

強制舉報虐待兒童機制主管講座

Mandatory Reporting Regime of Child Abuse
Talk for Management of Institutions

香港法例第650章 《強制舉報虐待兒童條例》

Hong Kong Legislation Cap. 650
Mandatory Reporting of Child Abuse Ordinance



強制舉報虐待兒童機制

Mandatory Reporting Regime of Child Abuse

政策目標

Policy Objective



政策目標

Policy Objective



《強制舉報虐待兒童條例》會於**2026年1月20日起實施**，旨在**確保及早和有效地發現和介入嚴重虐兒個案**，達致保護兒童的政策目標。

The Mandatory Reporting of Child Abuse Ordinance will **come into effect on 20 January 2026**, aiming to **ensure early identification and effective intervention of suspected serious child abuse cases** to attain the policy objective of child protection.

政策目標 (續)

Policy Objective (con't)



兒童會在學校、社會福利機構和醫療機構定期接受必要的服務，強制規定這些界別的指明專業人員舉報懷疑虐兒個案會**為兒童編織一個全面而有效的保護網**，並**向潛在施虐者發出強烈阻嚇力**。

Children receive essential services regularly in schools as well as medical and social welfare institutions. Mandating specified professionals in these sectors to report suspected child abuse cases will **create a wide protection web for children** and **send a strong deterrent to potential perpetrators**.

強制舉報虐待兒童機制

Mandatory Reporting Regime of Child Abuse

主要規定

Key Requirements



主要規定

Key Requirements



強制舉報機制通過強制指明專業人員（「**強制舉報者**」）舉報懷疑嚴重虐兒個案（**舉報範圍**），違者須承擔刑事責任及罰款（**罰則水平**），讓政府相關部門可及早發現和盡快介入個案，達致保護兒童（**保護對象**）的政策目標。機制亦會為有關的指明專業人員提供**法定免責辯解**及**法律保障**。

The mandatory reporting regime of child abuse is mandating specified professionals (“**mandated reporters**”) to report suspected serious child abuse cases (**scope of reporting**), enabling relevant government departments to early identify and promptly intervene in cases, thus achieving the policy objective of protecting children (**object of protection**). Those who contravene must be criminally liable and fined (**level of penalty**). The regime will also provide legal defences and protection for specified professionals.

保護對象 Object of Protection



強制舉報虐待兒童機制的保護對象為
18歲以下的人

The object of protection under the mandatory reporting regime
of child abuse is
a person below the age of 18 years

【《條例》第2條】
【Section 2 of the Ordinance】

強制舉報者(共25類指明專業人員)

Mandated Reporters (25 categories of specified professionals)

【《條例》附表 1】

【Schedule 1 of the Ordinance】

教育界

- 指明學校的檢定 / 准用教員
- 官立學校的教員 / 校長
- 職業訓練局青年學院教學人員 / 院長
- 寄宿學校舍監

Education Sector

- A registered teacher or a permitted teacher working in a specified school
- A teacher or a principal who is working in a government school
- A member of the teaching staff / a principal of the Youth College of the Vocational Training Council
- A warden of a boarding school

社會福利界 Social Welfare Sector

社會工作者、幼兒工作人員 / 主管、兒童住宿照顧服務院舍的院長

A social worker, a child care worker / supervisor, a superintendent of a residential child care service unit

醫療衛生界 Healthcare Sector

護士、醫生、牙醫、牙齒衛生員、中醫、物理治療師、職業治療師、醫務化驗師、視光師、放射技師、藥劑師、助產士、脊醫、言語治療師、營養師、聽力學家、臨牀心理學家、教育心理學家

A nurse, a medical practitioner, a dentist, a dental hygienist, a Chinese medicine practitioner, a physiotherapist, an occupational therapist, a medical laboratory technologist, an optometrist, a radiographer, a pharmacist, a midwife, a chiropractor, a speech therapist, a dietitian, an audiologist, a clinical psychologist, an educational psychologist

舉報範圍

Scope of Reporting



如指明專業人員在**以指明專業人員的身分工作**的過程中察覺有合理理由懷疑兒童**正遭受嚴重傷害或正面對遭受嚴重傷害的實際風險**，須在切實可行的範圍內，**盡快作出舉報**。

If there is a reasonable ground to suspect a child **“is suffering serious harm”** or **“is at real risk of suffering serious harm”** which come to the notice of a specified professional **during the course of his or her work as a specified professional**, the professional must, **as soon as practicable**, make a report.

