# Sexual Conviction Record Check Scheme Protocol

Security Bureau Hong Kong Police Force December 2024

# **Sexual Conviction Record Check Scheme**

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#### CHAPTER 1 PURPOSES AND GUIDING PRINCIPLES

- In February 2010, the Law Reform Commission (LRC) published a report on "Sexual Offences Records Checks for Child-related Work: Interim Proposals" after thorough discussion and extensive public consultation, recommending the Administration to establish an administrative mechanism for sexual conviction record check to enable the criminal conviction records for sexual offences of persons who undertake work relating to children or mentally incapacitated persons (MIPs) to be checked (the full text of the report can be downloaded at LRC website. The link is http://www.hkreform.gov.hk/). The Administration has accepted the LRC's recommendation and operated the Sexual Conviction Record Check (SCRC) scheme through the Hong Kong Police Force (the Police) since 1 December 2011.
- 1.2 The SCRC scheme is an administrative scheme operated by the Police to enable employers to check whether persons undertaking child-related or MIP-related work have any criminal conviction records against a specified list of sexual offences at Appendix 1. The scheme does not cover conviction records of sexual offences that are regarded as "spent" under section 2 of the Rehabilitation of Offenders Ordinance (Cap. 297, Laws of Hong Kong) and overseas conviction records.
- 1.3 The purposes of the scheme are
  - (a) to prevent previous sexual offenders from obtaining the trust of employers by deliberately withholding their past sexual conviction records and molesting children or MIPs again through contact with them in the course of their work. The scheme provides employers with a reliable channel whereby they may ascertain whether applicants undertaking child-related or MIP-related work have any previous convictions against a specified list of sexual offences; and
  - (b) to help reduce the risk of sexual abuse to children or MIPs and give them better protection while considering the need for rehabilitation of offenders.
- 1.4 The scheme is guided by the following operating principles
  - (a) enhance protection of children or MIPs from sexual abuse;
  - (b) applicable only to work related to children or MIPs;
  - (c) voluntary in nature;
  - (d) simple application and checking procedures;
  - (e) "clean" record check result will not be recorded in writing;
  - (f) operation and use of the scheme is subject to the Personal Data (Privacy) Ordinance (Cap. 486, Laws of Hong Kong) and provisions in relation to data protection; and
  - (g) applicants are charged for the service under the "user pays" principle.
- 1.5 The scheme is applicable to eligible applicants undertaking work that requires frequent contact with children or MIPs for an individual employer, organization or enterprise. Applications for the check should be submitted by the eligible applicants on a voluntary basis. The applicants must produce documentary proof of employment related to children or MIPs from the employer to avoid abuses.

1.6 The checking itself cannot take the place of prudent selection and employment practice, as well as proper supervision. The purpose of the scheme is not to assess or vet the professional qualifications of those who provide services to children or MIPs (such as teachers, childminders, etc.). The monitoring or registering organisations of the relevant professional qualifications will continue to carry out their respective monitoring or registration functions independently for such professionals as required by respective legislation.

#### CHAPTER 2 DEFINITIONS<sup>1</sup>

## 2.1 Child

A "child" is defined as a person under 18 years of age.

#### 2.2 Mentally Incapacitated Persons

A "Mentally Incapacitated Person" is defined in section 117 of the Crimes Ordinance (Cap. 200, Laws of Hong Kong), as a "mentally disordered person or a mentally handicapped person (within the meaning of the Mental Health Ordinance (Cap. 136, Laws of Hong Kong)) whose mental disorder or mental handicap, as the case may be, is of such a nature or degree that the person is incapable of living an independent life or guarding himself against serious exploitation, or will be so incapable when of an age to do so."

#### 2.3 Work

In accordance with the definition of "work" as stipulated in the "Interim Proposal" by LRC, the word "work" should be given a widen meaning, and should include work carried out by an individual:

- (a) under a contract of employment or apprenticeship;
- (b) as training undertaken as part of an educational or vocational course; and
- (c) on a self-employed basis.

