

LEGISLATIVE COUNCIL BRIEF

Security and Guarding Services Ordinance
(Chapter 460)

SECURITY AND GUARDING SERVICES (LICENSING) (AMENDMENT) REGULATION 2000

INTRODUCTION

The Security and Guarding Services (Licensing) (Amendment) Regulation 2000, at Annex, is made and tabled at the Legislative Council to amend the Security and Guarding Services (Licensing) Regulation (Cap.460 sub.leg.). The amendments are introduced mostly as a result of the enactment of the Security and Guarding Services (Amendment) Ordinance 2000 (Ordinance No. 25 of 2000). The Amendment Regulation provides for the prescribed forms for permits for security personnel and licences for security companies upon renewal, and removes the photo requirement from the prescribed permit form.

BACKGROUND AND ARGUMENT

General Background

2 The Security and Guarding Services Ordinance ("the Ordinance"),

amongst other things, provides for the implementation of a licensing scheme for the security and guarding services industry. The licensing scheme is administered by the Security and Guarding Services Industry Authority set up under the Ordinance. Under the licensing scheme, a person will require a permit, and a company will require a licence, in order to engage in security work. As at 8 March 2000, there are around 720 valid licences and 161,900 valid permits. Section 30(2) of the Ordinance empowers the Secretary for Security to make regulation prescribing anything required or permitted to be prescribed under the Ordinance except fees. The Security and Guarding Services (Licensing) Regulation ("the Regulation") was made in 1995 to prescribe the form of a permit, the form of a licence, and to provide for revocation of a licence.

Amendments in relation to Permit

3 The Security and Guarding Services (Amendment) Ordinance 2000 ("the Amendment Ordinance") has amended, amongst others, the definition of "security work" by making reference to guarding of persons or places for the purpose of preventing or detecting the occurrence of any offence. This change has to be reflected in the security work category codes listed in the permit form. The opportunity is also taken to make drafting amendments to refine the descriptions of the four categories of security work in order to ensure that they are mutually exclusive.

4 In order to enhance the efficiency in processing applications for permits, we propose to remove the requirement to affix photo to a permit. This is expected to shorten the processing time for permit applications by one day and will improve the services to be provided to applicants of permits.

Amendments in relation to Licence

5 In the light of the replacement of the existing five-year licence fee (being one fee payable by five annual instalments) by an annual fee prescribed under the Amendment Ordinance, references to "licence fee" in the Regulation and the licence form are proposed to be substituted by "annual fee".

Other Amendments

6 Permits and licences which are usually issued for a term of five years were first issued in December 1995 and March 1996 respectively when the licensing system started to operate. As the Ordinance states that an application for renewal is required to be made not earlier than six months and not later than three months before the permit or licence is due to expire, the first application for renewal of permit and licence may therefore be received in mid-June 2000 and September 2000 respectively. We have to prescribe in the Regulation the forms for permits and licences renewed. We propose to make the permit form and licence form, currently applicable to permits and licences issued, also applicable to permits and licences renewed.

THE AMENDMENT REGULATION

7 The Security and Guarding Services (Licensing) (Amendment) Regulation 2000, at Annex, amends the Security and Guarding Services (Licensing) Regulation (Cap. 460 sub.leg.) as follows -

(a) section 2 makes the prescribed permit form and prescribed licence

form applicable to all permit and licences, whether first issues or renewed;

- (b) sections 3 and 6 replace reference to "licence fee" by "annual fee";
and
- (c) section 5 substitutes a new permit form in which –
 - (i) the security work category code reflects the definition of "security work" as amended by the Amendment Ordinance;
and
 - (ii) the photo requirement is omitted.

LEGISLATIVE TIMETABLE

8 The legislative timetable will be –

Publication in the Gazette	12 May 2000
Tabling in the Legislative Council	17 May 2000

BASIC LAW IMPLICATIONS

9 The Department of Justice advises that the proposed legislation is consistent with the Basic Law.

HUMAN RIGHTS IMPLICATIONS

10 The Department of Justice advises that the proposed legislation has no human rights implications.

BINDING EFFECT

11 The amendments will not affect the current binding effect of the Regulation.

FINANCIAL AND STAFFING IMPLICATIONS

12 The Amendment Regulation has no financial and staffing implications.

ECONOMIC IMPLICATIONS

13 As the Amendment Regulation imposes no new policy proposal on the security and guarding services industry, impact on the industry is expected to be negligible.

PUBLIC CONSULTATION

14 We consulted the Security and Guarding Services Industry Authority on the substance of the proposed amendments in late 1999 and they are generally content with our proposals.

PUBLICITY

15 A press release will be issued today and a spokesman will be available for answering media enquiries.

ENQUIRIES

16 Any enquiries to this brief should be directed to Miss Eliza YAU,
Principal Assistant Secretary for Security, at 2810 2632.

Security Bureau
10 May 2000

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