



November 2011

Sexual Conviction Record Check - Notes to Employers

The Sexual Conviction Record Check (SCRC) is an administrative scheme to enable employers of persons undertaking child-related work and work relating to mentally incapacitated persons (MIPs) to check whether their prospective employees have any criminal conviction records against a specified list of sexual offences at Appendix. This scheme serves to help employers assess the suitability of applicants for child or MIP-related work and afford better protection to children and MIPs from sexual abuse. Nevertheless, the scheme cannot take the place of prudent employment practice and proper parental supervision.

2. An employer should not demand his prospective employee(s) to apply for the SCRC if the latter is not involved in child or MIP-related work. Any person who seeks to abuse the system may be liable under Personal Data (Privacy) Ordinance (Cap 486, Laws of Hong Kong).

3. The scheme is only applicable to prospective employees seeking child or MIP-related work in an organisation or enterprise. The definition of “work” covers services provided to an organisation or enterprise under a contract of employment, apprenticeship or on a self-employed basis. It does not include existing employees, private tutors and volunteers. Child-related work is defined as work where the usual duties involve, or are likely to involve, frequent or regular contact with children (i.e. persons under 18). Similar criteria but with no age restriction would apply to the MIP-related work. In general, the usual duties of the relevant work may conform to one of the following criteria:

- (a) providing services mainly for children or MIPs (such as, teachers, tutors working in tutorial centres, tutors of interest classes, social workers looking after children, paediatricians and nursing staff, tutors working in special schools, etc);
- (b) working in premises that provide services for children or MIPs (such as, general staff or assistants, librarians and cleaners in schools or tutorial centres, etc); or
- (c) involving frequent or regular contact, in particular unmonitored contact, with children or MIPs (such as, permanently-hired school bus drivers, assistants of children activities, etc).

4. Employers of organisations or enterprises, when engaging persons to undertake work that requires frequent contact with children or MIPs, may request the prospective employees to undergo the check. Applications for the check should be submitted by the prospective employees voluntarily to the SCRC Office of the Hong Kong Police Force. Consent of the prospective employee to allow the check result to be disclosed through the Auto-Telephone Answering System (ATAS) will be required.

5. In order to facilitate the check, employers are required to provide the prospective employee a documentary proof of possible employment related to children or MIPs for submission to the SCRC Office, with the employer’s acknowledgement that he has read the Notes to Employers and fully understood the terms and conditions of the service including his responsibilities contained therein. The template of the documentary proof can be downloaded from the Hong Kong Police Force homepage - <http://www.police.gov.hk/scrc>. Such documentary proof should only be provided to the prospective employee at the advanced stage of the employment process. In all events, SCRC should not be used to screen candidates at an early stage of employment process.

Release of Result

6. Employer(s) authorised by an applicant will be able to access the check result through the ATAS at 3660 7499 by entering the first four digits of the applicant’s Hong Kong Identity card number together with a random 14-digit computer generated unique checking code provided by the SCRC Office to the applicant upon acceptance of the application. A transaction number will be provided for reference whenever the result is checked. The ATAS cannot be accessed by a telephone with the caller display function disabled.

7. One of the following messages for the check result will be given in the ATAS:
- (a) The applicant (with no name mentioned) “**has**” a conviction record against the specified list of sexual offences as at a particular date;
 - (b) The applicant (with no name mentioned) “**does not have**” a conviction record against the specified list of sexual offences as at a particular date; or
 - (c) Result of the check is withdrawn upon the applicant’s request. Please contact the applicant for the details.
8. To cater for special cases, the callers may be directed by an ATAS message to contact a SCRC officer for the status of an applicant.
9. No written confirmation will be issued if the Police do not hold any conviction record against the specified list of sexual offences against the applicant. If the applicant has conviction record(s) against the specified list of sexual offences, the Police will provide the applicant the sexual conviction record in writing, but the message in the ATAS will not disclose details of conviction records. Employers should find out such records from the applicant direct.
10. An applicant having criminal conviction record(s) outwith the specified list of sexual offences or having convictions(s) for sexual offence(s) that is regarded as “spent” under section 2 of the Rehabilitation of Offenders Ordinance (Cap 297, Laws of Hong Kong) will not be disclosed in the check result. Overseas conviction records will not be covered.
11. After the uploading of check result onto the ATAS and throughout the validity period, an applicant’s check result will be updated on a daily basis to see whether he has been newly arrested or charged with any of the specified list of sexual offences or is a wanted person. Once confirmed, the SCRC Office will contact the applicant for arrangements to complete the necessary formalities, and the ATAS will not reveal a “clean” record for these applicants. Employers could check the ATAS again before the employment process is completed to ensure the continued validity of the result.

