

**One Hundred and Thirty-Eighth Meeting
of the Social Workers Registration Board
27 June 2016, Monday, 7:00p.m., Conference Room
26th Floor, Eastern Commercial Centre**

Minutes

Present

Mr. Lun Chi-wai	Chairperson
Dr. Leung Chuen-suen	Deputy Chairperson
Mr. Wong Ka-ming	Hon. Secretary
Mr. Lo Wa-kei, Roy	Hon. Treasurer
Ms. Chu Wai-sum, Betty	Member
Mr. Chung Wai-lung, Rivalino	Member
Mr. Hui Chung-shing, Herman	Member
Mr. Kwan Wing-shing, Vincent	Member
Mr. Lam Ka-tai	Member
Ms. Luk Ka-mei	Member
Mr. Tsang Kin-chiu	Member
Ms. Wu Lai-ling	Member

Absent with Apology

Mr. Ma Kam-wah, Timothy	Member
Mr. Tan Tick-yee	Member
Mr. Shiu Ka-chun	Member

In-attendance

Mr. Leung Sui-keung	Registrar (Secretary)
Ms. Fan Lai-yee, Veronica	Assistant Registrar

Confirmation of minutes of the one hundred and thirty-seventh meeting

1. The minutes of the one hundred and thirty-seventh meeting were confirmed without amendment. The Chairperson, with the agreement of the members present, signed the minutes as constituting true records of the one hundred and thirty-seventh meeting held on 9 May 2016.

Confirmation of notes of urgent meeting held on 30 May 2016

2. The notes of urgent meeting held on 30 May 2016 were confirmed without amendment. The Chairperson, with the agreement of the members present, signed the notes as constituting true records of the urgent meeting held on 30 May 2016.

Matters arising from the one hundred and thirty-seventh meeting

Implementation of disciplinary orders for Complaint Case No.XXX

3 (Business information deleted)

Legal advice on a case of non-compliance with Section 24 of the Social Workers Registration Ordinance

4. (Business information deleted)

Reporting of conviction by (anonymised) (Board Paper No. 46/2016)

7. (Business information deleted)

Views exchanged by Board Members on press coverage on the case of Mr. Tsang Kin-chiu (Board Paper No. 47/2016)

11. Mr. Tsang Kin-chiu was not present at the Meeting at this juncture when the Board proceeded to discuss Board Paper No. 47/2016.

12. The Registrar reported to the Meeting that at about 6:30p.m. on 27 June 2016 at the Board Office, Mr. Lun Chi-wai, the Chairperson, received a letter from (anonymised) requesting the Board to handle Mr. Tsang's conviction case in the following manner:

- (a) The Board should conduct a disciplinary inquiry against Mr. Tsang on his recent conviction.
- (b) The Board should immediately review whether Mr. Tsang was still a suitable person to be the Convenor of the Committee on Professional Conduct.
- (c) The Board should account for the social work profession and also the general public in a fair and open manner on how the Board had handled Mr. Tsang's case.

13. The letter handed by (anonymised) to the

Chairperson was copied and tabled for Board Members' reference.

14. A letter dated 22 June 2016 from (anonymised) on similar request was also tabled for Board Members' reference.

15. The Registrar then referred to Board Paper No. 47/2016 and invited the Meeting to consider the views expressed by Board Members through exchange of emails on whether it was necessary to work out a "line-to-take" on Mr. Tsang's conviction and also, if necessary, to work out the "line-to-take" at this meeting.

16. The Registrar also invited Board Members to note the arrangements on spokesman of the Board which was set out below:

(a) The Chairperson would be the spokesman of the Board on all matters.

(b) A Convenor of a Committee would be the spokesman of the Board on the matter pertaining that committee.

(c) The Hon. Treasurer would be the spokesman on financial matters of the Board.

17. To facilitate discussion on this matter, (anonymised) invited Mr. Lun Chi-wai, the Chairperson to brief the Meeting on how he had answered questions raised by the reporters

when he received the letter from (anonymised) at the Board Office before the Board Meeting.

