

## CONFIDENTIAL

### Minutes of the 152<sup>nd</sup> Meeting of the Social Workers Registration Board

Date: 26 November 2018 (Monday)

Time: 7:09pm

Venue: Conference Room, 26/F, Eastern Commercial Centre,  
83 Nam On Street, Shau Kei Wan, Hong Kong

Present: Ms. CHU Wai-sum, Betty                      Mr. CHUNG Wai-lung, Rivalino  
Mr. HUI Chung-shing, Herman                Mr. KWAN Wing-shing, Vincent  
Mr. LAM Ka-tai                                      Dr. LEUNG Chuen-suen  
Mr. LO Wa-kei, Roy                              Ms. LUK Ka-mei  
Mr. LUN Chi-wai                                    Mr. MA Kam-wah, Timothy  
Mr. SHIU Ka-chun                                Mr. TSANG Kin-chiu  
Mr. WONG Ka-ming                               Ms. WU Lai-ling

Apologies: Mr. TAN Tick-yee

Secretary: Mr. LEE Wing-po and Ms. FAN Lai-yee, Veronica

1. While Messrs. HUI, KWAN, WONG and Ms. LUK were yet to arrive, as the quorum was present, Mr. LUN, the Chairperson, kick-started the meeting.
2. The Chairperson told the meeting that as the Presiding Member for the case no. XXX would be arriving around 10:30pm, the related agenda item would be re-shuffled accordingly.

### Confirmation of minutes of the 151<sup>st</sup> Meeting

3. The minutes of the 151<sup>st</sup> meeting of the Board were confirmed as the true records of the said meeting.

(Mr. HUI arrived at this juncture.)

### Matters arising from previous meetings or board papers circulation

#### *RSWs with their status to be ordinarily resident in Hong Kong being in doubt*

4. The Secretary told the meeting that the Board Paper no. 108/2018 was initially circulated for approval and two Board Members, (anonymized), asked to have this be deliberated at Board meeting.
5. In reply to their enquiries, the Secretary reported that in the context of this paper, the principles adopted by the Immigration Department of the HKSAR Government were referred to when considering whether a person would be ordinarily resident. For RSWs who were registered on ground of their valid visa, the Board would follow up with them for a copy of the new visa to ascertain their legality to reside when the one on record had expired, and for those who failed to respond, the Board was then invited to form an opinion on their residency and the Registrar to take follow up action. The Secretary further updated the meeting that the RSW under registration number XXXXX had filed a copy of new visa, hence the number of cases in hand was reduced to five.
6. The meeting resolved unanimously to form the opinion that those five remaining on the list to have ceased to be ordinarily resident in Hong Kong, and the Registrar would then give notice to them for the intent to remove their names from the Register.

***Action plan to launch the card-form Certificate of Registration***

7. The Secretary told the meeting that the Board Paper no. 112/2018 was initially circulated for approval and two Board Members, (anonymized), asked to have this be deliberated at Board meeting. As both were yet to arrive, (anonymized) directed to re-shuffle this item to a later stage for deliberation.

***Application for Registration from (anonymized)***

8. The Secretary told the meeting that the Board Paper no. 114/2018 was initially circulated for approval and two Board Members, (anonymized), asked to have this be deliberated at Board meeting.
9. (Business information deleted)
10. (Business information deleted)

***Impartiality and independence of members of the Election Committee***

11. The Secretary told the meeting that the Board Paper no. 115/2018 was initially circulated on 24 October for calling an ad hoc Board meeting to deliberate the matter where (anonymized) as a member of the Election Committee participated in election campaign of a candidate, and two Board Members, (anonymized), asked to have this be deliberated at next Board meeting instead. The Secretary further reported that soon afterwards, (anonymized) tendered resignation with apology from the Election Committee, which was dealt with under the Board Paper no. 116/2018 circulated on 25 October and resolved on 31 October. Both the two Board Members said their earlier requests had been overtaken by events and there would have nothing further for deliberation.
12. In response to the queries of (anonymized) as if specific rules should be devised to prevent re-occurrence, (anonymized) pointed out that matters of such nature should be governed by common sense instead of prescribing rules or undertaking, (anonymized) echoed and added that those are about ethics. To the enquiry of (anonymized), the Secretary reported that the Election Committee had not yet commenced any evaluation, pending the completion of the election itself. (anonymized) asked the Committee to take into account of both views from (anonymized) when evaluating this part of the project.

(Mr. WONG arrived at this juncture.)

***Judicial review on Complaint Case no. XXX***

13. The meeting took note that the court hearing had been scheduled in late February 2019 and would be after the expiry of the current term of the Board.

