>&</sup>lt;sup>3</sup> Court of Final Appeal judgment in *Leung Kwok Hung & Others v. HKSAR* [2005] 8 HKCFAR 229., at para. 3.

<sup>&</sup>lt;sup>4</sup> Ibid, para. 22.

<sup>&</sup>lt;sup>5</sup> Public Order Ordinance, Cap. 245, (POO) sections 9, 11, 14 & 15, section 6 is a discretionary power that applies to public gatherings as defined, when they are imminent or already underway.

rights; but to enable Government to fulfill its positive duties. Without the power to impose conditions or to prohibit or object in certain circumstances, the peaceful nature of the assembly could not be reasonably assured or other important societal interests could be unnecessarily degraded.

#### **The Criteria for Prohibition or Conditions**

- 9. Terms used in the ICCPR and BOR relating to permissible restrictions have largely, although not wholly, been adopted in the POO. The terms used as criteria for prohibiting or restricting assemblies are flexible so as to accommodate the wide variety of circumstances in which the relevant freedoms are exercised. They are as follows:
  - i) National security;
  - ii) Public safety;
  - iii) Public order; and
  - iv) Protection of rights and freedoms of others

In everyday practice, the two most important criteria are public order and public safety.

#### **National Security**

10. In the context of the CP's statutory discretion to restrict the right of peaceful assembly, the expression 'national security' is defined as the safeguarding of the territorial integrity and the independence of the People's Republic of China.<sup>6</sup>

#### **Public Safety**

11. In the context of the CP's statutory discretion to restrict the right of peaceful assembly, the term 'public safety' refers to—

"safety of persons (i.e., their lives, their physical integrity or health) or things."

#### **Public Order**

12. The expression 'public order' in the law and order sense, means the maintenance of public order and prevention of public disorder.<sup>8</sup>

#### **Protection of Rights and Freedoms of Others**

13. In the context of the CP's statutory discretion to restrict the right of peaceful assembly, the term 'the protection of the rights and freedoms of others' refers to:

<sup>7</sup> U.N. Covenant on Civil and Political Rights CCPR Commentary, Manfred Nowak, at p.380

<sup>&</sup>lt;sup>6</sup> POO, section 2(2)

<sup>&</sup>lt;sup>8</sup> Court of Final Appeal judgment in *Leung Kwok Hung & Others v. HKSAR*, op cit, at para 82.

- i) The protection of the rights of passers-by, as well as those of the participants, to personal safety and physical integrity, which were dealt with in the context of public safety; and
- ii) The protection of private property of others including private commercial interests.<sup>9</sup>

It should be noted that the law also calls on organizers and participants to accommodate other people's right. For that purpose, organizers and participants have to tolerate some interference with their own freedom to demonstrate. Such tolerance is expected of organizers and participants in a democratic society however strongly they feel about their course.

- 14. Scenarios upon which the CP may, in his discretion, limit the right to freedom of assembly on the ground of 'rights and freedoms of others' would, for example, be:
  - i) The procession will result in unreasonable disruption of normal business and mercantile operations along, or in the vicinity of, the proposed procession route; and
  - ii) The concentration of persons, vehicles or things at the formation and dismissal areas, along the procession route and in nearby areas, will prevent necessary fire and police protection or other emergency services.

#### **Application of the Criteria**

15. The above criteria must be approached and used in a manner recognised by the courts as being consistent with preserving the essentials of the relevant freedoms. At the same time, they should inform important practical decisions on how, for example, to preserve public order during the exercise of the relevant freedoms. The CP has to approach the matter in a flexible manner and his discretion to object or to impose conditions is constrained. In considering its exercise, the Commissioner must apply the proportionality test.

#### **The Proportionality Test**

- 16. In applying the proportionality test, one must ask is the potential restriction:
  - i) rationally connected with the purpose of public order; and

<sup>&</sup>lt;sup>9</sup> U.N. Covenant on Civil and Political Rights CCPR Commentary, Manfred Nowak, at p. 382-383. See also *HKSAR v Au Kwok Kuen & Others* [2010] 3 HKLRD 371, at para. 53 where the court held that property right and the right to privacy at one's home are also constitutionally protected rights and the right to demonstrate stops, so far as physical and geographical limits are concerned at the boundary of private residential property belonging to other, in the absence of any permission to enter.

ii) no more than is necessary to accomplish that purpose.

