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Panel on Security

**Background brief prepared by the Legislative Council Secretariat
for the meeting on 3 March 2015**

Security personnel permits

Purpose

This paper provides background information and summarises the past discussions by Members on issues relating to the age limits of security personnel permits ("SPP").

Background

2. The Security and Guarding Services Ordinance (Cap. 460) ("the Ordinance") was enacted in December 1994 to provide for a licensing scheme to regulate the security industry. Under the licensing scheme, a person will require an SPP and a company will require a licence before they may provide security services in Hong Kong. There are four categories of SPP in relation to different types of security work, namely -

- (a) Category A - Guarding work restricted to a "single private residential building"¹, the performance of which does not require the carrying of arms and ammunition;
- (b) Category 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;

¹ A "single private residential building" means an independent structure used substantially for private residential purpose and with only one main access point. "Main access point" means the entrance gate or lift lobby or staircase commonly used by residents to gain access to their flats, excluding emergency and fire exit. Individual blocks of residential estates with only one main access point usually comply with this definition.

- (c) Category C - Guarding work, the performance of which requires the carrying of arms and ammunition; and
- (d) Category 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.

3. The licensing scheme is administered by the Security and Guarding Services Industry Authority ("SGSIA"), which was established on 1 June 1995 under the Ordinance. One of its main functions is to specify the criteria and conditions² for issuing SPP.

4. Being the licensing authority for issuing SPP, the Commissioner of Police ("the Commissioner") is empowered under section 14(5) of the Ordinance to issue an SPP when he is satisfied that an applicant is a fit and proper person to do security work and meets the criteria specified by SGSIA.

Members' deliberations

5. According to the criteria set by SGSIA, there was an upper age limit of 65 years for engaging in Category B security work, whereas there was no such age limit for engaging in Category A security work. Some members raised concern about the different age limits for various types of SPP.

6. The Administration advised that Category B SPP covered a wide range of guarding work in respect of any persons, premises (such as banks, shopping malls and commercial buildings) or properties, but the performance of which did not require the carrying of arms and ammunition. Holders of Category C SPP, on the other hand, could perform guarding work which required the carrying of arms and ammunition. Taking into consideration the requirements for the physical ability and alertness of the practitioners engaging in these two types of guarding work, as well as the importance of their services to the community, the Administration set the upper age limits for Categories B and C SPP at 65 and 55 years old respectively. Those who had exceeded the upper age limits of Categories B and C SPP might apply for Category A SPP, which did not have any upper age limit but required the production of a medical certificate issued by a registered practitioner to certify the applicant's fitness to undertake the security-related duties. Holders of Category A SPP might perform guarding work for "single private residential buildings".

² Depending on the category of the security personnel permit being applied for, the applicant must satisfy the criteria specified in relation to a particular type of security work, including age, fitness (not applicable to Category D), good character, proficiency in the relevant type of work, arms licence (only applicable to Category C) and certification of employment by prospective employer (only applicable to Category D).

7. Some members pointed out that although security guards holding Category B SPP might switch to apply for Category A SPP, the number of single private residential buildings was dwindling along with the redevelopment of old districts, resulting in fewer posts for Category A SPP who were therefore forced to retire at the age of 65, losing their means of livelihood. Given that many people nowadays stayed in employment beyond the retirement age, which was commonly 60 to 65 years old, some members considered that the upper age limits imposed on respective types of guarding work should be relaxed if the SSP holders were certified by a registered medical practitioner to be physically fit for the relevant work.

8. The Administration advised that in considering whether to relax the criteria for issuing SPP, the Administration needed to pay heed to the purposes of the regulatory regime, as well as the quality and standard of security and guarding service. It would pay close attention to relevant public views, keep up the dialogue with the security and guarding service sector, and conduct reviews on a timely basis.

Latest developments

9. The Administration announced in the 2015 Policy Address that in line with the population policy to extend the working life of citizens and unleash the potential of local workforce, it will propose to SGSIA to suitably relax the existing age limit of 65 years for Category B SPP. According to the Administration, there are currently about 140 000 security guards in the security industry, most of whom are holders of Category B SPP and allowed to perform guarding work for different types of premises.

10. In accordance with the Ordinance, the criteria for issuing SPP have to be laid before and approved by the Legislative Council ("LegCo") before it takes effect by publishing in the Gazette. The Administration will brief the Panel on Security its proposal of relaxing the upper age limit for Category B SPP at the meeting on 3 March 2015.

Relevant papers

11. A list of the relevant papers on the LegCo website is in the **Appendix**.

Appendix

Relevant papers on the security personnel permits

Committee	Date of meeting	Paper
Panel on Security	7.11.2002 (Item IV)	Agenda Minutes
Panel on Security	12.2.2004 (Item V)	Agenda Minutes
Legislative Council	30.4.2014	Official Record of Proceedings (Question 10)
Legislative Council	25.6.2014	Official Record of Proceedings (Question 1)
Panel on Security	3.2.2015	Agenda

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