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From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 10 June 2015

**Proposed resolution under
the Security and Guarding Services Ordinance**

The Secretary for Security will move, at the Council meeting of 10 June 2015, a proposed resolution under the Security and Guarding Services Ordinance (Cap. 460). The proposed resolution is attached for Members' consideration. The President has directed that it be printed in the terms in which it was handed in on the Agenda of the Council.

2. The speech, in both Chinese and English, which the Secretary will deliver when moving the proposed resolution is also attached.

(Odelia LEUNG)
for Clerk to the Legislative Council

Encl.

Wording of the Motion

“That the notice, as annexed to this Motion, which specifies the revised criteria that a person must satisfy before the Commissioner of Police may, under the Security and Guarding Services Ordinance, issue to him a security personnel permit, be approved.”

SECURITY AND GUARDING SERVICES ORDINANCE (Chapter 460)
(Notice under section 6(1)(b)(i))

CRITERIA FOR ISSUING A SECURITY PERSONNEL PERMIT

Take notice that, pursuant to section 6(1)(b)(i) of the Security and Guarding Services Ordinance, the Security and Guarding Services Industry Authority (hereafter referred to as 'the Authority') hereby specifies the following revised criteria (hereafter referred to as 'the revised criteria'), which replace the ones published in G.N. 1956 on 26 March 2004 with effect from the day on which the notice is published in the Gazette, for issuing a permit under the said Ordinance. The criteria specified below in relation to a particular type of security work must be satisfied by a person before the Commissioner of Police may issue to him a permit under the said Ordinance to do that type 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 (See Note 1)

- (a) *Age* The applicant must be 18 years of age or above on the date of application.
- (b) *Fitness* The applicant must be physically fit to perform the job. If the applicant is 65 years of age or above, he/she must produce a medical certificate issued by a registered medical practitioner (see Note 2) to certify that he/she is fit to undertake the duties required. If the applicant is aged below 65, a medical certificate issued by a registered medical practitioner (see Note 2) may be required if the Commissioner of Police reasonably considers necessary.
- (c) *Good Character* The applicant must be of good character having regard to his employment history, criminal records (see Note 3) and other relevant factors.
- (d) *Proficiency in Security Work* The applicant must satisfy one of the followings:—
- (i) He/She must have sat and passed a trade test recognized by the Authority and announced in a manner that it thinks fit, within 1 year before submitting his/her application; or

- (ii) He/She must have not less than 3 years of cumulative working experience in performing security work lawfully in Hong Kong over the past 5 years immediately before submitting his/her application (Note 4); or
- (iii) He/She must have not less than 1 year of cumulative working experience in performing security work lawfully in Hong Kong over the past 2 years immediately before submitting his/her application (Note 4); or
- (iv) He/She 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.

(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

- (a) *Age* The applicant must be 18 years of age or above. The upper age limit for engaging in this type of security work is 70 years.
- (b) *Fitness* The applicant must be physically fit to perform the job. If the applicant is 65 years of age or above, he/she must produce a medical certificate issued by a registered medical practitioner (see Note 2) to certify that he/she is fit to undertake the duties required. If the applicant is aged below 65, a medical certificate issued by a registered medical practitioner (see Note 2) may be required if the Commissioner of Police reasonably considers necessary.
- (c) *Good Character* The applicant must be of good character having regard to his employment history, criminal records (see Note 3) and other relevant factors.

(d) *Proficiency in Security Work* The applicant must satisfy one of the followings: —

- (i) He/She must have sat and passed a trade test recognized by the Authority and announced in a manner that it thinks fit, within 1 year before submitting his/her application; or
- (ii) He/She must have not less than 3 years of cumulative working experience in performing security work lawfully in Hong Kong over the past 5 years immediately before submitting his/her application (Note 4); or
- (iii) He/She must have not less than 1 year of cumulative working experience in performing security work lawfully in Hong Kong over the past 2 years immediately before submitting his/her application (Note 4); or
- (iv) He/She 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.

(C) Guarding work, the performance of which requires the carrying of arms and ammunition

- (a) *Age* The applicant must be 18 years of age or above. The upper age limit for engaging in this type of security work is 55 years.
- (b) *Fitness* The applicant must be physically fit to perform the job. A medical certificate issued by a registered medical practitioner (see Note 2) may be required if the Commissioner of Police reasonably considers necessary.
- (c) *Good Character* The applicant must be of good character having regard to his employment history, criminal records (see Note 3) and other relevant factors.

(d) *Proficiency in Security Work* The applicant must satisfy one of the followings: —

Security Work

- (i) He/She must have sat and passed a trade test recognized by the Authority and announced in a manner that it thinks fit, within 1 year before submitting his/her application; or
- (ii) He/She must have not less than 3 years of cumulative working experience in performing security work lawfully in Hong Kong over the past 5 years immediately before submitting his/her application (Note 4); or
- (iii) He/She must have not less than 1 year of cumulative working experience in performing security work lawfully in Hong Kong over the past 2 years immediately before submitting his/her application (Note 4); or
- (iv) He/She 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.

(e) *Arms Licence* The applicant must possess a valid arms licence for the arms used on duty issued by the Commissioner of Police.

(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

(a) *Age* The applicant must be 18 years of age or above.

(b) *Proficiency* The applicant shall have received appropriate training or can demonstrate the capability and proficiency (see Note 5) in the skills/technique required in performing his/her job.

