

(2) of the average time taken by the Immigration Department (ImmD) to process the applications mentioned in (1); the measures put in place by ImmD to expedite the vetting and approval procedure;

(3) of the measures currently put in place by ImmD to facilitate non-local people's visa applications for coming to Hong Kong to participate in CAS activities; whether it will, by making reference to the practices adopted by other places, issue electronic visas in place of paper visas, so as to facilitate visa application by such people; if so, of the details; if not, the reasons for that; and

(4) whether it has examined the contents of the aforesaid study report and, in the light of the practices adopted by other places, considered relaxing the entry requirements for non-local people coming to Hong Kong for participating in CAS activities, such as granting them, subject to their meeting specified conditions, visa-free access or entry permission under visitor visas, so as to obviate the need for them to apply for employment visas; if so, of the details; if not, the reasons for that?

Reply:

President,

The reply to the Hon Ma's question regarding the immigration arrangement for non-local individuals of the cultural, arts and sports sectors is as follows:

(1) According to the prevailing policy, the General Employment Policy (GEP) is applicable to overseas, Taiwan and Macao residents whereas the Admission Scheme for Mainland Talents and Professionals (ASMP) is applicable to Mainland residents only.

The statistics on applications approved under GEP and ASMP with breakdown on applicants' industry/sector being "Arts/Culture" or "Recreation and Sports" in the past three years are as follows:

GEP

Industry / Sector	Arts/Culture			Recreation and Sports		
	Less than 1 year	1 year or above	Total	Less than 1 year	1 year or above	Total
2016	4 385	51	4 436	5 317	288	5 605
2017	3 115	56	3 171	4 962	330	5 292
2018	3 390	49	3 439	4 857	323	5 180

ASMTP

Industry / Sector	Arts/Culture			Recreation and Sports		
	Less than 1 year	1 year or above	Total	Less than 1 year	1 year or above	Total
2016	2 819	52	2 871	289	28	317
2017	3 892	26	3 918	435	33	468
2018	4 560	47	4 607	371	41	412

As the system in the Immigration Department (ImmD) maintains statistics using one year as a parameter, ImmD does not maintain other breakdown statistics mentioned in the question.

(2) and (3) At present, ImmD pledges that 90 per cent of GEP and ASMTP applications will be finalised within four weeks upon receipt of all necessary documents. In 2018, over 99 per cent of GEP and ASMTP applications were finalised within four weeks upon receipt of all necessary documents, exceeding the standard of performance pledge notably.

In processing visa/entry permit applications for participation in local cultural, arts or sports events or competitions, ImmD maintains close communication and coordination with the event or competition organisers. ImmD, having regard to the dates and circumstances of the events or competitions, takes appropriate facilitating measures, including streamlining the visa/entry permit application procedures (such as waiving the submission of supporting documents on academic qualifications and relevant work experience) and according priority to urgent applications, in order to meet the actual needs of the participants and organisers.

Besides, ImmD plans to develop the "Next Generation Application and Investigation Easy Systems" (the new system) in 2019 for implementation in phases from 2021. Regarding the application for visas/entry permits, the new system will enhance service delivery through various improvement initiatives such as providing electronic means for application submission, providing web-based application forms for online data input and electronic notification of application results, extending services from web-based platform to mobile platforms (e.g. mobile phones, tablets), as well as introducing self-service kiosks for submission of applications and supplementary documents and collection of application results. ImmD will also make reference to the international trends and practices of electronic visa issuance and enhance the design of the new system so as to provide greater convenience for visa/entry permit applicants.

(4) The HKSAR Government has noted the study conducted by the Research Office of the Legislative Council Secretariat in respect of overseas visa policies on non-local persons participating in local cultural, recreational and sports activities. Relevant policy bureaux, including the Home Affairs Bureau, will

look into the proposal, and review relevant immigration policies in due course to ensure that the policies meet Hong Kong's actual circumstances and needs.

FEHD orders restaurant in Wong Tai Sin to suspend business for 14 days

The Director of Food and Environmental Hygiene has ordered a restaurant in Wong Tai Sin to suspend business for 14 days as the operator repeatedly breached the Food Business Regulation (FBR) by extending the business area illegally.

The restaurant, located on the ground floor at 4 Po King Lane in Tsz Wan Shan, Wong Tai Sin, was ordered to suspend business from today (February 27) to March 12.

