
Mandatory Reporting of Child Abuse Ordinance

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HONG KONG SPECIAL ADMINISTRATIVE REGION

ORDINANCE NO. 23 OF 2024



John KC LEE
Chief Executive
18 July 2024

An Ordinance to require certain professionals to report suspected serious child abuse cases; to provide for protection for the professionals for making the reports; and to provide for related matters.

[20 January 2026]

Enacted by the Legislative Council.

Part 1

Preliminary

1. Short title and commencement

- (1) This Ordinance may be cited as the Mandatory Reporting of Child Abuse Ordinance.
- (2) This Ordinance comes into operation on the expiry of 18 months after the day on which it is published in the Gazette.

2. Interpretation

In this Ordinance—

Authority (主管當局) means—

- (a) the Director; or
- (b) the Commissioner of Police;

child (兒童) means a person below the age of 18 years;

court (法庭) includes a magistrate;

Director (署長) means the Director of Social Welfare;

report (舉報) means a report made under section 4(1);

responsible person (負責人), in relation to a child, means a person who has attained the age of 18 years and has the custody, charge or care of the child;

specified professional (指明專業人員) means a person specified in Part 1 of Schedule 1.

3. **Application to public officers**

This Ordinance applies to public officers in the same way as it applies to persons who are not public officers.

Part 2

Mandatory Reporting

4. When must reports be made

- (1) If a reasonable ground to suspect the following comes to the notice of a specified professional during the course of his or her work as a specified professional—
 - (a) a person is a child at the material time; and
 - (b) at the material time, the child—
 - (i) is suffering serious harm; or
 - (ii) is at real risk of suffering serious harm,the professional must, as soon as practicable after the material time, make a report in respect of the child in compliance with section 6.
- (2) However, a specified professional is not required to make a report under subsection (1) if—
 - (a) the professional honestly and reasonably believes that the serious harm—
 - (i) was caused solely by an accident that is not caused by the neglect of a responsible person of the child;
 - (ii) was, or is to be, caused solely by the child himself or herself; or
 - (iii) was, or is to be, caused solely by any other child (otherwise than caused by any act of a sexual nature);
 - (b) an Authority had informed the professional at or before the material time in respect of—

- (i) the same, or substantially the same, serious harm suffered by the child; or
 - (ii) the same, or substantially the same, real risk of the child suffering serious harm;
- (c) the professional had made a report before the material time in respect of—
 - (i) the same, or substantially the same, serious harm suffered by the child; or
 - (ii) the same, or substantially the same, real risk of the child suffering serious harm; or
- (d) the professional honestly and reasonably believes that another specified professional had made a report at or before the material time in respect of—
 - (i) the same, or substantially the same, serious harm suffered by the child; or
 - (ii) the same, or substantially the same, real risk of the child suffering serious harm.
- (3) Without limiting the definition of *report* in section 2, a reference to a report in subsection (2)(c) and (d) includes a notification in any way to an Authority before this Ordinance comes into operation.
- (4) A specified professional who contravenes subsection (1) commits an offence and is liable—
 - (a) on summary conviction—to a fine at level 5; or
 - (b) on conviction on indictment—to a fine at level 5 and to imprisonment for 3 months.
- (5) In this section—

material time (關鍵時間) means the time at which the ground mentioned in subsection (1) comes to the notice of the specified professional;

serious harm (嚴重傷害) means any harm specified in Schedule 2.

5. Defences for offence under section 4

- (1) If a specified professional is prosecuted for an offence under section 4(4), it is a defence for the professional to establish that, at the time of the alleged offence, the professional had reasonable excuse for contravening section 4(1).
- (2) If a specified professional is prosecuted for an offence under section 4(4) for failing to make a report in respect of a child as soon as practicable after the material time as defined by section 4(5) (*delay*), it is a defence for the professional to establish that the professional—
 - (a) honestly and reasonably believed that the delay was in the best interests of the child; and
 - (b) has, during the delay, taken actions that are reasonably necessary in the circumstances to protect the interests of the child.
- (3) A specified professional is taken to have established a matter that needs to be established for a defence under subsection (1) or (2) if—
 - (a) there is sufficient evidence to raise an issue with respect to that matter; and
 - (b) the contrary is not proved by the prosecution beyond reasonable doubt.

6. Requirements for reports

- (1) A report must be made to an Authority.
- (2) A report must contain—

- (a) sufficient information for an Authority to identify the child concerned;
 - (b) the ground mentioned in section 4(1); and
 - (c) the contact information of the specified professional making the report.
- (3) A report must be made in the way specified by the Director.

7. Director may issue guidelines

- (1) The Director may issue guidelines to provide practical guidance for the purposes of this Part.
- (2) The Director must—
 - (a) publish the guidelines in a way appropriate to bring them to the notice of persons affected by them; and
 - (b) make copies of the guidelines available to the public free of charge.
- (3) The guidelines are not subsidiary legislation.
- (4) The Director may amend or revoke the guidelines. Subsections (2) and (3) apply to an amendment or revocation of the guidelines in the same way as they apply to the guidelines.