#### 2.4 <u>Child-related or MIP-related Work</u>

"Child-related 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, private tutors and sports coaches 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.).

#### 2.5 Employers

An "employer" under the scheme should be construed, apart from employers of organisations or enterprises, in a wide sense to cover parents or legal guardians engaging services of self-employed persons undertaking work relating to their children or MIPs.

<sup>&</sup>lt;sup>1</sup> In this Protocol, unless expressly stated otherwise or the context otherwise suggests, "he" refers both genders.

## 2.6 Eligible Applicants

An "eligible applicant" under the scheme means (1) prospective employees, (2) contract renewal staff and (3) prospective self-employed persons undertaking child-related or MIP-related work for individual employers (e.g. parents who engage private tutors for their children or MIPs), 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.).

To further enhance the protection of children or MIPs, the Government plans to expand the scope to further cover volunteers, existing employees and self-employed persons in phases. The Government will make the announcement in the fullest of time.

#### 2.7 Prospective Employees/ Prospective Self-employed Persons

A "prospective employee" or "prospective self-employed persons" under the scheme is a candidate for a particular position for an individual employer, organisation or enterprise, likely for hiring, or expected to obtain the job.

#### 2.8 Sexual Conviction Record

The check will only cover conviction record(s) of a specified list of sexual offences at Appendix 1.

## 2.9 <u>Online Applications Platform</u>

The Online Applications Platform (OAP) is a system developed by the Police to provide one-stop application services. An applicant can submit the SCRC new or renewal applications, upload documents, settle payment, make the appointment for taking fingerprints, inquire about the application status and follow up with the staff of the SCRC Office.

#### 2.10 Online Booking System

An applicant should make appointments via the Online Booking System if he plans to submit the SCRC new or renewal application at the SCRC service counter in person. For new applications, an applicant may make appointments through the System in the upcoming 60 days to apply in person for the check, or in the case of extension of the validity period, within the last three months of the validity period to submit a renewal application in person.

#### 2.10 <u>Auto-Telephone Answering System</u>

An applicant and an employer authorized by the applicant may access the check result through the Auto-Telephone Answering System (ATAS) for unlimited time within the validity period.

#### 2.11 Unique Checking Code

A unique checking code is a 14-digit number randomly generated by computer for checking result through the ATAS (sample of the letter is at Appendix 2). The enquirer (applicant and employer(s) authorised by the applicant) must enter the checking code, along with the first four digits of the identity document number of the applicant to access the check result.

## 2.12 <u>Validity Period</u>

During the validity period, the applicant's check result on the ATAS will be updated daily. An applicant may submit a renewal application for extension of the validity period within the last three months of the validity period.

## 2.13 <u>Transaction number</u>

A transaction number is a number automatically generated by the ATAS in respect of each access to the check result made by an enquirer. The enquirer, and in particular the employer concerned, is encouraged to note down the transaction number for record purposes.

#### CHAPTER 3 NOTES TO APPLICANTS

#### Eligibility

- 3.1 Eligible applicants for SCRC check are stated in paragraph 2.6 of the scheme Protocol.
- 3.2 Applicants under the age of 18 should always obtain consent from their parent or guardian when submitting their applications or for any further procedures (such as those denoted in paragraphs 3.9, 3.10, 3.15 and 3.17 below). The parent or guardian should sign on all required documents to confirm that such procedures are processed with their consent on a fully informed basis. If the applicants under the age of 18 submit the application online, the parent/guardian consent form should be uploaded.

