

LCQ11: Applications for processions and assemblies

Following is a question by Dr the Hon Tik Chi-yuen and a written reply by the Secretary for Security, Mr Tang Ping-keung, in the Legislative Council today (June 12):

Question:

The Government has emphasised that the Hong Kong National Security Law and the Safeguarding National Security Ordinance will not affect the public's freedom of procession and assembly, and that the regulation of processions and assemblies is based on considerations under the Public Order Ordinance (Cap. 245). In this connection, will the Government inform this Council:

(1) of the respective numbers of applications for letters of no objection to assemblies, processions and petitions received, approved and rejected by the Police in the past five years, as well as the reasons for refusing to issue such letters of no objection;

(2) among the applications mentioned in (1), of the main demands made by the applicant organisations for holding assemblies, processions and petitions, together with a breakdown by the government policy areas involved in such demands;

(3) of the respective conditions imposed by the Police under Cap. 245 in the past five years regarding each of the applications mentioned in (1); whether it has assessed if such conditions will restrict the public's right to participate in assemblies, processions and petitions;

(4) whether any organisation has refused to comply with the conditions mentioned in (3) and was denied a letter of no objection; if so, of the details (including but not limited to the contents of the applications and the organisation's appeal against the outcome of the applications); and

(5) whether any organisation has made a compromise proposal due to its disagreement with the conditions mentioned in (3); if so, of the following information about such proposals: the contents of the proposals, the number of proposals accepted and rejected, as well as the reasons for acceptance and rejection?

Reply:

President,

Hong Kong citizens have the rights to peaceful assembly and procession conducted in accordance with the law. That said, these rights must be exercised in conformity with the relevant legislation to ensure the

safeguarding of national security, public order, public safety and the protection of the rights and freedom of others. The impact of such public events on members of the public should also be minimised.

Under the Public Order Ordinance (the Ordinance), in the event that the attendance of public meetings or public processions (whether its nature is related to petition or not) exceeds the respective limits prescribed in the Ordinance, i.e. public meetings of more than 50 persons or public processions of more than 30 persons, a notice must be given to the Commissioner of Police (the Commissioner) in accordance with the Ordinance. The meetings or processions can only be conducted if the Commissioner gives no prohibition or objection, and the requirements in the Ordinance as well as the conditions imposed by the Commissioner (if any) are complied with.

The reply to the question raised by Dr the Hon Tik Chi-yuen is as follows:

(1) The relevant figures of public meetings and public processions that had an attendance exceeding the prescribed limits and were required to notify to the Commissioner in the past five years are tabulated below:

Table 1: Public meetings

Year	No. of public meetings notified to the Police	No. of public meetings with letters of no objection issued	No. of public meetings for which letters of no objection were not issued
2019	436	410	26
2020	71	45	26
2021	4	0	4
2022	2	2	0
2023	71	71	0

Table 2: Public processions

Year	No. of public processions notified to the Police	No. of public processions with letters of no objection issued	No. of public processions for which letters of no objection were not issued
2019	495	474	21
2020	58	42	16
2021	5	1	4
2022	9	9	0
2023	270	270	0

Letters of no objection were not issued having regard to the interests of national security, public order, public safety and the protection of the rights and freedom of others. Every application was considered on a case-by-case basis.

(2) The public meetings or public processions organised by various bodies mainly include festival parades, charity walks as well as events relating to promotion of activities or expression of opinions. The Hong Kong Police Force (HKPF) does not maintain statistical figures regarding the government policy areas concerned of these public meetings and public processions.

(3) to (5) Sections 9(4) and 14(5) of the Ordinance provide that the Commissioner shall not exercise the power conferred to him to prohibit the holding of a public meeting or object to the holding of a public procession in any case where he reasonably considers that the interests of national security or public safety, public order or the protection of the rights and freedoms of others could be met by the imposition of conditions.

The HKPF will maintain communication with the organisers and, upon careful examination on a case-by-case basis, assess the risks to ensure that the public meetings and public processions are conducted in a peaceful, safe and orderly manner in accordance with the law without jeopardising national security, endangering public safety, disrupting public order or infringing on others' rights and freedom. The HKPF may also impose certain conditions, such as requesting the organiser to arrange marshals to maintain order, etc, on a notified public meeting and public procession as reasonably necessary. Imposition of such conditions shall be justified on a proportionality analysis. Regarding the relevant arrangements, the HKPF has published the Guidelines on the approach to the Public Order Ordinance in relation to public meetings and public processions to help law enforcement officers and other parties to understand the mechanism.

Generally speaking, organisers of public meetings and public processions who were issued with letters of no objection could comply with the conditions imposed and conduct the events in an orderly manner. Under the individual circumstances that a person is aggrieved with the Commissioner's decision to prohibit the holding of a public meeting, to object to the holding of a public procession, or to impose conditions on a public meeting or public procession, he/she may lodge an appeal with the Appeal Board on Public Meetings and Processions.

The HKPF does not maintain a breakdown of statistical figures mentioned in the questions.