

**Social Workers Registration Board**  
**Rules in respect of Pre-hearing Procedures for Disciplinary Proceedings**

**I. Notice Pursuant to s.27(1)**

1. Within 28 day after a complaint is referred to the Board pursuant to s.25(3), a notice (“the s.27(1) notice”) shall be served on the complainant (“the Complainant”) and the respondent (“the Respondent”) of the hearing:-
  - (a) informing the Respondent the pre-hearing procedures and the requirements for preparing the defence.
  - (b) enclosing a list of Disciplinary Committee members.

**II. Preparation and Submission of Documents and Evidence**

Submission of documents and evidence:

1. The Complainant shall submit a Complainant’s Case in the form set out in Form 1 to the Board before the expiration of 30 days after the service on him of the s.27(1) notice.
2. If the Respondent intends to defend the case, the Respondent shall submit a Respondent’s Case to the Board in the form set out in Form 2 before the expiration of 30 days after the service on him of the Complainant’s Case.
3.
  - (1) The Complainant may submit a Reply to the Respondent’s Case in the form set out in Form 3 before the expiration of 14 days after the service on him of the Respondent’s Case served by the Board.
  - (2) The Complainant’s Reply shall be limited to matters related to the Respondent’s Case and shall annex any further documentary evidence on which the Complainant’s Reply relies.
4.
  - (1) The Respondent may submit a Reply to the Complainant’s Reply in the form set out in Form 4 before the expiration of 14 days after the service on him of the Complainant’s Reply served by the Board.
  - (2) The Respondent’s Reply shall be limited to matters related to the Complainant’s Reply and shall annex any further documentary evidence on which the Respondent’s Reply relies.
5. Unless the Disciplinary Committee orders otherwise, the parties’ Cases (“the Cases”) and Replies (including annexed documentary evidence) shall constitute submissions and evidence of the parties in the hearing.
6. The documents annexed to the Cases and Replies may include: -
  - (a) Statements of other witnesses. Please note that such statements may only be

submitted on condition that those witnesses making the statements will be present in the hearing for cross-examination.

- (b) documentary evidence which either party intends to adduce to support his case; and
- (c) any other relevant documentary evidence.

7. The following rules when preparing the Cases, Replies, documentary evidence and witness statements should be observed:-

- (a) Any written submission contained in and any witness statements annexed to the Cases and Replies shall be made in first person knowledge;
- (b) Any written submission contained in and any witness statements annexed to the Cases and Replies shall be drafted in paragraphs numbered consecutively. Each paragraph must present at most one point or issue as far as practicable;
- (c) for documentary evidence, the original copies of the documents must be adduced. Any photocopy or non-original documents shall only be adduced if there are satisfactory reasons for doing so. The presiding member of the Disciplinary Committee has a discretionary power to exclude the use of photocopies or non-original documents.

8. If the submission to be made by any party to the hearing or on his behalf at the hearing shall include any argument on legal issues and/or matters of statutory interpretation, he shall furnish to the Board at least 2 working days before the date of the hearing an outline sufficiently setting out the issues and/or matters and the arguments thereon together with copies of all statutes, cases and authorities to be relied on.

#### Late Submission

9. After the deadline for submission of the parties' Cases and Replies, no further written submissions or documentary evidence shall be admitted without the written consent of the presiding member of the Disciplinary Committee.

### **III. Adjournment**

1. If the parties need to adjourn the fixed date of hearing notified, a written application to the Registrar is required, stating the grounds in support of adjournment with supportive documents where appropriate. The presiding member of the Disciplinary Committee shall consider such application, and may, where appropriate, impose conditions in allowing an adjournment of the hearing, for a period not more than 6 weeks.

### **IV. Notice Pursuant to s.27(5)**

1. Pursuant to section 27(5) of the Ordinance, a notice of the Hearing ("the s.27(5) notice") will be served on the Respondent listing the date, time and place of the hearing no less than 28 days before the hearing.

