



社會工作者註冊局

Social Workers Registration Board

《社會工作者註冊條例》說明指南
Explanatory Guide to
the Social Workers Registration Ordinance

13/1/2016

《社會工作者註冊條例》說明指南

引言

《社會工作者註冊條例》（第 505 章）（《條例》）於 1997 年 6 月 6 日正式生效。《條例》旨在就社會工作者（社工）的註冊、註冊社會工作者（註冊社工）專業活動的紀律管制及有關連的事宜，訂定條文。基於《條例》而建立的註冊制度及監管機制，乃用作監察註冊社工的專業素質，以保障服務使用者及公眾的利益。

這指南分七個章節簡釋《條例》的主要條文，註冊局希望透過這指南，幫助註冊社工、他們的僱用機構、有志從事社會工作專業的人士、服務使用者及公眾更深入認識《條例》的條文和適用範圍。指南的內容只供參考，並以《條例》的原文與及原意為準。

這指南的內容已上載社會工作者註冊局網頁（<http://www.swrb.org.hk>）。如有查詢，請致電 2591 1955。

第一章

社會工作者註冊局

1.1 成立及組成

1.1.1 社會工作者註冊局是根據《社會工作者註冊條例》（《條例》）（第 505 章）於 1998 年 1 月 16 日成立的法定機構，負責執行《條例》。註冊局財政獨立，不屬於政府編制之內，其職能受《條例》規管。

1.1.2 註冊局由 15 名成員組成，當中 8 名由註冊社工選出，6 名由行政長官委任，及 1 名為社會福利署署長或其代表。

1.1.3 每屆註冊局成員的任期為 3 年，而成員的任期最長以連續 9 年（三屆）或在任何 11 年期間不超過 9 年為限。

1.1.4 行政長官如信納註冊局的成員(署長除外)－

- (a) 已破產或已與其債權人訂立《破產條例》(第 6 章)所指的債務重整協議或債務償還安排；
- (b) 已在連續 3 次的註冊局會議缺席，而 —
 - (i) 他／她已事先獲通知須出席該等會議；及
 - (ii) 他／她並未獲註冊局的准許而缺席；
- (c) 已因身體上的或精神上的疾病而喪失履行職務能力，使其不能執行其作為成員的責任；
- (d) 已停止通常居於香港；
- (e) 已被任何法院或裁判官判處監禁，不論是否獲判緩刑；或
- (f) 已被裁定犯了違紀行為，

行政長官可宣佈其作為註冊局的成員的職位懸空，並須以行政長官認為合適

的方式通知該事實，而一經宣佈，該職位即成懸空。

- 1.1.5 如有任何選舉產生的成員不論任何原因停止作為註冊社工，勞工及福利局局長須刊憲公告，該成員的成員職位懸空，而一經公告，該職位即告懸空。
- 1.1.6 註冊局任何選舉產生的成員在任期終止後（因任期屆滿而終止者除外），註冊局須進行選舉，選出的新成員將填補懸空的職位，至餘下任期屆滿為止。
- 1.1.7 註冊局成員須以互選方式選出主席及副主席。如主席不在香港或因任何原因未能繼續擔任主席，便須由副主席署理主席職位。
- 1.1.8 所有註冊局成員均以義務形式服務註冊局，他們不得因擔任成員而獲付酬金。

1.2 議事程序

- 1.2.1 註冊局會議的法定人數為 6 人；如出席會議不足法定人數，註冊局須休會。
- 1.2.2 註冊局會議上一切決議案，須以出席和投票的成員的過半數通過取決。若票數相同，主席或主持會議的其他成員除其原有票外，還有權加投決定票。

1.3 職能

註冊局具有下列職能：

- (a) 設置並備存一份註冊社工的註冊紀錄冊；
- (b) 訂定及檢討註冊為註冊社工的資格標準及有關註冊的事宜；
- (c) 評核資格以確定這些資格應否根據 1.3(b)而訂定；
- (d) 不時發布最新的資格標準及註冊資格，讓公眾查閱；
- (e) 審查和核實註冊申請者的資格；
- (f) 收取、審查、接納或拒絕註冊及續期註冊為註冊社工的申請；
- (g) 按照《條例》處理註冊社工的違紀行為；
- (h) 備存註冊局的議事程序及帳目的妥善紀錄；及
- (i) 執行其他根據《條例》賦予註冊局的職能。

1.4 權力

為了更妥善執行職能及辦理所有必需的事務，註冊局可－

- (a) 設立不同委員會就執行職能及行使權力向註冊局提供意見；
- (b) 僱用任何人以協助註冊局執行其職能及行使其權力；
- (c) 取得、持有及處置任何種類的財產，以執行註冊局的職能及供註冊局或任何委員會作為辦公地方；
- (d) 訂立、執行、轉讓、更改或撤銷任何合約、協議或其他責任或接受任何合約、協議或其他責任的轉讓；及
- (e) 行使《條例》所賦予的其他權力。

1.5 訂立規則

註冊局可就下列事項，訂立規則：

- (a) 註冊局或任何委員會（包括紀律委員會）的會議的進行；
- (b) 註冊局成員、主席、副主席及署理主席的選舉事宜；
- (c) 註冊局接納或拒絕註冊申請或註冊續期申請時，註冊主任所須採取的步驟；
- (d) 註冊社工的操守及紀律；
- (e) 對因處理註冊局事務而招致合理開支的人的補償；及
- (f) 紀律委員會聆訊的進行及就指稱中違紀行為而進行的調查的其他事宜。

1.6 利益申報

1.6.1 註冊局的成員如在註冊局、委員會，或註冊局的僱員或代理人訂立或擬訂立合約中，有直接或間接的利害關係，須於註冊局的會議上披露其利害關係的性質，註冊局須記錄所披露的資料在會議紀錄內。

1.6.2 註冊局的成員如有第 1.6.1 段所述的利害關係，未經主席或主持會議的其他成員批准，他們不得參與註冊局就有關合約進行的商議，也不得就有關合約的事項投票。

1.7 註冊局成員的保障

任何下列人士，如真誠地行事，便毋須為因執行或看來是執行《條例》所載的職能或行使《條例》所賦予的權力而作出的任何作為或犯下的過失，而承擔損害賠償的個人法律責任：

- (a) 註冊局或委員會（包括紀律委員會）的任何成員；
- (b) 註冊主任；
- (c) 註冊局的任何僱員。

第二章

註冊

2.1 註冊主任

註冊局須委任一名註冊主任，負責保管註冊紀錄冊及擔任註冊局與其轄下任何委員會（包括紀律委員會）的秘書。

2.2 註冊紀錄冊

2.2.1 註冊主任須按註冊局指示，備存一份分為兩部份的註冊紀錄冊，第一部份為註冊社工（第 1 類），第二部份為註冊社工（第 2 類）。註冊紀錄冊所載每一位註冊社工的資料包括：姓名、註冊編號、地址、註冊所基於的資格及註冊局可指示的任何其他細節（現時亦包括「最後報稱的受僱機構」）。

2.2.2 任何人士可在辦公時間內於註冊局辦事處免費查閱註冊紀錄冊。

2.2.3 如第 2.2.1 段所述的資料有任何更改，註冊社工必須於更改後 3 個月內，通知註冊主任。

2.3 註冊資格

2.3.1 有志從事社工的人士，須基於下列任何一項資格，申請註冊成為註冊社工：

(a) 註冊社工（第 1 類）

(i) 持有認可的社會工作學位或文憑（註冊局認可用以註冊的社工學歷名單詳載於 <http://www.swrb.org.hk/chiasp/hk.asp>）；或

(ii) 在 1982 年 3 月 31 日或該日之前已擔任任何社工職位及在該日期之後，已連續或不連續擔任社工職位總共至少 10 年。

(b) 註冊社工（第 2 類）

(i) 非持有註冊社會工作者（第 1 類）的註冊資格，但現正擔任任何社會

工作職位或已獲接納擔任該職位；及

- (ii) 如申請人在第 2.3.1(b)(i) 段所述情況下獲得註冊，他們須於所有情況下屬合理的期間內獲取認可社會工作學位或文憑。〔註：現時註冊局規定註冊社工（第 2 類）在獲得註冊後兩年內，須提交修讀計劃書，並於每年申請續期時，遞交報讀社工課程的證明，以顯示他們將獲得註冊局認可的社工學歷。〕

2.3.2 在申請註冊為註冊社工時，申請人亦須：

- (a) 通常居於香港；
- (b) 是可予註冊的合適和恰當的人；及
- (c) 不受禁止他們獲得註冊的紀律制裁命令限制。

2.3.3 如申請人曾在香港或其他地方，被裁定犯任何可令社工專業的聲譽受損及可判處監禁的罪行（不論申請人有否被判處監禁），註冊局可拒絕他們的申請。

2.3.4 如申請人有以下情況，只有所有註冊局成員考慮有關申請個案的所有情況後，議決他們可註冊，他們才可獲得註冊：

- (a) 曾在香港被裁定犯屬《條例》附表 2（參看附件一）所指明的任何類別的範圍的罪行；或
- (b) 曾在香港以外的其他地方被裁定任何罪行，而該罪行的作為或不作為如在香港作出，便會構成屬《條例》附表 2 所指明的任何類別的範圍的罪行。