18. The Chairperson briefed the Meeting that he explained to (anonymised) and the reporters present at the venue that (anonymised) letter was not a formal complaint and that it was necessary to fill in a complaint form to the Board. He also explained that the actual disciplinary hearing was not conducted by Board Members but by Disciplinary Committee Members who were not Board Members.

19. Referring to the letters of (anonymised) and (anonymised), (anonymised) expressed that it might be necessary to discuss whether Mr. Tsang was a suitable person to continue to take up the post of Convenor of the Committee on Professional Conduct (“Convenor”).

20. (anonymised) asked whether the Chairperson had discussed with Mr. Tsang on his suitability to take up the post of Convenor. Mr. Lun Chi-wai, the Chairperson replied that he had discussed with Mr. Tsang on the matter but the latter had not given him any reply.

21. (anonymised) suggested that the discussion should be focused on the three issues raised in the letter of (anonymised). For the first point in (anonymised) letter, no discussion at this stage would be necessary as the Board had not yet received any formal complaint in the prescribed form against Mr. Tsang. The reply should be along the line that the letter handed in by (anonymised) on 27 June 2016 was not a complaint in the prescribed form and (anonymised) should file

a formal complaint using the prescribed complaint form and the Board would then take follow-up actions in accordance with the standard procedures in handling complaints.

22. As to the second point raised in (anonymised) letter, the Board should review whether Mr. Tsang was still a suitable person to take up the post of Convenor against the background that he had a conviction record of “assaulting a police officer in the due execution of his duties”. After the Board had made a decision on this issue, the Board should inform the public accordingly.

23. As to the third issue raised in (anonymised) letter, the Board should give a reply that it would handle the matter in a fair and just manner.

24. For the purpose of smooth handling of the forthcoming formal complaint against Mr. Tsang, the Registrar sought steer from the Meeting on how to assign the case to the Panel of Two Board Members screening complaints. After considering all circumstances of the case, the Meeting decided that the Two Board Members screening the forthcoming complaint should comprise one elected Board Member and one appointed Board Member.

25. The Chairperson invited the Meeting to give views on Mr. Tsang’s suitability to continue to take up appointment as Convenor.

26. To facilitate Board Members’ consideration on the matter, the Registrar reported to the Meeting that the Board

Office had received views expressed by RSWs that Mr. Tsang was not suitable to take up the post as Convenor in view of his conviction of “assaulting a police officer in the due execution of his duties”. His continued occupation of the post of Convenor would bring disrepute to the social work profession. The RSWs also requested the Board to handle the matter in a serious manner in order to protect the image of social workers.

27. (Business information deleted)

49. The Chairperson declared that the meeting would be adjourned at this juncture and he would speak to Mr. Tsang on this matter. Dr. Leung Chuen-suen, the Deputy Chairperson accompanied Mr. Lun Chi-wai, the Chairperson to speak to Mr. Tsang. Mr. Lun and Dr. Leung left the Conference Room at 8:15p.m.

50. The Chairperson and Deputy Chairperson returned to the Conference Room at 8:22p.m. The Chairperson relayed to the Meeting that Mr. Tsang had agreed to step down from the post of Convenor until there is a result on his appeal against the decision in Court Case No. KCC 433/2016.

51. (Business information deleted)

56. The Meeting then agreed to proceed to election of Acting Convenor. (anonymised) suggested that at this juncture, the Meeting might invite Mr. Tsang back to the Conference Room to join the Meeting. The Meeting agreed to this suggestion.

57. Mr. Tsang Kin-chiu returned to the Meeting at 8:40p.m.

58. The Chairperson informed Mr. Tsang Kin-chiu that the Meeting would proceed to elect an Acting Convenor for the Committee on Professional Conduct.

59. Dr. Leung Chuen-suen nominated Mr. Wong Ka-ming as candidate for Acting Convenor. Mr. Wong accepted the nomination.

60. Ms. Wu Lai-ling nominated Mr. Ma Kam-wah, Timothy as candidate for Acting Convenor. Mr. Ma was not present at the Meeting and the Meeting agreed that voting could be conducted notwithstanding that Mr. Ma was not present.

