

Relevant Legislation for Compliance with SQS 8

Two checklists are prepared for service units to observe for the compliance with SQS 8. One is a general checklist for all types of service while the other is a service specific checklist.

The ordinances are considered to be of three levels according to their significance to the service unit's operation and service delivery:

- (a) the service unit carries statutory responsibility(ies) to execute the ordinance, or the operation of the service unit is governed by the ordinance;
- (b) without understanding of the ordinance, the service unit may be easily subject to committing an offence and thus operation and service delivery of the service unit is seriously hampered; and
- (c) with knowledge of the ordinance, quality of the service may be improved.

The two checklists of relevant legislation (general for all types of service and service specific) are prepared for the purpose of complying with SQS 8. It is considered as reasonable and acceptable to confine ordinances of levels (a) and (b) in the two checklists. Ordinances of level (c) are not included in the checklists because it can hardly be exhaustive although more knowledge on these ordinances will likely bring better service. Service units may like to add ordinance(s) to the checklists according to their individual conditions and needs.

I. Relevant Legislation for Compliance with SQS 8 (General CheckList for All Types of Service)

S/N	Cap.	Ordinance
1.	51	Gas Safety Ordinance
2.	56	Boilers and Pressure Vessels Ordinance
3.	57	Employment Ordinance
4.	95	Fire Services Ordinance
5.	112	Inland Revenue Ordinance
6.	115	Immigration Ordinance
7.	121	Buildings Ordinance (Application to The New Territories) Ordinance
8.	123	Buildings Ordinance
9.	132	Public Health and Municipal Services Ordinance
10.	151	Societies Ordinance
11.	161	Medical Registration Ordinance
12.	164	Nurses Registration Ordinance
13.	200	Crimes Ordinance
14.	201	Prevention of Bribery Ordinance
15.	210	Theft Ordinance
16.	212	Offences against The Person Ordinance
17.	221	Criminal Procedure Ordinance
18.	245	Public Order Ordinance
19.	282	Employees' Compensation Ordinance
20.	354	Waste Disposal Ordinance
21.	359	Supplementary Medical Professions Ordinance
22.	374	Road Traffic Ordinance
23.	383	Hong Kong Bill of Rights Ordinance
24.	406	Electricity Ordinance
25.	426	Occupational Retirement Schemes Ordinance
26.	480	Sex Discrimination Ordinance
27.	485	Mandatory Provident Fund Schemes Ordinance
28.	486	Personal Data (Privacy) Ordinance
29.	487	Disability Discrimination Ordinance
30.	504	Coroners Ordinance
31.	505	Social Workers Registration Ordinance
32.	509	Occupational Safety and Health Ordinance
33.	527	Family Status Discrimination Ordinance
34.	528	Copyright Ordinance
35.	599	Prevention and Control of Disease Ordinance
36.	602	Race Discrimination Ordinance
37.	608	Minimum Wage Ordinance
38.	618	Lifts and Escalators Ordinance
39.	622	Companies Ordinance
40.	625	Electronic Health Record Sharing System Ordinance
41.		Law of The People's Republic of China on Safeguarding National Security in The Hong Kong Special Administrative Region
42.		Safeguarding National Security Ordinance

II. List of Relevant Legislation for Compliance with SQS 8 (Service Specific)

Programme	FSA / SD / Contract ¹	Ordinance
FSA / Contract		
Family and Child Welfare	Children's Reception Centre	Cap. 213 : Protection of Children and Juveniles Ordinance
	Child Care Centre	Cap. 243 : Child Care Services Ordinance
	Residential Child Care Centre – Residential Creche	
	Residential Child Care Centre – Residential Nursery	
	Inter-country Adoption Service	Cap. 290 : Adoption Ordinance
	Family Casework ²	Cap. 4 : High Court Ordinance Cap. 13 : Guardianship of Minors Ordinance Cap. 136 : Mental Health Ordinance Cap. 179 : Matrimonial Causes Ordinance Cap. 181 : Marriage Ordinance Cap. 189 : Domestic and Cohabitation Relationships Violence Ordinance Cap. 192 : Matrimonial Proceedings and Property Ordinance Cap. 213 : Protection of Children and Juveniles Ordinance Cap. 298 : Probation of Offenders Ordinance Cap. 1096 : Director of Social Welfare Incorporation Ordinance
Integrated Family Service Centre Multi-purpose Crisis Intervention and Support Centre Hotline and outreaching service team	Cap. 136 : Mental Health Ordinance Cap. 579 : Prevention of Child Pornography Ordinance	
Elderly Services	Care and Attention Homes Providing Continuum of Care and Conversion Homes Providing Continuum of Care ³	Cap. 136 : Mental Health Ordinance Cap. 459 : Residential Care Homes (Elderly Persons) Ordinance
	Combined Homes ⁴	
	Contract Home	
	Nursing Homes	Cap. 136 : Mental Health Ordinance Cap. 633 : Private Healthcare Facilities Ordinance
	Day Care Centre / Unit for the Elderly, District Elderly Community Centre / Neighbourhood Elderly Centre / Social Centre for the Elderly, Integrated Home Care Services / Enhanced Home and Community Care Services	Cap. 136 : Mental Health Ordinance

