

## LCQ18: Lion dance permit applications

Following is a question by the Hon Alice Mak and a written reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (October 24):

Question:

Under section 4C of the Summary Offences Ordinance (Cap 228), any person who organises or participates in a lion dance, dragon dance or unicorn dance, or any attendant martial arts display (dragon and lion dance sports) in a public place is guilty of an offence, unless the person has been issued with a permit by the Commissioner of Police. Some members of the public have relayed to me that the application procedure for the permit is very cumbersome (e.g. applications must be accompanied by a photocopy of the Hong Kong Identity Card (HKIC) of the organiser as well as each participant and other relevant documents, and applications have to be made at least 14 days prior to the date of the event), which causes inconvenience to the applicants and creates a negative labelling effect that dragon and lion dance sports are undesirable activities, thereby obstructing the popularisation and development of such sports. Regarding the regulation of the dragon and lion dance sports, will the Government inform this Council:

(1) of the number of applications for permits received and approved by the Police in the past three years, and the average processing time for each approved application;

(2) whether it will consider setting up a counter dedicated for permit application in each divisional police station;

(3) whether it will relax the requirement that applications must be accompanied by a photocopy of HKIC of each participant;

(4) whether it will consider streamlining the application procedure for permits, accepting applications through electronic means and completing the vetting and approval of the applications within one day after receipt; and

(5) whether it will relax the regulation of dragon and lion dance sports, with a view to eliminating the negative labelling effect created on the sports; if so, of the details and the timetable; if not, the reasons for that?

Reply:

President,

Section 4C of the Summary Offences Ordinance (Cap 228) stipulates that any person who organises or participates in a lion dance, dragon dance, unicorn dance (hereinafter referred to as lion dance), or any attendant

martial arts display in a public place, save for persons exempted by the Commissioner of Police (CP), shall be subject to the conditions of the permit issued by the CP. The purpose of such a policy is to prevent the involvement of lawbreakers in these activities and to ensure that such activities will not cause public disorder, including traffic congestion, noise nuisance or other inconvenience to the public, or affect public safety. For scrutiny of the applications, the Police require all applicants and participants of such activities to authorise the Police to check their criminal conviction records.

The Police give thorough considerations to each and every application. The Police may grant exemption for appropriate activities having regard to the participants and arrangement of each activity. In case the applicant or participants of an activity are found to have criminal conviction records, the Police shall, taking into account the nature and gravity of their convictions, consider whether the purpose of such activity is to be used to undertake illegal activities. Persons with criminal conviction records are not automatically banned from taking part in these activities. Upon scrutiny, the Police shall reject applications which are considered to be adversely affecting public order or public safety, or suspected to be related to illegal activities.

The reply to the Hon Alice Mak's question is as follows:

(1) As at August 2018, the figures on the applications for lion dance permit received by the Police are as follows:

Year	Number of applications for permits	Number of permits issued	Number of exemptions granted
2015	2 473	2 461	12
2016 (Note 1)	2 340	2 332	7
2017 (Note 2)	2 355	2 349	5
2018 (January to August)	2 124	2 119	5

Note 1: One application was rejected since the location of the activity and the arrangement of the performance would affect traffic safety.

Note 2: The applicant of one application withdrew his application afterwards.

At present, the Police's Performance Pledge sets out that the processing time for lion dance permit applications is 14 days. In case an application is submitted less than 14 days before the activities with reasonable grounds, the Police will also process the application as far as practicable to facilitate the applicant in organising the activity. The Police do not maintain information on the processing time for permit applications.

(2) to (5) Currently, lion dance permit applications are mainly processed by dedicated Licensing Office Sub-Units or Miscellaneous Enquiries Sub-Units of various police districts, depending on the venue of the activity. Applications involving more than one police district or region will be processed by regional formations or the Police Licensing Office respectively.

Unless applications for permits are exempted by the Police, applicants of lion dance permits and participants of such activities must submit information on the activities to the Police and authorise the Police to check their criminal conviction records, so that the Police may assess whether the activities involve lawbreakers and whether they would affect public order or public safety.