61. (Business information deleted) Based on the voting result, Mr. Wong Ka-ming was elected as Acting Convenor of the Committee on Professional Conduct pending the result of the appeal against the decision in Court Case No. KCC 433/2016.

Reporting of conviction by (anonymised) (Board Paper No. 48/2016)

62. (Business information deleted)

Reporting of conviction by (anonymised) (Board Paper No. 49/2016)

64. (Business information deleted)

**Application for registration lodged by (anonymised)
(Board Paper No. 50/2016)**

69. (Business information deleted)

**Information on handling applications for registration
lodged by fresh social work graduates (Board Paper No.
51/2016)**

76. The Registrar referred to Board Paper No. 51/2016 and briefed the Meeting on the existing policy and arrangements in handling applications for registration lodged by fresh social work graduates with offer of social work employment but the graduates list was not yet available.

77. Under the current policy, applications lodged by fresh social work graduates with offer of social work employment would be approved by the Board provided the following conditions were met:

(a) There must be confirmed offer and acceptance of the social work employment.

(b) The employer must confirm that the employment was a social work employment.

78. The applications would be approved under the Category 2 RSW registration arrangements prescribed by Section 17(2) of the Social Workers Registration Ordinance.

The registration would be changed to Category 1 registration upon receipt of graduation list from the tertiary institution concerned.

79. The above arrangement was worked out by the Board to facilitate social work graduates to enter the social work sector at an earlier time.

80. For applications submitted by applicants who had not received any social work training and did not possess any social work qualification recognized by the Board for registration of RSWs but were being employed or had been accepted to a social work employment, the Board would adopt a more stringent process to handle the case. Details were set out in paragraph 8 of Board Paper No. 51/2016. The additional procedures included, usually, checking of recruitment advertisement and duty list of the post to be occupied by the applicant. However, such procedures were not applied to applications lodged by fresh social work graduates with offer of social work employment. The rationale for non-application of the procedures was that fresh social work graduates had completed their formal social work training and they were apt to perform social work duties.

81. Mr. Lun Chi-wai supplemented that recently, he and the Deputy Chairperson had instructed the Registrar to obtain certified recruitment advertisements and certified duty lists from employing agencies to facilitate their consideration on applications for registration lodged by fresh social work graduates. The purpose was to unify all procedures for handling Category 2 applications, irrespective of whether the

applicants had completed the social work training or did not have any social work training.

82. (anonymised) supplemented that applications lodged by fresh social work graduates could only be approved under Category 2 arrangements if the graduate list was not yet available. As such, it was necessary to ascertain whether the post to be occupied by the social work graduate was a genuine social work post. For this purpose, it was necessary to examine the recruitment advertisement and the duty list and a set of more stringent arrangements should be implemented to ask for such documents.

83. (anonymised) held the view that if a duty could be performed by a social worker and another professional, then it could not be automatically said that such duty was a social work duty. (anonymised) further said that Board Members who were social workers would have the ability to decide whether the post in question was a genuine social work post after perusing the duty list.

84. The Registrar explained that in the past, if a duty could be performed by a social worker and a counselor, then the Board would treat the duty as a duty for both a social worker and a counselor.

85. (anonymised) proposed that the arrangement to request applicants to provide recruitment advertisement and duty list should be made a standard requirement starting next year by issuing letters to concerned parties. (anonymised) further expressed that the Board should not approve these

Category 2 registrations if the requirements on provision of recruitment advertisements and duty lists were not met.

86. The Registrar expressed that the proposed changes would be a substantial change on the Board's policy to facilitate fresh social work graduates to enter the social work sector. At the time of submitting applications to the Board, the applicants were not yet staff of the employing agencies and the agencies were not willing to give the applicants the duty lists. For the past two months, pursuant to the directive given by the Chairperson and Deputy Chairperson, the Board Office had spent a lot of time and effort to persuade agencies to provide certified recruitment advertisements and certified duty lists to the Board.

87. The Registrar also expressed that before the proposed change of policy was implemented, the concerned stake holders including tertiary institutions, employing agencies and social work students should be consulted.

88. (anonymised) expressed that the Board might not have the jurisdiction to ask employing agencies to provide recruitment advertisements.