## V. Service

1. Any notice or document to be served on the parties under these rules shall be deemed served if:
  - (a) in the case of an individual, it is—
    - (i) delivered to him;
    - (ii) left at his registered address or last known address;
    - (iii) sent by post to his registered address or last known address; or
    - (iv) inserted into the letter box of his registered address or last known address;
  - (b) in the case of a company, it is—
    - (i) delivered to an officer of the company;
    - (ii) left at the company's registered address;
    - (iii) sent by post to the company's registered address; or
    - (iv) inserted into the letter box of the company's registered address.
2. The date of service effected under sub-rule 1(a)(iii) and 1(b)(iii) shall, unless the contrary is shown, be deemed to be the fifth day after the date on which the notice or document was so posted. The date of service effected other than under sub-rule 1(a)(iii) and 1(b)(iii) shall be deemed to be the day the notice or document was so delivered, left or inserted.

Social Workers Registration Board  
13 January 2016

**FORM 1**  
**表格1**

**FORM FOR COMPLAINANT'S CASE**  
**投訴人陳述書**

Complaint No 投訴編號: \_\_\_\_\_

**1. Facts and Evidence 事實及證據**

Please set out the facts which give rise to the allegations and identify the evidence upon which you rely to prove those facts, by reference to annexed documentary evidence listed out in Part 3 of this form (if any) where appropriate.

請說明與此投訴相關的事實，並參照本表格第3部分所列出的文件證據（如有），指明閣下用於證明上述事實的證據。

**2. Further matters 其他事項**

Please provide any further relevant information and set out any additional submissions which you think the Disciplinary Committee should take into account when considering your complaint.

如有其他閣下認為紀律委員會需要就此投訴而納入考慮的事項，請在此作出相關補充陳詞。

**3. List of Annexures 附錄**

Please list out all the documentary evidence you would like to annex to this form to support your case.

請閣下列明所有附錄於此投訴表格中以支持此投訴的文件證據。

#### 4. Statement of Truth 屬實申述

I hereby confirm that the submissions made by me in this form are true and correct.

本人確認上述陳述正確無訛。

---

Signature of Complainant

投訴人簽名

Dated the            day of            20  
日期：            年            月            日

**NOTE THAT 注意事項:**

1. This form must be submitted to the Registrar before the expiration of 30 days after the service on you the Section 27(1) notice and shall constitute your submissions and evidence in the hearings. 閣下須於第 27 (1) 條通知送達閣下後 30 天屆滿前，向本局提交此表格。此表格將會成為閣下聆訊時的陳詞和證據；
2. Any written submission contained herein and any witness statements annexed hereto shall be made in first person knowledge; 任何包含在本表格內的書面陳詞及附錄於本表格的證人證供均必須為第一人身陳述，不能為道聽途說；
3. Any written submission contained herein and any witness statements annexed hereto shall be drafted in paragraphs numbered consecutively. Each paragraph must present at most one point or issue as far as practicable; 任何包含在本表格內的書面陳詞及附錄於本表格的證人證供須以數目字清楚分段。每段只包含一項要點或事宜；
4. For documentary evidence, the original copies of the documents must be adduced. Any photocopy or non-original documents shall only be adduced if there are satisfactory reasons for doing so. The presiding member of the Disciplinary Committee has a discretionary power to exclude the use of photocopies or non-original documents. 文件證據必須是正本。如不能提供文件正本，閣下必須提出充份理由。紀律委員會主席有酌情權決定是否採納任何文件副本作為聆訊用的證據；
5. You shall annex to this form all documentary evidence on which you rely (including, if you choose to rely on such materials, any statements obtained from witnesses). Such documentary evidence shall be arranged in a logical order and indexed. 所有用以支持閣下投訴的文件證據（包括任何證人的陳詞）須附錄於此表格，並須按邏輯順序編排索引。

**FORM 2**  
**表格2**

**FORM FOR RESPONDENT'S CASE**  
**答辯人陳述書**

Complaint No 投訴編號: \_\_\_\_\_

**1. Facts and Evidence 事實及證據**

Please set out the allegations made by the complainant which you deny and state what you consider to be the true position. Please identify the evidence upon which you rely to prove your position, by reference to annexed documentary evidence listed out in Part 3 of this form (if any) where appropriate.

請說明與投訴人的指控有爭議的事實並闡述閣下的真實立場。請參照本表格第3部分所列出的文件證據（如有），指明閣下用於證明上述立場的證據。

**2. Further matters 其他事項**

Please provide any further relevant information and set out any additional submissions which you think the Disciplinary Committee should take into account when considering your case.