The Police regularly review the existing mechanism and continue to maintain close liaison with the sector to refine the application procedures for lion dance permits. To expedite the procedures for approving applications for exemption, since September this year, the Police have extended the power to approve exemptions from the Police Licensing Office to regional and district commanders, and advised the front-line districts and regions to consider approving exemptions for appropriate activities to simplify the application procedures. In addition, the Police are proactively examining the feasibility of allowing submission of lion dance permit applications and uploading of the necessary documents through electronic means, so as to save the time needed for applicants to submit applications in person at police stations. Depending on the progress of system development, the online application system is expected to commence operation in 2020.

It is necessary for the Police to ensure that public order is not disturbed and that public safety is not affected when lion dance activities are conducted in public places. The scrutiny of the information on the activities and participants will help ensure that the relevant activities will not be used by lawbreakers for illegal purposes. There is no intention on the part of the Government to impede the proper development of lion dance activities. Organisers of such activities are required to submit applications to the Police only when their performances are to be held in public places. The Police will consider granting exemptions to facilitate the applicants if they are satisfied that the lion dance activities do not involve any lawbreakers and will not jeopardise public order and public safety.

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## **LCQ22: Primary One places**

Following is a question by the Hon Ip Kin-yuen and a written reply by the Secretary for Education, Mr Kevin Yeung, in the Legislative Council today

(October 24):

Question:

Regarding the impacts of the decline in the population of school-aged Primary One (P1) students as well as the supply of and demand for P1 places on schools, will the Government inform this Council:

(1) of the annual numbers of students applying for P1 discretionary places in the last, current and next school years, and the percentages of such numbers in the populations of school-aged P1 students in the territory, with a tabulated breakdown by school district and school net;

(2) of the respective annual actual/provisional numbers of P1 places and classes provided/to be provided by (i) government, (ii) aided, (iii) Direct Subsidy Scheme and (iv) private schools in the last, current, and next school years, with a tabulated breakdown by school district and school net; the criteria adopted by the Education Bureau (EDB) for determining the provisional number of P1 classes in the next school year;

(3) as the population of school-aged P1 students will decline continuously from the next school year onwards, of the impacts of such a situation on schools in the next school year as projected by EDB, including the respective numbers of (i) classes and (ii) teaching posts which need to be cut; the measures to be taken by EDB to alleviate such impacts, and whether such measures will include lowering the threshold for operating P1 classes and comprehensively implementing small class teaching; and

(4) given that quite a number of schools operated additional primary classes (i.e. the so-called "partly-enlarged class structure") over the past few years in response to the shortage of primary places at various grades, and as the students of such classes will graduate from the next school year onwards, these schools will have a decline in the total number of classes and thus surplus teachers, of (i) the number of schools which will cut their number of classes, (ii) the total number of classes to be cut, and (iii) the total number of teaching posts which need to be cut, in each of the next five years as projected by EDB (with a tabulated breakdown by school district and school net)?

Reply:

President,

The Primary One Admission (POA) System, which is school net-based, is divided into two stages: Discretionary Places (DP) and Central Allocation (CA). During the DP stage, parents may apply to any public sector primary schools without restriction on districts. Children who cannot secure a discretionary school place may participate in CA which also comprises two parts, namely unrestricted school choices and restricted school choices. For applicant children residing in Hong Kong, their school nets are determined by their residential address. Certain school nets may cover different districts.

My reply to the question raised by Hon Ip Kin-yuen is as follows:

(1) The respective numbers of children who applied for a public sector Primary One (P1) place at the DP stage of POA 2017 and 2018 (i.e. for admission to P1 in 2017/18 and 2018/19 school years respectively) are 57 823 and 58 965, both of which were around 90% of the P1 school-age population in Hong Kong (i.e. aged 6 population who are residing in Hong Kong). A total of 55 880 and 56 648 children participated in and were allocated P1 places in POA 2017 and 2018 respectively. A breakdown of successful applicant children by school net and allocation stage (i.e. DP and CA stages) is tabulated at Annex 1.