Both questions must be answered in the affirmative before the test is satisfied.

17. Factors to be taken into account in regard to (ii) depend on the criteria relied on and all the factual circumstances. Using the example of public order, the CP has to consider various facets of public order such as traffic conditions and crowd control. Depending on the case in question, factors that may be relevant include the date and time of the proposed procession, the topography of the route, the possible presence of rival groups and the reaction of members of the public.

#### **Conditions before Prohibition or Objection**

18. Wherever possible, conditions that can be justified as being reasonably necessary should be imposed on a proposed public meeting or procession, rather than the event being prohibited or objected to. <sup>10</sup>

#### **Duty to Give Reasons**

19. The CP is under a statutory duty<sup>11</sup> to give reasons when he decides not to accept shorter notice and when he reasonably prohibits or objects to or imposes conditions on a notified public meeting or procession. The duty is to give adequate reasons not merely a bald conclusion.<sup>12</sup>

#### **Appeal Board**

20. There is an Appeal Board on Public Meetings and Processions. This can be convened at short notice. The Appeal Board does not need to follow formal rules of evidence, and is intended to be 'user friendly' to the public. The Appeal Board may, after hearing an appeal, confirm, reverse or vary the prohibition, objection or condition appealed against.<sup>13</sup>

<sup>&</sup>lt;sup>10</sup> POO section 9(4) & section 14(5).

<sup>&</sup>lt;sup>11</sup> POO e.g. section 15(2).

<sup>&</sup>lt;sup>12</sup> Leung Kwok Hung & Others v. HKSAR, op cit, at para. 59.

<sup>&</sup>lt;sup>13</sup> POO, section 44(4).

#### **Useful Background Materials**

#### Cases

- a) R v To Kwan Hang [1995] 1 HKCLR 251;
- b) HKSAR v. Ng Kung Siu & Another (1999) 2 HKCFAR 442;
- c) Leung Kwok Hung & Others v. HKSAR [2005] 8 HKCFAR 229;
- d) Leung Kwok Hung & Others v. HKSAR (CA) HCMA 16/2003;
- e) Yeung May Wan & Others v HKSAR [2005] 2 HKLRD 212;
- f) Chan Hau Man Christina v Commissioner of Police [2009] 4 HKLRD 797;
- g) HKSAR v Au Kwok Kuen & Others [2010] 3 HKLRD 371; and
- h) Auli Kivenmaa v. Finland, UN Human Rights Committee. Communication No. 412/1990.

#### <u>Texts</u>

- a) U.N. Covenant on Civil & Political Rights CCPR Commentary (Articles 18 & 21) by Manfred Nowak; and
- b) The International Bill of Rights, Editor: Professor Henkin, Chapter 12, Permissible Limitations on Rights by A.C. Kiss

## **Guidance Note on Notification of Public Meeting / Public Procession**

Organizers of public meetings/public processions should note the following when giving notification in accordance with Section 8 and Section 13A of the Public Order Ordinance (the Ordinance), Cap 245:

- Notification of the intention to hold a public meeting/public procession shall be given in writing to the Commissioner of Police (the Commissioner) not less than seven days prior to the intended meeting/procession;
- When notification is not given within the required seven days, the organizer must give a
  detailed explanation of the reason why, and request the Commissioner to accept a shorter
  notice;
- The Commissioner may, when he is satisfied that earlier notification could not have been given, accept shorter notice;
- In case where the Commissioner has decided not to accept shorter notification, he shall inform the organizer in writing as soon as reasonably practicable of his decision and the reason why shorter notification is not acceptable;
- Notification to hold public meetings/public processions shall be delivered in person by the
  organiser or by a person on his behalf, to the Duty Officer of a Police Station, a Police Service
  Centre, a Police Reporting Centre or a Police Post as designated by the Commissioner and as
  listed in the Police Public Homepage;
- Neighbourhood Police Offices and other police offices that do not normally receive general reports from public are not regarded as a Police Station for the purposes of notification of public meetings/public processions;
- The proforma notification accompanying this notes is designed to assist an organizer in furnishing all the information required as per Section 8(4) and Section 13A(4) of the Public Order Ordinance. The organizer may use any format other than the proforma as long as all the information required is provided;
- Public meetings attended by not more than 50 persons, public meetings conducted in private premises attended by not more than 500 persons or public processions attended by not more than 30 persons do not require notification;
- Organizers are encouraged to include a sketch, map or location plan indicating details of route to be taken, when giving notification;

