

SOCIAL WORKERS REGISTRATION BOARD
EXPLANATORY GUIDE TO DISCIPLINARY PROCEEDINGS
for Handling Complaints against Registered Social Workers

Introduction

1. The Social Workers Registration Board (the Board) is empowered by the Social Workers Registration Ordinance (Cap. 505) (the Ordinance) to deal with complaints against registered social workers (RSWs) alleged to have committed a disciplinary offence.
2. Complaints against RSWs are handled by the Board in accordance with Part IV (Disciplinary Proceedings) of the Ordinance. The details of the disciplinary procedures are set out hereunder.
3. This leaflet is for information only. The Ordinance as well as the pertinent rules and guidelines made by the Social Workers Registration Board remains the sole authority for the interpretation and implementation of the provisions of the Ordinance and the procedures of relevant proceedings.

Disciplinary Offences

4. An RSW commits a disciplinary offence if he/she
 - (a) commits misconduct or neglect in any professional respect;
 - (b) has been convicted of an offence under this Ordinance;
 - (c) has obtained registration by fraud or misrepresentation;
 - (d) without reasonable excuse, refuses or fails 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) has been convicted in Hong Kong or elsewhere of any offence which may bring the social work profession into disrepute; and is punishable with imprisonment, whether or not the person was sentenced to imprisonment; or
 - (f) has been convicted of an offence in Hong Kong or elsewhere that comes within any of the descriptions specified in Schedule 2 of the Ordinance.

Complaints

5. All complaints must be lodged in a specified “Complaint Form” available at the Board office or on the Board’s website.

6. Upon receipt of a complaint lodged by a clearly identified complainant or a group of complainants with name(s) and means of contact such as address and telephone number provided, alleging a disciplinary offence committed by an RSW, the Registrar will, in the first instance, refer the complaint to the two Board members appointed by the Board under section 25(3) (the two members) for initial consideration.

Consideration of Complaint

7. Having regard to the information available in the complaint lodged, the two members may

- (a) dismiss the complaint without referring it to the Board based on the circumstances referred to in Sections 25(3)(a) to (h) of the Ordinance;
- (b) refer the case, in whole or in part, to the Board for appointing five members of the Disciplinary Committee Panel to form a Disciplinary Committee to inquire into the complaint;
- (c) collect further information on the complaint from the complainant(s) and/or the RSW being complained; or
- (d) seek clarification of facts from relevant personnel, agencies, or government departments in regard to a publicly known case.

Disciplinary Hearing of Disciplinary Committee

8. Should a disciplinary hearing be considered necessary, the Board shall, not later than 30 days after a complaint is referred to it by the two members, appoint five members of the Disciplinary Committee Panel to form a disciplinary committee to conduct an hearing. A name list of the current Disciplinary Committee Panel members is attached at Appendix B.

9. The RSW being complained (also referred to as the respondent of the hearing) will be informed of the composition of the Disciplinary Committee appointed by the Board for the hearing under section 27(1) of the Ordinance. The Board may consider any objection raised by the RSW being complained to the

inclusion of any particular Panel member in the appointed Disciplinary Committee in the following circumstances:-

- (a) if the RSW being complained is the appointed Disciplinary Committee member's colleague (including immediate supervisor or subordinate) in the same work team in the current employment or, if the alleged offence was not committed in the current employment, in the employment when the alleged disciplinary offence took place; or
- (b) if the RSW being complained is the appointed member's family members, for example, parents, siblings, children or in-laws.

10. The RSW being complained will be given 28 days' notice of the date, time and place of the hearing in accordance with section 27(5) of the Ordinance.

11. At the hearing, both the complainant(s) and the RSW being complained will be given an opportunity to present their case and adduce evidence in support. Any other witnesses may also be called upon to testify in person at the hearing.

12. At the conclusion of the hearing, having considered all the evidence adduced and any other relevant information available, the Disciplinary Committee will :-

- (a) where the RSW is not guilty of the disciplinary offence complained of, recommend to the Board that the complaint be dismissed; OR
- (b) where the RSW is guilty of the disciplinary offence complained of, recommend an appropriate disciplinary order to the Board.