(Knowing that the legal advisor had already arrived to explain the legal points in relation to the proposed refinements to the complaint handling procedures, the Chairperson proposed and the meeting agreed to move to agenda item 7.1 at this juncture. Mr. Christopher CHAN, Ms. Ashley DENG and Ms. Carol CHOI of Chan & Cheng were invited to the meeting.)

***Proposed refinements to the complaint handling procedures***

- (a) (Business information deleted)

(Ms. LUK arrived at this juncture.)

14. (Business information deleted)

15. (Business information deleted)

16. There being no further questions for the legal advisers, the Chairperson thanked Mr. CHAN and his colleagues for attending the meeting to elaborate the advices given.

(Mr. CHAN, Ms. DENG and Ms. CHOI retired from the meeting.)

17. (Anonymized) invited views from the meeting on the proposed refinements after having heard of the elaboration, where the implementation might have to be left to the next term:-

- (a) (anonymized) suggested the part on earlier notification with only key information to respondent when the Two Board Members having minded to make the referral could be put into practice first, that the respondent should be asked categorically not to give any feedback.
- (b) (anonymized) said that since the Committee had discussed this for several rounds, he would like to have all proposed refinements be adopted at this meeting. The Secretary reminded the meeting that there would still be a number of drafting works including revisions to the Complaint Form by incorporating the Form One therein as well as to the related rules, and that takes time.
- (c) (anonymized) agreed that concrete refinements could be adopted but implementation had to be in the next term.
- (d) (anonymized) reiterated that the notification part would be ready to go live immediately which requires no drafting work.
- (e) To the enquiry of (anonymized) on timing of notification, the Secretary advised that the proposal would be when the Two Board Members have minded to make the referral.
- (f) To the enquiry of (anonymized), the Secretary explained the current status of the three types of document, i.e. Complaint Form, case summary and Form One, and it was the view of the Committee to merge the Form One into Complaint Form, so as to mitigate re-writing of the complaint onto Form One, and in some occasions complainant adding new allegations at the stage of Form One submission.
- (g) (Anonymized) was of the view that when Form One was to be incorporated into the Complaint Form, the complainant would be required to include all evidences at the initial stage and the Two Board Members would have to go through all these information for the screening work. (Anonymized) pointed out that in between the Complaint Form and the existing Form One, there could be a measure devised to allow the complainant submitting all the evidence without the Form One. The Secretary responded that it would be viable to incorporate the preparation of case summary into the rules, so that this instrument would come to the surface, and when the case summary is to be sent to the complainant for signing off, the complainant would then be required at that juncture to complete the set of evidence

if he/she has not done so when filing in the Complaint Form. (Anonymized) agreed it a viable solution.

- (h) (Anonymized) referred to the statutory declaration requirement on complainant and suggested that this would not be necessary to be reciprocal on respondent who is to answer allegations put forth complainant him/her. Whilst the Secretary expressed the worry that the measure might reinforce the complainant's impression of his/her case to be genuine, the meeting was in consensus that the findings would be made by the Disciplinary Committee and the complainant's impression does not dictate.
- (i) (Anonymized) suggested moving on with what could be implemented and the Board Office being asked to prepare the drafting work for vetting and approval by the next term.
- (j) (Anonymized) echoed the merits of introducing the statutory declaration requirement and the meeting agreed that it would encourage a second thought by complainant when lodging complaint.

18. (Anonymized) summed up that the three refinements were adopted by the meeting and the Board Office was asked to prepare the drafting work on revisions to the forms and rules, and to incorporate the notification measures in the workflow with immediate effect.

(The meeting resumed the proceedings in accordance with the agenda.)

### **Matters arising from previous meetings or board papers circulation (continued)**

#### ***Action plan to launch the card-form Certificate of Registration***

- 19. The Secretary recapitulated that the Board Paper no. 112/2018 was initially circulated for approval and two Board Members, (anonymized), asked to have this be deliberated at Board meeting. (Anonymized) said that she was with the impression that the earlier decision was to put on hold the launch. (Anonymized) said that he shared the same view. The Secretary reported that at the last Board meeting, the decision was to approve the proposal but an action plan was required from the Board Office for the launch.
- 20. The Secretary also answered queries from (anonymized) on the technical aspects, including the materials used for the cards and the printing method deployed in-house. To the enquiries of (anonymized), the Secretary replied that no extra fees on RSWs would be applied for this exercise and the card-form Certificate would also be replacing the Registration Card.
- 21. (Anonymized) recapitulated the rationale behind the move that it was the legal responsibilities of ex-RSWs to return the Certificates once they cease to be registered but the retrieval was not successful and the Board has so far taken no action to enforce by reporting any breaches of this nature to the Police, that the card-form Certificate bearing an expiry date would help mitigate the issue.
- 22. On the design of the card, (anonymized) suggested including the phone number of the Board as contact.
- 23. In the ensuing discussion, the meeting agreed to launch once everything is ready and

decided giving a one-month advanced notice of the launch by posting onto the website as well as the newsletter, besides the notice accompanied with the issue of the card-form Certificate to RSWs at renewal. The meeting also noted that the launch would be subject to no objection from the Labour and Welfare Bureau to the associated changes in the fee schedule, i.e. the alignment of the fees for replacement of certificate and card.