如有其他閣下認為紀律委員會需要就此陳述而納入考慮的事項，請在此作出相關補充陳詞。

**3. List of Annexures 附錄**

Please list out all the documentary evidence you would like to annex to this form to support your case.

請閣下列明所有附錄於此投訴表格中以支持此陳述的文件證據。

#### 4. Statement of Truth 屬實申述

I hereby confirm that the submissions made by me in this form are true and correct.

本人確認上述陳述正確無訛。

---

Signature of the Respondent

答辯人簽名

Dated the            day of            20  
日期：            年            月            日

**NOTE THAT 注意事項：**

1. If you want to defend your case, this form must be submitted to the Registrar before the expiration of 30 days after the service on you of the Complainant's Case and shall constitute your submissions and evidence in the hearings. 如閣下有意提出答辯，則閣下須於投訴人陳述書送達閣下後 30 天屆滿前，向本局提交此表格。此表格將會成為閣下聆訊時的陳詞和證據；
2. Any written submission contained herein and any witness statements annexed hereto shall be made in first person knowledge. 任何包含在本表格內的書面陳詞及附錄於本表格的證人證供均必須為第一人身陳述，不能為道聽途說；
3. Any written submission contained herein and any witness statements annexed hereto shall be drafted in paragraphs numbered consecutively. Each paragraph must present at most one point or issue as far as practicable. 任何包含在本表格內的書面陳詞及附錄於本表格的證人證供須以數目字清楚分段。每段只包含一項要點或事宜；
4. For documentary evidence, the original copies of the documents must be adduced. Any photocopy or non-original documents shall only be adduced if there are satisfactory reasons for doing so. The presiding member of the Disciplinary Committee has a discretionary power to exclude the use of photocopies or non-original documents. 文件證據必須是正本。如不能提供文件正本，閣下必須提出充份理由。紀律委員會主席有酌情權決定是否採納任何文件副本作為聆訊用的證據；
5. You shall annex to this form all documentary evidence on which you rely (including, if you choose to rely on such materials, any statements obtained from witnesses). Such documentary evidence shall be arranged in a logical order and indexed. 所有用以支持閣下投訴的文件證據（包括任何證人的陳詞）須附錄於此表格，並須按邏輯順序編排索引。

**FORM 3**  
**表格3**

**FORM FOR COMPLAINANT'S REPLY**  
**投訴人回覆書**

Complaint No 投訴編號: \_\_\_\_\_

**1. Facts In Dispute and Evidence 爭議事實及證據**

Please make your further submissions limited to the extent of the contents of the Respondent's Case. You shall hereby identify the facts in dispute, state what you consider to be the true position, and identify the evidence upon which you rely to prove such assertions.

請就答辯人陳述書所涉及的内容，作出進一步的補充陳述。請在此說明與答辯人的陳述有爭議的事實以及閣下的真實立場，並指明閣下用於證明上述事實和立場的證據。

**2. Further matters 其他事項**

Please provide any further relevant information and set out any additional submissions which you think the Disciplinary Committee should take into account when considering your case.

如有其他閣下認為紀律委員會需要就此陳述而納入考慮的事項，請在此作出相關補充陳詞。

**3. List of Annexures 附錄**

Please list out all the all documentary evidence you would like to annex to this form to support your case.

請閣下列明所有附錄於此表格中以支持此陳述的文件證據。

#### 4. Statement of Truth 屬實申述

I hereby confirm that the submissions made by me in this form are true and correct.

