

POLICE GENERAL ORDERS

CHAPTER 34

FAMILY CONFLICT, SEXUAL VIOLENCE AND VULNERABLE PERSONS

06/19

Definitions

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'Abandoned Child' is deemed to be abandoned if he/she becomes 'unclaimed' in the following circumstances:-

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- (a) where a parent, relative or friend has caused a child to be admitted to a hospital, clinic or nursery for care, on payment or otherwise, and who has made no contact with the authority concerned since admission or omitted to pay the fees, or has failed to claim the child at expiry of treatment or stipulated period and where circumstances show that the whereabouts of the parent, relative or friend cannot be ascertained; or
- (b) has left a child in temporary care of a neighbour, owner or co-tenant of lodgings or other person and who has failed to return to claim the child; or
- (c) has handed the custody of a child to a neighbour, owner or co-tenant of lodgings or other person on agreement of a fixed sum of money being paid and who has failed to meet the obligation and as a result the child is neither able to be cared for nor wanted by the neighbour, owner or co-tenant of lodgings or other person; or
- (d) where a young child has been abandoned in a street or any other place.

'Child abuse' is generally defined as any act of omission or commission that endangers or impairs a child's physical or psychological health and development. Child abuse is not limited to a parent/guardian situation, but includes anyone who is entrusted with the care and control of a child, e.g. child-minders and schoolteachers. The general definition applies to children who are under the age of 18. However, it is not a legal definition. In attending any child abuse cases, officers have to identify offence(s) disclosed such as Cruelty to Child, Common Assault, AOABH etc. and refer to the appropriate unit for investigation. There are different forms of child abuse and they include:-

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(a) Physical Abuse

It means causing physical injury or suffering to a child, whether by non-accidental, deliberate act, or failing to prevent such physical injury or suffering.

In cases where a parent exercises corporal punishment on a child, consideration should be given to the frequency and degree of force used, seriousness of injuries caused and circumstances surrounding the incident before classifying the case.

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(b) Neglect

It refers to a severe or persistent lack of attention to a child's basic surviving needs that endangers or impairs the child's health or development. Examples are: failing to provide a child with adequate food, clothing, shelter, health care, forcing a child to undertake duties inappropriate to his/her physical strength or age, leaving a child habitually unattended or unreasonably depriving a child of education.

(c) Sexual Abuse

It refers to the involvement of a child in sexual activity and exploitation of a child for sexual or erotic gratification, such as exposing a child to different forms of sexual activity or pornographic materials. Casual sexual relationship between young persons is not regarded as child sexual abuse.

(d) Psychological Abuse

It refers to a pattern of behaviour and/or attitude that endangers or impairs the emotional or intellectual development of a child. Examples include acts of spurning, terrorizing, isolating, exploiting/corrupting or denying emotional responsiveness. Such act damages immediately or ultimately the behavioural, cognitive, affective, or physical functioning of the child.

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'Appropriate adult' should be any of the following persons:-

- (a) A relative, guardian or other person responsible for his care or custody;
- (b) Someone who has experience of dealing with mentally disordered or handicapped persons but who is not a police officer nor employed by police, such as a social worker; or
- (c) Failing either of the above, some other responsible adult who is not a police officer nor employed by the police.

34-03 Lost and Abandoned Children

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When a **lost** child comes into the care of the Police, he shall be returned to his home (if known) or looked after in a police station until he is claimed. An **abandoned** child shall be referred to the Social Welfare Department (SWD) except where the period and the circumstances, as detailed in paragraph 4(c) and (d) below, make it appropriate to return the child to his guardians or informant.

2. When a lost or abandoned child comes into the care of the Police, a DO shall:-

- (a) make an entry in the CIS if the child is under 2 years of age and suspected to have been abandoned;
- (b) check the lists of missing persons;
- (c) initiate enquiries to trace the parents or guardian; and
- (d) circulate a PEN message to ALL if the child is still unclaimed after one hour. The message shall contain a full description of the child and the circumstances under which he/she was found.