¹ Service units whose FSA/SD not in this checklist have no specific relevant legislation for compliance with SQS 8 while other subsidised service units which are required to comply with SQS8 can make reference to relevant service specific legislation in this checklist.

² Family Casework of SWD service units ONLY.

³ Dementia Supplement, Infirmity Care Supplement, Infirmity Units and Respite Service and Emergency Placement are not on this checklist as they have been incorporated in the Home/Hostel's operation and are under the Home/Hostel's administration already.

⁴ ditto

Programme	FSA / SD / Contract¹	Ordinance	
Rehabilitation	Care and Attention Homes for Severely Disabled Persons	Cap. 136 : Mental Health Ordinance Cap. 613 : Residential Care Homes (Persons with Disabilities) Ordinance	
	Care and Attention Homes for the Aged Blind		
	Long Stay Care Homes		
	Supported Hostel for Ex-mentally Ill Persons		
	Hostels for Severely Mentally Handicapped Persons		
	Hostels for Severely Physically Handicapped Persons		
	Hostels for Severely Physically Handicapped Persons with Mental Handicap		
	Transitional Care and Support Centre for Tetraplegic Patients		
	Halfway Houses		
	Hostels for Moderately Mentally Handicapped Persons		
	Supported Hostels		
	Integrated Vocational Training Centre – Residential Service		
	Small Group Homes for Mildly Mentally Handicapped Children		
	Special Child Care Centre		Cap. 243 : Child Care Services Ordinance
	Residential Special Child Care Centre		
Social and Recreational Centres for the Disabled / District Support Centre for Persons with Disabilities / Multi-service Centre for Hearing Impaired Persons / Rehabilitation and Training Centre for the Visually Impaired / Parents/Relatives Resource Centre / Community Rehabilitation Day Centre / Support Centre for Persons with Autism and related services ⁵	Integrated Community Centre for Mental Wellness and related services	Cap. 136 : Mental Health Ordinance	
	Day Activity Centres		
	Sheltered Workshops / Integrated Vocational Rehabilitation Services Centres		
	Integrated Vocational Training Centres – Day		
	On the Job Training Programme for Persons with Disabilities / Sunnyway – On the job Training Programme for Young People with Disabilities / Supported Employment		
	Boys' Homes / Girls' Homes		Cap. 213 : Protection of Children and Juveniles Ordinance
	Correction		

⁵ Related Services include Home Care Service for Persons with Severe Disabilities, Integrated Support Service for Persons with Severe Physical Disabilities, Day Care Service for Persons with Severe Disabilities, Community Rehabilitation Network etc.