本人確認上述陳述正確無訛。

---

Signature of complainant

投訴人簽名

Dated the            day of            20  
日期：            年            月            日

**NOTE THAT 注意事項:**

1. This form may be submitted to the Registrar before the expiration of 14 days after the service on you of the Respondent's Case and shall constitute your submissions and evidence in the hearings. 閣下可於答辯人陳述書送達閣下後 14 天屆滿前，向本局提交此表格。此表格將會成為閣下聆訊時的陳詞和證據；
2. Any written submission contained herein and any witness statements annexed hereto shall be made in first person knowledge. 任何包含在本表格內的書面陳詞及附錄於本表格的證人證供均必須為第一人身陳述，不能為道聽途說；
3. Any written submission contained herein and any witness statements annexed hereto shall be drafted in paragraphs numbered consecutively. Each paragraph must present at most one point or issue as far as practicable. 任何包含在本表格內的書面陳詞及附錄於本表格的證人證供須以數目字清楚分段。每段只包含一項要點或事宜；
4. For documentary evidence, the original copies of the documents must be adduced. Any photocopy or non-original documents shall only be adduced if there are satisfactory reasons for doing so. The presiding member of the Disciplinary Committee has a discretionary power to exclude the use of photocopies or non-original documents. 文件證據必須是正本。如不能提供文件正本，閣下必須提出充份理由。紀律委員會主席有酌情權決定是否採納任何文件副本作為聆訊用的證據；
5. You shall annex to this form all documentary evidence on which you rely (including, if you choose to rely on such materials, any statements obtained from witnesses). Such documentary evidence shall be arranged in a logical order and indexed. 所有用以支持閣下投訴的文件證據（包括任何證人的陳詞）須附錄於此表格，並須按邏輯順序編排索引。

**FORM 4**  
**表格4**

**FORM FOR RESPONDENT'S REPLY**  
**答辯人回覆書**

Complaint No 投訴編號: \_\_\_\_\_

**1. Facts In Dispute and Evidence 爭議事實及證據**

Please make your further submissions limited to the extent of the contents of the Complainant's Reply. You shall hereby identify the facts in dispute, state what you consider to be the true position, and identify the evidence upon which you rely to prove such assertions.

請就投訴人回覆書所涉及的内容，作出進一步的補充陳述。請在此說明與投訴人回覆書內的陳述有爭議的事實以及閣下的真實立場，並指明閣下用於證明上述事實和立場的證據。

**2. Further matters 其他事項**

Please provide any further relevant information and set out any additional submissions which you think the Disciplinary Committee should take into account when considering your case.

如有其他閣下認為紀律委員會需要就此陳述而納入考慮的事項，請在此作出相關補充陳詞。

**3. List of Annexures 附錄**

Please list out all the documentary evidence you would like to annex to this form to support your case.

請閣下列明所有附錄於此表格中以支持此陳述的文件證據。

#### 4. Statement of Truth 屬實申述

I hereby confirm that the submissions made by me in this form are true and correct.

本人確認上述陳述正確無訛。

---

Signature of Respondent

答辯人簽名

Dated the            day of            20  
日期：            年            月            日

**NOTE THAT 注意事項:**

1. This form may be submitted to the Registrar before the expiration of 14 days after the service on you of the Complainant's Reply and shall constitute your submissions and evidence in the hearings. 閣下可於投訴人回覆書送達閣下後 14 天屆滿前，向本局提交此表格。此表格將會成為閣下聆訊時的陳詞和證據；
2. Any written submission contained herein and any witness statements annexed hereto shall be made in first person knowledge. 任何包含在本表格內的書面陳詞及附錄於本表格的證人證供均必須為第一人身陳述，不能為道聽途說；
3. Any written submission contained herein and any witness statements annexed hereto shall be drafted in paragraphs numbered consecutively. Each paragraph must present at most one point or issue as far as practicable. 任何包含在本表格內的書面陳詞及附錄於本表格的證人證供須以數目字清楚分段。每段只包含一項要點或事宜；
4. For documentary evidence, the original copies of the documents must be adduced. Any photocopy or non-original documents shall only be adduced if there are satisfactory reasons for doing so. The presiding member of the Disciplinary Committee has a discretionary power to exclude the use of photocopies or non-original documents. 文件證據必須是正本。如不能提供文件正本，閣下必須提出充份理由。紀律委員會主席有酌情權決定是否採納任何文件副本作為聆訊用的證據；
5. You shall annex to this form all documentary evidence on which you rely (including, if you choose to rely on such materials, any statements obtained from witnesses). Such documentary evidence shall be arranged in a logical order and indexed. 所有用以支持閣下投訴的文件證據（包括任何證人的陳詞）須附錄於此表格，並須按邏輯順序編排索引。