"In April and November last year, two convictions for the above-mentioned breaches were recorded against the restaurant. A total fine of \$10,000 was levied by the court and 30 demerit points were registered against the licensee under the department's demerit points system. The contraventions resulted in the 14-day licence suspension," a spokesman for the Food and Environmental Hygiene Department (FEHD) said.

The licensee of the restaurant had a record of two convictions for extending the business area illegally in October in 2017. A total fine of \$6,500 was levied and 30 demerit points were registered. The breaches led to licence suspension for seven days in January last year.

The spokesman reminded licensees of food premises to comply with the FBR, or their licences could be suspended or cancelled.

Licensed food premises are required to exhibit a sign, at a conspicuous place near the main entrance, indicating that the premises has been licensed. A list of licensed food premises is available on the FEHD's website (www.fehd.gov.hk/english/licensing/index.html).

LCQ13: Implementation of Mandatory

Window Inspection Scheme

Following is a question by the Hon Tony Tse and a written reply by the Secretary for Development, Mr Michael Wong, in the Legislative Council today (February 27):

Question:

It has been reported that between the 21st and 24th of last month, there were five successive incidents of windows falling from residential buildings or hotels, causing the death of a pedestrian. On the other hand, the Buildings Department (BD) has, since June 2012, implemented the Mandatory Window Inspection Scheme (MWIS), under which 5 800 private buildings aged 10 years or above (target buildings) are selected each year for mandatory window inspection. Upon receipt of MWIS notices issued by BD, owners of target buildings are required to appoint a qualified person to (i) carry out the prescribed inspection of all windows of the buildings, and (ii) supervise the prescribed repair works found necessary after inspection (if any), within a specified timeframe. In this connection, will the Government inform this Council:

- (1) of the number of reports received by the authorities since the implementation of MWIS on incidents of windows falling from private buildings aged 10 years or above, and the respective numbers of persons who were injured and died as a result of those incidents;
- (2) of the current number of licensed hotels in Hong Kong and, among them, the number of those which fall within the scope of MWIS;
- (3) since the implementation of MWIS, (i) of the number of MWIS notices issued by BD; the number of buildings involved in those MWIS notices, with a breakdown by type of buildings (i.e. residential building, commercial building, hotel, industrial building and others); (ii) the number of non-compliant MWIS notices upon expiry of the timeframe specified and the longest overdue period; and (iii) whether prosecutions have been instituted against those owners who did not comply with MWIS notices; if not, of the reasons for that;
- (4) whether the authorities reviewed, in the past two years, the implementation of MWIS, including its effectiveness, the adequacy of law enforcement manpower, if the number of buildings to be inspected and the number of target buildings each year can be increased, and the improvements that can be made; if not, of the reasons for that; and
- (5) of the qualifications required of a qualified person under MWIS, and whether such qualifications include the professional knowledge on (i) inspecting the various types of windows to see if they are safe and (ii) how the various types of windows can be repaired to render them safe; whether the authorities reviewed and raised those qualification requirements in the past two years; if not, of the reasons for that?

Reply:

President,

Regular inspections and timely repairs are crucial. One should not wait until the buildings have become defective or dangerous for taking remedial actions. Upholding the concept of "prevention is better than cure", the Buildings Department (BD) has fully implemented the Mandatory Building Inspection Scheme and Mandatory Window Inspection Scheme (MWIS) since June 30, 2012.

For MWIS, the relevant legislation empowers the BD to issue statutory notices to owners of private buildings aged 10 years or above (except domestic buildings not exceeding three storeys), requiring them to carry out prescribed inspections and requisite prescribed repairs of the windows in their buildings after inspection. On the other hand, the BD encourages owners to carry out inspections for their windows voluntarily in accordance with the requirements and procedures under MWIS. The BD will not issue a statutory notice in respect of the same window within the inspection cycle.

In consultation with the BD and the Home Affairs Department, the Development Bureau provides a consolidated reply as follows:

(1) The BD has been compiling statistics on the reports of window falling incidents received since 2016. As at December 31, 2018, the BD had received a total of 216 window falling reports involving private buildings aged 10 years or above. The statistics currently kept by the BD do not include any information on the casualties involved (if any). The BD will add this information when compiling the statistics in future, if such is available.

(2) Based on information provided by the Office of the Licensing Authority of the Home Affairs Department, there were about 310 licensed hotels in the territory as at February 20, 2019 and, among them, about 230 are covered by MWIS as they are situated at private buildings aged 10 years or above (except domestic buildings not exceeding three storeys).