2.4 申請註冊

申請註冊人士須以指明表格，向註冊主任遞交註冊申請。除繳交所需的費用外，他們必須就曾否被裁定犯任何罪行作出聲明。

2.5 接納及拒絕註冊申請

註冊局可接納或拒絕註冊申請，註冊主任須按照註冊局就此所訂立的規則行事。如拒絕註冊申請，註冊局將通知申請人有關該項拒絕和拒絕的理由。

2.6 註冊期滿及續期

- 2.6.1 已獲得註冊的註冊社工，由名列註冊紀錄冊當日起計，註冊有效期為 12 個月；註冊社工須每年為註冊續期。
- 2.6.2 註冊社工申請註冊續期，須在不早於現有註冊期滿日期前 3 個月，又不遲於該日期前 28 天的時間，以指明表格向註冊主任提出申請及繳交有關費用。
- 2.6.3 若註冊社工於註冊期滿日期或之前未有將他們的註冊續期或申請續期註冊，他們的姓名將於註冊期滿日期翌日，從註冊紀錄冊中被註銷，而他們亦由該日起，須被當作不再名列註冊紀錄冊。
- 2.6.4 註冊局如信納申請將註冊續期的人不再符合第 2.3 條〔第 2.3.1(a)條除外〕列出的註冊規定，可拒絕該人的申請，而這情況下，註冊局須將該項拒絕及拒絕的理由通知申請人。
- 2.6.5 如任何註冊社工的註冊已期滿，便須重新申請註冊，而不是將其註冊續期。

2.7 接納及拒絕續期註冊申請

註冊局可接納或拒絕續期註冊申請，註冊主任須按照註冊局就此所訂立的規則行事。如拒絕註冊續期申請，註冊局須通知申請人有關該項拒絕及拒絕的理由。

2.8 註冊證明書

每名註冊社工均獲註冊主任發出的註冊證明書或續期註冊證明書。

2.9 在註冊紀錄冊註銷姓名

- 2.9.1 註冊主任如知悉以下情況，可將註冊社工的姓名在註冊紀錄冊內註銷：
 - (a) 他／她已去世；
 - (b) 他／她申請終止註冊；
 - (c) 註冊局認為他／她不再通常居於香港（任何註冊社工如在 2 年或更長的期間已沒有居於香港，註冊局不得認為他／她是通常居於香港）；

- (d) 他／她未有將其註冊續期；
- (e) 他／她在註冊時無權獲得註冊；
- (f) 他／她沒有依照第 2.2.3 段規定，將資料的更改通知註冊主任；或
- (g) 他／她沒有按第五章規定送達通知，呈報控罪及定罪資料。

2.9.2 除了第 6.9.2 段另有規定外，註冊主任如接獲由上訴法庭或註冊局作出的命令，指示在註冊紀錄冊內將某姓名註銷，他便須在註冊紀錄冊內將該姓名註銷。

2.9.3 凡註冊主任擬根據第 2.9.1 段所述的理由〔第 2.9.1(a)及(b) 段所述的除外〕在註冊紀錄冊內將任何註冊社會工作者的姓名註銷，他須以掛號郵件將其意向的通知及該意向的理由寄往該社會工作者的註冊地址，在寄出該通知的日期後的 28 天期間屆滿時，註冊主任方可將他／她的姓名註銷。

2.9.4 註冊主任如向任何註冊社會工作者發出通知，說明 —

- (a) 註冊局認為他／她不是通常居於香港，而在註冊主任着手在註冊紀錄冊內將他／她的姓名註銷之前，他／她令註冊局信納他／她是通常居於香港的；
- (b) 他／她並沒有申請將其註冊續期，而在註冊主任着手在註冊紀錄冊內將他／她的姓名註銷之前，他／她妥當地申請將其註冊續期；
- (c) 他／她在註冊時無權獲得註冊，而在註冊主任着手在註冊紀錄冊內將他／她的姓名註銷之前，他／她令註冊局信納他／她有權獲得註冊；
- (d) 他／她沒有依照第 2.2.3 條規定將詳情的更改通知註冊主任，而在註冊主任着手在註冊紀錄冊內將他／她的姓名註銷之前，他／她採取會糾正註冊紀錄冊內欠妥善之處的行動；或
- (e) 他／她沒有依照第五章規定送達通知，而在註冊主任着手在註冊紀錄冊內將他／她的姓名註銷之前，他／她將該通知送達註冊局，

則註冊主任不得因根據第 2.9.3 條款發出的通知所列出的理由而在註冊紀錄冊內將該社會工作者的姓名註銷。

2.9.5 註冊社工獲註冊主任通知其姓名在註冊紀錄冊被註銷後的 14 天內，須將任何註冊證明書交回。

2.10 罪行及刑罰

2.10.1 任何人—

- (a) 在申請註冊時顯示自己為通常居於香港，但與事實不符；
- (b) 被註銷註冊後的 14 天內，無合理辯解而拒絕或沒有將其註冊證明書交回註冊主任，

即屬犯罪，可處第 5 級罰款。

2.10.2 任何人—

- (a) 以欺詐手段令自己或他人得以註冊為註冊社工（第 1 類）或註冊社工（第 2 類）；
- (b) 藉任何具誤導性、虛假或有欺詐成分的口頭或書面陳述，令自己或他人得以註冊為註冊社工（第 1 類）或註冊社工（第 2 類）；
- (c) 捏改註冊紀錄冊或安排捏改註冊紀錄冊；
- (d) 假冒或虛假地表示自己就是在呈交予註冊局或紀律委員會的證明書或文件中所述的人，

即屬犯罪，可處第 5 級罰款及監禁 1 年。

第三章

使用名銜

3.1 適用範圍

3.1.1 任何不是名列註冊紀錄冊的人士均無權使用「註冊社會工作者」或「registered social worker」的稱謂；「R.S.W.」的英文縮寫；或「社會工作」或「social work」或「社會工作者」或「社工」或「social worker」的稱謂，不論是否連同任何其他稱謂或英文縮寫使用，或以其他方式使用，以描述其專業為社工專業或社工專業資格。

3.1.2 任何人士如確實具有學術或專業資格，縱使他們沒有註冊，第 3.1.1 段並不禁止他們述明他們的學術或專業資格。

3.1.3 註冊局可向法官申請頒令，禁止不是名列註冊紀錄冊的人士使用第 3.1.1 段所述的社工稱謂。

3.1.4 如任何人—

(a) 已在香港以外為個別個案或事宜提供社會工作服務，並擬為此在港作跟進；
或

(b) 已在香港以外地方提供某項社工服務，並因曾受相當訓練及具實際經驗而在該服務範疇具專長，而在香港的註冊社工中，並無這項服務提供；而他們為了向香港的社工示範，擬在香港提供這項服務，

縱使沒有註冊，仍可因上述的社會工作服務，使用「social work」、「社會工作」、「social worker」、「社會工作者」或「社工」的稱謂，或用以描述他們的專業或專業資格。

3.1.5 第 3.1.4 段所述的人士，以他們入境香港當日起計，只可使用社工稱謂 6 個月以描述他們的專業及職業，除非他們獲註冊局以書面延長或再延長期限。

3.2 罪行及刑罰

任何人—

- (a) 虛假地採用或使用任何表明自己名列註冊紀錄冊的名稱、英文縮寫、名銜、頭銜或稱謂；
- (b) 本身不是註冊社工，而（但在不損害第 3.1.4 段及第 3.1.5 段的實施下）在與其業務或專業有關的情況下，或在知情下容許他人在與其業務或專業有關的情況下，使用「註冊社會工作者」或「registered social worker」的稱謂；英文縮寫「R.S.W.」；「社會工作」或「social work」或「社會工作者」或「社工」或「social worker」的稱謂；或任何英文縮寫或簡稱，而目的是令到或按常理令到他人相信使用這些英文縮寫或簡稱的人名列註冊紀錄冊；
- (c) 並非名列註冊紀錄冊，而宣傳或表示自己是註冊社工，或在知情下容許其姓名被如此宣傳或表示，

即屬犯罪，可處第 5 級罰款。

第四章

工作守則

- 4.1 為了就註冊社工的專業操守（包括關乎該等操守的道德事宜）提供實務指引，註冊局可制訂《社會工作者工作守則》（《工作守則》）。《工作守則》須藉憲報公告及指明其生效日期。註冊局可按情況不時修改《工作守則》，任何修訂亦須刊憲及指明其生效日期，才可生效。
- 4.2 任何註冊社工如沒有遵守經批准的《工作守則》的任何條文，這事本身並不是違紀行為。但當註冊社工被指稱犯違紀行為，註冊局或紀律委員在考慮這註冊社工有否犯被指稱的違紀行為時，可視乎個案的情況，顧及《工作守則》中與該被指稱的違紀行為有關的任何條文。

第五章

註冊社工呈報控罪及定罪的责任

- 5.1 任何註冊社工如在作出第 2.4 段所述的法定聲明的日期當日或之後的任何時間，被控以任何罪行或被裁定犯任何罪行（不論是在香港或其他地方），他們須在被控或被裁定犯罪（視屬何情況而定）之後的合理切實可行範圍內，盡快書面通知註冊局，指明被控或被裁定犯的罪行的性質。
- 5.2 如註冊社工曾根據第 5.1 段所述，書面通知註冊局他們被控觸犯罪行，他們之後亦須書面通知註冊局有否被裁定犯該罪行及有關詳情。

