

立法會
Legislative Council

LC Paper No. LS49/03-04

**Paper for the House Committee Meeting
on 5 March 2004**

**Legal Service Division Report on
Proposed Resolution under section 6
of the Security and Guarding Services Ordinance (Cap. 460)**

The Secretary for Security has given notice to move a motion at the Legislative Council meeting of 17 March 2004. The motion seeks the Legislative Council's approval of the revised criteria that must be satisfied by a person before the Commissioner of Police may issue to him a permit under the Security and Guarding Services Ordinance (Cap. 460) ("the Ordinance") to do security work.

2. The Ordinance provides for, inter alia, a permit scheme administered by the Security and Guarding Services Industry Authority ("the Authority") to regulate the security industry. Under section 6(1)(b)(i) of the Ordinance, the Authority may specify, by notice in the Gazette, the criteria that must be satisfied by a person before the Commissioner of Police may issue a permit to him. Section 6(3) of the Ordinance provides that such a notice shall not be published unless and until it has been laid before and approved by the Legislative Council. Section 6(4) provides that any such notice is not subsidiary legislation.

3. The existing criteria for the issue of a permit are contained in a notice published in the Gazette as G.N.1224 on 28 February 2003. That notice specifies the criteria for the issue of a permit to do the following types 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;
- (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.
- (C) Guarding work, the performance of which require the carrying of arms and ammunition; and
- (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.

4. In an application for a permit to do the security work referred to in (A), (B) and (C) above, the applicant must show, inter alia, "proficiency in security work". In the revised criteria attached to the present motion, one more avenue to show "proficiency in security work" is added :-

"(iv) [the applicant] must have sat and passed a course-end examination, within 1 year before submitting his/her application, of a security training course that has met the requirements of a scheme for quality assurance that has been endorsed by the Authority and announced in a manner that it thinks fit."

5. One of the existing avenues to show "proficiency in security work" is to "provide a letter of employment from the prospective employer". This avenue will cease to have effect on 1 April 2004. In the revised criteria, the cessation is extended to 1 October 2004.

6. At its meeting on 12 February 2004, the Panel on Security was briefed on the proposals of the Authority to amend the existing criteria for issuing a permit so as to provide an additional avenue through which applicants can satisfy the criterion of "proficiency in security work", and to extend the validity of the criterion of provision of employment certificate issued by a prospective employer for six months (i.e. until 30 September 2004). Members did not raise any queries on the proposals. Background information and details are contained in the paper submitted by the Administration to the Panel on Security for the said meeting (LC Paper No. CB(2)1229/03-04(05)).

7. If the motion is passed, the revised criteria will replace the existing criteria with effect from 1 April 2004.

8. The drafting of the motion and the attached notice presents no difficulty.

Prepared by

LEE Yu-sung
Senior Assistant Legal Adviser
Legislative Council Secretariat
2 March 2004

(Ref. LS/R/9/03-04)