

**For discussion
on 12 February 2004**

Legislative Council Panel on Security

**Proposed Amendments to
Criteria for Issuing Security Personnel Permit**

Purpose

This paper invites Members' views on the proposals by the Security and Guarding Services Industry Authority (SGSIA) to amend the existing criteria for issuing a security personnel permit (SPP) to -

- (a) provide an additional avenue through which SPP applicants can satisfy the criterion of "Proficiency in Security Work" with effect from 1 April 2004; and
- (b) extend the validity of the existing criterion of provision of employment certificate issued by a prospective employer for six months i.e. until 30 September 2004.

Background

2. The Security and Guarding Services Ordinance (SGSO) (Cap 460) was enacted in December 1994 to provide for a licensing scheme to regulate the security industry. Under the scheme, a person will require an SPP before he/she may provide security services in Hong Kong.

3. The SGSIA was established on 1 June 1995 under the SGSO. One of its main functions is to specify the criteria and conditions for issuing SPP. As required by the SGSO, the Criteria for Issuing a Security Personnel Permit (the Criteria) have to be laid before and approved by the Legislative Council before publication in the

Gazette. The SGSO also provides that the Gazette notice published by the SGSIA specifying the Criteria is not subsidiary legislation. The relevant extract of the SGSO is at Annex A.

4. Being the licensing authority for SPP, the Commissioner of Police (the Commissioner) is empowered under section 14(5) of the SGSO (Annex B) to issue an SPP when he is satisfied that an applicant is a fit and proper person to hold an SPP and meets the Criteria specified by the SGSIA. There are four categories of SPP in relation to different types of security work, namely –

Category A – Guarding work restricted to a “single private residential building”, the performance of which does not require the carrying of arms and ammunition

Category B – Guarding work in respect of any persons, premises or properties, the performance of which does not require the carrying of arms and ammunition and which does not fall within Category A

Category C – Guarding work, the performance of which requires the carrying of arms and ammunition

Category D – Installation, maintenance and/or repairing of a security device and/or designing (for any particular premises or place) a system incorporating a security device

In accordance with the SGSO, the SGSIA has specified the criteria in relation to each of the four types of security work that must be satisfied by a person before the Commissioner may issue an SPP. The existing Criteria (copy at Annex C) were last amended in February 2003 and came into effect on 1 April 2003.

Existing Criteria

5. For Categories A, B and C SPP, there are four existing criteria in relation to “Age”, “Fitness”, “Good Character” and “Proficiency in Security Work”. The last criterion, i.e. “Proficiency in Security Work”, was newly added in the last amendment exercise in 2003 with a view to eventually replacing the requirement for producing an employment certificate issued by a prospective employer. Due to the “employment certificate” condition, some SSP applications have been made through employers. SGSIA has received feedback that this has created opportunities for abuse by unscrupulous employers by, for example, charging the employees a fee at a rate higher than the SPP licensing fee. For this reason, the SGSIA decided in the last amendment exercise that the “employment certificate” condition should be removed eventually.

6. Starting from 1 April 2003, fulfillment of the criterion of “Proficiency in Security Work” can be proved by an applicant’s working experience in the security industry or the passage of a trade test. As a transitional arrangement, the production of an employment letter from the prospective employer remains a valid condition for applying for an SPP until 31 March 2004.

Proposed Amendments

7. To provide an additional avenue for individuals to apply for SPP on their own, the SGSIA proposes that an applicant who has successfully completed a training course that has met the requirements of a Quality Assurance Scheme (QAS) endorsed by the SGSIA will be deemed to have met the criterion of “Proficiency in Security Work”.

8. With the additional path being proposed, an SPP applicant will have five possible routes to satisfy the criterion of “Proficiency in Security Work” (eventually four after the transitional arrangement in (e) lapses), namely –

- (a) having sat and passed a trade test within one year before submitting his/her application (existing); or
- (b) having not less than three years of cumulative working experience in performing security work lawfully in Hong Kong over the past five years immediately before submitting his/her application (existing);
or
- (c) having not less than one year of cumulative working experience in performing security work lawfully in Hong Kong over the past two years immediately before submitting his/her application (existing);
or
- (d) having sat and passed a course-end examination of a training course that has met the requirements of a Quality Assurance Scheme endorsed by the SGSIA, within one year before submitting his/her application (proposed); or
- (e) producing a letter of employment from the prospective employer (transitional).

