

CONFIDENTIAL

Minutes of the 147th Meeting of the Social Workers Registration Board

Date: 15 January 2018 (Monday)
Time: 7:12pm
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
Ms. LUK Ka-mei
Mr. LUN Chi-wai
Mr. TAN Tick-yee
Mr. TSANG Kin-chiu
Mr. WONG Ka-ming
Ms. WU Lai-ling
Apologies: Mr. LO Wa-kei, Roy
Mr. MA Kam-wah, Timothy
Mr. SHIU Ka-chun
Secretary: Mr. LEE Wing-po and Ms. FAN Lai-yee, Veronica

1. Mr. LUN, Chairperson of the Board, presided the meeting, whilst noting that Messrs. CHUNG, HUI, KWAN, and Ms. WU were yet to arrive, as quorum was present, the Chairperson kick-started the meeting.

Confirmation of minutes of the 146th Meeting

2. With a typo on the name of (anonymized) rectified, the minutes of the 146th meeting of the Board were confirmed as the true records of the said meeting.

Matters arising from the previous meetings

Judicial review on Complaint Case no. XXX

3. The Secretary reported that there remained no news heard from the court on its judgment.

Meeting with the Labour & Welfare Bureau

4. The Secretary reported that there was also no news from the Bureau.

Nomination of additional disciplinary panelists

5. The Secretary recapped that the suggestion of including a notice for such in the newsletter would be arranged for its next issue of March 2018.

(Mr. HUI arrived and (anonymized) excused himself from the meeting at this juncture.)

Follow up matter arising from Complaint Case no. XXX

6. (business information deleted)
7. (business information deleted)

8. (business information deleted)

(Mr. Chung arrived at this juncture.)

9. (business information deleted)

10. (business information deleted)

11. (business information deleted)

12. (business information deleted)

13. (business information deleted)

((anonymized) returned to the meeting at this juncture.)

(In view of the arrival of the DC presiding member for case no. XXX, the meeting moved to agenda item 4.1 at this juncture for receiving the DC report.)

Report from Disciplinary Committee on Case no. XXX

((anonymized), presiding member of the Disciplinary Committee on Case no. XXX, was invited to the meeting.)

14. (business information deleted)

15. (business information deleted)

((anonymized) retired from the meeting.)

16. (business information deleted)

17. (business information deleted)

18. (business information deleted)

19. (business information deleted)

(Ms. WU arrived at this juncture.)

Appeal from (anonymized)

20. (business information deleted)

21. (business information deleted)

22. (business information deleted)

Registration matters

(anonymized) (*renewal application*)

((business information deleted))

23. (business information deleted)

((business information deleted))

Cases of violation of Section 34

24. The Secretary outlined the two cases as set out in Board Paper no. 005/2018.

(Ms. CHU declared interest in the second case.)

25. (anonymized) raised the point as if the incorrect address of the agency in the first case would constitute a matter of the RSW providing false information to the Board. The Secretary pointed out that the intention of providing false information should be considered before making a report of such to the Police. (anonymized) suggested mentioning all the facts in the report to the Police and leaving it to the Police for investigation as deemed appropriate.

26. (anonymized) summed up the discussion that there was no objection to make the reports of both cases in line with the usual practice. The meeting agreed.

Report from the Disciplinary Committees

27. The meeting took note of status of various cases being in the hands of different Disciplinary Committee as set out in the agenda. The Secretary told the meeting that status of other cases had also been reported in the monthly statistics circulated by emails.

Reports from the Committees

Administration

Revised Rules in respect of Confidentiality

28. At the proposal of (anonymized), the Secretary outlined the key proposed changes. The meeting resolved to adopt the revised Rules as set out in Board Paper no. 133/2017.

Revised Rules for Election of Board Members

29. The Secretary outlined the background of the Rules and highlighted the key proposed revisions to the said Rules. In the ensuing discussion, (anonymized) suggested conducting a brief consultation among the RSWs. In response to the concern of (anonymized) as if that would open the floodgate, (anonymized) pointed out that given the greater weight that the election of Board Member carries, it would be desirable to conduct such consultation. The meeting endorsed the suggestion and resolved that the draft rules should be made available at the website and a notice would be sent to all RSWs to give comments within a month's time.