#### Voluntary application

3.3 Employers, 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.

## Application methods, application procedures and documentation requirements

3.4 Applicants can submit the application via the Online Applications Platform (OAP) or make appointments to submit the application in person at the SCRC Office through the Online Booking System (a flow chart showing the application procedure for applicants is at Appendix 3). The details of the application procedures are listed below:

#### 3.4.1 Online Application



- 3.4.1.1 Applicants can submit the application form, upload the required documents and pay the prescribed fee through the OAP. (<a href="https://www.es.police.gov.hk/eserv-online-portal-ui/#/pages/e-services-application-forms/13?locale=en">https://www.es.police.gov.hk/eserv-online-portal-ui/#/pages/e-services-application-forms/13?locale=en US)<sup>2</sup>.</a>
- 3.4.1.2 The SCRC Office will process the online applications within 14 working days upon receipt of the applications<sup>3</sup>. After the applications being accepted by the SCRC Office, the applicant will receive a link for making the appointment for taking the fingerprints via the OAP where the applicant can select the most preferable date, time and location for taking the fingerprints subject to availability. In any event that the online applications submitted by the applicants have not fulfilled the requirements (e.g. incorrect information, unfit documents), the SCRC Office will contact the applicant through the OAP. The processing time of the application by the SCRC Office will be recounted upon the replies received from the applicant.
- 3.4.1.3 The applicant should submit the fingerprints according to the appointment at the selected location. Walk-in submission of the fingerprints will not be entertained. The applicant will be notified

<sup>&</sup>lt;sup>2</sup> Payment methods, including credit card, FPS and PPS, are accepted on OAP.

<sup>&</sup>lt;sup>3</sup> The working days for the SCRC Office to process an online application will be varied subject to actual circumstances, which may be adjusted according to the amount of the applications.

through the OAP within two working days of whether he has submitted the fingerprints successfully.

3.4.1.4 If the applicant has successfully submitted his fingerprints, the SCRC check result will be uploaded to the ATAS within five working days. At the same time, the applicant can download the letter with the random 14-digit computer generated unique checking code on the OAP. The applicant who has been informed of his failure in the submission of the fingerprints (e.g. poor quality of the fingerprints), a link for making an appointment for re-taking the fingerprints by ink at the SCRC Office will be sent to the applicant through the OAP.

#### 3.4.2 Apply in person



- 3.4.2.1 Applicants should make appointments through the Online Booking System (<a href="https://online.booking.police.gov.hk/">https://online.booking.police.gov.hk/</a>)<sup>4</sup> at least one hour before the time making the appointment. Walk-in application will not be entertained.
- 3.4.2.2 Applicants should attend in person according to the appointment 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 / Closed

Public Holiday

3.4.2.3 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 at the SCRC Office.

- 3.5 The applicant should submit the required documents as follows:
  - a) His HKID card;

b) A documentary proof of employment related to children or MIPs from a 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. A template of the documentary proof can be downloaded from the SCRC homepage - <a href="https://www.police.gov.hk/scrc/en">https://www.police.gov.hk/scrc/en</a>;

- c) A completed application form. A blank application form can be downloaded from the SCRC homepage <a href="https://www.police.gov.hk/scrc/en">https://www.police.gov.hk/scrc/en</a> (Online applicant only needs to fill in the online application form on the OAP); and
- d) A fee of HK\$140 per person<sup>5</sup>.

<sup>&</sup>lt;sup>4</sup> Applicants should make appointment by the "iAM Smart" account on the Online Booking System if they apply in person.

<sup>&</sup>lt;sup>5</sup> For applying in person, payment can be made by Octopus cards, EPS or FPS at the SCRC Office, or in cash at the Police Shroff on 11/F, Arsenal House, PHQs. Add-value service for Octopus cards will not be provided by the SCRC Office.

3.6 Applicants should give their consent to take the fingerprints in connection with his SCRC application to ensure accuracy of the check result.