9. The new route stated in paragraph 8(d) above is built upon the Recognition Scheme for Security Training Courses (the Recognition Scheme) which the SGSIA has put in place since 1997. The Recognition Scheme aims to provide the public with information on the security training courses that are up to a level accepted by the SGSIA and are available from the market. Since April 2003, the Security Services Training Board of the Vocation Training Council (VTC) has been entrusted to administer the Recognition Scheme. As at 31 January 2004, a total of 60 training courses recognized under the Scheme are available in the market. Any person who has successfully completed a course recognized under the Recognition Scheme, passed its examination and is able to produce a valid certificate can be exempted from the basic training on being employed by a security company. This exemption will be valid for three years from the date of successful completion of the valid recognized

course.

10. As a further safeguard, the SGSIA has invited VTC to develop a QAS to ensure that training courses approved by them under the Recognition Scheme are properly run. The QAS sets out the requirements in respect of programme administration, course content, qualification of trainers, training facilities, assessments and course evaluation, etc. The QAS is drawn up in consultation with the trade associations, trade professionals, training providers and trade unions and is widely accepted by these parties. The VTC will organize a briefing session on 13 February 2004 to apprise all course providers under the Recognition Scheme of the QAS requirements. Inspections under the QAS can be implemented starting from 16 February 2004.

11. Having regard to the operation of recognized courses the quality of which will be ensured with the development of a QAS, SGSIA is of the view that it is reasonable to consider persons who have successfully completed a recognized course that can meet the requirements of a QAS as having attained the basic knowledge and proficiency required for entry into the security industry.

12. As a transitional arrangement, the SGSIA proposes to extend the validity of the existing "employment certificate" condition for six months, i.e. the criterion will cease to have effect starting from 1 October 2004. This will ensure that there will be a sufficient number of recognized courses which have met the QAS requirements in the market for SPP applicants to choose from, before the "employment certificate" condition ceases to have effect.

13. The SGSIA is of the view that the proposed amendments will on the one hand further facilitate interested persons joining the security and guarding services industry and on the other hand ensure that only fit and proper persons with the necessary knowledge in security work are granted SPP, thereby helping to promote the standard of and enhance public confidence in private security services.

Advice Sought

14. Subject to Members' views, the Administration intends to move a motion to seek the Legislative Council's approval of the notice to amend the SPP issuing criteria.

**Security Bureau
February 2004**

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Section 6 – “Functions of the Authority”
of Security and Guarding Services Ordinance (Cap 460)

- (1) The functions of the Authority are-
 - (a) to consider and determine applications made to it under this Ordinance;
 - (b) subject to subsection (3), to specify, by notice in the Gazette-
 - (i) the criteria that must be satisfied by a person before the Commissioner may issue a permit to him;
 - (ii) the conditions subject to which a permit is to be issued;
 - (iii) the matters to which the Authority shall have regard when determining under section 21 an application for a licence under section 19; (Amended 25 of 2000 s. 6)
 - (iv) the criteria that must be satisfied before the Commissioner may, under section 8, grant a person an exemption from this Ordinance; and
 - (v) the matters to which the Authority shall have regard when determining whether the Authority should specify any, and if so what, period for the purpose of section 20(3)(a) or (6)(a) or 24A(4)(a); and (Added 25 of 2000 s. 6)
 - (c) to do such other things as it is required or authorized to do by this or any other Ordinance.
- (2) The Authority may for the purposes of subsection (1)(b) specify-
 - (a) different criteria, conditions and matters in relation to different types of security work; and
 - (b) a condition that the holder of a permit shall do only a specified type of security work.
- (3) A notice shall not be published in the Gazette under subsection (1)(b)(i) unless and until it has been-
 - (a) laid before; and
 - (b) approved by,
the Legislative Council.
- (4) For the avoidance of doubt, it is hereby declared that any notice under subsection (1)(b) is not subsidiary legislation.