30. The Secretary reported that it would take some time to translate the rules into Chinese and the meeting agreed to target the launch of the consultation towards end January. (post-meeting note: the Secretary reported after the meeting the omission of his to raise at the meeting a further proposed amendment to paragraph 4.1, which should then be read as: "All RSWs whose names are on the Register as on the date of one month prior to the date of vote counting for an election and theirs remain so on the date of vote counting are eligible to be electors for that election", and this would be vetted by the Board together with comments received from the consultation.)

Appointment of representative to attend the Owners' Corporation meetings

31. The meeting took note that the Board as owners of the current office premises would be

members of the Owners' Corporation, and it resolved to rectify the appointment of the Registrar, the Assistant Registrar and the Administrative Executive (C) to be representative of the Board to attend meetings of the Owners' Corporation in dealing with routine matters there arising.

Budget for FYE 31 March 2019

32. In the absence of (anonymized), the Secretary walked through the budget prepared for the next financial year from 1 April 2018 to 31 March 2019. (anonymized) noted that there were no questions on it and the meeting resolved to endorse the budget as prepared.

Promotion

33. (anonymized) reported on the various events organized under the Social Work Day programme, including the long distance run to be held on 28 January.

Professional Conduct

Progress report on the review of the Code of Practice and its Guideline

34. At the proposal of (anonymized), the Secretary walked through the work done so far by the Task Force on the review of the Code of Practice and the intended combination of the two booklets currently in use.
35. (anonymized) supplemented by drawing the meeting's attention to the new format of the presentation, including the sub-sections on Principles, Standards & Rules.

Co-opted Committee Members

36. (anonymized) told the meeting that two non-RSW professionals had been approached for appointment to the Committee, namely (anonymized) The Chairperson moved the motion and the meeting endorsed it that upon their acceptance of the invitation, they would be so appointed.

Workflow for disciplinary function

37. The Secretary reported that the workflow was close to completion but would require further enhancements to incorporate additional tasks arising from the adherence to the open justice principle recently come to the notice of the Committee.

38. (business information deleted)

Literature review of Case no. XXX

39. The Chairperson told the meeting that the Committee had concluded on the said review to confirm the findings that the Board had previously amended the recommendations made by disciplinary committee, and there would be no further action on this item.

Qualification Assessment and Registration

Approval status of activity organizers under the Voluntary Continuing Professional Development Scheme

40. In the absence of (anonymized), the Secretary outlined the proposed follow up actions to keep the approval status of activity organizers up to date. (anonymized) suggested , and

the meeting endorsed, making it a biennial review.

Proposed new forms to be specified for making statutory declaration

41. The Secretary walked through the proposed new forms to be specified for making statutory declaration for the applications of registration, the considerations taken into account and the key changes as set out in Board Paper 109/2017.
42. The meeting adopted the proposal of specifying the HAD form of the Home Affairs Department as one of the specified forms in addition to the revised own form tailored for use by practicing solicitor or Justice of Peace.
43. At the proposal of (anonymized), echoed by (anonymized), the meeting agreed that declaration could still be made elsewhere outside Hong Kong, provided that the declaration is duly authenticated before a consular officer of the Peoples' Republic of China in that foreign countries, or in their absence before an equivalent authority deemed acceptable to the courts in Hong Kong.
44. The Secretary was asked to make the corresponding changes and have the revised form cleared by lawyer before it being adopted for use.