## **Registration Matters**

### ***Cases in relation to Section 34***

24. (Business information deleted)

### ***Notification of convictions***

25. (Business information deleted)

(Mr. LAM declared interest in the other case and abstained from deliberation.)

26. (Business information deleted)

(Mr. SHIU declared interest in the following case and abstained from deliberation.)

27. (Business information deleted)

### ***New Application***

28. (Business information deleted).

29. (Business information deleted)

## **Reports from Disciplinary Committees**

30. The Secretary reported on the status of outstanding cases with disciplinary committees appointed as well as those still in the pipeline of screening, that majority was received in year 2018.

## **Appointment of Disciplinary Committees**

31. (Business information deleted)

32. (Business information deleted)

## **Report from the Committee on Administration**

### ***Revised staff handbook***

33. The meeting considered and approved the proposal as set out in Board Paper no. 125/2018 to align the maternity leave from 10 weeks to 14 weeks as adopted by the Government for the civil servants.

### ***Newsletter***

34. The Secretary reported that the publication of next issue of newsletter was delayed due to

a discussion within the Committee on contents of a piece of article from a Board Member. At the proposal of (anonymized), members agreed to have the related paper tabled for deliberation towards the end of this meeting.

### **Report from the Committee on Professional Conduct**

35. There was nothing to be reported, besides the proposed refinements to the complaint handling procedures already covered earlier in the meeting.

### **Report from the Committee on Qualification Assessment and Registration**

#### ***Qualification Recognition Assessment***

36. (Business information deleted)

#### ***Qualification Recognition Review***

37. The meeting took note that there were another four review exercises to be conducted by different Assessment Teams on existing programmes offered by another four institutions.

#### ***Progress Report from (anonymized)***

38. The meeting took note of the report as set out under Board Paper no. 127/2018.

### **Report from Election Committee**

39. (Anonymized) reported that the election forum had been held and it would be evaluated when the whole election exercise was completed.

### **Report from Task Force on proposed amendments to the SWRO**

40. The meeting noted that the Labour and Welfare Bureau was yet to provide their shortlist of amendments, hence there was nothing to report.

### **Invitation to be supporting organization**

41. The meeting considered the invitation as outlined under Board Paper no. 128/2018 and agreed to accept the invitation to be supporting organization of the International Conference on Change and Innovation for a Better World: The Future of Social Work Profession to be held in June 2019.

### **Any Other Business**

#### ***Membership of Disciplinary Committee Panel***

42. (Business information deleted).

((Anonymized), presiding member of the Disciplinary Committee on Case no. XXX, had arrived and was invited to the meeting.)

### **Report from Disciplinary Committee**

#### ***Case no. XXX***

43. (Business information deleted)

44. (Business information deleted)

((Anonymized) retired from the meeting.)

45. (Business information deleted)

### **Newsletter**

46. The Chairperson referred back to the agenda item on newsletter and drew attention to page no. 6 of the draft newsletter about whether remarks should be included. In the ensuing discussion:-

- (a) (Anonymized) outlined the discussion by the Committee, which was mainly about the second paragraph of the article by (anonymized), where the discussion was first on the phrase of “不少” in the clause “我們遇到的投訴／跟進個案不少，當中更好一部份涉及社運與政治”，where there was a view that there was only one complaint case of this nature and the phrase might cause readers to misread the extent of such; and secondly on the phrase of “當中更好一部份” where there was a view that the phrase is suggesting a significant portion, and again the phrase might not be accurate, that a remark would be desirable.
- (b) The Secretary told the meeting that there was no discussion on the phrase “不少”，but (anonymized) disagreed and pinpointed that the earlier discussion was on this.
- (c) (Anonymized) continued his account on both and pointed out that the clause was about “投訴／跟進個案”，hence it included not only complaint cases, that for matters concerning politics and social movement, to his memory, there would be at least three counts, therefore he considered that the suggestion of “遇到的投訴／跟進個案不少” to be misleading could not be appropriate. On the other point, he reported that there was the suggestion of adding a remark but the Committee had not resolved on it and there was also no suggested wordings, hence if this meeting would resolve to add the remark, the wordings had to be worked out.
- (d) (Anonymized) referred to other parts of the newsletter in particular on the election, that the delay of its publication required a re-drafting as the election would be completed by then. The Secretary confirmed that the re-drafting work would be carried out.
- (e) (Anonymized) referred back to the discussion on that article and pointed out that in the note concerning the phrase of “當中更好一部份”，it was suggesting that there was only one complaint case of that nature involving social movement and politics; on this (anonymized) said that it was incorrect, and (anonymized) then asked to rectify the number involved if that was incorrect. The Secretary said that, referring to the two other cases as mentioned by (anonymized), one was about a matter arising from a political election and having been dealt with by the previous term of the Board, whilst the current term dealt with the person’s re-application for registration only.

