

SBCR 2/3231/99 Pt.7

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Mrs Sharon TONG  
Clerk to the Panel on Security  
3<sup>rd</sup> Floor, Citibank Tower  
3 Garden Road  
Hong Kong

Dear Mrs TONG,

**LegCo Panel on Security:**  
**Security and Guarding Services (Amendment) Bill 2000 (“the Bill”)**

The Legislative Council Panel on Security was consulted on the proposed amendments to the Security and Guarding Services Ordinance (Cap.460) (“the Ordinance”) on 11 November 1999. We were asked to re-consider our proposals in relation to the definition of “security work” and the maximum time for investigation of a licence application.

I write to assure Members that we have taken on board their advice and have revised the Security and Guarding Services (Amendment) Bill 2000 accordingly. The details are set out in the ensuing paragraphs.

**Definition of “security work”**

We had originally proposed to clarify the scope of regulation under the Ordinance to make it clear that the definition of “security work” included investigation services that are for prevention and detection of offences. Some Members, however, expressed reservation on the proposal as they considered such work outside the scope of the Ordinance. After careful consideration, we have accepted Members’ advice and excluded the proposal from the Bill. We have now proposed to amend limb (b) of the definition of “security work”, which is considered to be too broad, by replacing it with "guarding any person or place for the purpose of preventing or detecting the

occurrence of any offence". The proposed amendments will focus on the protection of persons or premises which are the major security services that the Ordinance primarily sought to regulate.

#### Maximum time for investigation of a licence application

The existing Ordinance stipulates a maximum period of 60 days within which the Commissioner of Police has to complete the investigation of a licence application. In the past, difficulties have been encountered occasionally in complying with this requirement when a large number of applications are received within a short period of time or in some cases, the applicant concerned needed more than 60 days to satisfy all the licensing requirements or furnish the required information. In order to provide the necessary flexibility for the applicant and the Police, we have proposed to empower the Security and Guarding Services Industry Authority to extend this period where justified.

At the Security Panel meeting held on 11 November 1999, Members advised that the Administration should consider setting a limit on the maximum time permitted for investigation into an application. We have taken Members' advice and have now proposed that an extension of the time allowed for investigation into an application will be subject to a ceiling of 30 days in the first instance, counting from the expiry of the initial 60 days. In exceptional circumstances where there are strong reasons for a further extension, the Authority may grant a second and final extension of not more than 30 days. For transparency, the Authority will be required to specify by notice in the Gazette the criteria to which it shall have regard before approving an extension.

The Bill was introduced into the Legislative Council on 16 February 2000. Its main objective is to clarify the scope of activities regulated under the Ordinance and improve the licensing scheme governing the security and guarding services industry.

The amendments proposed in the Bill are mainly technical in nature, aimed at streamlining existing procedures and clarifying policies having regard to the operational experience gained since the implementation of the Ordinance in 1995. The Security and Guarding Services Industry Authority and major associations of the security industry have been consulted on the proposed amendments and their views have been taken on board in drafting the Bill.

I hope that Members could lend support to the Bill. Its early passage is important to us as this will facilitate the smooth implementation of the renewal of security personnel permits and security company licences which will start to take place in June 2000 and September 2000 respectively.

Please feel free to contact the undersigned if Members need further information.

Yours sincerely,

(Miss Eliza YAU)  
for Secretary for Security