- The Commissioner may impose conditions upon the conduct of the public meeting/procession in the interests of national security or public safety, public order or the protection of the rights and freedoms of others, and if the Commissioner chooses to do so, such conditions, together with the reason, will be communicated in writing to the organizer;
- A public meeting or procession, which has been notified as stipulated, may take place unless the
  Commissioner has prohibited or objected to it in accordance with the Ordinance. For the
  purpose of a public procession, the Commissioner shall also notify the organizer in writing of
  his having no objection to the public procession taking place;
- In case of doubt, you may approach the Duty Officer of your local Police Station, the Police Community Relations Officer or the Police Licensing Office; and
- You may also call the Police Licensing Office (Tel.: 2860 6551) or visit the following government website.

http://www.police.gov.hk

# Police Stations designated by the Commissioner of Police in receiving notifications for public meetings and public processions under the Public Order Ordinance

The following 54 police facilities including 42 Divisional/District police stations, one Police Service Centre, 7 Reporting Centres and 4 Police Posts are designated by the Commissioner of Police to receive notifications from the public for the conduct of public meetings and public processions.

### **Hong Kong Island**

| Report Room                            | Address                                     |
|--|---|
| Central District                       | 2 Chung Kong Road, Sheung Wan, Hong Kong    |
| Peak Sub-Division                      | 92 Peak Road, Hong Kong                     |
| Western Division                       | 280 Des Voeux Road West, Hong Kong          |
| Aberdeen Division                      | 4 Wong Chuk Hang Road, Hong Kong            |
| Stanley Sub-Division                   | 77 Stanley Village Road, Stanley, Hong Kong |
| Wan Chai Division                      | 1 Arsenal Street, Wan Chai, Hong Kong       |
| Happy Valley Division                  | 60 Sing Woo Road, Happy Valley, Hong Kong   |
| North Point Division                   | 343 Java Road, Hong Kong                    |
| Chai Wan Division                      | 6 Lok Man Road, Chai Wan, Hong Kong         |
| Central District Police Service Centre | G/F, No.149 Queen's Road Central, Hong Kong |
| Shau Kei Wan Reporting Centre          | 28 Shau Kei Wan Road, Hong Kong             |

### Kowloon East <sup>3</sup>

| Report Room                   | Address                                   |
|-------------------------------|---|
| Wong Tai Sin District         | 2 Shatin Pass Road, Wong Tai Sin, Kowloon |
| Sai Kung Division             | 1 Po Tung Road, Sai Kung, Kowloon         |
| Kwun Tong Division            | 1 Lei Yue Mun Road, Kwun Tong, Kowloon    |
| Tseung Kwan O Division        | 110 Po Lam Road North, Tseung Kwan O,     |
|                               | Kowloon                                   |
| Sau Mau Ping Division         | 200 Hong Ning Road, Sau Mau Ping, Kowloon |
| Ngau Tau Kok Division         | 1 Siu Yip Street, Ngau Tau Kok, Kowloon   |
| Tsz Wan Shan Reporting Centre | 151 Tsz Wan Shan Road, Kowloon            |

