

D. Hitchcock

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A human rights issue

I WISH to express my concern at the requirement of the Public Order Ordinance (Chapter 245) of the Laws of Hongkong that anyone intending to organise a public meeting or procession has to apply to the police for a licence seven days in advance.

I am particularly concerned at reports that this ordinance has been applied to a group of Yaumati boat people and their advocates who assembled in Hongkong to petition peacefully for redress of their grievances, and that the resulting convictions of their advocates will have a serious detrimental effect on their careers and opportunities in Hongkong.

Article 20 (1) of the Universal Declaration of Human Rights, passed without dissenting vote by the General Assembly of the United Nations on December 10, 1948, states:

"Everyone has the right to freedom of peaceful assembly and association."

Article 21 of the International Covenant on Civil and Political Rights, which gives legal effect to the civil and political rights provisions of the declaration, and which has now been ratified by enough governments that it has the status of international law, reads as follows:

"The right of peaceful assembly shall be recognised. 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, the protection of public health or morals or the protection of the rights and freedoms of others."

The latter article requires not only that restrictions of the right of peaceful assembly be imposed in conformity with the law but also that they be necessary in the interests of certain defined goals in a democratic society.

The requirement that groups apply for a licence to hold a public meeting or procession gives the authorities absolute power to refuse permission for such meetings or processions on any grounds they wish, without any opportunity within the legal system to challenge the denial of such a licence.

Such a wide discretionary power is not necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms and others.

All civilised societies — and I am sure that Hongkong is no exception — have laws providing penalties for the infringement of these interests, and the law enforcement machinery and judicial processes to apply these laws. A licensing requirement is therefore superfluous.

The Director of Information Services, Mr J.D. Slimming, argues in a letter in

these columns (SCM Post, February 24), that the licensing procedure is necessary to ensure that the police have time to redeploy men or recall them from leave so that the general public is not excessively inconvenienced.

I respectfully submit that this purpose can be met without the licensing procedure — for example, by laws prohibiting interference with public order. It is an unfortunate tendency in many countries for such licensing procedures to be used to prohibit unwelcome public dissent.

I, therefore, respectfully urge the Government of Hongkong to reconsider this licensing procedure in the light of internationally accepted human rights standards, and to do what is in its power to ensure that the advocates of the Yaumati boat people do not suffer for the legitimate exercise of their internationally recognised human rights.

May I emphasise that I write solely on the basis of international human rights standards. Since I am neither a citizen nor a resident of Hongkong, I would not presume to offer my opinions on matters that are of purely internal concern.

DAVID HITCHCOCK
Assistant Professor of Philosophy
McMaster University
Ontario, Canada