89. (anonymised) expressed that the provision of recruitment advertisements and duty lists were beyond the control of the applicants. If the Board refused the application on the ground that no recruitment advertisement or duty list was provided by the applicant, and the applicant could only take up the social work employment after the graduate list was available and upon successful registration as Category 1 RSW,

then there would be a ground for the applicant to sue the Board for the financial loss caused by the Board's refusal of the application for registration under Category 2 arrangements.

90. (anonymised) expressed that both sides had its own standpoints and Section 17(2) of the Ordinance involved occupying a social work post or being accepted for a social work post. He suggested that if there was previous legal advice on interpretation of this section, it would help the Board consider the matter. If, however, no legal advice had been sought, then the Board should seek legal advice first before proceeding to further discussion on the matter.

91. In view of the unresolved issues, the Meeting decided that legal advice should be sought on the viability of the suggestion to make the provision of recruitment advertisement and duty list as a pre-requisite for approving application for registration lodged by fresh social work graduates with confirmed social work employment before the graduate list was available.

Draft Final Report on Qualification Recognition Assessment on (anonymised) (Board Paper No. 52/2016)

92. (Business information deleted)

Draft Final Report on Qualification Recognition Assessment on (anonymised) (Board Paper No. 53/2016)

95. (Business information deleted)

Draft Interim Report on Regular Qualification Recognition Review on (anonymised) (Board Paper No. 54/2016)

98. (Business information deleted)

Progress report submitted by (anonymised) (Board Paper No. 55/2016)

103. (Business information deleted)

Progress Report on (anonymised) (Board Paper No. 56/2016)

107. (Business information deleted)

Proposed list of co-opted members to the Committee on Qualification Assessment and Registration (Board Paper No. 57/2016)

110. (Business information deleted)

Proposed revisions to the contents of “Frequently Asked Questions” on the Board’s web-site (Board Paper No. 58/2016)

112. The Registrar referred to Board Paper No. 58/2016 and briefed the Meeting on the proposed revisions to the contents of “Frequently Asked Questions”(“FAQ”) on the Board’s web-site worked out by the Committee on Administration.

113. The main proposed revisions included:

- (a) Simplified answer to question 1 on functions of the Board.
- (b) Removal of question and answer on how a person without recognized social work qualification or social work training could apply for registration as Category 2 RSW on ground of taking up social work employment from the FAQ.
- (c) Removal of question and answer on how the Board would process applications for registration lodged by applicants with social work qualifications awarded by tertiary institutions in Taiwan.
- (d) Minor revisions in wordings in some questions and answers to clarify the contents.

114. (anonymised) proposed and the Meeting agreed to further simplify the answer to question 1 on functions of the Board along the line of including the long title of the Social Workers Registration Ordinance in the answer and consolidating the two sub-paragraphs into one single paragraph.

115. Board Members were invited to furnish further refinements to the Board Office through emails and the Board Office would circulate the final draft revisions to Board Members for endorsement before posting the revisions on the Board's web-site.

Proposed additional member to the Panel of Two Board Members to handle complaints under Section 25(3) of the Social Workers Registration Ordinance (Board Paper No. 59/2016)

116. (Business information deleted)

Judicial Review on Complaint Case No. XXX (Board Paper No. 61/2016)

119. (Business information deleted)

Any Other Business

Proposal to install window films for the Board Office

122. For the purpose of reducing electricity consumption for air-conditioning in summer seasons, the Registrar sought steer from the Board to install window films for all windows at the Board Office to reduce the heating effect caused by direct sunlight entering the Board Office. For environment protection purpose, the Meeting endorsed the above proposal.

Date of Next Meeting

123. The Meeting proposed the following two time-slots for Board Members' choice for the 139th Board Meeting:

- (a) 9:30a.m. on Friday, 9 September 2016;
- (b) 2:30p.m. on Friday, 9 September 2016.

(Post-meeting note: after collating returns from Board Members, it was confirmed that the 139th Board Meeting would be held on Friday, 9 September 2016 at 2:30p.m.)

124. There being no other business, the meeting adjourned at 10:35p.m.

Chairperson

15 July 2016