

**For discussion
on 3 March 2015**

Legislative Council Panel on Security

**Proposed Relaxation of Age Limit
for Category B Security Personnel Permit**

Purpose

This paper invites Members' views on the proposal by the Security and Guarding Services Industry Authority (SGSIA) to amend the criteria for issuing a security personnel permit (SPP) to relax the age limit of Category B security personnel.

Background

2. The Security and Guarding Services Ordinance (SGSO) (Cap 460) was enacted in 1994 to provide for a regulatory regime for the security industry. Under the regime, a person requires a SPP to provide security services for reward in Hong Kong. The Commissioner of Police (the Commissioner) is the authority to issue SPPs.

3. SGSO also provides for the establishment of the SGSIA. One of the statutory functions of the SGSIA is to specify the criteria that must be satisfied by a person before the Commissioner may issue a SPP to him (the Criteria), and the standard conditions subject to which a SPP is to be issued (the Conditions). The existing Criteria and Conditions are attached at **Annex**.

4. There are four categories of SPP, namely A, B, C and D, for performing different types of security work. The overwhelming majority of permit holders are holding Category A and B SPPs and most of them are performing Category B security work. Under the Criteria, Category A SPP is for general guarding work not requiring the carrying of arms and

ammunition for a single private residential building¹. It has no upper age limit but its holders are subject to medical check on a biennial basis after they have reached 65. Category B SPP is for general guarding work not requiring the carrying of arms and ammunition for all sorts of premises which does not fall within Category A. It has an age limit of 65, which was formulated back in 1995.

5. The objective of imposing an age limit for Category B SPP is to ensure that those who perform general guarding duties possess the required level of physical ability and alertness. Together with other requirements including criminal record check and security work proficiency, the age restriction forms an essential element of the regulatory regime. Category A SPP, which has no age limit, is created as an exception to allow older practitioners to work for residential buildings with simpler access arrangements.

6. In recent years, there have been suggestions that the age limit for Category B SPP should be relaxed. In particular, the trade believes that such relaxation would ease the recruitment difficulties, while labour groups argue that it would provide more job opportunities for senior citizens who are still physically fit.

7. Meanwhile, Hong Kong has undergone major demographic changes since the age limit was set 20 years ago, with life expectancy increasing and general health condition improved. In a recent public consultation on Population Policy, the public expressed broad support for the extension of working life. In the Policy Agenda published in January 2015, the Administration 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 age limit for Category B SPP.

8. In February 2015, SGSIA, having considered the Population Policy objectives and the regulatory requirement of the trade, supported a detailed proposal from the Administration for the extension of the age limit. It has also consulted trade representatives at a regular consultative forum and received their support. The detailed proposal is set out as follows.

¹ An independent structure used substantially for private residential purpose and with only one main access point.

Proposed Arrangements

9. It is proposed that -
- (a) the upper age limit for Category B SPP should be revised from 65 to 70;
 - (b) a medical check requirement should be introduced for Category B SPP holders aged 65 or above. Specifically, if an applicant (including those seeking permit renewal) is 65 or above, he would be required to produce a medical certificate demonstrating his fitness for the job at the time of application and, if a permit is issued to him, thereafter every two years. If a permit is issued to a person under the age of 65 (e.g., at the age of 63), during the validity period of the permit he would be required to produce a medical certificate when he reaches the age of 65, and thereafter every two years; and
 - (c) the medical check requirement should be made a criterion that must be satisfied by an applicant, and a standard condition subject to which a permit is to be issued. This arrangement should apply not just to Category B SPP but also to Category A SPP.

Considerations

10. The SGSIA 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. The two-year interval proposed for the medical check requirement follows the existing requirement for Category A SPP and is considered reasonable, balancing the needs for ensuring the quality of the trade and not imposing undue burden on permit holders.

11. The biennial medical check requirement is now one of the Criteria for Category A SPP. While applying this criterion at the time of application poses no problem, it is less effective insofar as existing permit

holders are concerned. If a permit holder does not comply with this requirement while the permit is in force, the only recourse appears to be section 18² of Cap. 460, which provides for a mechanism for the Commissioner to apply to SGSIA for revocation or suspension of permits, but this is a rather long and resource intensive process.