Handling of Personal Data

12. The purpose of the SCRC is to enable employers of persons undertaking child or MIP-related work to check their prospective employees’ sexual conviction records. Employers should neither pass the sexual conviction record or other personal data of the applicant to any unrelated person, nor use the personal data for any purpose other than the intended recruitment purpose. All access to the check result will be audit logged by the ATAS. Any person who uses the sexual conviction record or other personal data obtained for any purpose other than the intended purpose when the data is first collected may be liable under the Personal Data (Privacy) Ordinance (Cap 486, Laws of Hong Kong).

Enquiries

13. Details of the SCRC scheme are available at the Hong Kong Police Force homepage – <http://www.police.gov.hk/scrc>. For enquiries on our services, please write to us or call at the telephone line 3660 7497 or fax at 2200 4479. Our e-mail address is eo-scrc-ib@police.gov.hk.

Specified List of Sexual OffencesCrimes Ordinance (Cap 200, Laws of Hong Kong)

section 47	Incest by men
section 48	Incest by women of or over 16
section 118	Rape
section 118A	Non-consensual buggery
section 118B	Assault with intent to commit buggery
section 118C	Homosexual buggery with or by a man under 21 (only if the victim was under 16)
section 118D	Buggery with a girl under 21 (only if the victim was under 16)
section 118E	Buggery with a mentally incapacitated person
section 118G	Procuring others to commit homosexual buggery (only if to procure a victim under 16)
section 118H	Gross indecency with or by a man under 21 (only if the victim was under 16)
section 118I	Gross indecency by a man with a male mentally incapacitated person
section 119	Procurement of an unlawful sexual act by threats or intimidation
section 120	Procurement of an unlawful sexual act by false pretences
section 121	Administering drugs to obtain or facilitate an unlawful sexual act
section 122	Indecent assault
section 123	Sexual intercourse with a girl under 13 (only if the offender was 18 or above)
section 124	Sexual intercourse with a girl under 16 (only if the offender was 18 or above)
section 125	Sexual intercourse with a mentally incapacitated person
section 126	Abduction of an unmarried girl under 16
section 127	Abduction of an unmarried girl under 18 for sexual intercourse
section 128	Abduction of a mentally incapacitated person from parent or guardian for sexual act
section 129	Trafficking in persons to or from Hong Kong for the purpose of prostitution
section 130	Control over persons for the purpose of unlawful sexual intercourse or prostitution
section 132	Procurement of girl under 21
section 133	Procurement of a mentally incapacitated person to have unlawful sexual intercourse
section 134	Detention for intercourse or in a vice establishment
section 135	Causing or encouraging prostitution of, intercourse with, or indecent assault on, a girl or boy under 16
section 136	Causing or encouraging prostitution of a mentally incapacitated person
section 138A	Use, procurement or offer of persons under 18 for making pornography or for live pornographic performances
section 140	Permitting a girl or boy under 13 to resort to or be on premises or vessel for intercourse
section 141	Permitting a young person to resort to or be on premises or vessel for intercourse, prostitution, buggery or homosexual act (only if the victim was under 16 and the offender was 18 or above)
section 142	Permitting a mentally incapacitated person to resort to or be on premises or vessel for intercourse, prostitution or homosexual act
section 146	Indecent conduct towards a child under 16

Prevention of Child Pornography Ordinance (Cap 579, Laws of Hong Kong)

section 3	Offences relating to child pornography
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Related inchoate offences

- Inciting another to commit any of the above offences
- Aiding, abetting, counselling or procuring the commission of any of the above offences
- Conspiracy to commit any of the above offences
- Attempting to commit any of the above offences.