8. Effect of guidelines

- (1) A person does not incur any civil or criminal liability only because the person has contravened the guidelines issued under section 7 (as may be amended under that section) (*guidelines*).
- (2) If, in any legal proceedings, the court is satisfied that a provision of the guidelines is relevant to the determination of a matter that is in issue in the proceedings—

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- (a) the guidelines are admissible in evidence in the proceedings; and
 - (b) proof that the person contravened, or did not contravene, the provision may be relied on by a party to the proceedings as tending to establish or negate the matter.
- (3) In any legal proceedings, a document that purports to be a copy of the guidelines is, in the absence of evidence to the contrary, to be presumed to be a true copy of the guidelines.
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Part 3

Protection for Specified Professionals

Division 1—Pre-reporting Protection

9. Prohibition on inhibiting or obstructing making of reports

- (1) A person must not wilfully—
 - (a) inhibit or obstruct a specified professional from making a report; or
 - (b) impose any guideline or requirement that has such an effect.
- (2) A person who contravenes subsection (1) commits an offence and is liable—
 - (a) on summary conviction—to a fine at level 5; or
 - (b) on conviction on indictment—to a fine at level 5 and to imprisonment for 3 months.

Division 2—Post-reporting Protection

10. Application of this Division

This Division applies in relation to a specified professional in respect of a report made by him or her if, at the time of making the report, the professional honestly believed that he or she was required by this Ordinance to make the report.

11. Prohibition on disclosing identity of specified professionals who made reports

- (1) A person commits an offence if the person discloses the identity of a specified professional as the person who made a report, or information from which such identity could be deduced.
- (2) A person who commits an offence under subsection (1) is liable—
 - (a) on summary conviction—to a fine at level 5; or
 - (b) on conviction on indictment—to a fine at level 5 and to imprisonment for 3 months.
- (3) It is a defence for a person prosecuted for an offence under subsection (1) to establish that—
 - (a) the disclosure is necessary for performing a function under an Ordinance, or for carrying into effect or doing anything authorized by an Ordinance;
 - (b) the disclosure is made for the consideration of the institution of, or otherwise for the purpose of, any criminal proceedings or any investigation of a criminal complaint;
 - (c) the disclosure is made with the written consent of the professional;
 - (d) the disclosure is made under an order of a court;
 - (e) the disclosure is made for the purpose of seeking advice from, or the giving of advice by, a counsel or a solicitor or any other professional adviser, acting or proposing to act in a professional capacity in connection with any matter arising under this Ordinance;

- (f) the identity of the professional, or the information, has already been lawfully disclosed or made available to the public; or
 - (g) the disclosure is made to prevent or mitigate a real risk of injury to a person.
- (4) A person is taken to have established a matter that needs to be established for a defence under subsection (3) if—
- (a) there is sufficient evidence to raise an issue with respect to that matter; and
 - (b) the contrary is not proved by the prosecution beyond reasonable doubt.

12. No liability incurred by making reports

- (1) A specified professional does not incur any civil or criminal liability only by making a report.
 - (2) A specified professional must not be held to have breached any code of professional conduct or ethics, or to have departed from any accepted standards of professional conduct, only by making a report.
 - (3) To avoid doubt, in this section, a reference to making a report includes providing supplementary information in connection with the report.
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Part 4

Miscellaneous

13. Prosecution deadline

(1) A prosecution for an indictable offence under this Ordinance that is to be tried summarily may only be started before the end of the specified period.

(2) In this section—

specified period (指明限期), in relation to an offence, means the period of 12 months after the date on which the offence is discovered by the Authority that first discovers the offence.

14. Amendment of Schedules

The Secretary for Labour and Welfare may, by notice published in the Gazette, amend Schedule 1 or 2.

15. Related amendments

The Criminal Procedure Ordinance (Cap. 221) is amended as set out in Schedule 3.

Schedule 1

[ss. 2 & 14]

Specified Professionals

Part 1

Professionals

1. A registered pharmacist within the meaning of the Pharmacy and Poisons Ordinance (Cap. 138).
2. A registered dentist within the meaning of the Dentists Registration Ordinance (Cap. 156).
3. An enrolled dental hygienist within the meaning of the Ancillary Dental Workers (Dental Hygienists) Regulations (Cap. 156 sub. leg. B).
4. A registered medical practitioner within the meaning of the Medical Registration Ordinance (Cap. 161).
5. A registered midwife within the meaning of the Midwives Registration Ordinance (Cap. 162).
6. A registered nurse or enrolled nurse within the meaning of the Nurses Registration Ordinance (Cap. 164).
7. A child care worker or supervisor within the meaning of the Child Care Services Regulations (Cap. 243 sub. leg. A).

