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**Paper for the House Committee Meeting
of the Legislative Council
on 18 February 2000**

**Legal Service Division Report on
Security and Guarding Services (Amendment) Bill 2000**

Object of the Bill

To amend the Security and Guarding Services Ordinance (Cap. 460) ("the Ordinance") to-

- (a) clarify the scope of activities regulated under the Ordinance;
- (b) streamline the provisions relating to the operation of the Security and Guarding Services Industry Authority ("the Authority") for the better implementation of the licensing scheme; and
- (c) rationalise the provisions relating to the fees for licences and permits issued under the Ordinance.

LegCo Brief Reference

- 2. SBCR 2/3231/99 Pt. 6 issued by the Security Bureau in February 2000.

Date of First Reading

- 3. 16 February 2000.

Comments

4. The Bill proposes to amend the definition of "security device" to exclude security devices for vehicles. The Bill further proposes to amend the definition of "security work" so that the category of "preventing or detecting the occurrence of any offence" (paragraph (b) of the definition) is limited to cases involving the guarding of any person or place.

5. In relation to the Authority, the Bill proposes to increase the number of its members from 5 to 7, to allow transaction of business by circulation of papers in certain cases, to confer protection on its members against personal liability in performing functions under the Ordinance, to specify a longer period for investigation by the police into a licence application. A new and similar power to investigate in

respect of a variation of conditions of a licence is also proposed to be given to the Commissioner of Police.

6. In relation to fees provisions, the Bill proposes to remove from section 30(1)(b) the reference to the size of a company as a factor to be considered in fixing the licence fee, to expressly provide for a fee to be charged upon actual renewal of a permit and licence, to expressly provide that all fees payable under the Ordinance should be paid into the general revenue and to add a global provision so that fees may be fixed for costs recovery in general instead of costs recovery for individual items.

7. Clause 24 provides for transitional arrangements arising from the proposed amendments.

Public Consultation

8. According to paragraph 36 of the LegCo Brief, the Administration has consulted the Authority, major associations of the security industry, as well as the legal profession on the proposals. Both the Hong Kong Bar Association and the Law Society have pointed out the need to tighten up the rather wide scope of paragraph (b) of the existing definition of "security work".

Consultation with the LegCo Panel

9. On 11 November 1999, the Administration consulted the LegCo Security Panel about the proposals in the Bill. Some members expressed concern about the then Administration's proposal to expressly include private investigation work in the definition of "security work" as they considered such work outside the original scope of the Ordinance. The Administration accepted members' view and took out the reference to private investigation work from the Bill. Some members also expressed concern about the proposed criteria for fixing the licence fee, the way the licence fee is paid and the extended time proposed to be given to the Commissioner of Police to investigate into an application for a licence.

Conclusion

10. Some members of the Security Panel have expressed concerns about various aspects of the Bill. Members may wish to set up a Bills Committee to study details of the Bill. In the meantime, the Legal Service Division will be continuing with the scrutiny of the legal and drafting aspects of the Bill.

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