(Enacted 1994)

**Section 14(5) – “Application and Issue of Permit”
of Security and Guarding Services Ordinance (Cap 460)**

- s.14(5) Subject to subsections (1), (2), (3) and (4), where the Commissioner is satisfied that an applicant is a fit and proper person to do a type of security work, the Commissioner-
- (a) shall, if the applicant satisfies the criteria specified under section 6(1)(b)(i) in relation to security work of that type, issue a permit to the applicant;
 - (b) may, if the applicant does not satisfy those criteria, refer the application to the Authority and, if the Authority approves the application, the Commissioner shall issue a permit to the applicant.

(Enacted 1994)

CRITERIA FOR ISSUING A SECURITY PERSONNEL PERMIT

Take notice that, pursuant to section 6(1)(b)(i) of the Security and Guarding Services Ordinance, the Security and Guarding Services Industry Authority (hereafter referred to as “the Authority”) hereby specifies the following revised criteria (hereafter referred to as "the revised criteria"), which replace the ones published in G.N. 2994 on 4 August 1995 with effect from 1 April 2003, for issuing a permit under the said Ordinance. The criteria specified below in relation to a particular type of security work must be satisfied by a person before the Commissioner of Police may issue to him a permit under the said Ordinance to do that type of security work.

(A) Guarding work restricted to a “single private residential building”, the performance of which does not require the carrying of arms and ammunition (See Note 1)

- (a) *Age*
- (i) The applicant must be 18 years of age or above on the date of application.
 - (ii) If the applicant or permit holder is 65 years of age or above, he/she must produce a medical certificate (see Note 2) issued by a registered medical practitioner to certify that he/she is fit to undertake the duties required every two years.
- (b) *Fitness*
- The applicant must be physically fit to perform the job. A medical certificate (see Note 2) issued by a registered medical practitioner may be required if the Commissioner of Police reasonably considers necessary.
- (c) *Good Character*
- The applicant must be of good character having regard to his employment history, criminal records (see Note 3) and other relevant factors.
- (d) *Proficiency in Security Work*
- The applicant must satisfy one of the followings:
- (i) He/She must have sat and passed a trade test recognized by the Authority and announced in a manner that it thinks fit, within 1 year before submitting his/her application. (A person who has already passed a recognized

trade test before the commencement of the revised criteria is eligible to apply for a permit within 1 year from the effective date of the revised criteria.); or

- (ii) He/She must have not less than 3 years of cumulative working experience in performing security work lawfully in Hong Kong over the past 5 years immediately before submitting his/her application (Note 4); or
- (iii) He/She must have not less than 1 year of cumulative working experience in performing security work lawfully in Hong Kong over the past 2 years immediately before submitting his/her application (Note 4); or
- (iv) He/She must produce a letter of employment from the prospective employer (see Note 5).

(B) Guarding work in respect of any persons, premises or properties, the performance of which does not require the carrying of arms and ammunition and which does not fall within Category A

- (a) *Age* The applicant must be 18 years of age or above. The upper age limit for engaging in this type of security work is 65 years.
- (b) *Fitness* The applicant must be physically fit to perform the job. A medical certificate (see Note 2) issued by a registered medical practitioner may be required if the Commissioner of Police reasonably considers necessary.
- (c) *Good Character* The applicant must be of good character having regard to his employment history, criminal records (see Note 3) and other relevant factors.

(d) *Proficiency in Security Work* The applicant must satisfy one of the followings:

- (i) He/She must have sat and passed a trade test recognized by the Authority and announced in a manner that it thinks fit, within 1 year before submitting his/her application. (A person who has already passed a recognized trade test before the commencement of the revised criteria is eligible to apply for a permit within 1 year from the effective date of the revised criteria.); or
- (ii) He/She must have not less than 3 years of cumulative working experience in performing security work lawfully in Hong Kong over the past 5 years immediately before submitting his/her application (Note 4); or
- (iii) He/She must have not less than 1 year of cumulative working experience in performing security work lawfully in Hong Kong over the past 2 years immediately before submitting his/her application (Note 4); or
- (iv) He/She must produce a letter of employment from the prospective employer (see Note 5).