The relevant figures for POA 2019 are not available as information on the applicant children at the DP stage is still being collated.

(2) According to the annual Student Enrolment Survey, the number of operating P1 classes and places by district and school type for the 2017/18 school year is tabulated at Annex 2. Information collected from the Student Enrolment Survey of the 2018/19 school year is being collated. The number of approved P1 classes of public sector primary schools by district for the 2018/19 school year is set out at Annex 3, and the provisional number of P1 classes of public sector primary schools for the 2019/20 school year will not be available until March 2019.

To optimise the use of public resources, EDB has established the criteria for operation of classes since the implementation of the POA System. In accordance with the principle of fairness, the criteria are applicable to all schools participating in the system. EDB has, where circumstances permit, implemented small class teaching in public sector primary schools by phases starting from P1 since the 2009/10 school year. Since P1 places of small class teaching schools are planned on the basis of 25 students per class under the POA, the threshold for operation of a P1 class has been lowered to 16 students. The number of P1 classes to be operated by public sector schools in a given school net in each school year is determined by factors such as the projected demand for P1 places, the number of classrooms available, the class structure and parental choices, etc. Upon completion of registration of successful DP applicant children in early December every year, EDB works out the "provisional number of places for CA" for each school based on the number of remaining applicant children anticipated to participate in the CA and the situation of individual schools (such as availability of classrooms) to prepare for CA. Under the existing mechanism, a school going to have an intake of less than 16 students may not be allowed to operate a P1 class if there are still unfilled P1 places in other schools of the same school net. In such circumstances, EDB will take into account special factors, such as whether the school is located in a remote area where there is no appropriate alternative school, to determine whether there is a need to operate a P1 class in that school. In addition, EDB confirms the number of approved classes of each aided school by verifying their actual student enrolment every September.

(3) and (4) According to the current projections of P1 school-age population, the overall demand for P1 places is expected to reach the peak in the 2018/19 school year, and drop significantly in the 2019/20 school year and then progress to a stable level. Since the P1 enrolment has been increasing in the past few years, it is expected that the overall number of primary students, operating classes and teaching posts on establishment of public sector primary schools will remain generally stable in the next few years. The projected primary school-age population for the 2018/19 to 2023/24 school years (i.e. aged 6 – 11 population who are residing in Hong Kong) is tabulated at Annex 4.

Over the past years, EDB has implemented flexible measures based on the consensus reached with the school sector to increase the provision of P1 places, which include borrowing school places from neighbouring school nets, using vacant classrooms to operate additional classes, operating time-limited schools in vacant school premises and temporarily allocating more students per P1 class, to meet the transient increase in demand and to mitigate the impact on schools when such demand subsides. With the drop of P1 school-age population, these flexible measures will be adjusted or withdrawn in light of the demand as planned. We believe that this will effectively alleviate the impact arising from the decrease in student population. It is noteworthy that the demand for school places in individual districts/school nets may be different from the overall situation. Based on current projections, it is expected that some districts/school nets may still have to continue with the flexible measures mentioned above to increase the provision of P1 places in the 2019/20 school year to meet the transient demand. EDB will keep in view the situation of different districts and liaise closely with the schools concerned to ensure the provision of sufficient school places for all eligible applicant children under the POA.

Following the decrease in P1 school-age population starting from the 2019/20 school year, individual schools may be affected by the diminishing demand for school places in their respective districts and parental choices. Regarding the decrease in P1 school-age population, we have earlier had meetings with representatives of the Subsidised Primary Schools Council and the Hong Kong Aided Primary School Heads Association, and have reached consensus on the related follow-up actions and measures to address the concerns. Among them, the schools concerned can apply for retaining up to a maximum of three years redundant teachers arising from class reduction due to the decreasing P1 population who fail to secure a teaching post or be absorbed under the prevailing mechanism for handling redundant teachers. EDB will keep in view the matter and review timely. Besides, starting from P1 in the 2019/20 school year, the threshold for approving classes will be reduced from 25 to 23 students per class if the number of classes in a school has to be reduced in light of the enrolment in the student headcount in mid-September, so as to enhance the stability of the number of approved classes and hence the regular teaching posts in schools.