Programme	FSA / SD / Contract¹	Ordinance
	Boys' Hostel / Girls' Hostel	Cap. 298 : Probation of Offenders Ordinance
	Crisis Residential Service for Youth-at-Risk	
	Residential Service for Young Probationers and High-Risk Youth	
Youth	Integrated Children and Youth Services Centres / Children and Youth Centres	Cap. 13 : Guardianship of Minors Ordinance Cap. 136 : Mental Health Ordinance Cap. 213 : Protection of Children and Juveniles Ordinance
	Community Support Service Scheme	Cap. 579 : Prevention of Child Pornography Ordinance
	School Social Work Service	
	District Youth Outreaching Social Work Service	
	Overnight Outreaching Service for Young Night Drifters	
	Cyber Youth Support Teams	
	Hotline Service for Youth at Risk	
	Halfway House Service for Ex-drug Abusers	Cap. 566 : Drug Dependent Persons Treatment and Rehabilitation Centres (Licensing) Ordinance
	Non-medical Voluntary Drug Treatment and Rehabilitation Services	
	Counselling Centre for Psychotropic Substance Abusers / Centre for Drug Counselling	Cap. 134 : Dangerous Drugs Ordinance Cap. 136 : Mental Health Ordinance Cap. 213 : Protection of Children and Juveniles Ordinance
Community Development	Community Centre	Cap. 136 : Mental Health Ordinance
	Neighbourhood Level Community Development Project	Cap. 213 : Protection of Children and Juveniles Ordinance
	Care and Support Networking Team	Cap. 136 : Mental Health Ordinance
SD		
Family and Child Welfare	Family and Child Protective Services	Cap. 4 : High Court Ordinance Cap. 13 : Guardianship of Minors Ordinance Cap. 136 : Mental Health Ordinance Cap. 179 : Matrimonial Causes Ordinance Cap. 181 : Marriage Ordinance Cap. 184 : Legitimacy Ordinance Cap. 189 : Domestic and Cohabitation Relationships Violence Ordinance Cap. 192 : Matrimonial Proceedings and Property Ordinance Cap. 213 : Protection of Children and Juveniles Ordinance Cap. 298 : Probation of Offenders Ordinance Cap. 512 : Child Abduction and Custody Ordinance Cap. 579 : Prevention of Child Pornography Ordinance Cap. 1096 : Director of Social Welfare Incorporation Ordinance
	Adoption Service	Cap. 290 : Adoption Ordinance
Rehabilitation and Medical Social Service	Medical Social Service	Cap. 4 : High Court Ordinance Cap. 13 : Guardianship of Minors Ordinance Cap. 136 : Mental Health Ordinance Cap. 179 : Matrimonial Causes Ordinance Cap. 192 : Matrimonial Proceedings and Property Ordinance Cap. 213 : Protection of Children and Juveniles Ordinance Cap. 298 : Probation of Offenders Ordinance Cap. 1096 : Director of Social Welfare Incorporation Ordinance

Programme	FSA / SD / Contract¹	Ordinance
	Guardianship service	Cap. 4 : High Court Ordinance Cap. 136 : Mental Health Ordinance Cap. 504 : Coroners Ordinance Cap. 1096 : Director of Social Welfare Incorporation Ordinance
	Special Needs Trust Service	Cap. 4 : High Court Ordinance Cap. 10 : Probate and Administration Ordinance Cap. 29 : Trustee Ordinance Cap. 30 : Wills Ordinance Cap. 73 : Intestates' Estates Ordinance Cap. 136 : Mental Health Ordinance Cap. 1096 : Director of Social Welfare Incorporation Ordinance
Correction	Community Service Orders Scheme	Cap. 378 : Community Service Orders Ordinance
	Places of Refuge ⁶	Cap. 213 : Protection of Children and Juveniles Ordinance Cap. 213A : Protection of Children and Juveniles (Places of Refuge) Regulations Cap. 213B : Protection of Children and Juveniles (Places of Refuge) Order Cap. 512 : Child Abduction and Custody Ordinance Cap. 115 : Immigration Ordinance Cap. 115B : Immigration (Places of Detention) Order :
	Post-release Supervision of Prisoners Scheme	Cap. 475 : Post-release Supervision of Prisoners Ordinance Cap. 524 : Long-term Prison Sentences Review Ordinance :
	Approved Institution (Probation Homes)	Cap. 298 : Probation of Offenders Ordinance Cap. 298A : Probation of Offenders Rules Cap. 298B : Probation of Offenders (Approved Institution) (Consolidation) Order
	Reformatory School	Cap. 225 : Reformatory Schools Ordinance Cap. 225A : Reformatory School (Establishment) (Consolidation) Order Cap. 225B : Reformatory School Rules
	Places of Detention (Remand Home)	Cap. 226 : Juvenile Offenders Ordinance Cap. 226A : Places of Detention (Juvenile Offenders) Appointment (Consolidation) Order Cap. 226D : Remand Home Rules
Social Security	Traffic Accident Victims Assistance Scheme	Cap. 229 : Traffic Accident Victims (Assistance Fund) Ordinance

⁶ Also applicable to Po Leung Kuk Wing Lung Bank Golden Jubilee Sheltered Workshop and Hostel which is a gazetted place of refuge to admit mentally or physically disabled children and juveniles.

III. Reference List of Relevant International Conventions

(Note: For implementation of SQS 8, the service unit is also encouraged to include the relevant International Conventions. The following list of International Conventions is for reference only.)

1. The Hague Convention on the Civil Aspects of International Child Abduction
2. The United Nations Convention on the Rights of the Child (UNCRC)
3. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
4. International Covenant on Economic, Social and Cultural Rights (ICESCR)
5. International Covenant on Civil and Political Rights (ICCPR)
6. The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
7. Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), (United Nations, 1985)
8. Standard Minimum Rules for Non-custodial Measures (United Nations, 1988)
9. Guidelines for Prevention of Juvenile Delinquency
10. United Nations Convention on the Rights of Persons with Disabilities