

LCQ18: Lion dance permit

Following is a question by the Hon Jeremy Tam and a written reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (October 31):

Question:

Lion dance, dragon dance and unicorn dance sports (dragon and lion dance sports) have been included in the Intangible Cultural Heritage Inventory of Hong Kong. The Convention for the Safeguarding of the Intangible Cultural Heritage stipulates that governments should safeguard intangible cultural heritage (ICH), that is, to take measures, including identification, documentation, research, preservation, protection, promotion, enhancement, transmission and revitalisation, to ensure the viability of ICH. On the other hand, 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 in a public place is guilty of an offence, unless the person has been issued with a permit or granted an exemption by the Commissioner of Police. Some members of the public have relayed that the procedure for handling permit applications and the documents required to be submitted by applicants vary among the divisional police stations, leaving the public unsure of what to do. Some parents have also relayed that on the eve of their young children's participation in dragon and lion dance sports, they received phone calls from the Police enquiring about their children's detailed information (e.g. hobbies, personalities, family backgrounds and academic achievements); such an act by the Police may arouse unnecessary worries among parents, thereby making them unwilling to allow their children to continue to participate in such sports. In this connection, will the Government inform this Council:

(1) as the Government indicated in its reply to a question raised by a Member of this Council on June 11, 2014 that given the unique nature of dragon and lion dance sports, it was necessary for the Government to ensure that the sports would not disturb public order or jeopardise public safety, and the permit system helped ensure that the sports would not be used by lawbreakers to carry out illegal activities, (i) in what way the nature of such sports is unique, and (ii) how such a nature may lead to such spots disturbing public order or jeopardising public safety;

(2) of the respective numbers of permit applications received and rejected by the Police in each of the past five years; among the cases rejected, the respective numbers of applications rejected on the grounds that such activities, in the Police's judgment, (i) might disturb public order or jeopardise public safety and (ii) might be used by lawbreakers to carry out illegal activities;

(3) of the respective numbers of people in each of the past five years who were arrested, prosecuted and convicted for committing criminal offences

during their participation in dragon and lion dance sports (with a breakdown by offence), as well as the punishments imposed on those convicted;

(4) of the channels, apart from checking if the participants have any records of criminal convictions, through which the Police vet their backgrounds when processing permit applications, as well as the details of such work; whether such channels include making phone calls to the parents of young participants;

(5) whether the Police will issue or update the internal guidelines for handling permit applications, including standardising the handling procedure and the documents required to be submitted by applicants, and ensuring that the various divisional police stations will act in strict compliance with the guidelines; if so, of the details; if not, the reasons for that; and

(6) whether it has reviewed if the current policies and measures regulating dragon and lion dance sports are contrary to the obligation to safeguard ICH; if it has, of the outcome; if not, whether it will conduct a review immediately; of the measures the Government will take to mitigate the negative labelling effect on dragon and lion dance sports brought about by the current policies and measures, so as to avoid deterring members of the public who aspire to preserve and promote such a traditional culture from participating in such sports?

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 (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 this policy is to prevent the involvement of lawbreakers in lion dance 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.

My reply to Hon Tam's questions is as follows:

(1) to (3) There are lawbreakers who solicit red packets from shops or members of the public through lion dance activities during festivals, and most of the persons convicted of the offence of "participating in a lion dance in a public place without a permit" in recent years had a number of previous convictions for robbery, claiming to be members of triad societies, wounding, blackmail, etc. In addition, fighting and wounding had occurred in the past as a result of the rivalry between lion dance troupes. Over the past five years, the Police successfully prosecuted 18 persons for the offence of "participating in a lion dance without a permit" according to

Section 4C of the Summary Offences Ordinance (Cap. 228). The persons concerned were placed on probation orders or sentenced to a fine.

The issue of lion dance permits by the Police helps prevent lawbreakers from using such sports for illegal activities. As at August 2018, the figures on the applications for lion dance permits 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.

(4) to (6) The Police have established procedures and guidelines for processing applications for lion dance permits, and will assess each and every application. The Police will consider various relevant factors, including the venue, time and nature of the activity organised, the impact on traffic and residents, the background of the organiser and its past record, whether the activity will be used for illegal purposes, etc. If the Police are satisfied that the activity does not involve lawbreakers and will not jeopardise public order and public safety, a permit will be issued.

In case the applicant or participants of an activity 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 cover up illegal activities. This does not imply that persons with criminal conviction records will automatically be banned from taking part in these activities. Upon scrutiny, the Police shall reject applications for activities which are considered to be seriously affecting public order or public safety, or suspected to be related to illegal activities. The Police may, having regard to the participants and arrangement of each activity, exempt appropriate activities from application for the permit. If necessary, the Police will contact the applicant or participants to verify their information.

The Police have been continually reviewing the existing mechanism and maintaining 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, with a view to saving 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.

In addition, the Police Licensing Office liaises with regions and districts regularly to ensure that lion dance permit applications are processed in accordance with the established procedures, while maintaining close communication with the sector to refine the application procedures for permits.

It is necessary for the Police to ensure that public order and public safety are not affected when lion dance activities are conducted in public places. The Police continually review the relevant mechanism and the refinements made so as to allow the development of lion dance activities on the one hand, and ensuring that these activities will not be used by lawbreakers for illegal purposes on the other. Organisers of such activities are only required to submit applications to the Police when their performances are to be held in public places. The Police will consider granting exemption to facilitate applicants if they are satisfied that the lion dance activities do not involve any lawbreakers and will not jeopardise public order and public safety.