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3. If it is suspected or confirmed that the child has been abandoned, the DO shall:-

- (a) notify the Miscellaneous Enquiries Sub-Unit Commander (MESUC) or the OC Investigation Team as appropriate;
- (b) arrange for him to be sent to the nearest Government hospital for examination by a doctor; and
- (c) When the child is discharged, he shall be collected by Police and further dealt with in accordance with paragraph 5 below (the doctor's report shall accompany the child to the institution or the Social Welfare District Office as appropriate).

4. The MESUC or OC Investigation Team shall:-

- (a) initially contact SWD advising the case worker of the report made (confirmation by memorandum to follow as soon as possible);
- (b) if the child is brought to the station in the company of an informant in circumstances which show the latter wishes no further responsibility for the child, liaise with SWD case workers to have the child admitted into a children's residential home;
- (c) where an informant, who is considered both suitable and capable, is willing to continue caring for the child on a temporary basis, arrange either for the parties concerned to be taken to SWD or for the case worker to call at the Informant's home to initiate enquiries; and

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- (d) if a case is reported after office hours, arrange for the Informant to care for the child overnight and contact SWD as soon as it's office is open in order that it may continue any necessary action.

13/09 5. If a lost child is not claimed within a reasonable time, the DO shall arrange for his/her
06/19 admission into an appropriate children's residential home according to the following criteria:-

Name/Address/Tel. No. of Children's Residential Homes	Criteria
Po Leung Kuk Newcomers' Ward 66 Leighton Road, Causeway Bay, Hong Kong Tel: 2882 8787	<ul style="list-style-type: none"> • Normal and healthy boys and girls under 12 • Mentally and/or physically disabled boys and girls aged under 8 • Girls aged 12 to under 18 without exhibiting behavioural problem may be considered • Boys aged slightly above 12 may also be considered on individual case merit, for example, admission together with a younger sibling
Tuen Mun Children and Juvenile Home 3 San Shek Wan North, Tuen Mun, NT. Tel: 24607314	<ul style="list-style-type: none"> • Boys and girls aged 8 to under 18 • Physically disabled but ambulant boys and girls aged 8 to under 18
Po Leung Kuk Wing Lung Bank Golden Jubilee Sheltered Workshop and Hostel 33 Razor Hill, Sai Kung, Kowloon Tel: 2358 3301-6	<ul style="list-style-type: none"> • Mentally and /or physically disabled boys and girls aged 8 to under 18

6. In cases where a lost or abandoned child is admitted to an institution, he shall be accompanied by a Pol. 453 (Rev. 05), bearing the name and telephone number of the officer-in-charge of the case. Memoranda are not to be used for this purpose.

7. A memorandum shall be sent to the District Social Welfare Officer, Social Welfare District Office which serves the Police District/Divisional area.

8. Within 24 hours of a lost child coming into the care of Police, the Formation Commander concerned shall arrange for a description of the child and the circumstances under which he was found to be broadcast over the radio networks. A copy of the broadcast shall be supplied to the OC Case.

34-05 Children and Juveniles in Need of Care or Protection

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Under s. 34(1) of the Protection of Children and Juvenile Ordinance (PCJO), Cap. 213, the juvenile court may issue a 'Care or Protection Order' (C or P Order):-

- (a) on its own motion;
- (b) upon the application made by
 - (i) the Director of Social Welfare or any person authorized by the Director of Social Welfare in writing; or
 - (ii) any police officer
- (c) to a child or juvenile
 - (i) who has been or is being assaulted, ill-treated, neglected or sexually abused; or
 - (ii) whose health, development or welfare has been or is being neglected or avoidably impaired; or
 - (iii) whose health, development or welfare appears likely to be neglected or avoidably impaired; or
 - (iv) who is beyond control, to the extent that harm may be caused to him or to others,and who requires care or protection.