【《條例》第 4(1) 條】
【Section 4(1) of the Ordinance】

舉報範圍 (續)

Scope of Reporting (con't)



《條例》列出構成「嚴重傷害」的元素，有關附表由四個項目組成，涵蓋有關身體虐待、心理虐待、性侵犯和疏忽照顧的傷害。

The Ordinance lists the elements that constitute “serious harm.” The relevant Schedule covers harm related to physical abuse, psychological abuse, sexual abuse, and neglect.

【《條例》附表 2】
【Schedule 2 of the Ordinance】

嚴重傷害

1. 任何危及兒童的生命的傷害，或任何危及兒童的身體健康而急需醫治的傷害，包括——
 - (a) 喪失任何肢體或其功能；
 - (b) 喪失視力或聽覺；
 - (c) 任何內臟的損傷；
 - (d) 任何骨折；
 - (e) 身體表面的燒傷；
 - (f) 導致神經線、肌肉或肌腱損毀或導致大量出血的損傷；及
 - (g) 喪失知覺或知覺受損。
2. 任何危及兒童的心理健康或發展的傷害，包括——
 - (a) 精神錯亂；及
 - (b) 長期的心理創傷，但不包括任何應對平常生活變故上的情緒反應（例如感到困擾、悲傷、恐懼和憤怒）。

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.

舉報範圍下的豁免

Exemptions under the scope of reporting

【《條例》第4(2)條】

【Section 4(2) of the Ordinance】

1. 非因有關兒童的負責人的疏忽照顧所導致的**意外**所造成的嚴重傷害

The serious harm was caused by **an accident** that is not caused by the neglect of a responsible person of the child

2. 由**該兒童自己所造成**的嚴重傷害

The serious harm was **caused by the child himself or herself**

3. 由**其他兒童所造成**的嚴重傷害

(不包括藉涉及性的作為所造成的)

The serious harm was **caused by any other child**

(otherwise than caused by any act of a sexual nature)

舉報範圍下的豁免（續）

Exemptions under the scope of reporting (con't)

【《條例》第4(2)條】

【Section 4(2) of the Ordinance】

主管當局已就相同（或大致相同）的嚴重傷害或實際風險向該指明專業人員作出告知

An Authority had informed the specified professional in respect of the same, (or substantially the same) serious harm or real risk of serious harm

該指明專業人員已就相同（或大致相同）的嚴重傷害或實際風險作出舉報

The specified professional had made a report in respect of the same (or substantially the same) serious harm or real risk of serious harm

舉報範圍下的豁免（續）

Exemptions under the scope of reporting (con't)

【《條例》第4(2)條】

【Section 4(2) of the Ordinance】

- 另一名指明專業人員已就相同（或大致相同）的嚴重傷害或實際風險作出舉報
- **Another specified professional** had made a report in respect of the same, or substantially the same, serious harm or real risk of serious harm

罰則水平 Level of penalty

五萬元罰款或五萬元罰款及監禁3個月

**A fine of HK\$50,000 or
a fine of HK\$50,000 and 3 months' imprisonment**

【《條例》第4(4)條】

【Section 4(4) of the Ordinance】

罰則水平 (續) Level of penalty (con't)

上述做法會同時適用於《條例》第 9 及 11 條所訂「禁止阻止或阻礙舉報作出」及「禁止披露作出舉報的指明專業人員的身分」的另外兩項罪行

The aforementioned level of penalty is applicable to the other two offences under Sections 9 and 11 of the Ordinance, namely “Prohibition on inhibiting or obstructing making of reports” and “Prohibition on disclosing identity of specified professionals who made reports”