第六章

紀律處分程序

6.1 違紀行為

6.1.1 註冊社工如有以下情況，即屬作出違紀行為：

- (a) 在專業方面有失當或疏忽行為；
- (b) 被裁定犯《條例》所訂的任何罪行；
- (c) 以欺詐手段或失實陳述而獲得註冊；
- (d) 以證人或有關人士的身份被傳召，但無合理辯解而拒絕或沒有出席相關的紀律聆訊或會議；
- (e) 在香港或其他地方被裁定犯任何可令社工專業的聲譽受損的罪行，及任何可判處監禁的罪行（不論有否被判處監禁）；或
- (f) 被裁定第 2.3.4(a)及(b)段所述任何罪行。

6.1.2 如註冊社工在他們申請註冊或註冊續期時，向註冊局披露他們的失當或疏忽行為或定罪，而註冊局其後接納他們的註冊或續期申請，就該註冊或註冊續期而言，他們不會就已披露的失當或疏忽行為或定罪而被視作犯違紀行為。

6.2 註冊局處理有關違紀行為投訴的程序

6.2.1 任何關於違紀行為的投訴，須以指明的表格向註冊主任提出，而註冊主任亦會將有關表格呈交由註冊局委任的兩名註冊局成員，他們將按《條例》規定的情況，考慮是否將投訴轉介註冊局。

6.2.2 除非有下列情況，否則第 6.2.1 段所述被委任的兩名註冊局成員須將投訴轉介註冊局：

- (a) 成員信納在緊接註冊主任收到該投訴的日期前超過兩年的時間，投訴人已實際知悉遭投訴的違紀行為，而投訴人又沒有足以解釋延誤投訴的特殊情況；
- (b) 投訴是以匿名方式提出的；
- (c) 不能識別投訴人的身分或不能追查該投訴人的下落；
- (d) 遭投訴的社工已不再是註冊社工；

- (e) 紀律委員會以前已對該投訴或在相當程度上性質相類似的投訴進行聆訊，而註冊局亦決定相關社工並沒有作出遭投訴的違紀行為；
- (f) 成員信納遭投訴的違紀行為屬微不足道；
- (g) 成員信納該投訴是瑣屑無聊，或無理取鬧的，或不是真誠地提出的；或
- (h) 成員因任何其他理由而信納毋須將該投訴轉介註冊局。

6.2.3 投訴被轉介至註冊局後的 30 天內，註冊局必須從紀律委員會備選委員小組委出紀律委員會，對該投訴進行聆訊，並就被投訴社工曾否作出遭投訴的違紀行為向註冊局提出意見。如曾作出違紀行為，紀律委員會須向註冊局建議適當的紀律制裁命令，註冊局將就這投訴作出最後決定。

6.3 紀律委員會備選委員小組

6.3.1 註冊局須按照以下數目及類別委任非註冊局成員為紀律委員會備選委員小組的成員：

- (a) 不少於 12 名持有認可社工學位的註冊社工（第 1 類）；
- (b) 不少於 12 名持有認可社工文憑的註冊社工（第 1 類）；及
- (c) 不少於 10 名非註冊社工。

6.3.2 有關紀律委員會備選委員小組成員的委任須在憲報公布。

6.4 紀律委員會及其會議程序

6.4.1 紀律委員會的組成

- (a) 紀律委員會須由備選委員小組的 5 名成員組成，當中不少於 3 名及不多於 4 名成員須為註冊社工。
- (b) 如遭投訴的註冊社工是公職人員，紀律委員會中 1 名成員須為註冊社工兼公職人員，而其所具備的社會工作者的專業經驗須與被投訴註冊社工的專業經驗相若。
- (c) 如遭投訴的註冊社工不是公職人員，紀律委員會中 1 名成員須為註冊社工兼非公職人員，而其所具備的社會工作者的專業經驗須與被投訴註冊社工的專業經驗相若。

6.4.2 紀律委員會召開任何會議，法定人數須為 3 名成員，而－

- (a) 其中須有最少 1 名成員不是註冊社工；及
- (b) 如被投訴的註冊社工是公職人員，該 3 名成員中的 1 名須是第 6.4.1(b) 段中所述的成員；或在任何其他情況下，該 3 名成員的其中 1 名必須是第 6.4.1(c) 段中所述的成員。

6.4.3 出席紀律委員會的會議的成員可選出其中一名成員主持會議。

6.5 聆訊的程序進行及獲取證據的權力

6.5.1 若紀律委員會須進行聆訊，聆聽有關違紀行為的投訴的證據，在該聆訊前 28 天，被投訴的註冊社工須獲發有關投訴及聆訊的日期、時間和地點的通知，否則紀律委員會不得進行是次聆訊。

6.5.2 任何紀律委員會有權－

- (a) 聆聽、收取和審查在宣誓後作出的證供；
- (b) 在符合公正原則情況下，傳召任何人(包括被投訴的註冊社工)出席聆訊；或傳召任何人出席作證或出示任何由他／她管有的文件或其他物件，並有權訊問被傳召出席作證的人，或要求他／她出示任何由他／她管有的文件或其他物件；
- (c) 容許或禁止所有或任何公眾人士旁聽聆訊；
- (d) 容許或禁止新聞界旁聽聆訊；及
- (e) 判給被紀律委員會傳召出席聆訊作證的人士，而紀律委員會認為他／她因出席作證而付出的合理開支，所判給款項將由註冊局資金支付。

6.5.3 在聆訊過程中，被投訴的註冊社工有權－

- (a) 出席聆訊和聆聽在聆訊中提出的所有證據；
- (b) 訊問證人和審查在聆訊中出示的文件或提出的其他證據；
- (c) 傳召證人和在聆訊中出示任何文件或提出其他證據；及
- (d) 有法律代表。

6.5.4 註冊主任須簽署證人傳票。

6.5.5 如紀律委員會認為任何人回答任何問題或出示任何文件或其他物件後，可能會導致他／她入罪，那人便毋須回答該問題或出示該文件或其他物件。

6.5.6 在向紀律委員會作供的證人所享有的特權，與假使他／她是在法庭作供時所享有的相同。

6.6 法律顧問

註冊局可委任一名執業律師，就對指稱中的違紀行為進行聆訊期間或前後所產生的任何法律及程序問題，向紀律委員會及註冊局提供意見。

6.7 紀律委員會的建議及註冊局的決定

6.7.1 紀律委員會就被投訴人曾否作出違紀行為及將會建議的適當紀律制裁命令達成決定後，須向註冊局報告。

6.7.2 在考慮紀律委員會的決定或建議、支持該決定或建議的理由和證據，以及所有有關情況後，註冊局須決定投訴是否成立，即被投訴人曾否作出違紀行為，並將其決定及作出該決定的理由通知投訴人。

6.7.3 若註冊局在考慮紀律委員會就有否違紀行為及應發出那一項紀律制裁命令提出的意見後，認為須對這投訴作進一步調查，可發還這投訴予提交報告的紀律委員會或轉介由註冊局委出的另一紀律委員會，並就進一步調查的事項作出指示。

6.7.4 凡任何註冊社工被指稱曾作出第 6.1.1(b)、(e) 或(f) 段所述的違紀行為，紀律委員會毋須查究他／她是否恰當地被裁定犯指稱中的罪行。

6.7.5 凡任何註冊社工被指稱曾作出第 6.1.1(b)或(e)段所述的違紀行為，紀律委員會在考慮過程中，可考慮已記錄定罪的個案的任何紀錄，及任何其他能顯示罪行的性質及嚴重性的相關證據。

6.8 紀律制裁命令

6.8.1 如註冊局裁定某註冊社工曾作出違紀行為，便須對他／她作出以下任何一項紀律制裁命令：

- (a) 命令註冊主任在註冊紀錄冊內將該註冊社工的姓名永遠註銷；
- (b) 命令註冊主任在註冊紀錄冊內將該註冊社工的姓名註銷，為期一段註冊局認為合適的期間（但不超過 5 年）；
- (c) 書面譴責該註冊社工和命令註冊主任將有關譴責記錄於註冊紀錄冊上；或
- (d) 發出紀律制裁命令，使註冊局的主席口頭訓誡該註冊社工。

6.8.2 如第 6.8.1 段所述的違紀行為是第 6.1.1(f)段所述的違紀行為，註冊局必須發出第 6.8.1(a) 段所述的紀律制裁命令，即命令註冊主任在註冊紀錄冊內將這註冊社工的姓名永遠註銷。

6.9 送達及執行紀律制裁命令

6.9.1 在註冊局就對註冊社工提出的投訴作出決定後，不論被投訴社工被裁定有或沒有作出指稱中的違紀行為，註冊主任須盡快以面交或掛號郵遞方式，將該決定連同作出該決定的理由的文本及作出的紀律制裁命令的文本，送達該社工的註冊地址。

6.9.2 在第 6.11 段所述的上訴通知的期限屆滿前，以及如有關上訴已被提出，而有關紀律制裁命令尚未獲上訴法庭確認或更改前，註冊局不得執行這紀律制裁命令；如這命令被更改，註冊局便須執行經更改的命令。