13. The Disciplinary Committee will report its findings and recommendation to the Board for consideration.

The Board's Decision

14. The Board, after considering the recommendation of the Disciplinary Committee, the reasons in support thereof, any evidence in respect thereof, and all relevant circumstances relating thereto, may decide:-

- (a) whether to endorse the recommendation of the disciplinary committee;
- (b) whether to further investigate the complaint or the disciplinary order

recommended by the Disciplinary Committee by

- (i) referring the complaint back to the Disciplinary Committee which has reported thereon for further investigation;
- (ii) appointing another Disciplinary Committee for further investigation.

Disciplinary Orders

15. Where the Board has decided that the RSW being complained has committed a disciplinary offence, it shall issue one of the following disciplinary orders to him/her:

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

Appeal

16. If the RSW being complained is aggrieved by the Board's decision on a complaint against him/her, he/she may appeal to the Court of Appeal against the decision and/or the disciplinary order issued by the Board.

Notification of the Board's Ruling

17. As soon as practicable after the Board has reached its decision on whether or not the RSW being complained has committed the alleged disciplinary offence, the Registrar will notify the complainant(s) of the decision and the reasons thereof. A copy of the Board's decision and a copy of any order made by the Board will be served on the RSW being complained; either personally or by registered post to his/her registered address.

Publication of Disciplinary Orders

18. After the expiry of the time within which an appeal against the Board's decision on a complaint and/or a disciplinary order may be made (i.e. three months), or after the ruling of the Court of Appeal in the case of an appeal, the Board shall publish a copy of the order (except oral admonition) or the order as varied on appeal

in at least one English and one Chinese language newspaper circulating generally in Hong Kong and in any other publication or manner as the Board thinks fit.

19. The RSW being complained and being disciplined by the Board for committing a disciplinary offence and issued a disciplinary order as a result, should note the following:

- (a) Pursuant to sections 16(1)(a)(iii) and (b)(iii) of the Ordinance, the Board may direct that the Register shall contain the following additional details:
 - (i) Any disciplinary order previously made under section 30(1)(b), i.e. “order the Registrar to remove the name of the social worker from the Register for such period (not being more than five years) as the Board thinks fit”, notwithstanding the expiry of the suspension period covered by the disciplinary order; and
 - (ii) Any disciplinary order previously made under section 30(1)(c), i.e. “reprimand the social worker in writing and order the Registrar to record the reprimand on the Register”, within the duration specified by the Board, if any.
- (b) If the Board considers it appropriate and in the public interest, it may order the removal of the record of any disciplinary order from the Register on its own motion or upon the application of the RSW.

Social Workers Registration Board
13 January 2016

Supplementary Information

Section 25(3) – Powers of the Two Members Appointed

1. Under Section 25(3) of the Social Workers Registration Ordinance (the Ordinance), the two Board members appointed by the Board shall refer a complaint unless they are satisfied that -

- (a) 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, the subject of the complaint, has ceased to be a RSW;
- (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 disciplinary offence complained of is trivial;
- (g) the complaint is frivolous or vexatious or is not made in good faith; or
- (h) for any other reason that referring the complaint to the Board is unnecessary.

Section 26(1) – Composition of Disciplinary Committee Panel

2. The Board shall appoint not less than 34 persons (not being members of the Board) to be members of the Disciplinary Committee Panel in accordance with the following numbers and categories:-

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

3. The appointment of the Disciplinary Committee Panel members is gazetted. The list of the Panel members is attached at Appendix B.

Section 27(2) – Composition of Disciplinary Committee

4. Five members of the Disciplinary Committee Panel shall be appointed each time to form a disciplinary committee to inquire into a complaint and conduct the hearing.

5. The quorum at any meeting of a disciplinary committee is three. The members present may elect one of their number to preside at the meeting(s) and hearing.