【《條例》第 9(2) 及 11(2)條】

【Sections 9(2) & 11(2) of the Ordinance】

免責辯護

Defences for offence

容許指明專業人員向法庭以**合理辯解**為理由不作出舉報

Allow the specified professionals to raise a **reasonable excuse** of not making the report

【《條例》第5(1)條】

【Section 5(1) of the Ordinance】

免責辯護 (續)

Defences for offence (con't)

容許指明專業人員如真誠而合理地相信**不即時作出舉報符合該兒童的最佳利益，並在其間採取在當時情況下合理所需的行動，以保障該兒童的利益**（例如作出適當住宿安排以免該兒童再受傷害，並處理其情緒困擾），則可以此作為免責辯護

Allow specified professionals to have a defence for offence if they honestly and reasonably believe that **the delay is in the best interests of the child, and they have taken actions that are reasonably necessary in the circumstances to protect the interests of the child** (e.g. making appropriate residential arrangements to prevent the child concerned from being further harm and address the child's emotional disturbance)

【《條例》第5(2)條】
【Section 5(2) of the Ordinance】

法律保障 Legal Protection

禁止任何人故意阻止 / 阻礙任何指明專業人員作出舉報，
或施加任何具有上述效果的指引或規定

Prohibit a person from wilfully inhibiting or obstructing a specified professional from making a report, or from imposing any guideline or requirement that has such an effect

【《條例》第 9 條】
【Section 9 of the Ordinance】

法律保障 (續) Legal Protection (con't)

禁止任何人披露作出舉報的指明專業人員的身分或能夠藉以推論出該身分的資料

Prohibit a person from disclosing the identity of a specified professional as the person who made a report or information from which such identity could be deduced

【《條例》第11條】
【Section 11 of the Ordinance】

法律保障 (續) Legal Protection (con't)

不得僅因指明專業人員作出舉報，而斷定該人員違反任何專業操守的或專業道德的守則，或偏離任何為人接受的專業操守的標準

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.

【《條例》第12條】
【Section 12 of the Ordinance】

強制舉報虐待兒童機制

Mandatory Reporting Regime of Child Abuse

主管須知

Points to notes for Management of Institutions



主管須知—不得做的事 (一)

Points to notes - Things **NOT** to do (1)

不得故意**阻止 / 阻礙**任何指明專業人員作出舉報，或 **施加**
任何具有上述效果的指引或規定

Must not willfully **inhibit or obstruct** a specified professional from making a report; or **impose any guideline or requirement that has such an effect**

【《條例》第9條】

【Section 9 of the Ordinance】

主管須知—不得做的事 (二)

Points to notes - Things **NOT** to do (2)

不得披露作出舉報的指明專業人員的身分或 能夠藉以推論出該身分的資料

Must not **disclose the identity of a specified professional** as the person who made a report, or information from which such identity could be deduced

【《條例》第11條】

【Section 11 of the Ordinance】

主管須知—不得做的事 (三)

Points to notes - Things **NOT** to do (3)

不得僅因指明專業人員作出舉報，而斷定該人員違反任何專業操守或專業道德的守則，或偏離任何為人接受的專業操守的標準

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

【《條例》第12條】

【Section 12 of the Ordinance】

主管須知—應該做的事 (一)

Points to note – Things to do (1)

應檢視機構有關舉報虐兒個案的行政指引，以避免指引條文含有阻止 / 阻礙指明專業人員作出舉報的效果及防止機構內的人員披露作出舉報的指明專業人員的身分

Should **review the institution's administrative guidelines on reporting child abuse cases** to avoid imposing any guideline or requirement that has the effect of inhibiting or obstructing a specified professional from making a report and prevent staff from disclosing the identity of a specified professional who made a report

主管須知—應該做的事 (二)

Points to note – Things to do (2)