6.9.3 如有以下情況，有關紀律制裁命令仍可在第 6.11 段中所述的上訴通知期限屆滿前予以執行－

- (a) 註冊局信納為保障公眾或為有關註冊社工的最佳利益著想；及
- (b) 已信納上述情況理由的文本送達該社工。

6.10 發表紀律制裁命令

6.10.1 在上訴時限屆滿或在上訴已獲最終裁定後，註冊局必須將根據第 6.8.1(a)、(b) 或(c)段所發出的紀律制裁命令，或經上訴而有所更改的命令，在每日行銷於香港的中文及英文報章最少各一份發表。如所作出的是其他紀律制裁命令，註冊局亦可按同樣途徑發表該命令。註冊局亦可將上述命令或經上訴而有所更改的命令，在註冊局認為合適的其他刊物上或以註冊局認為合適的其他方

式發表。

6.10.2 當根據第 6.10.1 段發表紀律制裁命令時，註冊局須同時發表足夠詳情，以令公眾知悉與命令有關的事項的性質。此外，註冊局亦可同時發表有關紀律委員會的聆訊程序的敘述。

6.10.3 任何人不得就第 6.10 段規定或容許發表的紀律制裁命令或其他詳情，以誹謗為由，提出損害賠償訴訟。

6.11 向上訴法庭提出上訴

6.11.1 如任何人士因以下註冊局所作出的決定感到受屈，可向上訴法庭提出上訴：

- (a) 註冊局拒絕他們的註冊或續期申請；
- (b) 註冊局決定他們曾作出違紀行為；或
- (c) 註冊局向他們發出的任何紀律制裁命令。

6.11.2 上訴法庭可確認、推翻或更改上訴所針對的決定或紀律制裁命令。

6.11.3 任何人若針對註冊局就註冊社工犯違紀行為作出的決定或紀律制裁命令提出上訴，上訴法庭須考慮紀律委員會及註冊局所提出的理由，及代表聆訊的各方就紀律委員會對事實和法律的裁斷作出的陳詞。上訴法庭可要求取得向紀律委員會提出的證據的原本紀錄及用作證據的文件。

6.11.4 如顯示有特殊理由，上訴法庭可考慮沒有向紀律委員會提交的額外證據。

6.11.5 關於上訴的實務須符合根據《高等法院條例》(第 4 章)訂立的法院規則。

6.11.6 上訴法庭無權就第 6.11.1(a)、(b)或(c)段所述的決定聆訊，除非上訴的通知在以下日期後的 3 個月內發出：

- (a) 如屬第 6.11.1(a)或(b)段所述的情況，為發出有關該決定的通知的日期；或
- (b) 如屬第 6.11.1(c)段所述的情況，為根據第 6.9 段送達紀律制裁命令的日

期；或如第 6.8.1(a)段適用，則作出訓誡的日期。

6.11.7 上訴法庭就根據第 6.11 段所述的上訴作出裁定時，可就支付訟費作出其認為合理的命令。

6.12 罪行及刑罰

6.12.1 任何人—

(a) 被紀律委員會根據第 6.5.2(b) 段傳召出席聆訊作證或出示文件或其他物件，但沒有合理辯解而拒絕或沒有這樣做；或

(b) 在紀律委員會席前作證，但沒有合法辯解而拒絕或沒有回答紀律委員會的提問，

即屬犯罪，可處第 5 級罰款。

6.12.2 任何人假冒或虛假地表示自己就是在呈交予註冊局或紀律委員會的證明書或文件中所述的人，即屬犯罪，可處第 5 級罰款及監禁 1 年。

第七章

費用

- 7.1 註冊局可為任何「有關事宜」，釐定須繳付的費用。
- 7.2 當釐定「有關事宜」的費用時，註冊局可因應情況，指明須就任何費用，可在甚麼情況下以及可由誰人全部或局部減收、免收或退還。
- 7.3 註冊局按第 7.1 段釐定的費用，在諮詢勞工及福利局局長後，將於普遍行銷於香港的中文及英文報章最少各一份發表有關內容。
- 7.4 勞工及福利局局長可就註冊局行使第 7.1 段或第 7.2 段所述的權力，或執行第 7.3 段所述的職能，向註冊局發出書面指示，而註冊局須遵從。
- 7.5 如就任何有關事宜而釐定的任何費用仍未獲繳付，註冊局及註冊主任均可拒絕執行這事宜。
- 7.6 在《條例》中，「有關事宜」是指 —
- (a) 註冊紀錄冊的更正，不論是否根據第 2.2.3 段發出的通知或以其他方式作出的更正；
 - (b) 註冊紀錄冊任何部分的文本的提供；
 - (c) 註冊為註冊社工的申請；
 - (d) 將註冊社工的註冊續期的申請；
 - (e) 在遲於現有註冊期滿前 28 天的時間收到的註冊社工的註冊續期的申請；
 - (f) 因執行第 6.8.1(b)段所述的紀律制裁命令，於姓名在註冊紀錄冊內被註銷期滿後，恢復名列註冊紀錄冊內；
 - (g) 就第 3.1.4 段所述的任何提供社會工作服務的人士，其按第 3.1.5 段所指明的服務期間的延展或進一步的延展；
 - (h) 已遺失、污損或銷毀的註冊證明書的補發；或
 - (i) 根據第 7.7 段指明的任何其他事宜。
- 7.7 勞工及福利局局長可藉憲報公告指明任何事宜為『有關事宜』。

附件一

《社會工作者註冊條例》附表 2 令某人不能擔任或不能繼續擔任註冊社會工作者的罪行

[第 17(4)(b)及 39(2)條]

1. 《親父鑑定訴訟條例》（第 183 章）的以下條次所訂的罪行

條次	說明*
16(b)	虐待兒童

2. 《刑事罪行條例》（第 200 章）的任何以下條次所訂的罪行

條次	說明*
47	男子亂倫
48	16 歲或以上女子亂倫
118	強姦
118A	未經同意下作出的肛交
118B	意圖作出肛交而襲擊
118C	由 21 歲以下男子作出或與 21 歲以下男子作出同性肛交
118D	與 21 歲以下女童作出肛交
118E	與弱智者作出肛交
118F	非私下作出的同性肛交
118G	促致他人作出同性肛交
118H	由 21 歲以下男子作出或與 21 歲以下男子作出嚴重猥褻作為
118I	男子與男性弱智者作出嚴重猥褻作為
118J	男子與男子非私下作出的嚴重猥褻作為
118K	促致男子與另一男子作出嚴重猥褻作為
118L	獸交
119	以威脅或恐嚇促致他人作非法的性行為
120	以虛假藉口促致他人作非法的性行為
121	施用藥物以獲得便利第三者作非法的性行為
122	猥褻侵犯
123	與年齡在 13 歲以下的女童性交
124	與年齡在 16 歲以下的女童性交(但犯罪者在犯罪時必須年滿 18 歲以上)

125	與女性弱智者性交
126	拐帶年齡在 16 歲以下的未婚女童
127	拐帶年齡在 18 歲以下的未婚女童為使她與人性交
128	拐帶弱智者為使其作出非法性行為
129	販賣他人而目的在於賣淫
130	控制他人而目的在於使他與人非法性交或賣淫
131	導致賣淫
132	促致年齡在 21 歲以下的女童與人性交
133	促致女性弱智者與人性交
134	禁錮他人為使他與人非法性交或禁錮他人於賣淫場所
135	導致或鼓勵 16 歲以下女童或男童賣淫；導致或鼓勵他人與其非法性交或向其猥褻侵犯
136	導致或鼓勵弱智者賣淫
137	依靠他人賣淫的收入為生
138A	利用、促致或提供未滿 18 歲的人以製作色情物品或作真人色情表演
139	經營賣淫場所
140	准許年齡在 13 歲以下的女童或男童經常前往或置身於處所賣淫或與人非法性交
141	准許青年經常前往或置身於處所或船隻以作出賣淫、肛交、性交或同性性行為
142	准許弱智者經常前往或置身於處所或船隻以作性交、賣淫或同性性行為
146	向年齡在 16 歲以下的兒童作出猥褻行為
147	為不道德目的而唆使他人
148	在公眾地方的猥褻行為
153Q(1)	與在香港以外地方對兒童作出違反附表 2 所列條文的作為有關的安排

為免生疑問，凡《刑事罪行條例》(第 200 章)中任何條文所訂罪行憑藉該條例第 153P 條可由在香港以外地方作出的作為構成，則在本項中對該條文所訂罪行的提述包括對如此構成的罪行的提述。

3. 《侵害人身罪條例》(第 212 章)的任何以下條次所訂的罪行

條次	說明*
2	謀殺
5	串謀或唆使謀殺

7	誤殺
10	意圖謀殺而施用毒藥或傷人
11	意圖謀殺而摧毀或破壞建築物
12	意圖謀殺而放火燒船或破壞船舶
13	意圖謀殺而企圖施用毒藥或射擊或企圖射擊、淹溺等
14	以未有指明的方法企圖謀殺
15	發送威脅殺人信件
17	意圖造成身體嚴重傷害而射擊、企圖射擊、傷人或打人
19	傷人或對他人身體加以嚴重傷害
20	為了犯可公訴的罪行而企圖使人窒息等
21	為了犯可公訴的罪行而使用哥羅仿等
22	為危害生命或使他人身體受嚴重傷害而施用毒藥等
23	意圖損害等而施用毒藥等
26	遺棄兒童以致他或她的生命受危害
27	對所看管兒童或少年人虐待或忽略
29	意圖造成身體嚴重傷害而導致火藥爆炸等或淋潑腐蝕性液體
30	意圖造成身體加以嚴重損傷而在建築物等附近放置火藥
31	意圖對人身體加以嚴重傷害而裝置彈簧槍等
42	意圖販賣而將人強行帶走或禁錮
43	拐帶 14 歲以下兒童
44	為有值代價而非法移轉對於他人的管有、管養或控制
47B	殺胎
47C	殺嬰

4. 《保護兒童及少年條例》（第 213 章）的任何以下條次所訂的罪行

條次	說明*
26	拐帶兒童或少年
42	協助兒童或少年逃離看管或控制

*註：在附表中罪行的簡短說明，只為方便參考。

EXPLANATORY GUIDE TO THE SOCIAL WORKERS REGISTRATION ORDINANCE

Introduction

The Social Workers Registration Ordinance (Cap. 505) (the Ordinance) came into force on 6 June 1997. The Ordinance provides for the registration of social workers, disciplinary control of the professional activities of registered social workers, and other related matters. The registration system and regulatory mechanism established under the Ordinance are means of monitoring the professionalism of registered social workers and protecting the interests of service users and the general public.