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8. A registered teacher or permitted teacher (within the meaning of the Education Ordinance (Cap. 279)) who is working in a specified school.
9. A person approved to be appointed under regulation 56(6) and (7) of the Education Regulations (Cap. 279 sub. leg. A) as a warden of a boarding school within the meaning of those Regulations that is a specified school.
10. A registered medical laboratory technologist within the meaning of the Medical Laboratory Technologists (Registration and Disciplinary Procedure) Regulations (Cap. 359 sub. leg. A).
11. A registered occupational therapist within the meaning of the Occupational Therapists (Registration and Disciplinary Procedure) Regulations (Cap. 359 sub. leg. B).
12. A registered optometrist within the meaning of the Optometrists (Registration and Disciplinary Procedure) Regulation (Cap. 359 sub. leg. F).
13. A registered radiographer within the meaning of the Radiographers (Registration and Disciplinary Procedure) Regulation (Cap. 359 sub. leg. H).
14. A registered physiotherapist within the meaning of the Physiotherapists (Registration and Disciplinary Procedure) Regulation (Cap. 359 sub. leg. J).
15. A registered chiropractor within the meaning of the Chiropractors Registration Ordinance (Cap. 428).

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16. A registered social worker within the meaning of the Social Workers Registration Ordinance (Cap. 505).
17. A listed Chinese medicine practitioner or registered Chinese medicine practitioner within the meaning of the Chinese Medicine Ordinance (Cap. 549).
18. A person employed as a member of the teaching staff or a principal of the Youth College of the Vocational Training Council established under the Vocational Training Council Ordinance (Cap. 1130).
19. A person employed by the Government as a teacher or a principal who is working in a Government school.
20. A person registered by the Director as a superintendent of a residential child care service unit.
21. A person whose name is listed on the accredited register for audiologists, or a person who provides substantially the same services as a person whose name is listed on that register.
22. A person whose name is listed on the accredited register for clinical psychologists, or a person who provides substantially the same services as a person whose name is listed on that register.
23. A person whose name is listed on the accredited register for dietitians, or a person who provides substantially the same services as a person whose name is listed on that register.

24. A person whose name is listed on the accredited register for educational psychologists, or a person who provides substantially the same services as a person whose name is listed on that register.
25. A person whose name is listed on the accredited register for speech therapists, or a person who provides substantially the same services as a person whose name is listed on that register.

Part 2

Interpretation

1. In this Schedule—
 - accredited register** (認可名冊), in relation to a healthcare profession, means the register maintained—
 - (a) under The Accredited Registers Scheme for Healthcare Professions (**Scheme**) established by the Government; and
 - (b) by the professional body that is accredited for the profession under the Scheme;
 - Government school** (官立學校) means a school entirely maintained and controlled by the Government;
 - specified school** (指明學校) means a school within the meaning of the Education Ordinance (Cap. 279), but does not include—
 - (a) a Government school;
 - (b) a school that only provides post secondary education within the meaning of that Ordinance; or

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- (c) an exempted school within the meaning of the Education (Exemption) (Private Schools Offering Non-Formal Curriculum) Order (Cap. 279 sub. leg. F).
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Schedule 2

[ss. 4 & 14]

Serious Harm

1. Any harm that endangers a child's life, or harm that endangers a child's physical health and requires urgent medical treatment, including—
 - (a) loss of any limb or the function of any limb;
 - (b) loss of sight or hearing;
 - (c) injury to any internal organ;
 - (d) fracture of any bone;
 - (e) burn on body surface;
 - (f) wound that causes nerve, muscle or tendon damage or severe haemorrhage; and
 - (g) loss of consciousness or impaired consciousness.

2. Any harm that endangers a child's psychological health or development, including—
 - (a) mental derangement; and
 - (b) prolonged psychological trauma,but does not include any emotional reaction (such as distress, grief, fear and anger) that is a response to the ordinary vicissitudes of life.

3. Any harm caused by coercing or enticing a child to take part in—
 - (a) rape;
 - (b) incest;

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- (c) buggery;
 - (d) sexual intercourse; or
 - (e) any act of gross indecency.
4. Any harm caused by the neglect of a responsible person of a child that endangers the child's life or health, including—
- (a) by failing to provide the child with necessities for maintaining the child's life or health; and
 - (b) by exposing the child to a situation (such as allowing the child to access or take any dangerous drug or substance) or environment that endangers the child's life or health.
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Schedule 3

[s. 15]

Related Amendments to Criminal Procedure Ordinance (Cap. 221)

1. Section 79B amended (evidence by live television link)

(1) Section 79B(2)(b)—

Repeal

“or”.

(2) After section 79B(2)(b)—

Add

“(ba) an offence under section 4(4) or 9(2) of the Mandatory Reporting of Child Abuse Ordinance (23 of 2024); or”.

2. Section 79C amended (video recorded evidence)

(1) Section 79C(2)(b)—

Repeal

“or”.

(2) After section 79C(2)(b)—

Add

“(ba) an offence under section 4(4) or 9(2) of the Mandatory Reporting of Child Abuse Ordinance (23 of 2024); or”.

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3. Section 79E amended (depositions)

(1) Section 79E(1)(b)—

Repeal

“or”.

(2) After section 79E(1)(b)—

Add

“(ba) an offence under section 4(4) or 9(2) of the Mandatory Reporting of Child Abuse Ordinance (23 of 2024); or”.