2. When a child or juvenile comes to notice as appearing to be in need of a C or P Order, he/she may be detained in a 'place of refuge' listed at para. 4 below or a hospital if the condition so requires. Under s. 34E(1) of the PCJO, Cap. 213, any person authorized in writing by the Director of Social Welfare or any police officer of the rank of Station Sergeant or above may take to a 'place of refuge' or such other place as he may consider appropriate any child or juvenile:-

- (a) who appears to be in need of care or protection; or
- (b) in relation to whom there is in force a C or P Order under s. 34(1) and who is the subject of a variation under s. 34C of the PCJO, Cap. 213.

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3. The power set out in para. 2 (a) above shall not be exercised in respect of a child or juvenile who appears to be in need of care or protection under s. 34(2)(b) or (c), i.e. whose health, development or welfare has been or is being neglected or avoidably impaired; or whose health, development or welfare appears likely to be neglected or avoidably impaired; unless:-

- (a) the child or juvenile has within the preceding 2 weeks, been assessed by a medical practitioner, clinical psychologist or an approved social worker pursuant to s. 45A;
- (b) a notice issued and served under s. 45A(1)(a) has not been compiled within one month; or
- (c) the Director of Social Welfare is unable to ascertain the identity or whereabouts of any of the persons on whom notice may be served pursuant to s. 45A(1)(a) for the purpose of an assessment of the child or juvenile.

Places of Refuge

4. The three current gazetted places of refuge are as follows:-

- (a) Po Leung Kuk Newcomers' Ward;
- (b) Po Leung Kuk Wing Lung Bank Golden Jubilee Sheltered Workshop and Hostel; and
- (c) Tuen Mun Children and Juvenile Home.

34-07 Juvenile Offenders under 16 years of age and the Probation Service

Whenever a juvenile whose case will be heard at a Juvenile Court is charged with an offence, the DO of the station concerned shall:-

- (a) during office hours, notify the Probation Officer at the appropriate Magistracy; or
- (b) after office hours, leave instructions with his relief to so notify the Probation Officer at the commencement of office hours on the next working day.

2. The following information shall be passed to the Probation Officer:-

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- (a) the police report number;
- (b) the name of the juvenile;
- (c) the age and sex;
- (d) the address;
- (e) the date of arrest;
- (f) the particulars of offence;
- (g) the date of court appearance;
- (h) in custody or on bail; and
- (i) the name of the DO passing the information.

3. The DO shall enter the date and time the message was passed and the name of the recipient in the 'Telephone Message Book' (Pol. 46).

34-09 Medical Examination of Young Persons by the Forensic Pathology Service

Whenever a person is, or appears to be, under the age of 16 years, and is to be medically examined by the Forensic Pathology Service, the OC Case shall arrange for the parent or guardian of the person to be present at such examination. If the parents or guardian are:-

- (a) unknown; or
- (b) do not reside in Hong Kong; or
- (c) are a party to the offence and decline their consent to the medical examination;

then a responsible relative or some person in the position of guardian (e.g. a headmaster or headmistress or other such person exercising control over the young person) shall suffice.

2. Without the consent of parent or guardian, or where none of the above cited persons are available, the Forensic Pathologist shall not undertake such examination.

3. In such cases, application shall be made immediately to the SWD to exercise authority under section 35(1) of the Protection of Children and Juveniles Ordinance, Cap. 213, so as to make the young person a ward of the Director of Social Welfare. Thereafter, such consent for examination may be obtained from the Director of Social Welfare.

21/17 **34-19 Handling Mentally Incapacitated Persons**

According to section 2 of the Mental Health Ordinance Cap.136, a Mentally Incapacitated Person (MIP) refers to a person (a) suffering from mental disorder or (b) being mentally handicapped.

2. Irrespective of the person being a victim, witness or suspect, officers should immediately locate an appropriate adult (AA) to accompany and assist him/her in order to safeguard the interest of the MIP.

3. An AA who is present to provide support to the MIP should be served with a "Notice to Appropriate Adult" (Pol. 1150) as soon as practicable, which assists the AA in understanding his/her roles and responsibilities.