

# Hong Kong Criminal Record Check

Legal Framework · CNCC · SCRC · Compliance Essentials



# Executive Summary



## Access Is Restricted

Employers cannot directly obtain comprehensive criminal records in Hong Kong. The system is legally controlled.



## Candidate-Driven Process

Official checks like the CNCC are typically applied for by the individual, not the employer, with full consent.



## Role-Based Compliance

Screening must be proportionate, relevant to the role, and embedded in a wider compliance framework.

# Employer Access to Criminal Records

## Key Legal Constraints

Can employers directly access criminal records?

No

Can employers retrieve full criminal history independently?

No

Is candidate involvement required?

Yes

Is consent mandatory?

Yes



Criminal data is classified as sensitive personal data under Hong Kong's PDPO — handle with care.

# Certificate of No Criminal Conviction (CNCC)



## What is CNCC?

- Official certificate issued by Hong Kong Police
- Confirms the absence of a criminal conviction record
- Applied for personally by the individual (not the employer)
- Primarily used for immigration, visa & official clearance
- NOT a standard employment screening tool

## When is CNCC Used?

- ✓ Immigration applications
- ✓ Visa & travel clearance
- ✓ Regulatory licensing
- ✗ Routine employment checks
- ✗ Standard hiring screening

CNCC is only available under specific official circumstances — do not assume it is accessible for routine hiring.

# SCRC & Spent Conviction Protections



## Sexual Conviction Record Check (SCRC)

- Applies to roles involving children or vulnerable persons
- Formal, regulated process via Hong Kong Police
- Requires candidate consent
- Employer participation is required under the formal process



## Spent Conviction Rules

- Hong Kong recognises spent conviction protections
- Minor historical offences may not need to be disclosed
- Individuals have legal protection from unfair treatment
- Employers must not over-collect historical criminal data
- Apply role-relevance tests before making hiring decisions

# Practical Compliance Framework for Employers



## Legal Basis

Criminal data requires a defensible, documented justification for collection.



## Candidate Consent

Consent underpins transparency and ensures lawful processing under PDPO.



## Role-Based Justification

Higher-risk roles may justify deeper screening; low-risk roles should not.



## Result Interpretation

Assess results carefully — never automate rejection based solely on findings.



## Proportionality

Collect only what is strictly necessary for the specific role in question.



## Wider Programme

Embed criminal checks within identity, employment & education verification.

# Common Misconceptions

## MYTH

Employers can easily obtain criminal records



## REALITY

False. Employer access is legally restricted. Comprehensive records are not available through ordinary checks.

## MYTH

No record found means no risk



## REALITY

Not necessarily. Absence of accessible data does not confirm that no issues exist — records may simply be inaccessible.

## MYTH

CNCC is standard procedure for hiring



## REALITY

Incorrect. The CNCC is primarily for official clearance purposes such as immigration — not routine employment screening.



## Final Takeaway

Criminal record checks in Hong Kong are legally restricted, structurally controlled, and highly context-dependent.

*Treat screening as a regulated component of a broader background verification programme — not a standalone check.*