(C) Guarding work, the performance of which requires the carrying of arms and ammunition

(a) *Age* The applicant must be 18 years of age or above. The upper age limit for engaging in this type of security work is 55 years.

(b) *Fitness* The applicant must be physically fit to perform the job. A medical certificate (see Note 2) issued by a registered medical practitioner may be required if the Commissioner of Police reasonably considers necessary.

- (c) *Good Character* The applicant must be of good character having regard to his employment history, criminal records (see Note 3) and other relevant factors.
- (d) *Proficiency in Security Work* The applicant must satisfy one of the followings:
- (i) He/She must have sat and passed a trade test recognized by the Authority and announced in a manner that it thinks fit, within 1 year before submitting his/her application. (A person who has already passed a recognised trade test before the commencement of the revised criteria is eligible to apply for a permit within 1 year from the effective date of the revised criteria.); or
 - (ii) He/She must have not less than 3 years of cumulative working experience in performing security work lawfully in Hong Kong over the past 5 years immediately before submitting his/her application (Note 4); or
 - (iii) He/She must have not less than 1 year of cumulative working experience in performing security work lawfully in Hong Kong over the past 2 years immediately before submitting his/her application (Note 4); or
 - (iv) He/She must produce a letter of employment from the prospective employer (see Note 5).
- (e) *Arms Licence* The applicant must possess a valid arms licence for the arms used on duty issued by the Commissioner of Police.

(D) Installation, maintenance and/or repairing of a security device and/or designing (for any particular premises or place) a system incorporating a security device

- (a) *Age* The applicant must be 18 years of age or above.
- (b) *Proficiency* The applicant shall have received appropriate training or can demonstrate the capability and proficiency (see Note 6) in the skills/technique required in performing his/her job.
- (c) *Good Character* The applicant must be of good character having regard to his employment history, criminal records (see Note 3) and other relevant factors.
- (d) *Certification of Employment by Prospective Employer* On his/her first application for a permit, the applicant must produce a letter of employment from the prospective employer.

Notes

- (1) A single private residential building means an independent* structure -
- (a) covered by a roof and enclosed by walls extending from the foundation to the roof, and
 - (b) used substantially for private residential purpose; and
 - (c) with only one main access point⁺.
- * A building is considered to be independent from another if on most of the floors, one cannot get access to the quarters on the same floor in the other building without going to an upper/lower floor, roof or the street.
- ⁺ 'Main access point' means the entrance gate or lift lobby or staircase commonly used by residents to gain access to their flats. This excludes emergency and fire exit.
- (2) A standard medical certificate form is available from the Licensing Office of the Hong Kong Police Force.
- (3) The Commissioner of Police shall consider the nature of the criminal offence committed by the applicant and may refer the application to the Security and Guarding Services Industry Authority for decision under section 14(5)(b) of the Security and Guarding Services Ordinance. No person will normally be granted a permit if he/she -
- (a) was convicted of any offence specified in column 2 of Schedule 2 to the Security and Guarding Services Ordinance and the penalty imposed on him/her for that offence is the corresponding penalty specified in column 3 of that Schedule, within 5 years before submitting his/her application; or
 - (b) is currently on probation, bound over, remission or suspended sentence; or
 - (c) is within 3 years of release from a term of imprisonment; or
 - (d) was convicted of 3 or more offences within 5 years before submitting his/her application. Offences involving fixed penalty tickets, traffic summons, illegal hawking, article obstruction, littering, jaywalking and failing to answer Police or Court bail are considered minor and will be excluded.

- (4) Working experience may be substantiated by relevant documentary evidence, certification provided by employers or a statutory declaration of experience by the applicant.
- (5) Item (iv) will cease to have effect 12 months after the effective date of the revised criteria as published in the Gazette.
- (6) The applicant shall attach copies of certificate of relevant technical training, or record of employment showing his/her experience in this type of security work.