Section 29(1) – Powers of Disciplinary Committee

6. A disciplinary committee shall have power –

- (a) to hear, receive and examine evidence on oath;
- (b) to summon the RSW being complained and any witness to attend the inquiry, and to examine him as a witness or require him to produce any document or other thing in his possession, subject to all just exceptions;
- (c) to admit or exclude the public or any member of the public from the inquiry;
- (d) to admit or exclude the press from the inquiry;
- (e) to award witness allowance, if necessary;

Section 27(6) – Rights of Registered Social Worker Being Complained

7. At an inquiry, the RSW being complained shall be entitled –

- (a) to attend and hear all evidence produced at the hearing;
- (b) to examine any witness and 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.

Disciplinary Committee Panel

Appointed under S.26 of Social Workers Registration Ordinance

(from 16 January 2020 until 15 January 2023)

(a) Registered social workers (Category 1) who each hold a recognized degree in social work:

1. Mr. AU Wing-fai
2. Ms. AU Wing-lan
3. Ms. CHAK Tung-ching
4. Mr. CHAN Kwok-bong
5. Ms. CHAN Man-ting
6. Ms. CHAN Wai-wah, Viva
7. Mr. CHAN Yee-fei
8. Ms. CHAU Bik-hung
9. Mr. CHAU Hok-bun, Twinson
10. Mr. CHENG Kam-keung
11. Ms. CHENG Kit-yee, Noel
12. Dr. CHEUNG Chun-sing, Johnson
13. Mr. CHEUNG Ka-wan
14. Mr. CHEUNG Kam-ki
15. Dr. CHEUNG Oi-ngor, Sandra
16. Mr. CHEUNG Pak-shun
17. Ms. CHEUNG Siu-fan
18. Mr. CHEUNG Tat-ming
19. Mr. CHOI Shing-kiu, Philip
20. Mr. CHOW Tat-hei
21. Dr. CHU Cheong-hay
22. Mr. CHU Muk-wah
23. Ms. FUNG Yin-king, Helina
24. Mr. FUNG Yiu-chung
25. Mr. HO Hin-ming, B.B.S., M.H.
26. Mr. HO Kam-cheung, Allan
27. Ms. HO Wai-ping
28. Mr. HUNG Hin-ching
29. Mr. KAN Chi-wai
30. Mr. KAN Ming-yuk, Eric
31. Ms. KAN Pui-har
32. Mr. KO Wing-shing, Billy

33. Mr. KUNG Wai-sum
34. Mr. KWAN Wing-shing, Vincent
35. Dr. KWOK Kan, Diana
36. Dr. KWOK Kim
37. Ms. LAI Sau-wo, Alice
38. Ms. LAI Wing-yin
39. Mr. LAM Chi-ming, James
40. Mr. LAM Keung
41. Ms. LAM Pui-sheung
42. Mr. LAM Yuen-ho, Foster
43. Ms. LAU Chiu-man
44. Mr. LEE Wing-kin
45. Mr. LEUNG Ho-ming
46. Mr. LEUNG Yiu-por
47. Ms. LEUNG Yuen-kei
48. Dr. LI Kin-yin, Mark
49. Mr. LI Sam
50. Mr. LING Wai-hang
51. Mr. LO Kin-tak
52. Mr. MA Kwok-leung, Francis
53. Mr. MAK Wing-tin, Tony
54. Mr. MOK Wai-ho
55. Mr. MOO Chi-wai
56. Mr. NG Chi-wai
57. Mr. NG Chiu-yan
58. Ms. NG Shuk-ling
59. Mr. NG Sun-kin, Michael
60. Ms. NG Wai-ching
61. Ms. ONG Man-chi
62. Mr. SIU Chung-yue
63. Ms. TAI Kin-yee
64. Mr. TSANG Ho-him, Kenneth
65. Mr. TSE Sai-kit
66. Mr. WAN Lap-man
67. Mr. WONG Chao-hing, Andrew
68. Mr. WONG Ka-ming
69. Ms. WONG Kam-kuen
70. Mr. WONG Man-sing, Barry, M.H.
71. Dr. WONG Mei-ching, Mooly
72. Mr. WONG Ngai-hang
73. Ms. WONG Tak-chong, Angela
74. Mr. WONG Yin-fu

