



October 2019

### **Sexual Conviction Record Check - Notes to Applicants**

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 eligible applicants have any criminal conviction records against a specified list of sexual offences at Appendix. This scheme serves to help employers assess the suitability of eligible applicants for child or MIP-related work and afford better protection to children and MIPs from sexual abuse.

#### **Eligibility**

2. Eligible persons to apply for SCRC check include:

prospective employees, contract renewal staff as well as staff assigned by outsourced service providers to organisations or enterprises applying to organisations or enterprises (including schools, residential care homes for disabled persons, private tutorial centers and private interest/activity institutions, e.g. swimming clubs, ball games clubs, music centers, etc.) for work relating to children or MIPs.

The scheme is not applicable to private tutors and volunteers.

3. The definition of “work” covers services provided to an organisation or enterprise under a contract of employment, apprenticeship or on a self-employed basis. “Child or MIP-related work” is defined as work where the usual duties involve, or are likely to involve, frequent or regular contact with children or MIPs. 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. Applicants under the age of 18 should always be accompanied by their parent or guardian when submitting their applications or for any further procedures (such as those denoted in paragraphs 12, 13, 18 and 20 below). The parent or guardian should sign on the application form or other required documents to confirm that such procedures are processed with their consent on a fully informed basis.

#### **Voluntary application**

5. Employers of organisations or enterprises, when engaging persons to undertake work that requires frequent contact with children or MIPs, may request the eligible applicants to undergo SCRC. Applications for the check should be submitted by the eligible applicants on a voluntary basis to the SCRC Office of the Police.

#### **Online and telephone appointment, application procedures and documentation requirements**

6. Applicants should make advance appointment through the Online Booking System (<https://www.obs.police.gov.hk/en>) or the Auto Telephone Answering System (ATAS) at 3660 7499 no less than one working day in advance of the intended appointment. Walk-in application will not be entertained.

7. All applicants should attend in person at the SCRC Office located at 14/F, Arsenal House, Police Headquarters (PHQs), 1 Arsenal Street, Wan Chai, Hong Kong. Its operating hours for receiving applications are:

Monday – Friday	9:00 am – 5:15 pm
Saturday and Sunday / Public Holiday	Closed

8. The applicant should bring along the following documents:

- (a) His Hong Kong Identity (HKID) card;
- (b) A documentary proof of possible employment related to children or MIPs from relevant employer, 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 and the Notes to Employers can be downloaded from the Hong Kong Police Force homepage - <http://www.police.gov.hk/scrc/en>;
- (c) A completed application form. A blank application form can be downloaded from the Hong Kong Police Force homepage - <http://www.police.gov.hk/scrc/en> or obtained from the SCRC Office; and
- (d) A fee of HK\$105 per person. Payment can be made by Octopus cards or EPS at the SCRC Office, or in cash or cheques at the Police Shroff on 11/F, Arsenal House, PHQs (the Police Shroff closes from 1:00 pm to 2:00 pm and at 5:00 pm). Crossed cheques should be payable to "The Government of the Hong Kong Special Administrative Region". Add-value service for Octopus cards will not be provided by the SCRC Office.

9. Fingerprints of the applicant will be taken by an officer of the SCRC Office in connection with his application to ensure accuracy of the check result.

#### Release of result

10. Upon acceptance of the application, a letter with the random 14-digit computer generated unique checking code provided will be issued to the applicants immediately by the SCRC Office. Applicants or employers authorised by the applicants will be able to access the check result through the ATAS at 3660 7499 by entering the first four digits of the applicant's HKID card number together with the unique checking code. A transaction number will be provided for reference whenever the result is checked. The checking code has a validity period of 18 months dated from the first uploading of the check result onto the ATAS. Applicants can pass the checking code to multiple employers whom they authorise when applying for child or MIP-related work during the validity period. The check result, which will be updated daily, will be available for unlimited times of access during the validity period. At the conclusion of this validity period, the check result will be deleted from the ATAS and the checking code will be invalidated. The ATAS cannot be accessed by a telephone with the caller display function disabled.

11. If an applicant **does not have** a conviction record against the specified list of sexual offences, the check result will be uploaded onto the ATAS within seven working days after the application. No written confirmation will be issued.

12. If an applicant **has** a conviction record against the specified list of sexual offences, the applicant will be contacted by phone followed by a letter for an interview by a SCRC officer within seven working days after the submission of the application. The applicant will be provided with his sexual conviction record in writing during the interview and be requested to sign on a prescribed proforma to consent to the Police revealing the existence of sexual conviction record in the ATAS check result. In all events, the message in the ATAS will only reveal that the applicant (with no name mentioned) has a conviction record against the specified list of sexual offences. Details of the record(s) will not be disclosed. If the applicant fails to attend the interview, the application will be suspended. As such, the check result will not be uploaded in the ATAS. No refund to the applicant will be made.