(3) (i) Since the implementation of MWIS, up to December 31, 2018, the BD had selected 9 843 private buildings for MWIS, and a total of around 500 000 notices were issued. The breakdown by the type of buildings is as follows:

Type of Buildings	Number of Buildings
Domestic (include domestic and composite use) building	7 842
Commercial building	966
Industrial building	478
Hotel	48
Building of other usage (e.g. hospital, school)	509

(ii) and (iii) As MWIS involves a large amount of statutory notices, the BD will generally first issue warning letters for non-compliant cases, urging the owners to comply with the notices as soon as possible. If the concerned notices are still not complied with, the BD will serve fixed penalty notices to the concerned owners. If necessary, the BD will consider carrying out the required prescribed inspection and repair works in default on behalf of the owners, and seeking to recover the cost of inspection, repair works, supervision charges plus not more than 20 per cent surcharge of the relevant costs from the owners. For serious cases (such as repeated offences or non-compliance without reasonable excuse), the BD will also consider instigating prosecution against the concerned owners.

As at December 31, 2018, there were about 59 000 expired notices not yet complied with, accounting for 12 per cent of all notices issued. Among the non-compliant cases, the longest overdue period is about 6 years.

The BD followed the above enforcement policy to handle the non-compliant notices gradually. Specifically, the BD had issued 3 700 fixed penalty notices over the same period. Furthermore, the BD had exercised its statutory authority on behalf of the owners of more than 70 buildings to carry out prescribed inspection and repair for the windows in the common parts of their buildings. Up to now, the BD has not instigated any prosecution for non-compliant notices, but is planning to instigate prosecution actions against the more blatant cases.

(4) Since the implementation of MWIS, the BD has been reviewing from time to time the progress and implementation details of the scheme in the light of its operational experience, market condition and feedback from stakeholders and the community, etc.

In so far as the selection of target buildings is concerned, the BD adopts a risk-based approach in selecting target buildings annually for carrying out MWIS. The BD will from time to time review the number of target buildings and the selection criteria for MWIS.

The BD will also continue to enhance its efficiency through simplified procedures and application of information technologies with a view to utilising resources in a more effective manner for the implementation of MWIS. The BD will also as needed bid for additional resources in accordance with the established resource allocation procedures.

In addition, during the implementation of MWIS, the BD has tightened up the requirements for registration as qualified persons (QPs) and eligible registered contractors under the scheme (to be explained in part (5) below).

(5) The QP appointed to carry out the inspection or supervision of the repair for windows under MWIS shall be a person whose name is on one of the following registers kept by the BD under the Buildings Ordinance:

- (a) Authorised Persons;
- (b) Registered Structural Engineers;
- (c) Registered Inspectors;
- (d) Registered General Building Contractors; or
- (e) Registered Minor Works Contractors registered for the class, type and item of minor works in respect of windows.

The person included in the above registers should possess the required qualifications and appropriate practical experience (such as practical experience in building repair and maintenance).

The BD reviews the requirements for registration from time to time. In particular, in the past, if a person applied for registration as a Registered Minor Works Contractor (individual) for minor works in respect of windows without specified recognised skills qualifications, he should possess at least 6 years of experience in personally carrying out relevant works to prove himself having the abilities and skills to personally carry out the items of minor works that he intended to apply for registration. Since December 2018, however, the BD has ceased to accept registration applications from applicants who only possess relevant works experience without recognised skills qualifications so as to enhance the technical qualifications of QPs.

ATLA's response to claims against Hong Kong Airlines Limited for recovery of arrears in court

The following is issued on behalf of the Air Transport Licensing Authority:

In response to the claims against Hong Kong Airlines Limited (HKA) for recovery of arrears in court dated February 22, 2019, the Air Transport Licensing Authority (ATLA) is gravely concerned. ATLA has, in accordance with the Air Transport (Licensing of Air Services) Regulations (Cap. 448 Subsidiary Legislation A), requested HKA to explain the situation. ATLA would consider the information to be submitted by HKA and would continue to keep in view the development and take necessary follow-up action(s) on the matter.