75. Dr. WOO Chi-wood
76. Ms. WU Kit-ying
77. Ms. YAM Lai-sim
78. Mr. YAU Tat-yu
79. Ms. YEUNG Mee-ling
80. Ms. YIP-Hau-yu
81. Mr. YU Kei-yeung

(b) Registered social workers (Category 1) who each hold a recognized diploma in social work:

1. Mr. AU Hing-chai
2. Ms. CHAN Sum-yin
3. Mr. CHAN Wah
4. Mr. CHENG Chee-hin
5. Mr. CHEUNG Kwok-che
6. Ms. CHOOK Thomasina
7. Ms. CHOW Chui-shan
8. Mr. IP Chong-chi
9. Ms. KOO Yin-ling
10. Mr. LIN Tak-fai
11. Mr. MA Hok-chun
12. Mr. NG Wai-hung
13. Ms. PANG Jenny
14. Mr. WONG King-chung
15. Ms. YIU Fung
16. Mr. YU Sau-ying
17. Mr. YUM Kwok-tung, Pius
18. Mr. YUNG Ka-yu

(c) Persons who are not registered social workers :

1. Ms. AU Lai-chong
2. Mr. CHAN Ho-ting, Mac
3. Mr. CHAN Hon-fai, Edward
4. Mr. CHAN Kar-nang, Sherman
5. Ms. CHAN Man-yuen
6. Ms. CHAN Mei-lan, Anna May, M.H., J.P.
7. Ms. CHAN Wai-yee, Matrena
8. Professor CHAN Wing-tai, Jimson, J.P.
9. Mr. CHAU Yuk-fai
10. Ms. CHENG On-ki
11. Mr. CHEUNG Kam-leung

12. Mr. CHEUNG Wing-lam
13. Ms. CHEW Po-ling, Linda
14. Mr. CHOI Siu-fung, Benjamin
15. Dr. CHOW Chun-bong, B.B.S., J.P.
16. Rev. CHU Yiu-ming
17. Mr. FONG King-lok
18. Mr. FUNG Tak-wah
19. Ms. HO Hang-mui
20. Dr. HUI Ching
21. Mr. IP Kim-ching
22. Mr. KAN Chi-cheung
23. Mr. KO Huen-pen
24. Mr. KUM Wan-fung
25. Ms. LAI Hong-yee, Connie
26. Dr. LAI Sau-shun, Benjamin, M.H.
27. Ms. LAM Moon-hing, Vera
28. Mr. LAU Chi-yin, Thomas
29. Mr. LAU Chi-yiu
30. Mr. LAU Hon-kwan
31. Mr. LAU Kar-cho, Helios
32. Mr. LEE Hung-sang
33. Ms. LEE Kit Ting, Kitty
34. Mr. LEE Kwong-lam
35. Mrs. LEE LAU Chu-lai, Julie, J.P.
36. Dr. LEE Wing, Stephanie
37. Ms. LI Kwan-ying, Janice
38. Mr. LING Wing-shan
39. Ms. LO Fung-yee, Daphne
40. Dr. LO Tak-lam, William
41. Ms. MAK Lai-ying, Teresa
42. Mr. MAK Ting-wai
43. Mr. MO Wan-foon
44. Mr. NG Wai-chiu
45. Mr. SO Kwok-hung
46. Mr. SOO Kwok-leung, Gary
47. Mr. TAM Tak-yu
48. Mr. TANG Chee-ho
49. Mr. TANG Chun-keung, Teddy, M.H., J.P.
50. Ms. TANG Mei-ha
51. Ms. TANG Yu-yuk
52. Dr. TSOI Ting-kwok, Peter, J.P.
53. Ms. WONG Mei-fong

54. Mr. WONG Sek-yuen, Peter
55. Ms. YAU Shui-ling, Louisa
56. Ms. YEUNG Fung-hing
57. Mr. YEUNG Kin-bun, Parkson
58. Mr. YIM Chee-chik

*The list of Disciplinary Panel members is subject to the latest gazette and the version published on the Board's website (<http://swrb.org.hk/en/Content.asp?Uid=62>).