- (f) (Anonymized) pointed out that in the email correspondence which had not been tabled at this meeting, the three cases included the complaint case of (anonymized), the other two of (anonymized) and (anonymized) respectively, where the Board had deliberated without political considerations, and these three were one of disciplinary hearing, one of re-application and one of application documentation, and the article was talking about not of the deliberation by the Board having taken into political consideration but about the nature behind those cases to be related to politics or social movement. (Anonymized) pointed out further that the Board had not classified the nature of such cases as related to politics and social movement, and those were views of the writer.
- (g) (Anonymized) sought clarification on: (1) as from when remarks would be added to articles in newsletter, (2) who would be in charge of the editing work, (3) who is the editor, and (4) if the Board Office was with the authority to do the fact check. (Anonymized) offered the answers that the Committee on Administration during (business information deleted) had added remark once for an article contributed by a RSW and the remark was on the incorrect titles used by the writer of funding mechanisms prior to the Lump Sum Grant, hence he confirmed that in the past there had been occasion for adding remark and conducting fact check, and the authority hierarchy would be first by the Committee on Administration and then by the Board. (Anonymized) said that for the present matter, the Committee was slow in deliberating and had just managed to table it for consideration by the Board.
- (h) (Anonymized) pointed out that this time the edit work was put forth by the Board Office and he further asked that for articles of a nature of sharing by Board Members, whether fact check should be carried out and whether all what the Board Member wrote should be factual, while he would not discuss the contents being factual or not, he pointed out that there were many others demanding fact checks as well, citing the article of (anonymized) talking about the great number of traffic offences committed by RSWs, querying whether the Board Office had conducted the fact check as well, or the article of (anonymized) on the 4-inch meeting documents, whether the Board Office had conducted the fact check. He queried since when the Board Office had the authority.
- (i) The Secretary responded that the note put underneath the draft newsletter was one for review and discussion by the Committee on Administration, that there was no editing onto the articles themselves by the Board Office, while the email correspondence was a reminder as if the writer would mind to revisit the contents. The Secretary pointed it out that the Board Office got no authority but was laden with responsibility to bring to the attention of the committee of the facts known.
- (j) To the challenge by (anonymized) as if the Board Office had conducted similar fact checks on others and where was the line being drawn, (anonymized) suggested that all should be treated the same, but he held the view that no remark need to be added to any of the three articles, as all were of perception but not about fact, and he felt uncomfortable to add remarks on such.
- (k) (Anonymized) took note of a disclaimer in the newsletter duly addressing the liability exposure of the Board in publishing articles of others, hence those matters concerning feeling or perception would be dealt with by the disclaimer, but since the

main duties of the Board are the registration and disciplinary control, when the article referred to complaints or follow up matters dealt by the Board, where the number involved did not amount to that of “好一部份” , it would be a question of facts, and he held the view that clarification should be made, as it was of a different dimension to that of perception.

(l) (Anonymized) asked if the exact number to be quoted to resolve the matter. (Anonymized) responded and reiterated that the articles reflected only the perception of writers and no remark to any should be added.

(m)(Anonymized) suggested inserting the number as he did witness quite a number of those traffic conviction cases. (Anonymized) disagreed as that would look odd to quote numbers in remark to pieces of writing on perception but not of telling facts. (anonymized) echoed it be of perception. (Anonymized) remarked that the 4-inch meeting document would likely be of perception, to which (anonymized) responded that he did measure those before writing.

47. (Anonymized) pointed out that the debate was arising from differences in points of view. He put the matter to vote. There were eight (8) Members, (anonymized), voted for not adding any remark, five (5) Members, (anonymized) against it, and (anonymized) abstained. No remark would then be added to articles of this issue of newsletter.

48. There was no other business deliberated by the meeting.

#### **Date of next meeting**

49. The Chairperson proposed and others agreed that no date would be fixed for meeting during the remaining period of the current term due to complete by 15 January 2019.

50. The meeting concluded at 10:30pm.

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Chairperson