LCQ9: Assisting persons aged between

60 and 64 in securing employment

Following is a question by the Hon Luk Chung-hung and a written reply by the Secretary for Labour and Welfare, Dr Law Chi-kwong, in the Legislative Council today (February 27):

Question:

Given that the eligible age for elderly Comprehensive Social Security Assistance (CSSA) has been raised, since the 1st of this month, from 60 to 65, able-bodied persons aged between 60 and 64 may no longer apply for elderly CSSA and they may only apply for CSSA for the unemployed (CSSA-U). On the other hand, CSSA-U recipients are required to participate in the Support for Self-reliance (SFS) Scheme, in the hope that they can move towards paid employment and self-reliance as early as possible. In this connection, will the Government inform this Council:

(1) Of (i) the number of participants in the SFS Scheme, (ii) the employment rate of the participants and (iii) the percentage of participants who left the CSSA net, in each of the past five years, with a breakdown by the age group (i.e. aged 15 to 25, 26 to 35, 36 to 45, 46 to 55, 56 to 59) to which the participants belonged;

(2) Whether it knows, in respect of those persons who successfully secured employment and left the CSSA net as mentioned in (1), (i) the types of the industries which they joined, and (ii) the distribution of their average number of working hours per month and average monthly wage in the past five years; if no such information has been kept, how the Social Welfare Department (SWD) evaluates and follows up the employment situation of the participants, and whether it will compile the relevant statistics in future;

(3) Of the targeted measures, taken by SWD under the SFS Scheme since the 1st of this month, to assist CSSA-U recipients aged between 60 and 64 in finding jobs, and whether prior consultation with various stakeholders has been conducted on such measures; whether it has increased the estimates of expenditure and manpower for the SFS Scheme to cope with the additional workload generated by the increase in the number of participants;

(4) Whether the Labour Department has compiled statistics on the current number of job vacancies in the labour market that are open for application by persons aged between 60 and 64; if so, of the details; if not, the reasons for that;

(5) Of the new measures (e.g. provision of financial incentives) taken to encourage employers to hire persons aged between 60 and 64, and whether it will enhance the protection of the labour rights and interests of such persons; and

(6) Whether it will consider expeditiously enacting legislation against age discrimination in the employment field, so as to ensure that the relatively

older persons are given fair treatment and protected from exploitation?

Reply:

President,

In view of the improved life expectancy of the population of Hong Kong and the trend of extending the retirement age to 65, the Government announced in the Policy Address in January 2017 that the eligible age for elderly Comprehensive Social Security Assistance (CSSA) would be adjusted from 60 to 65. The Government has implemented the relevant arrangements on February 1, 2019. Persons aged between 60 and 64 who have received elderly CSSA before February 1, 2019 are "grandfathered" and will not be affected by the new arrangements. The CSSA payments of persons with disabilities or persons in ill health will not be affected either. They will, regardless of age, continue to receive CSSA payments which are higher than those applicable to able-bodied adults. It is also worth noting that around 70 per cent of the existing CSSA recipients aged between 55 and 59 are with disabilities or in ill-health.

As for the able-bodied recipients aged between 60 and 64 under the new arrangements, they will continue to be entitled to CSSA as able-bodied adults, and are eligible for the standard rates and special grants applicable to able-bodied adults. In addition, the Government has, since February 1, 2019, provided the Employment Support Supplement (ESS) to these able-bodied adults under the CSSA Scheme. At present, each eligible CSSA recipient will receive ESS at a fixed rate of \$1,060 per month (i.e. the difference between the CSSA standard rates applicable to elderly singleton and able-bodied adult singleton). This supplement seeks to encourage able-bodied adult recipients aged 60 to 64 to join the labour market. It is also applicable to employed able-bodied adult recipients in this age group to support them to remain in employment.

In addition, CSSA recipients may also benefit from the disregarded earnings arrangement with its maximum amount at \$2,500 per month. The Social Welfare Department (SWD) also provides employment support that suits the circumstances and needs of able-bodied adult recipients through the Integrated Employment Assistance Programme for Self-reliance (IEAPS).

My reply to the question raised by the Member is as follows:

(1) As individual IEAPS participants may leave or re-join the programme owing to short-term paid employment or change in their personal circumstances (such as their health conditions), SWD does not maintain statistics on the number of IEAPS participants including breakdowns as mentioned in the question.

SWD has compiled the cumulative number of IEAPS participants in person-times. From January 2013 to end-November 2018, there were 95 774 person-times participated in the IEAPS. The statistics of participating person-times broken down by age is as follows:

Age group	Person-times
15 to 19	6 853
20 to 29	11 358
30 to 39	15 149
40 to 49	29 798
50 to 59	32 616
Total	95 774

Out of the 95 774 person-times participated in IEAPS, 20 365 of them (comprising 21.3 per cent of the total number of participating person-times) successfully secured employment or returned to mainstream schooling. Amongst the 20 365, 4 317 left the CSSA net after participated in the IEAPS (comprising 4.5 per cent of the total number of participating person-times).