In tandem, small class teaching has been implemented in public sector primary schools by phases where circumstances permit starting from P1 since the 2009/10 school year (i.e. schools are allocated 25 students per class

under the POA System for planning of school places). As at the 2018/19 school year, almost 80% of public sector primary schools have already implemented small class teaching. With the decrease in overall projected demand for P1 places from the 2019/20 school year, both the school sector and EDB consider that this will provide conditions for more schools to implement small class teaching. As such, EDB has issued letters to invite all schools which have not yet implemented small class teaching to plan and make early preparation so that they can implement small class teaching as soon as practicable where the supply and demand of school places allow.

We will continue to maintain communication with the school sector and strive to provide a stable learning and teaching environment for schools.

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## **LCQ3: Labour interests and rights of employees who perform duties during and immediately after inclement weather**

Following is a question by the Hon Ho Kai-ming and a reply by the Secretary for Labour and Welfare, Dr Law Chi-kwong, in the Legislative Council today (Oct 24):

Question :

As super typhoon Mangkhut which hit Hong Kong last month had caused extensive damage to the community, the authorities needed to deploy considerable manpower for the recovery efforts. During the time when the typhoon was gradually moving away from Hong Kong, the majority of employees needed to go to work while the transport networks were partially paralysed, which put them in an extremely awkward position. Regarding the protection of labour rights and interests of employees who perform duties during and immediately after inclement weather, will the Government inform this Council:

(1) whether it knows the number of workers engaged by outsourced service contractors who participated in the clearance work during and after the typhoon, and a breakdown of such number by job type; whether the Government will consider granting a special hardship allowance to those workers and regularising such an allowance; if so, of the details; if not, the reasons for that;

(2) of the number of reports received by the Government in respect of employees who sustained injuries while commuting to and from work during the time when Mangkhut hit Hong Kong; and

(3) how the Government will step up the protection of the occupational safety and health as well as other labour rights and interests of those employees who perform duties during and immediately after inclement weather; whether it will enact legislation to protect those employees who are unable to go to work owing to natural disasters against wage deduction, being withheld good attendance bonuses or dismissal; if so, of the details; if not, the reasons for that?

Reply:

President,

After consulting the relevant bureaux and departments, my consolidated reply to the Member's question is as follows:

(1) Individual government departments would, taking into account their different operational requirements, tender and enter into a wide range of service contracts with their selected outsourced service contractors, each prescribing specific requirements and different scope of services, such as property management service, street cleaning and public hygiene, estate security and cleaning, parks and roadside horticultural maintenance service, or repair of various systems etc. As the scope and service requirements of different departments on outsourced service contractors vary from one another, and the Government does not have a standard list of outsourced service contracts that deal with the cleaning work during and after the storm, we do not have a definite number of additional staff employed by outsourced service contractors in handling the cleaning work in association with this storm. Besides, we understand that quite a number of existing outsourced service contracts already contain clauses on a requirement to perform cleaning work during and after typhoons. As such there would not be figures on extra manpower so incurred under these service contracts.

As there is no employment relationship between the Government and employees of outsourced service contractors, the Government does not have the practice of granting special hardship allowance to these workers. On the other hand, as we understand, some service contractors would grant special hardship allowance to their employees according to individual circumstances.

Despite the above, the Government is very concerned about the employment terms and conditions as well as the labour benefits of non-skilled employees engaged by government service contractors. The Chief Executive has just announced in her Policy Address measures for enhancing the protection of these non-skilled employees. These include the provision of at least 150 per cent of wages to non-skilled employees for working under Typhoon Warning Signal No. 8 or above. The improvement measures will be applicable to government service contracts which are tendered from April 1, 2019 onwards and rely heavily on the deployment of non-skilled employees. Other improvement measures include the entitlement to a contractual gratuity and statutory holiday pay upon employment for not less than one month. To provide incentives for outsourced service contractors to enhance the wage rates of their employees, we will also increase the technical weighting in



marking schemes for tender assessment to not less than 50 per cent, and increase the weighting for "wage level" as an assessment criterion to at least 25 marks out of 100 marks in the technical assessment.