# Kowloon West <sup>3</sup>

| Report Room                           | Address                                 |
|---------------------------------------|---|
| Tsim Sha Tsui Division                | 213 Nathan Road, Kowloon                |
| Yau Ma Tei Division                   | 627 Canton Road, Yau Ma Tei, Kowloon    |
| Sham Shui Po Division                 | 37A Yen Chow Street, Kowloon            |
| Cheung Sha Wan Division               | 880 Lai Chi Kok Road, Kowloon           |
| Mong Kok District                     | 142 Prince Edward Road West, Kowloon    |
| Kowloon City Division                 | 202 Argyle Street, Kowloon              |
| Hung Hom Division                     | 99 Princess Margaret Road, Kowloon      |
| Shek Kip Mei Reporting Centre         | 50 Tai Hang Sai Street, Kowloon         |
| Hung Hom MTR Station Reporting Centre | Hung Hom MTR Station, 8 Cheong Wan Road |

# New Territories South <sup>3</sup>

| Report Room                             | Address                                       |
|---|---|
| Kwai Chung Division                     | 999 Kwai Chung Road, Kwai Chung, New          |
|   | Territories                                   |
| Tsing Yi Division                       | 13 Tsing Yi Heung Sze Wui Road, Tsing Yi      |
|   | Island, New Territories                       |
| Tsuen Wan District                      | 23-27 Tsuen King Circuit, Tsuen Wan, New      |
|   | Territories                                   |
| Sha Tin Division                        | 1 Wo Che Street, Sha Tin, New Territories     |
| Tin Sum Division                        | 2 Hin Keng Street, Sha Tin, New Territories   |
| Ma On Shan Division                     | 200 Ma On Shan Road, Sha Tin, New Territories |
| Lantau North Division                   | 1 Shun Tung Road, Lantau Island               |
| Lantau South (Mui Wo) Division          | 1 Fu Kong Shan, Mui Wo, Lantau Island         |
| Airport District                        | 8 Catering Road West, Chek Lap Kok, New       |
|   | Territories                                   |
| Departures Level Reporting Centre       | Departures Hall, Hong Kong International      |
| (DLRC), Hong Kong International Airport | Airport                                       |
| Terminal 2 Reporting Centre (T2RC),     | Terminal 2, Hong Kong International Airport   |
| Hong Kong International Airport         |   |
| Siu Lek Yuen Reporting Centre           | 25-27 Yuen Shun Circuit, Siu Lek Yuen, Sha    |
|   | Tin, New Territories                          |
| Penny's Bay Police Post                 | Long Yan Road, Penny's Bay, Lantau Island     |

# New Territories North <sup>3</sup>

| Report Room           | Address  |
|-----------------------|--|
| Tai Po Division       | 4 On Po Lane, Tai Po, New Territories          |
| Sheung Shui Division  | 8 Sha Tau Kok Road, Lung Yeuk Tau, Fanling,    |
|                       | New Territories                                |
| Tuen Mun Division     | 100 Pui To Road, Tuen Mun, New Territories     |
| Castle Peak Division  | 12 Wu On Street, Tuen Mun, New Territories     |
| Yuen Long Division    | 246 Castle Peak Road, Yuen Long, New           |
|                       | Territories                                    |
| Tin Shui Wai Division | 11 Tin Yiu Road, Tin Shui Wai, New Territories |
| Pat Heung Division    | Kam Tin Main Road, Pat Heung, New Territories  |
| Sha Tau Kok Division  | Shek Chung Au, Sha Tau Kok Road Sha Tau        |
|                       | Kok, New Territories                           |
| Lok Ma Chau Division  | 100 Lok Ma Chau Road, Lok Ma Chau, Yuen        |
|                       | Long, New Territories                          |
| Ta Kwu Ling Division  | Ping Che Road, Ta Kwu Ling, New Territories    |

### Marine

| Report Room                            | Address                                    |
|--|--|
| Cheung Chau Division                   | 4 Police Station Path, Cheung Chau         |
| Lamma Island Police Post (Yung Shue    | Hung Shing Ye, Yung Shue Wan, Lamma Island |
| Wan)                                   |  |
| Lamma Island Police Post (Sok Kwu Wan) | Sok Kwu Wan Second Street, Sok Kwu Wan,    |
|  | Lamma Island                               |
| Peng Chau Police Post                  | 2C Wing On Side Street, Peng Chau          |