(2) Given the reason explained in part (1) of the reply, SWD does not maintain statistics as mentioned in the question.

(3) Following the Government's arrangements to adjust the eligible age for elderly CSSA from 60 to 65 on February 1, 2019, SWD will invite able-bodied adult CSSA recipients aged 60 to 64 to participate in IEAPS. Through participating in the IEAPS operated by non-governmental organisations, these recipients may obtain up-to-date labour market information, benefit from job placements, and receive personalised and focused employment services according to their needs. To this end, the Government has announced the extension of the service period of IEAPS with its current service mode to end-March 2020.

Apart from the above arrangements, the Government will strengthen the collaboration among SWD, the Labour Department (LD), the Employees Retraining Board and the non-governmental organisations, so as to provide more comprehensive employment and retraining services to able-bodied adult CSSA recipients. SWD will continue to listen to stakeholders' views with a view to further encouraging and assisting CSSA recipients to seek and stay in employment.

Of note, the total CSSA caseload as at end-December 2018 was 226 437, which was the lowest since 2000. In particular, the unemployment case was the lowest since 1996, and was 80 per cent lower than the historical peak.

(4) LD has not conducted any statistical survey on job vacancies in the labour market that are opened to job seekers aged 60 to 64. Generally speaking, LD does not agree that job vacancies in general should carry age restrictions. LD requires employers using its recruitment services not to impose any discriminatory entry requirements (including age) on their job vacancies submitted, and does not generally accept job vacancies with age restrictions. Therefore, the vast majority of vacancies published by LD are suitable for job seekers of different ages to apply. Job seekers with different backgrounds (including mature persons) may choose vacancies which suit their personal circumstances, interests and needs, and apply directly to employers or through LD's employment services.

(5) The Government is committed to promoting employment of mature persons. On the basis of its Employment Programme for the Middle-aged, LD has enhanced the programme and renamed it as the Employment Programme for the Elderly and Middle-aged (EPEM) on September 1, 2018, so as to further encourage employers to hire job seekers aged 60 or above and provide them with on-the-job training at the initial stage of employment. Employers engaging job seekers aged 60 or above who are unemployed or have left the workforce are offered a monthly on-the-job training allowance up to \$4,000 per employee for a period of six to 12 months under EPEM. As for employers engaging each unemployed job seeker aged 40 to 59, the maximum amount of on-the-job training allowance remains at \$3,000 per month for a period of three to six months. EPEM covers both full-time and part-time jobs.

LD also implements various measures to support the employment of mature job seekers, such as staging large-scale job fairs for mature persons and the middle-aged, setting up special counters and organising district-based job fairs on part-time employment as well as employment briefings for them in its job centres, establishing a dedicated webpage for them on the Interactive Employment Service website, etc. to facilitate their access to updated employment information and search for suitable job vacancies.

Furthermore, LD has all along been actively encouraging employers, having regard to the individual circumstances of their enterprises, to adopt friendly employment practices for mature persons, and extend the working life of their employees so that mature persons who wish to work may stay in employment. LD will continue to promote a friendly working environment for mature persons through various publicity activities, such as publishing feature articles in newspapers, publicising relevant messages through different employers networks, etc.

LD will also continue to protect the statutory rights of all employees irrespective of their age.

(6) The Government is committed to eliminating any concepts and acts of discrimination through various measures. For employment matters, we encourage employers to "Count on Talent, Not Age in Employment" and use consistent selection criteria to assess the abilities of job seekers and employees. LD has issued the Practical Guidelines for Employers on Eliminating Age Discrimination in Employment since January 2006, setting forth the best practices for eliminating age discrimination in recruitment and workplace. To enhance public awareness and the importance of eliminating age discrimination in employment, the Government has been promoting equal employment through various measures, such as broadcasting announcements of public interest in the digital media and distributing the Practical Guidelines and leaflets to the public and employers.

To eliminate age discrimination in employment through legislation involves very complex issues, and needs to take into account carefully the impact on the socio-economic situation and the labour market in Hong Kong, etc. The Government currently does not have any plan to legislate against age discrimination in employment. We will continue to publicise the message of equal employment, promote and safeguard equal employment opportunities, and

enhance the employability of different age groups through strengthening training and re-training.