(2) The Labour Department (LD) does not keep employees' compensation claims statistics involving cases on accidents occurred to employees whilst travelling to and from work.

(3) LD attaches great importance to ensuring the work safety of employees. During regular inspections at workplaces, in particular those of high-risk industries such as the construction industry and the container handling industry which involve outdoor work activities, Occupational Safety Officers pay attention to the work arrangements and contingency measures in relation to working under inclement weather conditions. LD has been urging employers to avoid assigning employees to work during inclement weather such as typhoons and rainstorms. If it is inevitable for an employee to work during inclement weather, the employer should assess the relevant risks in advance so as to ensure the work hazards are properly controlled, and adopt so far as is reasonably practicable the necessary measures to minimise the risks.

As regards employees' compensation, the Employees' Compensation Ordinance (ECO) provides that when Typhoon Signal No. 8 or above or when the Red or Black Rainstorm Warning is in force, the employer is in general liable to pay compensation under ECO if an employee sustains an injury or dies as a result of an accident while travelling from his place of residence to his place of work by a direct route within a period of four hours before the time of commencement of his working hours for that day, or from his place of work to his place of residence within a period of four hours after the time of cessation of his working hours for that day.

The nature and requirements of different jobs in various trades and industries vary from each other. Certain essential services need to maintain different levels of operation even under inclement weather conditions. The extent of impact caused by typhoons to public transport and road systems may differ. It is not practical to regulate work arrangements of employees under specific circumstances through across-the-board legislation, as it will overlook the operational needs of different industries and the community as a whole. It will also affect the flexibility of employers and employees in working out their work arrangements.

Taking into account the general interests of employers, employees and the community, LD has published the "Code of Practice in times of Typhoons and Rainstorms" to provide practical guidelines on work arrangements, resumption of work as well as calculation of wages and holiday arrangements under such circumstances. LD will continue to promulgate through various channels to remind employers to provide reasonable and practicable means having regard to the actual conditions and adopt a flexible approach so as to ensure the safety of employees, maintenance of good labour-management relations as well as the smooth operation of the organisations.

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## **EMSD releases lift and escalator contractors' latest performance ratings**

The Electrical and Mechanical Services Department (EMSD) today (October 24) announced the performance ratings of the registered lift and escalator contractors for the past 12 months (from October 2017 to September 2018) for public reference.

According to the rating results, 29 registered lift contractors and 27 registered escalator contractors were awarded the Safety Star. Among these contractors, 15 registered lift contractors and 18 registered escalator contractors had not been found in non-compliance with the safety and maintenance requirements as reported in the last two consecutive announcements of performance results, and were therefore given the highest rating of five Quality Stars. The EMSD conducted 13,935 inspections of lifts and escalators during the period.

The rating results, conviction records, summaries of the warning letters and equipment failure records are available on the EMSD's website ([www.emsd.gov.hk/emsd/eng/pps/le\\_pub\\_mpr.shtml](http://www.emsd.gov.hk/emsd/eng/pps/le_pub_mpr.shtml)).

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## **CSSA caseload for September 2018**

The overall Comprehensive Social Security Assistance (CSSA) caseload in September showed a drop of 960 cases, representing a decrease of 0.4 per cent compared with that of August, according to the latest CSSA caseload statistics released by the Social Welfare Department today (October 24).

The total CSSA caseload at the end of September stood at 229 268 (see attached table), with a total of 326 204 recipients.

Analysed by case nature, all categories of cases recorded a decrease. Low-earnings cases registered a month-to-month decrease of 1.7 per cent to 3 842 cases while single parent cases showed a drop of 1.3 per cent to 25 264 cases.

Unemployment cases fell by 0.6 per cent to 12 319 cases. Both ill health

cases and permanent disability cases dropped by 0.3 per cent to 23 319 cases and 16 966 cases respectively. Old age cases slipped by 0.2 per cent to 143 348 cases.