

SOCIAL WORKERS REGISTRATION BOARD
Notes of the 69th Meeting of the Committee on Professional Conduct

Date: 28 May 2018
Time: 7:20 p.m.
Venue: Conference Room, 26/F Eastern Commercial Centre, 83 Nam On Street, Shau Kei Wan, Hong Kong.
Present: Mr. WONG Ka-ming (Acting Convenor)
Mr. HUI Chung-shing, Herman
Dr. LEUNG Chuen-suen
Ms. LUK Ka-mei
Ms. LIT Ming-wai (co-opted member)
Mr. LUN Chi-wai
Mr. SHIU Ka-chun
Apology: Mr. MA Kam-wah, Timothy
Mr. TSANG Kin-chiu
Secretary: Mr. LEE Wing-po, Eric, Registrar and
Ms. FAN Lai-yee, Veronica, Assistant Registrar

Mr. WONG, Convenor of the Committee, presided the meeting.

Confirmation of the notes of the 68th meeting

1. The notes of the last meeting were confirmed without amendment.

(Mr. Shiu arrived at this juncture.)

Matters arising from the 68th meeting

2. There were no matters arising from last meeting not being under agenda item of this meeting.

Proposed Amendments to the Complaint Form

Revisions to the Complaint Form

3. At the last Committee meeting, the Board office was asked to revise the wordings of Complaint Form so as to remind complainants the potential consequences of their absence from disciplinary hearing. The Secretary put forth a draft of the revised Form for the Committee's consideration and the proposed changes were briefed to the Committee. The Committee agreed to, with some suggestions of refinements, invite legal adviser to vet whether the wordings were appropriate and the Form was fit to use.

(Ms. Luk and Mr. Lun arrived at this juncture.)

Synchronization of Complaint Form, case summary and Form One

4. The Secretary explained that three forms were involved in early stage of complaint handling, namely Complaint Form (prescribed form used for lodging a complaint under the statutory requirement), the case summary (particulars of complaint prepared by a legal adviser) and the Form One (Form for Complainant's Case to state the fact and give evidence of the complaint). Form One was specified in the Rules in respect of Pre-hearing Procedures for Disciplinary Proceedings and has been in use since 2016. The Committee was invited to discuss whether the three forms should be synchronized. A member agreed that documents to be used in disciplinary hearing should be kept to a minimal to avoid discrepancies between three documents. The Committee expressed that it was unlikely that the Complaint Form and the case summary could be eliminated but the Form One could be or be modified for other purpose such as skeleton of complainant's submission. The Committee would like to clarify the purpose of Form One when it was designed, and suggested to seek legal advice whether amendment on Form One was necessary. It was suggested to seek the legal advice from Mr. Christopher Chan who was involved in the previous exercise of reviewing the disciplinary proceedings.

Non natural Person being the complainant

5. In the revised Complaint Form, it was proposed that if the complainant was a legal person, it was to state its authorized representative in the Form. A member suggested that instead of putting a specific field in the Form, such information should only be stated when happened. There was another view that there are bodies who may lodge complaints but not being a legal person, e.g. parents-teachers association. The Board office would look into any possible revision.

Making statutory declaration and the timeline

6. The Committee noted that the complainant was required to sign the statement of truth in the Complaint Form. It was observed that there were cases in which complainants did not show up in the disciplinary hearings to give evidence. Such situation was not satisfactory. To address this, the Committee discussed on whether it was appropriate to request complainants to make statutory declarations and when should it be required to be made.
7. With reference to other professional such as Physiotherapists, complainants were required to make statutory declaration when lodging complaints. Members considered that it was appropriate to model after. They also discussed the pros and cons of different proposals, in which the complainant was requested to make statutory declaration at different point of time, such as at the time of submitting Complaint Form or when the case summary was ready. After discussion, the Committee agreed to seek legal advice on the matter.

Review of the workflow for complaint handling

Notification to the RSW being complained

8. In response to a member's enquiry, the Secretary updated that it took at least nine months to complete a complaint case from the receipt of complaint till the hearing, subject to no complications. The RSW being complained would be notified only after the case was referred to the Board for appointment of DC. There would be a considerable lapse of time in between the incident and the notification to the RSW.
9. To address the problem, the Committee suggested to build in a procedure for the two Board Members to notify the RSW of the complaint against him/her when the two Board Members were minded to refer the complaint (in whole or in part) to the Board for forming DC to inquiry. The purpose was to allow the RSW to learn of it at the earliest so he/she might start gathering evidence to defend, lest the Board was accused of late notice to him/her, depriving his/her chance to do so properly. Secondly, by doing so, it might help to mitigate the risk of making referral solely based upon one-sided story of complainant.
10. The Committee was aware that the ambit of the two Board Members was to screen out those cases meeting the requirements as set out under s.25(3) of the Ordinance, hence the notice was to be in terms of seeking feedback from the complained RSW such that the two Board Members might revisit the screening out procedure as set out in s.25(3) with reference to any relevant feedback. The document to be provided to the RSW might likely be a copy of the Complaint Form, only with contacts of complainant redacted. Legal advice would also be sought on the suggestion.

Progress report on the complaint cases

11. Business information deleted

Business information deleted

12. Business information deleted

Progress report on the review of Code of Practice

13. The Secretary updated that the Taskforce had completed almost 80% of the revision. The translation work would start soon and the Board office would obtain quotations from expertise with knowledge of translation and social work. At the subsequent meeting, the Taskforce would discuss how and when to collect the views on the first revised document. It was agreed that an open forum should be conducted and the revised Code together with a skeleton should be provided to the stakeholders.

Date of next meeting

14. Members agreed that the next meeting would be scheduled on 23 July 2018 at 7:30 pm.
15. There being no other business, the meeting was adjourned at 9:30 pm.

31 May 2018