應按機構的獨特運作模式，**建立機制**（例如制定安排讓超過一名指明專業人員可聯署作出舉報），**便利指明專業人員履行其法律責任**，並**提醒指明專業人員根據《條例》第4(1)條就懷疑虐兒個案作出舉報是其個人的法律責任**，機構不能代其履行責任。

Based on the institution's unique mode of operation, **a mechanism should be established** (such as making arrangements so that more than one specified professional can jointly make a report) to **facilitate the specified professionals to fulfil their legal responsibilities**, and the specified professionals should be reminded that reporting suspected child abuse cases in accordance with **Section 4(1) of the Ordinance is their personal legal responsibility**, and the institution cannot fulfil the responsibility on their behalf.

主管須知—應該做的事 (三)

Points to note – Things to do (3)

應留意員工的培訓進度，提醒現職員工及安排新入職員工須於指定時間內完成「保護兒童網上課程」，及以便現職和新入職的員工熟習《強制舉報者指南》，並提供所需的支援。

Should **keep in view the training progress of the staff**, remind current staff and arrange the newly-recruited staff to complete “Child Protection Online Training” within a specified period **so that current and newly-recruited staff are familiar with the Mandated Reporter Guide**, and provide necessary support.

強制舉報虐待兒童機制

Mandatory Reporting Regime of Child Abuse

相關的準備工作

Related Preparatory Work



教育局通告及相關指引 Education Bureau Circulars and Related Guidelines

按需要更新通告及指引（包括《學校行政手冊》等）
Updating circulars and guidelines as necessary (including “School Administration Guide”, etc.)

編號: EDB(GD)/20/5/3/O Pt. 13

教育局通告第1/2020號
處理懷疑虐待兒童及家庭暴力個案

【註：本通告應文，

- (a) 各小學、中學、特殊學校、幼稚園及幼稚園暨
- 校長/校監 - 備辦；
- (b) 各級主管 - 備考；以及
- (c) 各區域教育服務處及幼稚園及幼兒中心聯合

摘要

本通告旨在通知各學校有關處理懷疑虐待兒童及家
地方，籲請學校不時留意學生的情況，以便及早發現和介入，
（社署）及各有關專業共同制定的「保護兒童免受虐待—多學
修訂版」（以下簡稱「保護兒童指引」），以及「處理親密伴
一年修訂版」，採取合適的措施，對有關兒童及家庭提供所
有學校人員備閱。本通告取代於2018年8月20日發出的教育局

背景

- 2. 保障兒童免受虐待，是有機會接觸兒童的各類專
實有賴多個專業的表誠合作。為保障兒童的最佳利益和保
同勞工及福利局、教育局、衛生署、香港警務處、醫院管
府機構及專業人士共同制定「保護兒童指引」，讓不同的
接觸的人員（包括學校人員），當遇到懷疑虐待或已受

Ref: EDB(GD)/20/5/3/O Pt. 13

Government of the HKSAR
Education Bureau
8 May 2020

Education Bureau Circular No. 1/2020 Handling Suspected Cases of Child Maltreatment and Domestic Violence

[Note: This circular should be read by:

- (a) Supervisors/Heads of all primary, secondary and special schools, and kindergartens and kindergarten-cum-child care centres – for necessary action;
- (b) Heads of sections – for information; and
- (c) Officers of the Regional Education Offices and Joint Office for Kindergartens and Child Care Centres – for information and necessary action]

Summary

This circular informs schools of the procedures and points to note for handling suspected cases of child maltreatment and domestic violence. Schools are appealed to pay attention to students' conditions from time to time for early identification and intervention. They are also reminded to take appropriate measures to provide the children concerned and their families with necessary assistance in accordance with the "Protecting Children from Maltreatment – Procedural Guide for Multi-disciplinary Co-operation" (revised in 2020) ("Child Protection Guide" hereafter) and the "Procedural Guide for Handling Intimate Partner Violence Cases" (revised in 2011) jointly drawn up by the Social Welfare Department (SWD) and related professionals. This circular supersedes the Education Bureau Circular No. 5/2018 issued on 20 August 2018, and should be brought to the attention of all school personnel