#### Release of result

- The SCRC Office will issue a letter with the random 14-digit computer generated 3.7 unique checking code provided to the applicants who have successfully completed the applications. 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 identity document 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 36 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-related 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. A transaction number generated by the system will be given to the authorised enquirer in each access to the check result for reference. 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.
- 3.8 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 five working days after successful submission of the fingerprints. No written confirmation will be issued.
- 3.9 If an applicant **has** a conviction record against the specified list of sexual offences, the applicant will be contacted for an interview by a SCRC officer within seven working days after successful submission of the fingerprints. 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.
- 3.10 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 the SCRC Office that his application is withheld pending conclusion of the matter. Once there is no outstanding matter, the applicant should contact the SCRC Office to resume his application as soon as possible. Alternatively, the applicant may choose to submit an application to the SCRC Office, 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 identity document number and the unique checking code.
- 3.11 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. If the online applicant is found wanted by the Police after the submission of the application, his application will not be further processed until the conclusion of the matter. Once there is no outstanding matter, the applicant should contact the SCRC Office for resumption of his application as soon as possible.

- 3.12 Criminal conviction record(s) out of the specified list of sexual offences or record(s) of conviction for sexual offence(s) 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.
- 3.13 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

3.14 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 applying, the SCRC Office will reject the application.

#### Withdrawal of checking account

- 3.15 If an applicant wishes to withdraw his checking account, he should submit the request through the OAP or 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 3.4 to 3.6 above for a new valid checking account.
- 3.16 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-related or MIP-related work.

#### Renewal application

3.17 An applicant may submit a renewal application for extending the validity period of his application within the last three months of the validity period. Applicants can submit the application via the OAP or make an appointment to submit the application in person at the SCRC Office through the Online Booking System. Walk-in application will not be entertained. The details of the application procedures are listed below:

## 3.17.1 Online Application



3.17.1.1 Applicants can submit the application form, upload the required documents and pay the prescribed fee <sup>6</sup> through the OAP (<a href="https://www.es.police.gov.hk/eserv-online-portal-ui/#/pages/e-services-application-forms/13?locale=en\_US">https://www.es.police.gov.hk/eserv-online-portal-ui/#/pages/e-services-application-forms/13?locale=en\_US</a>)<sup>7</sup>.

<sup>&</sup>lt;sup>6</sup> Payment methods, including credit card, FPS and PPS, are accepted on OAP.

<sup>&</sup>lt;sup>7</sup> Applicants should submit the renewal application on the OAP by the "iAM Smart +" account.

- 3.17.1.2 The SCRC Office will process the online applications within 14 working days upon receipt of the applications<sup>8</sup>. The applicant will be notified of the successful renewal of the application and can download the letter with the original 14-digit computer-generated unique checking code through the OAP. The extended validity period will be stated in the letter.
- 3.17.1.3 In any event that the online applications submitted by the applicants have not fulfilled the requirements (e.g. incorrect information, unfit documents), the SCRC Office will contact the applicant through the OAP. The processing time of the application by the SCRC Office will be recounted upon the replies received from the applicant.

#### 3.17.2 Apply in person



- 3.17.2.1 Applicants should make appointments through the Online Booking System (<a href="https://online.booking.police.gov.hk/">https://online.booking.police.gov.hk/</a>)9 at least one hour before the time making the appointment. Walk-in application will not be entertained.
- 3.17.2.2 Applicants should attend in person according to the appointment at the SCRC Office located at 14/F, Arsenal House, PHQs, 1 Arsenal Street, Wan Chai, Hong Kong. The operating hours for receiving applications from the SCRC Office have been stipulated in paragraph 3.4 above.
- 3.18 Documentary proof of employment related to children or MIPs from the employer and fingerprint-taking are NOT required for the submission of the renewal application. The prescribed fee for the renewal application is HK\$93 per person<sup>10</sup>.
- 3.19 The validity period of the application will be extended for another 36 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 36 months. There is no limit on the number of renewal applications for each applicant.
- 3.20 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 applications for SCRC following the procedures set out in paragraphs 3.4 to 3.6 above.