13. If an applicant has been arrested or charged with any of the specified list of sexual offences, but not yet convicted or acquitted, his application will not be further processed until the conclusion of the matter. The applicant will be contacted by phone followed by a letter informing that his application is withheld pending conclusion of the matter. Once there is no outstanding matter, the applicant should contact the SCRC Office for resumption of his application. Alternatively, the applicant may choose to submit an application to the SCRC Office in person, authorising the Police to disclose the fact of his involvement in an outstanding case. Upon receipt of the authorisation, such fact will be disclosed, upon enquiry, to the enquirer who is able to provide the first four digits of the applicant's HKID card number and the unique checking code.

14. If an applicant is a wanted person, the application will not be accepted, albeit the applicant may submit a fresh application when he is no longer a wanted person.

15. Criminal conviction record(s) outwith the specified list of sexual offences or record(s) of conviction 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.

16. After the uploading of the check result onto the ATAS and throughout the validity period of the checking code, an applicant's check result will be updated on a daily basis to see whether the applicant has become a wanted person, or been newly arrested or charged with any of the specified list of sexual offences. Once confirmed, the SCRC Office will contact the applicant for arrangements to complete the necessary formalities, and the ATAS will no longer reveal a "clean" record for these applicants. In any case, an applicant who has become a wanted person, or been newly arrested or charged with any of the specified list of sexual offences should contact the SCRC Office as soon as practicable to confirm the status. Applicants are also encouraged to check their results through the ATAS at times so as to ensure the accuracy of the result, and contact the SCRC Office immediately for rectification in case of any dispute to over the result.

#### Refusal of application

17. If an applicant is not eligible for the check or refuses to accept the terms and conditions as specified in the Notes to Applicants while submitting an application, the SCRC Office will reject the application without charging any fee.

#### Withdrawal of checking account

18. If an applicant wishes to withdraw his checking account, he should submit written request in person at the SCRC Office. After the checking account is withdrawn, no refund or reactivation of withdrawn checking account will be allowed. Applicants may submit a fresh application following the procedures as set out in paragraphs 6 to 9 above for a new valid checking account.

19. For the purpose of personal data privacy protection, applicants are encouraged to withdraw their checking account once they no longer require the check result for applying for child or MIP-related work.

#### Renewal application

20. An applicant may submit a renewal application for extending the validity period of his checking code within the last three months of the validity period. He has to make advance booking through the Online Booking System (<https://www.obs.police.gov.hk/en>) or the ATAS and attend the SCRC Office in person with his HKID card. The applicant will be required to complete a form and pay a prescribed fee of HK\$70 for the renewal application.

21. The validity period of the checking code will be extended for another 18 months counting from the expiry date of the preceding validity period. The applicant or his authorised employers will be able to access

the check result using the original checking code for another 18 months. There is no limit on the number of renewal applications for each applicant.

22. Once the checking code has expired, the check result will be deleted from the ATAS and the checking code will be invalidated. Applicants may submit fresh application for SCRC following the procedures as set out in paragraphs 6 to 9 above.

#### Handling of personal data

23. The personal data provided by the applicants will only be used for the purpose of processing their SCRC applications. An applicant has the right to request for access and correction of his personal data by sending a written request to the Chief Inspector (Support) of Identification Bureau (address:10/F, Arsenal House West Wing, Police Headquarters, 1 Arsenal Street, Wanchai, Hong Kong). In order to recover the administrative cost of acceding to such request, the applicant may be charged for any copy of the data requested, and in most cases, the prevailing government rate for photocopies will apply. Fingerprints and other personal data collected shall be destroyed within a reasonable period of time upon conclusion of the checking process.

24. An applicant is neither obliged to apply for the check nor to provide his HKID card number and checking code to anyone unless he wishes to do so. If he wishes to do so, he should remind the employer or person concerned to familiarise himself with the content of the Notes to Employers. In the event that leakage of checking code beyond his control is suspected, the applicant should inform the SCRC Office at 3660 7497 at the earliest convenience. The original checking code will be invalidated and a new one will be provided upon completion of the required procedures to reconfirm the applicant's identity. Any forced application or abuse of checking should be reported to the Privacy Commissioner for Personal Data. Further information is available at <http://www.pcpd.org.hk>.

#### Enquiries

25. 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-srcr-ib@police.gov.hk](mailto:eo-srcr-ib@police.gov.hk).

**Specified List of Sexual Offences**Crimes 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.