學校行政手冊

2024年11月版
教育局

3. 處理懷疑虐待兒童個案的程序

就預防及處理懷疑虐待兒童（包括性侵犯）事件，社會福利署（社署）
聯同勞工及福利局、教育局、衛生署、香港警務處、醫院管理局、香港社
會服務聯會、相關非政府機構及專業人士制定了「[保護兒童免受虐待—多
專業合作程序指引（2020年修訂版）](#)」（以下簡稱「[保護兒童指引](#)」），
讓不同的專業人士及因工作關係與兒童有密切接觸的人員（包括學校人
員），當遇到懷疑虐待兒童個案時可作參考，以便採取所需行動，包括初
步評估、即時保護兒童行動、保護兒童調查、召開保護懷疑虐待兒童多
專業個案會議（多專業會議）及跟進服務等。「[保護兒童指引](#)」所載的處理
程序及注意事項是參考聯合國《兒童權利宣言》及《兒童權利公約》訂定，
提醒工作人員在協助受傷害／可能受傷害的兒童時，應考慮兒童的成長及
發展的需要和應有的權利。

教育局已向所有學校發出教育局通告第1/2020號「處理懷疑虐待兒童
及家庭暴力個案」，籲請學校首要關注兒童的安全及其最佳利益，不時留
意學生的情況，如學校人員留意到學生身體、行為或情緒等方面有受虐待
的徵象，無論學童是否如常返回學校上課、持續或斷續地缺課，應遵照上
述的通告及「[保護兒童指引](#)」盡快作出適當行動。

有關程序概述如下（詳情請參閱教育局通告第1/2020號第4至10段
和13至15段）：

- a. 首位接觸懷疑受虐的學生的人員應即時通知校長，學校應立即啟動校
本應急機制／危機處理小組，同時應委派學校社工（如有）及專責人
員（如指定教師或輔導人員）初步了解學生的情況，並遵照處理懷疑
虐待事件的原則及程序跟進。在處理過程中，應避免有關學生重複描
述被虐事件。
- b. 如懷疑受虐的學生是幼稚園、幼稚園暨幼兒中心及公營中學學校社工
的「已知個案」，負責社工應按「[保護兒童指引](#)」第四至十章所述的
程序進行。專責人員亦可視乎需要，先徵詢社署保護家庭及兒童服務
課（服務課）的意見。
- c. 公營小學、特殊學校及私立學校（包括國際學校）的學校社工，可按
「[保護兒童指引](#)」第四章所述的程序通報其「已知個案」予服務課，
由服務課進行初步評估。¹
- d. 如有關學生並非學校社工跟進的個案，但得知該學生／其家庭屬社署
或非政府機構的「已知個案」，學校應盡快通知有關單位的負責社工

¹ 如公營小學、特殊學校及私立學校（包括國際學校）的學生輔導人員是由非政府機
構聘用的註冊社工，他／她亦可就其「已知個案」應當在「[保護兒童指引](#)」第四章
所述的負責初步評估及保護兒童調查的角色，惟須先取得學校、非政府機構及
社署三方的同意。