Fit and proper person for registration

45. The Secretary highlighted the issue about not having checked applicants in respect of fit and proper persons under Section 17 of the Ordinance when processing applications and renewals.
46. (anonymized) pointed out that it was an issue the Board had to fix, and he suggested adding an open question in the application forms, so that applicants could disclose under the honour system anything concerning their fitness and properness for registration.
47. (anonymized) pointed out that the current protocol did include conviction, which in usual cases forms part of fit and proper criteria, though that was noted to be inadequate. He also pointed out that it would be impossible to compile a list that could be exhaustive, to this (anonymized) concurred.
48. To the enquiry of (anonymized), the Secretary advised that in the context of licensing, there would be no issues of privacy or discrimination for the regulator to ask for such information for assessment.
49. (anonymized) pointed out that the suggestion of inserting an open question would be good but there would be enquiries on what are those criteria the Board would consider relevant, hence the Board could not avoid prescribing one for reference. He had found something from the UK regulatory body and suggested some further research could be conducted.
50. (anonymized) said that "fit and proper person" might be under some common law principles that legal research could help. (anonymized) agreed.
51. At the proposal of (anonymized), the meeting resolved to direct the Committee to conduct a further research and deliberation before legal advice would be sought.

Evaluation mechanism for Professional Consultants

52. The Secretary outlined the initiative of introducing the evaluation mechanism for

Professional Consultants. The meeting endorsed the proposal which would be implemented as from the next assignment.

Enquiry from an AT member on decision of the Board

53. The meeting took note of the enquiry. In view that the matter was being appealed, the meeting resolved to refrain from disclosing further information.

Progress report from (anonymized)

54. The meeting took note of the report.

Review of the Principles, Criteria and Standards for Recognizing Qualifications

55. In the absence of (anonymized), the Secretary outlined the progress made by the Committee so far and the difficulty encountered in working out a new Staff-Student Ratio methodology.

Qualification Recognition Assessment/Review

56. (business information deleted)

Leakage of Information

57. The meeting referred to the information of internal matters of the Board found to have been published by (anonymized) as well as reported in the print media.

58. (anonymized) expressed his deepest regret to have found such information disclosed which he would consider to be unethical acts, that the Board should take it seriously due to the damages brought about, including mistrust among Board Members and the staff. He stressed that regardless by election or appointment, all Board members are of the same team of the Board.

59. (anonymized) pointed out that the posting of the Board's letter sent to a tertiary institution was of grave concern to him.

(Mr. KWAN arrived at this juncture.)

60. (anonymized) asked if the discussion would be on specific pieces of writing or generic as a whole.

61. (anonymized) suggested focusing on those in the social media by (anonymized) because the source of information reported in the print media could not be identified.

62. (anonymized) agreed that reports in the print media could not be followed up. He suggested that there seemed to be the following items of concern in the social media, namely (1) the letter to the tertiary institution, (2) the complaint case concerning a (anonymized), and (3) the comments on the former Registrar.

63. (anonymized) referred to another one of comments on appointed members in relation to processing applications with convictions, she pointed out that the message was misleading in a way that it is suggesting the appointed members were wrong whenever holding different views with the elected members.

64. (anonymized) took note of this fourth item of concern and suggested discussion one by

one in turn.

65. (anonymized) said that he would like to address the last item. He said that being elected members, they were obliged to act in accordance with their political manifesto and slogans when running the election. For the appointed members, (anonymized) said that they were appointed for a political stance and to discharge political duties which would be known to themselves. Based upon their manifesto and slogan, the elected members were to increase the transparency of the Board and they had to be accountable to their electors, that for anything inconsistent with the expectation of electors, voices would be expressed via different channels. (anonymized) further said that among the elected members, they belong to two groups (anonymized), both working for increasing transparency and publishing information via their respective platform. He said that it was difficult to define what could be disclosed and what could not. He asked (anonymized) what constitutes unethical acts.
66. (anonymized) responded that his understanding is that the Board is to be acting in an entirety. On increasing transparency, he pointed out that it had been discussed and resolved by the Board and being implemented as reflected in the publication of meeting minutes via the website. The unethical acts were that internal discussions were disclosed without due resolution by the Board. He pointed out that how and what information of the Board would be disclosed had been deliberated and there was an established mechanism.
67. (anonymized) said that he was in agreement with (anonymized) on the urge for transparency and he suggested the discussion to be better item by item as some might not be leakage of information but biased perception brought about by the manner of presentation or use of words.
68. (anonymized) said that when decisions were made after discussion around the table and the view of majority prevailed, it would be undesirable to disclose the arguments or attitudes expressed individually during the debate.
69. (anonymized) asked to express her response to (anonymized) as well, that she urged members of the Board to remove coloured glasses, as she, being an appointed member, adopts no political stance, free from political burden, and she is, versus elected members to the electors, accountable to service users and the public. She had never objected to transparency. She said that it was unethical to have pointed fingers for no causes and grounds on a platform where the other parties could have no chance to answer. She would really like to file a complaint.
70. (anonymized) said that he did not consider the writing being discussed had leaked out any information of the discussion at the meeting and he could not tell how a piece of writing could be composed by taking all suggestions raised earlier in the meeting.
71. Both (anonymized) intercepted that in essence nothing should be written about discussions at the Board meeting unless resolved by the Board for disclosure.
72. (anonymized) would like to focus the discussion back on the four points raised earlier.
73. With permission, the Secretary told that meeting that in discharging the task of transparency, the Board Office had committed resources to work out a web-version of the meeting minutes and notes with appropriate sections being blacked out, vetted by the presiding Board Members. (anonymized) responded that the posts under concern were in