This Guide consists of seven chapters, which briefly set out the main provisions of the Ordinance. With the Guide, the Social Workers Registration Board wishes to help registered social workers, their employers, those who hope to practise social work, service users, and the general public better understand the provisions and the application of the Ordinance. The contents of the Guide are for reference only. The Ordinance itself remains the sole authority on the provisions of the law.

The Guide has been uploaded to the Board's website (<http://www.swrb.org.hk>). For inquiries, please contact the Board office at 2591 1955.

CHAPTER 1

The Social Workers Registration Board

1.1 Establishment and Constitution

1.1.1 The Social Workers Registration Board (the Board) was established as a statutory body under the Social Workers Registration Ordinance (Cap. 505) (the Ordinance) on 16 January 1998. As it was not established under governmental auspices, the Board is financially independent and its mandate is governed solely by the Ordinance.

1.1.2 The Board is composed of 15 members. Of these, 8 are elected registered social workers, 6 are appointed by the Chief Executive, and 1 is the Director of Social Welfare or his/her representative.

1.1.3 The term of office for Board members is 3 years. Their tenure is confined to a maximum of 9 consecutive years (3 terms) or no more than 9 years within any 11-year period.

1.1.4 If the Chief Executive is satisfied that a member of the Board (other than the Director) –

(a) has become bankrupt or has entered into a composition or scheme of arrangement with his creditors within the meaning of the Bankruptcy Ordinance (Cap. 6);

(b) has been absent from 3 consecutive meetings of the Board –

(i) of which he/she has had notice to attend; and

(ii) without the permission of the Board;

(c) has become so incapacitated by physical or mental illness as to be unable to carry out his/her duties as a member;

(d) has ceased to be ordinarily resident in Hong Kong;

(e) has been sentenced to imprisonment, whether suspended or not, by any court or magistrate; or

(f) has been found guilty of a disciplinary offence,

the Chief Executive may declare his office as a member of the Board to be vacant

and shall notify the fact in such manner as the Chief Executive thinks fit, and upon such declaration the office shall become vacant.

- 1.1.5 If any elected Board member ceases to be a registered social worker for whatever reason, the Secretary for Labour and Welfare shall publish a notice in the Gazette, stating that his/her office is vacant and office shall be vacant upon publication.
- 1.1.6 Upon the expiry of the term of office of any elected Board member otherwise than by effluxion of time, the Board shall conduct an election for a new member to fill the vacated position for the balance of the former member's tenure of service.
- 1.1.7 A Chairperson and a Deputy Chairperson are to be elected by Board members from among their number. The Deputy Chairperson shall act as Chairperson if the Chairperson is absent from Hong Kong or is, for any reason, unable to act as Chairperson.
- 1.1.8 All Board members serve the Board on a voluntary basis. No fees are paid to any of them for their services as a member.

1.2 Proceedings

- 1.2.1 The Board shall not transact business at a meeting other than to adjourn unless there is a quorum of 6 members of the Board present.
- 1.2.2 All matters raised at Board meetings are decided by a majority of votes by the members present and voting. Where the votes are equally divided, the Chairperson or other member presiding has a casting vote in addition to his or her original vote.

1.3 Functions

The Board has the following functions:

- (a) establishing and maintaining a register of registered social workers;
- (b) setting and reviewing the qualification standards for registration as registered social workers and related registration matters;
- (c) assessing qualifications to ascertain whether they should be set under 1.3(b);
- (d) publishing from time to time and making available for public inspection the latest qualification standards and qualifications for registration as registered social workers;
- (e) examining and verifying the qualifications of persons who apply for registration as registered social workers;
- (f) receiving, examining, accepting, or rejecting applications for registration and renewal of registration as registered social workers;

- (g) dealing with disciplinary offences of registered social workers in accordance with the Ordinance;
- (h) keeping proper records of its proceedings and accounts; and
- (i) performing other functions as are imposed on it under the Ordinance.

1.4 Powers

To perform its better functions, the Board may –

- (a) establish committees to advise the Board on the performance of its functions and the exercise of its powers;
- (b) employ persons to assist the Board with the performance of its functions and the exercise of its powers;
- (c) acquire, hold and dispose any property of any description if in the opinion of the Board, such property is necessary for the accommodation of the Board or the performance of any of its functions;
- (d) enter into, carry out, assign or accept the assignment of, vary or rescind, any contract, agreement or other obligation; and
- (e) exercise such other powers as are conferred on it under the Ordinance.

1.5 Making Rules

The Board may make rules in respect of –

- (a) the conduct of meetings of the Board or of any committee (including a disciplinary committee);
- (b) the election of members of the Board members, the Chairperson, the Deputy Chairperson, and the Acting Chairperson;
- (c) the steps to be taken by the Registrar where the Board accepts or rejects an application for registration or renewal of registration;
- (d) the conduct and discipline of registered social workers;
- (e) the reimbursement of reasonable expenses incurred by persons attending to the business of the Board;
- (f) the conduct of inquiries by a disciplinary committee and for other matters relating to the investigation of an alleged disciplinary offence.

1.6 Disclosure of Interest

- 1.6.1 Board members who are in any way directly or indirectly interested in a contract made or proposed to be made by the Board, the committee, or an employee or agent of the Board must disclose the nature of their interest at a meeting of the Board. The Board shall record the disclosure in the minutes of the meeting.
- 1.6.2 Members who have an interest in a contract, as specified in Paragraph 1.6.1, must

not take any part in any of the Board's deliberations or vote on any matters concerning the contract unless they have the permission of the Chairperson of the Board or other member presiding.

1.7 Protection of Members of Board

Any of the following persons who are acting in good faith, shall not be personally liable in damages for any act done or default made in the performance or purported performance of any function, or the exercise or purported exercise of any power, imposed or conferred on the Board under the Ordinance:

- (a) any member of the Board or a committee (including a disciplinary committee);
- (b) the Registrar;
- (c) any employee of the Board.

CHAPTER 2

Registration

2.1 Registrar

The Board shall appoint a person to be the Registrar. He is responsible for the custody of the Register and serves as Secretary to the Board and, subject to any rules made by the Board, any committee (including a disciplinary committee).

2.2 Register

2.2.1 Under the direction of the Board, the Registrar shall keep the Register of registered social workers, which is divided into 2 parts: part 1 for registered social workers (category 1); and part 2 for registered social workers (category 2). The information provided in the Register for each social worker includes: name, registration number, registered address, qualifications for registration, and any other information that the Board may specify (at present, “the employing agency last known to the Board” is also included).

2.2.2 The Register is available to any person for inspection free of charge at the Board office during office hours.

2.2.3 A person whose name is entered in the Register shall within 3 months notify the Registrar of any change in the particulars mentioned in Paragraph 2.2.1.

2.3 Qualifications for Registration

2.3.1 Persons who wish to practise social work must be registered as registered social workers based on any one of the following qualifications:

(a) registered social workers (category 1),

(i) holding a degree or diploma in social work recognized by the Board for registration (a list of social work qualifications recognized by the Board for registration is available on <http://www.swrb.org.hk/chiasp/hk.asp>); or

(ii) having occupied a social work post not later than 31 March 1982, and for 10 years subsequent to that date, whether or not continuously.

(b) registered social workers (category 2)

(i) being not qualified for registration as registered social workers (category 1)

but are currently occupying or have been accepted for a social work post;
and

- (ii) being so registered under Paragraph 2.3.1(b)(i), proposing to obtain a recognized degree or diploma in social work within a period which is reasonable in all the circumstances. [At present, the Board requires registered social workers (category 2) to submit a study proposal on obtaining a recognized social work degree or diploma within 2 years from the date of the first registration as a registered social worker. When they apply for renewal of their current registration, they should show to the Board their efforts in obtaining the requisite social work qualification by providing documentary proof of their enrollment in a social work programme(s) in the past year.]

2.3.2 At the time of application for registration as registered social workers, the applicants are also required to be:

- (a) ordinarily resident in Hong Kong;
- (b) a fit and proper person to be registered; and
- (c) not subject to a disciplinary order which precludes them from being registered.

2.3.3 The Board may refuse to register a person as a registered social worker who has been convicted in Hong Kong or elsewhere of any offence which may bring the profession of social worker into disrepute and is punishable with imprisonment (and whether or not the person was sentenced to imprisonment).