#### Handling of personal data

3.21 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). To recover the administrative

<sup>&</sup>lt;sup>8</sup> The working days for the SCRC Office to process an online application will be varied subject to actual circumstances, which may be adjusted according to the amount of the applications. The latest processing time required by the Office will be announced in the SCRC homepage.

<sup>&</sup>lt;sup>9</sup> Applicants should make advance appointment by the "iAM Smart" account on the Online Booking System if they choose to apply in person.

<sup>&</sup>lt;sup>10</sup> For applying in person, payment can be made by Octopus cards, EPS or FPS at the SCRC Office, or in cash at the Police Shroff on 11/F, Arsenal House, PHQs. Add-value service for Octopus cards will not be provided by the SCRC Office.

cost of acceding to such requests, 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 upon conclusion of the checking process.

3.22 An applicant is neither obliged to apply for the check nor to provide his identity document 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. If 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 Further information is Commissioner Personal for Data. available http://www.pcpd.org.hk/.

#### CHAPTER 4 NOTES TO EMPLOYERS

- 4.1 Individual employers, 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 SCRC should be submitted by the eligible applicants on a voluntary basis to the SCRC Office of the Police. Consent of the eligible applicants to allow the check result to be disclosed through ATAS will be required. Eligibility for SCRC check are stated in paragraph 2.6 of the scheme Protocol.
- 4.2 To facilitate the application for SCRC, employers are required to provide the eligible applicants with documentary proof of 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 SCRC homepage http://www.police.gov.hk/scrc/en. Employers should only issue such documentary proof to the applicants at the advanced stage of the selection, employment or contract renewal process. In all events, SCRC should not be used to screen applicants/ candidates at an early stage of selection or employment process.
- 4.3 An employer should not demand the applicant to apply for the SCRC if the usual duties of the applicant do not involve child-related or MIP-related work. Any person who seeks to abuse the scheme may be liable under Personal Data (Privacy) Ordinance (Cap 486, Laws of Hong Kong). The SCRC Office will conduct regular check on the applications and refer the suspicious case to the related unit of the Police for further investigation. The relevant parties may be liable for criminal charges and be sentenced to 14-year imprisonment if convicted with the offence of using a false instrument.

#### Release of result

- 4.4 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 identity document number together with a random 14-digit computer generated unique checking code provided in the letter issued by the SCRC Office to the applicant (sample of the letter is at Appendix 2). A transaction number will be provided whenever the result is checked. The employer should record the transaction number for reference. The ATAS cannot be accessed by a telephone with the caller display function disabled.
- 4.5 One of the following messages will be given in the ATAS as the check result:
  - (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) The result of the check is withdrawn upon the applicant's request. Please contact the applicant for the details.
- 4.6 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.
- 4.7 If the applicant **has** conviction record(s) against the specified list of sexual offences, the Police will provide the applicant with the concerned sexual conviction record(s) in

writing, but the message in the ATAS will not disclose details of conviction record(s). Employers should enquire about such record(s) from the applicant directly if needed. If an applicant **does not have** a conviction record against the specified list of sexual offences, no written confirmation will be issued by the Police.

- 4.8 Criminal conviction record(s) out of the specified list of sexual offences or record(s) of conviction for sexual offence(s) 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.
- 4.9 After the uploading of the check result onto the ATAS and throughout the validity period of the application, an applicant's check result will be updated on a daily basis to see whether he 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 at once.

## Handling of personal data

- 4.10 The purpose of the SCRC is to enable employers of persons undertaking child-related or MIP-related work to check whether eligible applicant(s) has any sexual conviction record(s). Employers should neither pass the checking code, the check result or other personal data of the applicant to any unrelated person, nor use the personal data for any purpose other than the intended selection, recruitment or employment 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) and result in a fine of \$1,000,000 and imprisonment for 5 years if data was provided to a third party for gain.
- 4.11 A flow chart showing the checking procedure for employers is at Appendix 4.