12. For better enforcement of this requirement, which is now proposed to be extended to Category B SPP, SGSIA proposes that it should be made one of the standard permit conditions for both Category A and B SPPs to be issued in the future. Non-compliance with a permit condition may contravene section 10³ of SGSO which is an offence under section 31(2)⁴. With this as a deterrent, we expect better compliance. In practice, the Police licensing Office (PLO) will issue a reminder to a permit holder before his medical certificate is due, and give warning after the certificate is overdue, before considering any further investigation and prosecution.

Revision to the Criteria and Conditions

13. 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 require amendments to the Criteria, which was issued by a gazette notice by SGSIA under section 6(1)(b)(i) of Cap. 460. The revised Criteria have to be approved by the Legislative Council in accordance with section 6(3) before gazetting. The approval will be sought through a government motion.

14. The addition of the medical check requirement to the standard conditions of Category A and B SPP involves changes to the Conditions specified by SGSIA under section 6(1)(b)(ii) of Cap. 460. The revised Conditions have to be published in the Gazette in order to take effect. The

² S.18(1) : Where, in the opinion of the Commissioner, a holder of a permit is no longer a fit and proper person to hold the permit or where the holder of the permit has been in breach of any condition of the permit, the Commissioner may apply to the Authority for a revocation or suspension of the permit

³ S.10 : No individual shall do, agree to do, or hold himself out as doing or as available to do, security work for another person unless he does so –
(a) under and in accordance with a permit; or
(b) otherwise than for reward

⁴ S.31(2) : Any person who contravenes section 10, 11(2), 12 or 13 commits an offence and is liable on conviction to a fine at level 3 and to imprisonment for 3 months

SGSIA will revise the Conditions after the Legislative Council has approved the changes to the Criteria.

15. The PLO needs to make preparation for implementation of the proposal, including computer system upgrading. It is hoped that the proposal, if approved by the Legislative Council, can take effect as soon as possible.

Advice Sought

16. Members are invited to comment on the above proposal from SGSIA.

**Security Bureau
February 2015**

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. 1224 on 28 February 2003 with effect from 1 April 2004, 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*
- (i) The applicant must be 18 years of age or above on the date of application.
 - (ii) If the applicant or permit holder is 65 years of age or above, he/she must produce a medical certificate (see Note 2) issued by a registered medical practitioner to certify that he/she is fit to undertake the duties required every two years.
- (b) *Fitness*
- The applicant must be physically fit to perform the job. A medical certificate (see Note 2) issued by a registered medical practitioner 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

- (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; or
 - (v) He/She must produce a letter of employment from the prospective employer (see Note 5).
- (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 (see Note 2) issued by a registered medical practitioner 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; or
 - (v) He/She must produce a letter of employment from the prospective employer (see Note 5).
- (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 6) 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 standard medical certificate form is available from the Licensing Office of the Hong Kong Police Force.
- (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) Item (v) will cease to have effect on 1 October 2004.
- (6) 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.

G.N. 7680

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

CONDITIONS FOR ISSUING A SECURITY PERSONNEL PERMIT

Take notice that, pursuant to section 6(1)(b)(ii) of the Security and Guarding Services Ordinance, the Security and Guarding Services Industry Authority hereby specifies the following conditions subject to which a permit is to be issued under the said Ordinance. This notice replaces the notice published as G.N. 2995 in the *Government Gazette* on 4 August 1995, as amended by G.N. 4209 published on 13 October 1995, with effect from the day on which the notice is published in the *Gazette*.

The permit holder must:—

- (a) carry this permit at all times when he/she is on duty;
- (b) produce this permit for inspection on demand by any police officer;
- (c) notify the Commissioner of Police in writing of:—
 - (i) any change of employer, unless he/she is employed by a licensed security company; and
 - (ii) any institution of criminal prosecution against him/her within 14 days after the relevant event has occurred;
- (d) only perform the type of security work as specified in this permit;
- (e) not work over 372 hours per month and not normally work over 12 hours per day; and
- (f) not act contrary to the requirements of his/her duties as a security personnel, such as sleeping on duty, or being negligent, or remiss in the execution of his/her duty.

Edward PONG Chong *Chairman, for and on behalf of the
Security and Guarding Services Industry Authority*