2.3.4 Persons under the following situation may be registered as social workers if, but only if, all the members for the time being of the Board, after considering all the circumstances of the case, resolve that they be so registered:

- (a) having been convicted in Hong Kong of any offence coming within any of the descriptions specified in Schedule 2 of the Ordinance (see Appendix 1); or
- (b) having been convicted elsewhere of any offence where the act or omission constituting the offence, if the act or omission had occurred in Hong Kong, would constitute an offence coming within any of the descriptions specified in Schedule 2 of the Ordinance.

2.4 Application for Registration

Persons seeking registration should apply to the Registrar and in the specified form. In addition to paying the prescribed fee, they must make a declaration regarding any convictions for previous offences.

2.5 Acceptance and Refusal of Registration

The Board may accept or reject an application for registration. Where the Board accepts or rejects an application for registration, the Registrar shall act in accordance with the rules made by the Board. Where the Board rejects an application for registration, it shall notify the applicant of the rejection and the reasons.

2.6 Expiry of Registration and Renewal

- 2.6.1 Entries in the Register of registered social workers shall remain in force for 12 months from the date of registration and must be renewed annually by application of the persons so registered.
- 2.6.2 Applications made by registered social workers for renewal of registration should be made no earlier than 3 months and no later than 28 days prior to the expiry of the current registration. The application must be made to the Registrar in the specified form, with a payment for the prescribed fee.
- 2.6.3 Registered social workers who do not have their current registration renewed or apply for renewal before the expiry of their current registration shall have their names removed from the Register and shall be deemed absent from the Register from the day following the date of expiry of their registration.
- 2.6.4 The Board may reject an application for renewal of registration if it is satisfied that the applicant does not continue to comply with the requirements for registration set out in Paragraph 2.3 [except Paragraph 2.3.1(a)]. In such a case, the Board shall notify the applicant of the rejection and the reasons therefor.
- 2.6.5 Social workers whose registration has expired are required to reapply for registration instead of renewing their registration.

2.7 Acceptance and Refusal of Renewal

The Board may accept or reject an application for renewal of registration. Where the Board accepts or rejects an application for renewal of registration, the Registrar shall act in accordance with the rules made by the Board. Where the Board rejects an application for renewal of registration, it shall notify the applicant of the rejection and the reasons.

2.8 Certificate of Registration

Each registered social worker obtains a certificate of registration or a certificate of

renewal of registration in the specified form issued by the Registrar.

2.9 Removal of a Name from the Register

2.9.1 The Registrar may remove the name of a registered social worker from the Register if he/she –

- (a) has died;
- (b) has applied to discontinue his/her registration;
- (c) has, in the opinion of the Board, ceased to be ordinarily resident in Hong Kong (for this purpose, if a registered social worker has failed to reside in Hong Kong for a period of 2 years or more, the Board shall not consider him/her to be ordinarily resident in Hong Kong);
- (d) has failed to renew his/her registration;
- (e) was not at the time of his/her registration entitled to be registered;
- (f) failed to notify a change of details required under Paragraph 2.2.3; or
- (g) failed to serve a notice required under Chapter 5 to report details of charge or conviction.

2.9.2 Subject to Paragraph 6.9.2, the Registrar must remove a name from the Register upon receipt of an order from the Court of Appeal or the Board directing that the name be removed.

2.9.3 If the Registrar intends to remove the name of a registered social worker from the register for any reason specified in Paragraph 2.9.1 except those in 2.9.1(a) and (b), he shall send a notice of his intention and the reason for doing so by registered post to the registered address of the social worker and shall not remove his/her name until the expiry of a period of 28 days after the date of posting the notice.

2.9.4 If the Registrar gives notice to a registered social worker that –

- (a) the Board is of the opinion that he/she is not ordinarily resident in Hong Kong and, before the Registrar acts to remove his/her name from the Register, the social worker satisfies the Board that he/she is ordinarily resident in Hong Kong;
- (b) he/she has not applied to renew his/her registration and, before the Registrar acts to remove his/her name from the Register, the social worker properly applies to renew his/her registration;
- (c) he/she was not at the time of his/her registration entitled to be registered and, before the Registrar acts to remove his/her name from the Register, the social worker satisfies the Board that he/she was entitled to be registered;

- (d) he/she has failed to notify a change in particulars required under Paragraph 2.2.3 and, before the Registrar acts to remove his/her name from the Register, the social worker takes such action as will remedy the defect in the Register; or
- (e) he/she has failed to serve a notice required under Chapter 5 and, before the Registrar acts to remove his/her name from the Register, the social worker serves such notice on the Board,

the Registrar shall not remove the name from the Register for the reason set out in a notice referred to in Paragraph 2.9.3.

- 2.9.5 If the name of a registered social worker is removed from the Register, he/she must return any certificate issued in respect of his/her registration to the Registrar not later than 14 days after being notified thereof by the Registrar.

2.10 Offences and Penalties

2.10.1 Any person who –

- (a) holds himself/herself out to be ordinarily resident in Hong Kong at the time of making application for registration when he/she is not so ordinarily resident; or
- (b) without reasonable excuse, refuses or fails to return his/her certificate to the Registrar within 14 days after his/her name is removed from the Register,

commits an offence and is liable on conviction to a fine at level 5.

2.10.2 Any person who –

- (a) fraudulently obtains registration as a registered social worker, registered social worker (category 1) or registered social worker (category 2) for himself/herself or any other person;
- (b) obtains registration as a registered social worker, registered social worker (category 1) or registered social worker (category 2) for himself/herself or any other person by means of any misleading, false or fraudulent representation or statement, either oral or in writing;
- (c) makes or causes to be made any falsification in the Register; or
- (d) impersonates or falsely represents himself/herself as being the person referred to in any certificate or document presented to the Board or a disciplinary committee,

commits an offence and is liable on conviction to a fine at level 5 and, to imprisonment for 1 year.

CHAPTER 3

Use of Title

3.1 Application

- 3.1.1 Persons whose name do not appear on the Register are not entitled to use the description “registered social worker” or “註冊社會工作者”; the initials “R.S.W.”; or the description “social work” or “社會工作” or “social worker” or “社會工作者” or “社工”, whether in combination with any other description or any initials or otherwise, to describe their profession as being the social work profession or their social work professional qualifications.
- 3.1.2 The provision of Paragraph 3.1.1 does not prohibit persons from stating any academic or professional qualifications that they possess, whether or not they are qualified to be registered.
- 3.1.3 The Board may apply to a judge for an order restraining any person whose name is not on the Register from contravening the provision in Paragraph 3.1.1.
- 3.1.4 Persons who are not registered social workers but –
- (a) have performed social work services outside Hong Kong in relation to a particular case or matter and propose to provide that service in Hong Kong for the same case or matter; or
 - (b) have provided social work services outside Hong Kong and have, by reason of substantial training and practical experience, developed expertise in the provision of a service that is not or not generally provided by registered social workers, and propose to demonstrate that service to registered social workers,
- may use the terms “social work”, “社會工作”, “social worker”, “社會工作者”, or “社工” in connection with the social work service referred to in the above and to describe their profession or professional qualifications.
- 3.1.5 The persons described in Paragraph 3.1.4 are permitted to use the term “social worker” to describe their profession or occupation for only 6 months immediately following their arrival in Hong Kong unless the Board extends or further extends that period in writing.

3.2 Offences and Penalties

Persons who –

- (a) falsely take or use any name, initials, title, addition or description indicating that their names are entered in the Register;
- (b) not being registered social workers (but without prejudice to the operation of Paragraphs 3.1.4 and 3.1.5), knowingly permit the use of or use, in connection with their business or profession, the description “registered social worker” or “註冊社會工作者”; the initial “R.S.W.”; the description “social work” or “社會工作” or “social worker” or “社會工作者” or “社工”; or any initials or abbreviations of words intended to cause, or which may reasonably cause, any person to believe that the persons using the initials or abbreviations, as the case may be, are on the Register; or
- (c) not being on the Register, advertise or represent themselves as registered social workers or knowingly permit themselves to be so advertised or represented,

commit an offence and are liable on conviction to a fine at level 5.

CHAPTER 4

Codes of Practice

- 4.1 The Board may approve and issue codes of practice to provide practical guidance regarding the professional conduct of registered social workers (including related ethical considerations). Such codes are published and take effect on a date specified in a notice in the Gazette. The Board may revise codes from time to time, and these revisions, similarly, shall take effect on a date specified in a notice in the Gazette.
- 4.2 A failure on the part of any registered social worker to observe any provision of an approved code of practice shall not be, in itself, a disciplinary offence, but where a registered social worker is alleged to have committed a disciplinary offence, the Board or a disciplinary committee may have recourse to any relevant provisions of the code of practice to determine whether the registered social worker has committed an offence.

CHAPTER 5

Duty of Registered Social Workers to Report Charges and Convictions

- 5.1 Registered social workers who have been charged with or convicted of an offence, whether in Hong Kong or elsewhere, at any time on or after the date of the statutory declaration made pursuant to Paragraph 2.4, must serve a notice in writing on the Board as soon as reasonably practicable, specifying the nature of the charge or conviction, as the case may be.
- 5.2 Social workers who have served notice under Paragraph 5.1 that they have been charged with an offence must subsequently give a notice in writing to the Board as to whether the charge results in a conviction and the related details.