School Administration Guide

3. Procedures of handling suspected child maltreatment cases

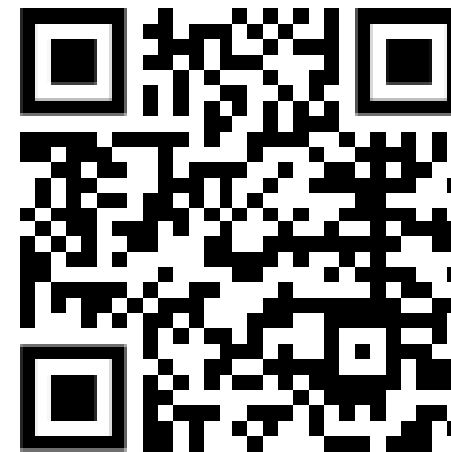
On prevention and handling of suspected child maltreatment (including sexual abuse) incidents, the Social Welfare Department (SWD) has, in collaboration with the Labour and Welfare Bureau, the Education Bureau, the Department of Health, the Hong Kong Police Force, the Hospital Authority, the Hong Kong Council of Social Service, and relevant non-governmental organisations (NGOs) and professionals, drawn up the "Protecting Children from Maltreatment – Procedural Guide for Multi-disciplinary Co-operation (Revised 2020)" ("Child Protection Guide" hereafter) for reference by different professionals and those who may come into close contact with children because of their job nature (including school personnel) to take necessary actions for suspected child maltreatment cases including initial assessment, immediate child protection actions, child protection investigation, convening Multi-disciplinary Case Conference on Protection of Child with Suspected Maltreatment (MDCC) and follow-up services. For the handling procedures and points to note as set out in the "Child Protection Guide", references have been made to the "Declaration of the Rights of the Child" and the "Convention on the Rights of the Child" of the United Nations. Personnel, when helping a child who is being harmed/has possibly been harmed, should take into consideration of the child's need for growth and development and his/her vested rights.

The Education Bureau has also issued EDBC1/2020 "Handling Suspected Cases of Child Maltreatment and Domestic Violence" to all schools urging them to pay paramount concern to the safety and best interests of children and pay close attention to students' physical, behavioural, emotional indicators of child maltreatment. No matter the student attends school as usual, or is absent from school continuously or intermittently, school personnel should observe the circular and the "Child Protection Guide" for taking appropriate actions promptly.

The related procedures are outlined as follows (Details please refer to the EDBC1/2020, Paras. 4 to 10 and Paras. 13 to 15):

- a. The first personnel who comes into contact with the student suspected being maltreated concerned should inform the principal immediately and the school should activate its school-based contingency mechanism/Crisis Management Team and assign school social worker (SSW) (if any) and designated personnel (e.g. designated teacher, Student Guidance Personnel) to make a preliminary enquiry to the student's conditions simultaneously. The established principles

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涵蓋有關保護兒童的基本知識的電子學習課程「單元一」已於2024年2月推出，而涵蓋與法例相關的法律和舉報事宜的基本知識的「**單元二**」將於**2025年下半年推出**。

Module 1 **of the e-learning courses** covering basic knowledge on child protection was launched in February 2024, while **Module 2** covering the basic knowledge on the relevant legal and reporting issues related to the legislation **will be launched in the second half of 2025**.

《強制舉報者指南》

Mandated Reporter Guide



- 政府自2024年起於社會福利界、教育界和醫療衛生界成立三個**專業顧問團**，以啟動制訂《強制舉報者指南》(《指南》)的工作。

The Government has set up the **Professional Consultative Panels** (the Panels) for social welfare sector, education sector and healthcare sector since 2024 to kick start the formulation of the Mandated Reporter Guide (the Guide).

- 專業顧問團協助制訂**舉報決策流程圖**、**輔助分析框架**，以及**個案情境範例**。

The Panels assist in the drafting of the **Decision Trees, Supplementary Analytical Frameworks** and **sample case scenarios**.

《強制舉報者指南》

Mandated Reporter Guide



- 政府會於**2025年下半年發布《指南》**，協助強制舉報者識別目標個案，並及早識別、舉報和介入虐兒個案。

The Government will **launch the Guide in the second half of 2025** to facilitate mandated reporters to identify target cases for early identification, reporting and intervention of child abuse cases.

- 政府亦會於**今年下半年開始為強制舉報者就《指南》舉辦簡介會**。

The Government will **also conduct briefings on the Guide for mandated reporters starting from the second half of this year.**

強制舉報虐待兒童機制

Mandatory Reporting Regime of Child Abuse

保護兒童 人人有責

Child Protection is Everyone's Responsibility