- (c) *Good Character* The applicant must be of good character having regard to his employment history, criminal records (see Note 3) and other relevant factors.
- (d) *Certification of Employment by Prospective Employer* On his/her first application for a permit, the applicant must produce a letter of employment from the prospective employer.

Notes

- (1) A single private residential building means an independent* structure:-
- (a) covered by a roof and enclosed by walls extending from the foundation to the roof, and
 - (b) used substantially for private residential purpose; and
 - (c) with only one main access point⁺.
- * A building is considered to be independent from another if on most of the floors, one cannot get access to the quarters on the same floor in the other building without going to an upper/lower floor, roof or the street.
- + 'Main access point' means the entrance gate or lift lobby or staircase commonly used by residents to gain access to their flats. This excludes emergency and fire exit.
- (2) A Registered medical practitioner means a person who is registered under the Medical Registration Ordinance (Cap 161). A standard medical certificate form is available from the Licensing Office of the Hong Kong Police Force. The medical certificate must be issued by a registered medical practitioner within four months before the applicant submits the application.
- (3) The Commissioner of Police shall consider the nature of the criminal offence committed by the applicant and may refer the application to the Security and Guarding Services Industry Authority for decision under section 14(5)(b) of the Security and Guarding Services Ordinance. No person will normally be granted a permit if he/she:-
- (a) was convicted of any offence specified in column 2 of Schedule 2 to the Security and Guarding Services Ordinance and the penalty imposed on him/her for that offence is the corresponding penalty specified in column 3 of that Schedule, within 5 years before submitting his/her application; or
 - (b) is currently on probation, bound over, remission or suspended sentence; or
 - (c) is within 3 years of release from a term of imprisonment; or
 - (d) was convicted of 3 or more offences within 5 years before submitting his/her application. Offences involving fixed penalty tickets, traffic summons, illegal hawking, article obstruction, littering, jaywalking and failing to answer Police or

Court bail are considered minor and will be excluded.

- (4) Working experience may be substantiated by relevant documentary evidence, certification provided by employers or a statutory declaration of experience by the applicant.
- (5) The applicant shall attach copies of certificate of relevant technical training, or record of employment showing his/her experience in this type of security work.

Daniel CHAM Ka-hung, *Chairman, for and on behalf of the
Security and Guarding Services Industry Authority*

Resolution Under
Security and Guarding Services Ordinance (Chapter 460)
Revision of Criteria for Issuing a Security Personnel Permit
Draft Speech by the Secretary for Security on the Motion
at the Legislative Council Meeting of 10 June 2015
(translation)

President,

I move that the motion, as printed on the Agenda, on the resolution which revises the criteria for issuing a Security Personnel Permit (SPP), be passed.

2. Section 6(1)(b)(i) of the Security and Guarding Services Ordinance (the Ordinance) stipulates that the Security and Guarding Services Industry Authority (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 that person. Pursuant to section 6(3) of the Ordinance, the notice shall not be published in the Gazette unless and until it has been laid before and approved by this Council.

3. Security service is one of the few industries in Hong Kong with a statutory age limit. Most of the practitioners are engaged in Category B security work which is general guarding work not

requiring the carrying of arms and ammunition for various types of premises. According to the existing criteria, the upper age limit of Category B security work is 65.

4. In recent years, there have been suggestions from the trade that the upper age limit for Category B security work should be relaxed. Employers believe that such relaxation would help ease recruitment difficulties, while labour groups consider that the measure would provide more job opportunities for senior citizens who are still physically fit.

5. The upper age limit was set twenty years ago. Since then, Hong Kong has undergone major demographic changes with life expectancy increased and general health condition improved. In the public consultation on Population Policy, the public expressed broad support for the extension of working life.

6. The Policy Agenda published in January 2015 announced a number of initiatives to promote a longer working life and unleash the potential of the local labour force. One of them is to suitably relax the upper age limit for Category B security work.

7. Having considered the Population Policy objectives and the regulatory requirement of the trade, the Authority supported the following proposals: first, the upper age limit for Category B SPP

should be revised from 65 to 70; and second, Category B SPP applicants and holders aged 65 or above are required to undergo a medical check at the time of application or when he reaches the age of 65, and thereafter every two years. This arrangement is on par with the existing requirement for Category A SPP.

8. The Authority believes that a five-year extension of the age limit, coupled with a biennial medical check requirement, will strike an appropriate balance between the Population Policy objectives on the one hand, and the need to maintain the quality of security services, and public confidence therein, on the other.

9. The extension of the age limit from 65 to 70 for Category B SPP and the imposition of a medical check requirement on Category B SPP applicants aged 65 or above require revisions to the permit issuing criteria as specified by the Authority under section 6(1)(b)(i) of the Ordinance. The revised criteria have to be approved by this Council in accordance with section 6(3) of the Ordinance before gazetting and implementation. Since the Hong Kong Police Force is preparing for the implementation of the proposals, including upgrading its computer systems, the exact date of gazetting and implementation will be fixed later. We expect the proposals to be implemented by the end of this year.

10. Mr President, having taken into account the views of the

trade and labour groups, and the need for trade regulation, the Authority believes that the proposed revisions would receive wide support, as they would not only benefit businesses and the community, but also maintain the service quality of the security industry. I invite Members to approve the revised criteria.

11. Thank you, Mr President.