# CHAPTER 5 ENQUIRIES

5.1 Details of the SCRC scheme including application form, Notes to Applicants and Notes to Employers are available at the Police homepage – <a href="https://www.police.gov.hk/scrc/en">https://www.police.gov.hk/scrc/en</a>. For enquiries about SCRC services, please write to the SCRC Office or call on telephone 3660 7497 or fax at 2200 4479. The e-mail address is <a href="enquiry-scrc-ib@police.gov.hk">enquiry-scrc-ib@police.gov.hk</a>.

## Specified List of Sexual Offences

Crimes Ordinance (Ca	ap 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
section 159AAB	Voyeurism
section 159AAC	Unlawful recording or observation of intimate parts

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

section 3 Offences relating to child pornography

## 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.

## PRIVATE AND CONFIDENTIAL

香港警務處鑑證科



HONG KONG POLICE FORCE IDENTIFICATION BUREAU

Application No.: xxxxxxxxxxxxxxxx YYYY-MM-DD

#### Sexual Conviction Record Check Result: Unique Checking Code

XYZ,

I acknowledge receipt of your application under the administrative scheme of Sexual Conviction Record Check (SCRC).

You are advised that the check result will be uploaded onto the Auto Telephone Answering System (ATAS) at 3660 7499 in accordance with the terms and conditions specified in the "Notes to Applicants". You may access your result through the ATAS by entering the first four digits of your identity document number and the unique checking code provided herewith.

Unique checking code : xxxxxxxxxxxxx

Validity period : From YYYY-MM-DD to YYYY-MM-DD
Available period for renewal : From YYYY-MM-DD to YYYY-MM-DD

Please ensure proper handling and storage of this checking code as any leakage of the code may result in unintended disclosure of your sensitive personal data. You are not obliged to provide your identity document number and unique checking code to anyone unless you wish to do so. If you elect to do so, please remind the person concerned, to familiarize himself with the content of the "Notes to Employers", which can be downloaded from the SCRC homepage. In the event that this letter was lost, please contact the SCRC Office at your earliest convenience.

If you would like to submit the renewal application, you can do so through the Online Applications Platform with "iAM Smart +" or make an appointment through the Online Booking System with "iAM Smart" to submit the renewal application in person at the SCRC Office within the last three months of the validity period. An email and/or SMS reminder before expiry will be sent to the email address and/or local mobile number you provided. No documentary proof from the employer is required and you should pay a prescribed fee for the submission of the renewal application. After renewal, the validity period will be extended for another 36 months counting from the expiry day of the preceding validity period. Please note that if your account has expired, we could not process your request for renewal and you have to submit a fresh application for the checking.



SCRC Homepage

No signature required for this computer generated e-document

#### Flow chart of application procedures (for applicants) Communicate with the employer to ascertain the work is child-related or MIP-related If yes: If no: Obtain a documentary proof No need to apply for from the employer checking Submit online application **OR** make appointment through the Online Booking System to apply in person Online Application Apply in person Application being accepted (around 14 working Submit an application in days) and then make the appointment for taking person at the SCRC Office the fingerprints. and obtain checking code Upon successful submission of the fingerprints, obtain checking code via the Online If the applicant is a **Applications Platform** wanted person or has been arrested or If no sexual If sexual charged for a listed conviction record conviction sexual offence(s): is found: record is found: Result will be accessed Applicant will be Application will be put through ATAS within 5 on hold until conclusion invited to attend an working days of matter interview Result uploaded on ATAS upon confirmation After conclusion of the matter / agreement of Verify check result by applicant\* the applicant Pass the checking code and the first four digits of his identity document number to employer for conducting check

<sup>\*</sup> Agreement to disclose involvement in an outstanding case is only applicable to an applicant who has been arrested / charged with any of the specified list of sexual offences.

## Flow chart of checking procedures (for employers)

