

SOCIAL WORKERS REGISTRATION BOARD
Notes of the 80th Meeting of the Committee on Professional Conduct

Date: 13 October 2020 (Tue)
Time: 7:30 p.m.
Venue: Online meeting via Webex Meet platform
Present: Mr. LUN Chi-wai (Convenor)
Ms. Anna CHAN Tsz-wai
Ms. LIT Ming-wai (co-opted member)
Ms. Connie MAN Yuen-ling
Dr. NG Yut-ming
Dr. TING Wai-fong
Mr. Ken TSANG Kin-chiu
Apology: Ms. Michelle TSOI Wing-tak (co-opted member)
Secretary: Mr. Eric LEE Wing-po, Registrar
Ms. Emily CHAN May-shan, Assistant Registrar

Confirmation of notes of the last meeting

1. The Committee endorsed the notes (CPC80-1) of last meeting.

Review of the announcement of written recommendations of the Disciplinary Committee (DC) prior to the submission to the Board

2. The Committee took note of the legal advice (CPC80-2) that the conclusion was summarized as follows:-
 - (1) According to the Social Workers Registration Ordinance (Ordinance) and The Rules in respect of Disciplinary Proceedings (Rules), the DC's decision includes (i) whether the facts alleged in any complaint before the DC have been proved to its satisfaction; (ii) whether the disciplinary offence complained of has been committed; and (iii) any appropriate order that the DC would recommend in respect of the complaint.
 - (2) It is not a must to give the DC's reasons to the parties of the disciplinary hearing in writing but it is a good practice to do so.
 - (3) There is always a possibility that internal discussion and the materials considered by the Board (including the DC's report) need to be disclosed under a request for discovery in legal proceedings.
 - (4) The final decision in relation to the disciplinary proceedings is the decision of the Board based on all the relevant evidence and circumstances as required to be considered by the Ordinance. Therefore, in general, the Board's decision and reasons therefore can differ from the DC's decision and reasons if the Board thinks fit. However, the Board should not intervene the factual determinations (e.g. factual findings and credibility) of the DC without further investigation unless it could be shown that something was clearly wrong or defective.
 - (5) The current version of the Rules does not expressly require the DC to announce the reasons of their decision.
3. Members agreed to give reasons to the parties concerned in writing but not prior to reporting to the Board. Therefore, the parties might be informed of the DC's decision without reasons

at an earlier stage and of the final decisions and reasons of the Board at a later stage. The main consideration was to mitigate the embarrassment or confusion that might be caused when the Board disagreed with the reasons put forward by the DC or any statements in the DC report.

4. Members were aware of the possible disclosure of all internal documents including the DC's recommendations and the Board's discussions under a request for discovery. Nevertheless, they still preferred to let the parties know of the reasons when the Board has met and resolved on its final decision.
5. The Board office will follow up the draft of the revised workflow for the Committee's deliberation at the next meeting before submission to the Board for endorsement.

Consultation on proposed amendments of Code of Practice

6. The Secretary reported that three online consultation sessions had been held while two more to be conducted in the latter half of October. There were over 300 people enrolled but the turn up rate was unsatisfactory.

Casebook of Disciplinary Inquiries

7. The Board had endorsed the nomination of the editorial sub-committee by the Committee and the first meeting had been scheduled for 23 November.

Any other business

8. There being no other business.

Date of next meeting

9. The next meeting would be held via online platform at 7:30p.m. on 2 December 2020.
10. There being no other business, the meeting was adjourned at 8:30p.m.

End