

LEGISLATIVE COUNCIL BRIEF

Public Health and Municipal Services Ordinance

(Cap. 132)

SWIMMING POOLS (AMENDMENT) REGULATION 2005

(Cap. 132 sub. leg. CA)

INTRODUCTION

The Secretary for Health, Welfare and Food, in exercise of the power under section 42 of the Public Health and Municipal Services Ordinance (Cap. 132), made the Swimming Pools (Amendment) Regulation 2005 (the Amendment Regulation) at Annex.

JUSTIFICATIONS

Background

2. Section 12 of the Swimming Pools Regulation (the Regulation) stipulates that not less than two life saving attendants possessing valid

certificates of competency not less than that of a holder of the bronze medallion of the Hong Kong Life Saving Society (HKLSS) should be in attendance at a private swimming pool serving 20 or more residential units at all times during which such pool is open to swimmers. HKLSS is the only organization giving lifeguard qualifications in Hong Kong.

3. According to the current lifesaving award system of the HKLSS, a bronze medallion holder is at the level of 'lifesaver', i.e. a person trained with basic lifesaving skills and can perform rescue in a drowning incident whereas a Pool Lifeguard Award (PLA) holder is at the level of 'lifeguard', i.e. a person trained with basic lifesaving skills plus specific lifeguard skills with ability also to assess environmental factors, use specific lifesaving equipment and raise the water safety level so as to prevent accidents from happening. To be qualified for a PLA, a candidate has to pass a swimming ability test and meet more stringent requirements than a bronze medallion holder in terms of rescue techniques involving the use of professional lifesaving equipment and training on preventive lifeguarding. Many countries have adopted lifesaving qualifications equivalent to the PLA as the standard requirement for lifeguards serving at swimming pools.

The Proposal

4. The Leisure and Cultural Services Department (LCSD) has been adopting the PLA qualification for lifeguards serving at public swimming pools since 1 January 2003. To better protect swimmers at private swimming pools and to achieve consistency in the level of competency required of lifeguards working at public and private swimming pools, we consider it necessary to upgrade the existing statutory qualifications requirement of lifeguards in attendance at private swimming pools licensed by the Food and Environmental Hygiene Department to PLA level.

Impact on Lifeguards

5. At present, lifeguards being employed in public swimming pools are valid PLA holders. On the other hand, among the some 1 700 lifeguards serving private swimming pools, not all of them are in possession of the PLA. We expect that incumbent lifeguards serving at private swimming pools will acquire the PLA through undergoing the training and tests in the next twelve months. In this connection, Members may like to note the following:-

- (a) There are regular PLA training courses for bronze medallion holders organized by the affiliated members of HKLSS in the market for the holders to upgrade their lifesaving qualification. There are also subvented training courses organized by HKLSS to promote the sport of lifesaving ; and
- (b) We will allow a period of one year before imposing the new requirement so as to allow time for existing holders of bronze medallion to acquire the required higher qualification.

The Amendment Regulation

6. We propose to amend section 12 of the Regulation to upgrade the qualification of life saving attendants from that of holding a bronze medallion to a PLA. The first paragraph of the section shall be amended by repealing “bronze medallion” and substituting “pool lifeguard award”.

7. The Amendment Regulation shall take effect on 1 April 2006 after a period of one year from the date of gazettal.

LEGISLATIVE TIMETABLE

8. The legislative timetable is as follows: -

Publication in the Gazette	1 April 2005
Tabling at LegCo	6 April 2005

IMPLICATIONS OF THE PROPOSAL

9. The Amendment Regulation is in conformity with the Basic Law, including the provisions concerning human rights. It will not affect the binding effect of the principal Ordinance. It has no financial, civil service, economic, sustainability, productivity and environmental implications.

PUBLIC CONSULTATION

10. The HKLSS has asked the government to introduce the proposal early so as to bring our regulations in line with international standard. The trade has been informed of the proposed amendment. As this is a technical exercise, public consultation is not considered necessary.

PUBLICITY

11. A press release will be issued. A spokesman will be made available to answer media enquiries.

ENQUIRIES

12. Any enquiry on this brief can be addressed to Miss Wendy Au, Assistant Secretary for Health, Welfare and Food (Tel: 2136 3330).

Health, Welfare and Food Bureau
March 2005