

SOCIAL WORKERS REGISTRATION BOARD

Rules for the Appeal Mechanism **under the Principles, Criteria and Standards for Recognizing** **Qualifications in Social Work**

Composition of the Appeal Panel

1. It shall consist of 5 members from the following three categories:
 - (a) Not less than 2 who are of the Social work education sector in Hong Kong;
 - (b) Not more than 2 who is of a care profession in Hong Kong, including but not limited to medical doctors, nurses, therapists and psychologists; and
 - (c) Not more than 2 who is with profound experience in public administration in government policies, public programmes and services.
2. They shall elect among themselves a presiding member to hear the case.
3. Their appointment to such office shall cease when any conflict of interests has emerged or the Panel has handed down its decision on the appeal. The Panel is not to be a permanent establishment.
4. The Appellant may raise objection in writing to the appointment but only for the reason of the existing material conflict of interests, and no objection will be accepted if it is not made within 5 working days upon receipt of the notice of such appointment.
5. Any panel member may resign for any reasons at any time in writing to the Board, and the Board shall appoint another person from the same category.
6. Each panel member is entitled to an honorarium of HK\$3,000 per day for attending hearing or meeting.
7. Each member, including the presiding member, acting in good faith, shall not be personally liable for any act done or default made by him, in the exercise or purported exercise of the powers conferred by the Rules specified by the Board in the performance or purported performance of the functions or duties of the Appeal Panel.

Support for the Appeal Panel

8. The Board Office is to provide the usual secretarial support for the Panel, with a full-time staff member assigned as its secretary.
9. A legal advisor is to be appointed by the Board to render any necessary legal advisory support for the Panel in its performance of the functions or duties.

Service of Documents

(A) General

10. Any document, statement, notice or article required to be served or lodged for the purposes of an appeal may be served or lodged in person or by post. When it is served by ordinary post, unless it is proven to the contrary, it is deemed to have been received by the addressee 3 Working Days after it is so posted.
11. Any application for extension of timeline by the Appellant or the Board shall reach the Panel not less than 10 working days before the original timeline. The Panel may refuse to deal with any late application.

(B) Notice of Appeal

12. An appeal should be made in specified form within 20 Working Days from the delivery date of the notice of decision served on the tertiary institution (or applicant) by the Board.

(C) Notice of appointment of the Panel

13. The Board is to appoint members to the Panel and to serve notice of such appointment on the Appellant within 30 Working Days.
14. If the Appellant is to raise any objection to the appointment, it shall do so within 5 working days in writing, setting out details of the conflict of interests identified and with documentary proof, if any, to substantiate such claims.

(D) The Appellant to serve documents

15. Unless the Panel decides any further period on application allowed, the Appellant shall, within 20 Working Days upon receipt of the notice of appointment of the Panel (when any objection is made, the notice of any re-appointment), serve separately but on the same day on both the Appeal Panel and the Board the following:-
 - (a) A statement specifying the grounds of the appeal;
 - (b) A statement of the facts relied on as may suffice to enable the Panel to be fully and fairly informed of the grounds of the appeal;
 - (c) Copies of all documents, duly paginated with a prefix of "A", the Appellant intends to rely on, which shall not include any new evidence subsequent to the last submission of the tertiary institution made to the Board prior to the Board's decision;
 - (d) A list of the names of all witnesses that the Appellant intends to call at the hearing of the appeal.

where the Appeal Panel is satisfied that the Appellant has failed to comply with this service of documents, the Appeal Panel may dismiss the appeal without conducting any hearing.

(E) The Board to serve documents

16. Unless the Panel decides any further period on application allowed, the Board shall, within 20 Working Days after receiving copies of the documents served by the Appellant, and unless the Panel rules to dismiss the appeal as provided above, serve separately but on the same day on both the Appeal Panel and the Appellant the following:-
- (a) A written reply to the grounds of the appeal;
 - (b) Copies of all documents, duly paginated with a prefix of "B", the Board intends to rely on, which shall not include any new evidence subsequent to the last submission of the tertiary institution made to the Board prior to the Board's decision.
 - (c) A list of the names of all witnesses that the Board intends to call at the hearing of the appeal.

(F) Notice of hearing

17. If the Panel decides to call upon the Appellant and the Board for oral hearing, the presiding member of the Panel shall fix the date, time and place of the hearing of the appeal, and shall, not less than 10 Working Days before the date of the hearing, serve on the Appellant and the Board a notice in writing of the date, time and place of the hearing.
18. The appeal hearing will be conducted in private unless with the agreement of both the Appellant and the Board to make it open.
19. The Panel has the discretion to make its own procedural rules in conducting hearing.

Abandonment of appeal

20. An Appellant may, at any time, abandon the appeal or any part of the appeal by notice in writing served on both the Appeal Panel and the Board. The appellant shall bear all the tangible costs incurred.

Absence from the fixed-date hearing

21. If the Panel fixed the date under paragraph 17 and the Appellant fails to attend the hearing, the Appeal Board may -
- (a) If it is satisfied that the Appellant's failure to attend was due to any other reasonable cause, postpone or adjourn that hearing for such period as it thinks fit;

- (b) Proceed to hear the appeal; or
- (c) By order dismiss the appeal.

22. Where the Appeal Panel postpone or adjourn the hearing under paragraph 21(a), the Panel shall

- (a) Fix the date, time and place for a fresh hearing of the appeal; and
- (b) Not less than 10 Working Days before the date so fixed serve on the Appellant and the Board a notice in writing of the date, time and place of the hearing.

Decision

23. The Panel may announce its decision with reasons immediately after the hearing or may do so in writing to the Appellant and the Board afterwards. A written decision with reasons prepared by the Panel shall be kept by the Board as record for a period deemed appropriate and necessary by the Board.

Cost

24. Tangible cost to be incurred will be the honorarium to the Panel members and the fee to the legal advisor. The cost of secretarial support rendered by the Board Office would be intangible.

25. When the Appeal Panel upholds the original decision of the Board, the Appellant shall be required to pay all the tangible cost incurred.

26. When the Appeal Panel does not uphold the original decision of the Board, the Board shall be required to pay all of the tangible cost it has incurred.

15 April 2021