



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

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1997 6 6

2591 1955

<http://www.swrb.org.hk>

# 第一章 社會工作者註冊局

## 1.1 成立及組成

1.1.1 505

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1.1.4 ( )

(a) ( 6 )

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(i)

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(c)

(d)

(e)

(f)

1.1.5

1.1.6

1.1.7

1.1.8

**1.2 議事程序**

1.2.1 6

1.2.2

**1.3 職能**

(a)

(b)

(c) 1.3(b)

(d)

(e)

(f)

(g)

(h)

(i)

**1.4 權力**

(a)

(b)

(c)

(d)

(e)

**1.5 訂立規則**

(a)

(b)

(c)

(d)

(e)

(f)

**1.6 利益申報**

1.6.1

1.6.2

1.6.1

**1.7 註冊局成員的保障**

- (a)
- (b)
- (c)

## 第二章

### 註冊

#### 2.1 註冊主任

#### 2.2 註冊紀錄冊

##### 2.2.1

1

2

##### 2.2.2

##### 2.2.3 2.2.1

3

#### 2.3 註冊資格

##### 2.3.1

(a) 1

(i)

<http://www.swrb.org.hk/chiasp/hk.asp>

(ii) 1982 3 31

10

(b) 2

(i) 1

(ii) 2.3.1(b)(i)

2

2.3.2

- (a)
- (b)
- (c)

2.3.3

2.3.4

(a) 2

(b) 2

**2.4 申請註冊**

**2.5 接納及拒絕註冊申請**



**2.6 註冊期滿及續期**

2.6.1 12

2.6.2 3  
28

2.6.3

2.6.4 2.3 2.3.1(a)

2.6.5

**2.7 接納及拒絕續期註冊申請**

**2.8 註冊證明書**

**2.9 在註冊紀錄冊註銷姓名**

2.9.1

(a)

(b)

(c)

2



## 2.10 罪行及刑罰

### 2.10.1

(a)

(b) 14

5

### 2.10.2

(a) 1

2

(b)

1

2

(c)

;

(d)

5

1

# 第三章 使用名銜

## 3.1 適用範圍

3.1.1				registered
	social worker	R.S.W.		social
	work		social worker	

3.1.2				3.1.1
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3.1.3				3.1.1
-------	--	--	--	-------

3.1.4

(a)

(b)

			social work
	social worker		

3.1.5	3.1.4			6
-------	-------	--	--	---

### 3.2 罪行及刑罰

(a)

(b)

3.1.4

3.1.5

R.S.W.

social worker

registered social worker

social work

(c)

5

# 第四章 工作守則

4.1

4.2

## 第五章

### 註冊社工呈報控罪及定罪的責任

5.1

2.4

5.2

5.1

# 第六章

## 紀律處分程序

### 6.1 違紀行為

#### 6.1.1

- (a)
- (b)
- (c)
- (d)
  
- (e)
  
- (f)            2.3.4(a) (b)

#### 6.1.2

### 6.2 註冊局處理有關違紀行為投訴的程序

#### 6.2.1

#### 6.2.2

#### 6.2.1

- (a)
  
  
- (b)
- (c)
- (d)



(e)

(f)

(g)

(h)

6.2.3 30

**6.3 紀律委員會備選委員小組**

6.3.1

(a)	12	1
(b)	12	1
(c)	10	

6.3.2

**6.4 紀律委員會及其會議程序**

6.4.1

(a)	5	3	4
(b)		1	
(c)		1	

6.4.2

3

(a) 1

(b) 3 1 6.4.1(b)

3 1

6.4.1(c)

6.4.3

**6.5 聆訊的程序進行及獲取證據的權力**

6.5.1

28

6.5.2

(a)

(b)

(c)

(d)

(e)

6.5.3

(a)

(b)

(c)

(d)

6.5.4

6.5.5

6.5.6

## 6.6 法律顧問

## 6.7 紀律委員會的建議及註冊局的決定

6.7.1

6.7.2

6.7.3

6.7.4 6.1.1(b) (e) (f)

6.7.5 6.1.1(b) (e)

## 6.8 紀律制裁命令

6.8.1

(a)

(b)

5

(c)

(d)

6.8.2      6.8.1      6.1.1(f)  
              6.8.1(a)

**6.9 送達及執行紀律制裁命令**

6.9.1

6.9.2      6.11

6.9.3      6.11

(a)

(b)

**6.10 發表紀律制裁命令**

6.10.1      6.8.1(a) (b)  
              (c)



6.8.1(a)

6.11.7

6.11

**6.12 罪行及刑罰**

6.12.1

(a)

6.5.2(b)

(b)

5

6.12.2

5

1

# 第七章

## 費用

7.1

7.2

7.3

7.1

7.4

7.1

7.2

7.3

7.5

7.6

(a)

2.2.3

(b)

(c)

(d)

(e)

28

(f)

6.8.1(b)

(g)

3.1.4

3.1.5

(h)

(i)

7.7

7.7

# 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

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

1. 《親父鑑定訴訟條例》（第 183 章）的以下條次所訂的罪行

\*

16(b)

2. 《刑事罪行條例》（第 200 章）的任何以下條次所訂的罪行

\*

47

48           16

118

118A

118B

118C           21                           21

118D           21

118E

118F

118G

118H           21                           21

118I

118J

118K

118L

119

120

121

122

123                           13

124                           16                           (                           18

)



125			
126	16		
127	18		
128			
129			
130			
131			
132	21		
133			
134			
135	16		
136			
137			
138A		18	
139			
140	13		
141			
142			
146	16		
147			
148			
153Q(1)			2

( 200 )

153P

3. 《侵害人身罪條例》（第 212 章）的任何以下條次所訂的罪行

\*

2  
5

7  
10  
11  
12  
13  
14  
15  
17  
19  
20  
21  
22  
23  
26  
27  
29  
30  
31  
42  
43  
44  
47B  
47C

14

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

\*

26  
42

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# 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

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Note:

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