CHAPTER 6

Disciplinary Proceedings

6.1 Disciplinary Offences

6.1.1 Registered social workers commit a disciplinary offence if they –

- (a) commit misconduct or neglect in any professional respect;
- (b) have been convicted of an offence under this Ordinance;
- (c) have obtained registration by fraud or misrepresentation;
- (d) without reasonable excuse, refuse or fail to attend before a disciplinary committee when summoned either as a witness or as a person in respect of whom the disciplinary committee is meeting;
- (e) have been convicted in Hong Kong or elsewhere of any offence which may bring the profession of social worker into disrepute; and is punishable with imprisonment (and whether or not the person was sentenced to imprisonment);
or
- (f) have been convicted of an offence referred to in Paragraph 2.3.4(a) and (b).

6.1.2 If persons disclose misconduct, neglect, or conviction to the Board when applying for registration or renewal of registration and the Board subsequently accepts their applications, those persons shall not, for the purposes of registration or renewal of registration, be considered to have committed a disciplinary offence with respect to the disclosed misconduct, neglect, or conviction.

6.2 Disciplinary Procedures for Handling Complaints

6.2.1 Any complaint concerning any disciplinary offence should be made in the specified form to the Registrar who shall, in accordance with rules made by the Board under the Ordinance, submit the form to 2 members of the Board appointed by the Board to review complaints. The members, in accordance with established rules, will consider whether to refer the complaint to the Board.

6.2.2 The 2 members of the Board appointed under Paragraph 6.2.1 must refer the complaint to the Board unless –

- (a) the members are satisfied that the complainant has had actual knowledge of the disciplinary offence complained of for more than 2 years immediately preceding the date on which the Registrar received the complaint, and there are no special circumstances which explain the delay in making the complaint;
- (b) the complaint is made anonymously;

- (c) the complainant cannot be identified or traced;
- (d) the social worker being complained, has ceased to be a registered social worker;
- (e) the complaint, or a complaint of a substantially similar nature, has previously been inquired into by a disciplinary committee and the Board decided that the disciplinary offence complained of was not committed;
- (f) the members are satisfied that the disciplinary offence complained of is trivial;
- (g) the members are satisfied that the complaint is frivolous or vexatious or is not made in good faith; or
- (h) the members are satisfied for any other reason that referring the complaint to the Board is unnecessary.

6.2.3 Within 30 days after a complaint has been referred to the Board, the Board must appoint a disciplinary committee to inquire into the complaint, advise the Board whether a disciplinary offence has been committed, and, if so, recommend an appropriate disciplinary order. The Board will make the final decision on the complaint.

6.3 Disciplinary Committee Panel

6.3.1 The Board has to appoint persons (not being members of the Board) to be members of a disciplinary committee panel in accordance with the following numbers and categories:

- (a) not less than 12 registered social workers (category 1) who each hold a recognized degree in social work;
- (b) not less than 12 registered social workers (category 1) who each hold a recognized diploma in social work; and
- (c) not less than 10 persons who are not registered social workers.

6.3.2 The appointment of the disciplinary committee panel members is announced in the Gazette.

6.4 Disciplinary Committee and Meeting Procedures

6.4.1 Composition of Disciplinary Committee

- (a) The disciplinary committee is composed of 5 members of the panel, of whom

not less than 3 and not more than 4 are registered social workers.

- (b) If the registered social worker against whom the complaint concerned is made is a public officer, one member of the disciplinary committee must be a registered social worker who is a public officer and whose professional experience as a social worker is comparable to that of the registered social worker being complained.
- (c) If the registered social worker against whom the complaint concerned is made is not a public officer, one member of the disciplinary committee must be a registered social worker who is not a public officer and whose professional experience as a social worker is comparable to that of the registered social worker being complained.

6.4.2 The quorum at any meeting of the disciplinary committee is 3 members, of whom –

- (a) not less than one shall be a person who is not a registered social worker; and
- (b) one shall be the member referred to in Paragraph 6.4.1(b) if the registered social worker being complained is a public officer or, in any other case, one shall be the member referred to in Paragraph 6.4.1(c).

6.4.3 The members present at a meeting of the disciplinary committee may elect one of their number to preside at the meeting.

6.5 Power in Regard to Obtaining of Evidence and Conduct at Hearing

6.5.1 The disciplinary committee shall not proceed to hear evidence of a complaint concerning a disciplinary offence unless the registered social worker being complained has been given 28 days' notice of the complaint and of the date, time, and place of the hearing.

6.5.2 A disciplinary committee has power –

- (a) to hear, receive and examine evidence on oath;
- (b) to summon any person to attend the hearing either as the person whose conduct is the respondent of the hearing or to give evidence or produce any document or other thing in his/her possession and to examine him/her as a witness or require him/her to produce any document or other thing in his/her possession, subject to all just exceptions;
- (c) to admit or exclude the public or any member of the public from the hearing;
- (d) to admit or exclude the press from the hearing; and
- (e) to award any person summoned to attend the hearing as a witness such sum, to be paid from the funds of the Board, as in the opinion of the disciplinary

committee has been reasonably expended by him/her in connection with his/her attendance.

6.5.3 At a hearing, the registered social worker being complained is entitled –

- (a) to attend and hear all evidence produced at the hearing;
- (b) to examine any witness, documents, or other evidence produced at the hearing;
- (c) to call any witness and produce any documents or other evidence at the hearing;
- and
- (d) to legal representation.

6.5.4 The Registrar shall sign summonses to witnesses.

6.5.5 No person is required to answer any question or produce any document or other thing which, in the opinion of the disciplinary committee, may tend to incriminate him/her.

6.5.6 In respect of any evidence given by a witness before the disciplinary committee, he/she shall be entitled to the same privileges to which he/she would be entitled if he/she were giving evidence in court.

6.6 Legal Adviser

The Board may appoint a legal practitioner to advise the disciplinary committee and the Board on any points of law and procedure that arise before, during, or after an hearing into an alleged disciplinary offence.

6.7 Recommendations of the Disciplinary Committee and Decision of the Board

6.7.1 After the disciplinary committee reaches a decision as to whether a disciplinary offence has been committed and the appropriate disciplinary order that it would recommend, it shall report to the Board accordingly.

6.7.2 After considering the disciplinary committee's decision and recommendation, the supporting reasons and evidence and all relevant circumstances, the Board shall decide whether a disciplinary offence has been committed and notify the complainant concerned of its decision and the reasons it arrives at this decision.

6.7.3 If the disciplinary committee determines that a disciplinary offence has been committed or recommends that a certain disciplinary order should be issued and the Board is of the opinion that the matter requires further investigation, the Board may refer the complaint back to the original disciplinary committee or to another disciplinary committee to be appointed by the Board and give directions on matters which should be further investigated.

6.7.4 Where a registered social worker is alleged to have committed a disciplinary offence under Paragraph 6.1.1(b), (e), or (f), the disciplinary committee is not required to inquire whether the social worker was properly convicted of the alleged offence.

6.7.5 Where a registered social worker is alleged to have committed a disciplinary offence under Paragraph 6.1.1(b) or (e), the disciplinary committee may consider any record of the case in which a conviction was recorded and any other evidence relating to the nature and gravity of the offence.

6.8 Disciplinary Orders

6.8.1 Where the Board has decided that a registered social worker has committed a disciplinary offence, it shall –

- (a) order the Registrar to remove the name of the social worker from the Register permanently;
- (b) order the Registrar to remove the name of the social worker from the Register for such period (not being more than 5 years) as the Board thinks fit;
- (c) reprimand the social worker in writing and order the Registrar to record the reprimand on the Register; or
- (d) order that the Chairperson of the Board admonish the social worker orally.

6.8.2 When it has been determined that the disciplinary offence referred to in Paragraph 6.1.1(f) has been committed, the Board must exercise its power to issue the disciplinary order referred to in Paragraph 6.8.1(a) – it must order the Registrar to remove the name of the social worker from the Register permanently.

6.9 Service and Implementation of Disciplinary Orders

6.9.1 After the Board reaches its decision as to whether or not a social worker has committed an alleged disciplinary offence, the Registrar shall serve a copy of the decision and of any order issued, together with a copy of the supporting reasons, on the social worker either personally or by registered post to his/her registered address as soon as practicable.

6.9.2 No disciplinary order shall be carried out by the Board before the expiry of the period wherein notice of appeal may be given, referred to in Paragraph 6.11. In the event of an appeal, no disciplinary order shall be carried out until it is reaffirmed or varied by the Court of Appeal. If the order has been varied, the

Board shall carry out the order as varied.

6.9.3 A disciplinary order may be carried out before the expiry of the period for serving a notice of appeal under Paragraph 6.11 if –

- (a) the Board is satisfied that such action is necessary for the protection of the public or is in the best interests of the social worker concerned; and
- (b) the order served on the social worker is accompanied with a copy of the reasons of the Board for being so satisfied.

6.10 Publication of Disciplinary Orders

6.10.1 After the expiry of the period wherein notice of appeal may be given or after the conclusion of an appeal, the Board shall, in the case of a disciplinary order made under Paragraph 6.8.1(a), (b), or (c), publish a copy of the order (as varied on appeal, where applicable) in at least one English and one Chinese language newspaper circulating generally in Hong Kong. In the case of any other disciplinary order, the Board may choose to so publish the order. The Board may also publish the order or the order as varied on appeal in any other publication or manner as it thinks fit.

6.10.2 When publishing a disciplinary order in accordance with Paragraph 6.10.1, the Board shall publish sufficient particulars to acquaint the public with the nature of the offence to which the order relates. It may also publish an account of the proceedings of the disciplinary committee.

6.10.3 No action in damages for defamation shall lie against any person as a result of publishing a disciplinary order and other particulars required or permitted under Paragraph 6.10.

6.11 Appeals to the Court of Appeal

6.11.1 Persons who are aggrieved by any of the following decisions of the Board may appeal to the Court of Appeal:

- (a) the Board's rejection of their application for registration or renewal of registration;
- (b) the Board's decision that they have committed a disciplinary offence; or
- (c) any disciplinary order that the Board has issued to them.

6.11.2 The Court of Appeal may affirm, reverse, or vary the decision or disciplinary order under appeal.

- 6.11.3 Where a person appeals against a decision or a disciplinary order of the Board, the Court of Appeal must consider the reasons of the disciplinary committee and of the Board and the submissions upon the findings of fact and law of the disciplinary committee made on behalf of the parties to the hearing. The Court may also call for the original records of the evidence taken and any document put in evidence submitted before the disciplinary committee.
- 6.11.4 The Court of Appeal may, upon special grounds being shown, consider additional evidence not adduced before the disciplinary committee.
- 6.11.5 Appeals are subject to all rules of court specified in the High Court Ordinance (Cap. 4).
- 6.11.6 The Court of Appeal does not have power to hear any appeal against a decision referred to in Paragraphs 6.11.1(a), (b) or (c) unless a notice of such appeal is given within 3 months of
- (a) in the cases referred to in Paragraph 6.11.1(a) and (b), the notification of decision having been given to the subject of the decision; or
 - (b) in the case referred to in Paragraph 6.11.1(c), the service of the disciplinary order referred to in Paragraph 6.9 or, where Paragraph 6.8.1(a) is applicable, of the date on which the admonition concerned is given.
- 6.11.7 In deciding any appeal under Paragraph 6.11, the Court of Appeal may make any order for payment of costs as it considers reasonable.

6.12 Offences and Penalties

- 6.12.1 Any person commits an offence and is liable on conviction to a fine at level 5 if he/she –
- (a) having been summoned by a disciplinary committee to attend as a witness or to provide a document or other thing under Paragraph 6.5.2(b), without reasonable excuse, refuses or fails to do so; or
 - (b) attends as a witness before a disciplinary committee and, without lawful excuse, refuses or fails to answer any question put to him/her by the disciplinary committee,
- 6.12.2 Any person who impersonates or falsely represents himself/herself as being the person referred to in any certificate or document presented to the Board or a disciplinary committee, commits an offence and is liable on conviction to a fine at level 5 and, to imprisonment for 1 year.

CHAPTER 7

Fees

- 7.1 The Board may determine the fee payable for any relevant matter.
- 7.2 When determining a fee payable for any relevant matter, the Board may specify, either generally or specifically, the circumstances in which, and the persons by whom, the fee may be reduced, waived or refunded, in whole or in part.
- 7.3 Where the Board has made a determination under Paragraph 7.1, it shall, after consultation with the Secretary for Labour and Welfare, publish a copy of the determination in at least one English and one Chinese language newspaper circulating generally in Hong Kong, as soon as is practicable.
- 7.4 The Secretary for Labour and Welfare may give general or specific written directions to the Board in relation to the Board's exercise of power under Paragraph 7.1 or 7.2 or performance of the function under Paragraph 7.3. The Board shall comply with those directions.
- 7.5 The Board and the Registrar may refuse to carry out any action regarding a relevant matter for which any fee specified remains unpaid.
- 7.6 In the context of this Ordinance, "relevant matter" means –
- (a) corrections to the Register, whether pursuant to a notice referred to in Paragraph 2.2.3 or otherwise;
 - (b) the provision of copies of any part of the Register;
 - (c) applications for registration as registered social workers;
 - (d) applications for renewal of registration;
 - (e) applications for renewal of registration of registered social workers received later than 28 days prior to the expiry of the current registration;
 - (f) restoration of names to the Register following the carrying out of disciplinary orders under Paragraph 6.8.1(b);
 - (g) extensions or further extensions of the period specified in Paragraph 3.1.5 in the cases of social work services referred to in Paragraph 3.1.4;
 - (h) replacement of certificates of registration that have been lost, defaced, or destroyed; or
 - (i) any other matters specified under Paragraph 7.7 that is applicable.
- 7.7 The Secretary for Labour and Welfare may, by means of a notice in the Gazette, specify a matter as a "relevant matter".

Appendix 1

Schedule 2 of “Social Workers Registration Ordinance” Description of Offences which Disentitle Persons from Being or Continuing to be Registered Social Workers

[sections 17(4)(b) & 39(2)]

1. An offence under the following section of the Affiliation Proceedings Ordinance (Cap. 183)

Section	Description*
16(b)	ill-treating a child

2. An offence under any of the following sections of the Crimes Ordinance (Cap. 200)

Section	Description*
47	incest by men
48	incest by women of or over 16
118	rape
118A	non-consensual buggery
118B	assault with intent to commit buggery
118C	homosexual buggery with or by a man under 21
118D	buggery with a girl under 21
118E	buggery with a defective
118F	homosexual buggery committed otherwise than in private
118G	procuring others to commit homosexual buggery
118H	gross indecency with or by a man under 21
118I	gross indecency by a man with a male defective
118J	gross indecency by a man with another man otherwise than in private
118K	procuring gross indecency by a man with another man
118L	bestiality
119	procurement of an unlawful sexual act by threats or intimidation
120	procurement of an unlawful sexual act by false pretences
121	administering drugs so as to enable a third person to do an unlawful sexual act
122	indecent assault
123	sexual intercourse with a girl under 13
124	sexual intercourse with a girl under 16 (if, but only if, the offender was more than 18 years of age at the time of the offence)
125	sexual intercourse with a woman who is a defective

126	abduction of an unmarried girl under 16
127	abduction of an unmarried girl under 18 for sexual intercourse
128	abduction of a defective for an unlawful sexual act
129	trafficking in persons for the purpose of prostitution
130	control over persons for the purpose of unlawful sexual acts or prostitution
131	causing prostitution
132	procurement of a girl under 21 to have sexual intercourse
133	procurement of a woman who is a defective to have sexual intercourse
134	detention of a person for an unlawful sexual act or in a vice establishment
135	causing or encouraging the prostitution of, an unlawful sexual act with, or indecent assault on a girl or boy under 16
136	causing or encouraging the prostitution of a defective
137	living on earnings of prostitution of others
138A	use, procurement or offer of persons under 18 for making pornography or for live pornographic performances
139	keeping a vice establishment
140	permitting a girl or boy under 13 to resort to or be on premises for prostitution or an unlawful sexual act
141	permitting a young person to resort to or be on premises or vessel for the purpose of sexual intercourse, prostitution, buggery or a homosexual act
142	permitting defective to resort to or be on premises or vessel for intercourse, prostitution or homosexual act
146	indecent conduct towards a child under 16
147	soliciting for an immoral purpose
148	indecent in public
153Q(1)	arrangement relating to commission against a child of act outside Hong Kong that offends Schedule 2 provision

For the avoidance of doubt, where an offence under a section of the Crimes Ordinance (Cap. 200) may, by virtue of section 153P of that Ordinance, be constituted by an act committed outside Hong Kong, a reference in this item to an offence under that section includes a reference to an offence so constituted.

3. An offence under any of the following sections of the Offences against the Person Ordinance (Cap. 212)

Section	Description*
2	murder
5	conspiring or soliciting to commit murder
7	manslaughter
10	administering poison or wounding with intent to commit murder

11	destroying or damaging building with intent to commit murder
12	setting fire to or casting away ship with intent to commit murder
13	attempting to administer poison, or shooting, or attempting to shoot or drown, etc., with intent to murder
14	attempting to commit murder by means not specified
15	sending letter threatening to murder
17	shooting or attempting to shoot, or wounding or striking with intent to do grievous bodily harm
19	wounding or inflicting grievous bodily harm
20	attempting to choke, etc., in order to commit indictable offence
21	using chloroform, etc., in order to commit indictable offence
22	administering poison, etc., so as to endanger life or inflict grievous bodily harm
23	administering poison, etc., with intent to injure, etc.
26	exposing a child whereby his or her life is endangered
27	ill-treatment or neglect by those in charge of a child or young person
29	causing gunpowder to explode, etc., or throwing corrosive fluid, with intent to do grievous bodily harm
30	placing gunpowder near building, etc., with intent to do bodily injury
31	setting spring gun, etc., with intent to inflict grievous bodily harm
42	forcible taking or detention of a person with intent to sell him or her
43	stealing a child under 14 years
44	unlawful transfers of possession, custody or control of other persons for valuable consideration
47B	child destruction
47C	infanticide

4. An offence under any of the following sections of the Protection of Children and Juveniles Ordinance (Cap. 213)

Section	Description*
26	abduction of child or juvenile
42	assisting escape of child or juvenile from custody or control

Note:

* The short description of offences in this Schedule is for ease of reference only.