February and March 2016 and at that point of time, the said measures were not yet developed.

74. (anonymized) referred to the case of the tertiary institution and invited views.
75. (anonymized) told the meeting that the information concerned was posted by him when the current term of the Board had just commenced for a month and so. He did consider with hindsight the post was without prior approval of the Board, even though the document carrying no mark of confidentiality, and it was inappropriate, and if so required, he would be willing to apologize.
76. (anonymized) thanked (anonymized) for the frankness and he urged the meeting to look ahead and to protect the Board and the profession. He said that he had got no political agendas to serve on the Board, that he has been in the sector for 30 years, and he would only wish to protect the profession for the younger generations who will continue to practice social work.
77. (anonymized) agreed that the act as (anonymized) had said was inappropriate but to look forward, he just urged avoidance of any reoccurrence. (anonymized) expressed her appreciation of the honesty of (anonymized).
78. As there were no other comments on the first item, (anonymized) referred to the second item on the complaint case.
79. (anonymized) told the meeting that the post was done by himself, and at that point of time, his mind was prepared to tell the media a similar scope of contents in relation to the work progress when being asked, that he admitted that the post was made earlier than that.
80. (anonymized) responded that the act did bring about the effect of mitigating the pressure on the Board when it was then under the spotlight of the media, though there might be different views as if it would be the appropriate way to do so via the social media platform.
81. (anonymized) said that the Board should work as a team and he considered the deliberation of this matter further would possibly bring along adverse impacts. He would like to clarify that to him the appointment to this Board carries no political agendas or there have been any political missions to accomplish. He aimed to contribute his own professional training to the work of the Board whilst he had refrained from commenting from other perspectives. He remarked that when all would now be aware of the confidentiality requirements and the appropriate platform for disclosure, he urged not to cry over spilled milk further and the Board should set aside the past, look forward and work as a team.
82. (anonymized) further said that the extent of confidentiality requirements could be revisited and agreed upon, that there could be no confidentiality requirements to observe, so far as it is agreed and resolved by the Board.
83. (anonymized) agreed that the confidentiality requirements should be observed, but he said that as elected members, he echoed the views of (anonymized) that they have to be accountable to the RSW electors and they would still be expressing appropriately their views on the operations of the Board and provisions in the Ordinance, whilst they would be taking due care in doing so.

84. The Secretary shared his observations in relation to the comments on performance of the ex-Registrar, (business information deleted). The Secretary said that accuracy in information disclosed is much more important than disclosure itself. He further said that bearer of the office of Registrar is accountable to the Board which is in turn mandated with the supervisory duties. Lastly, the Secretary asked for leniency as to err is human, and belittling a staff after his resignation would just be an act to hurt.
85. (anonymized) echoed with the views of the Secretary and he felt bad in particular with this as it hurts the specific person and the whole staff team.
86. (anonymized) urged again to look forward. (anonymized) echoed and stressed the importance of mutual respect. (anonymized) reiterated that acts of belittling of appointed members having political agendas should not be allowed.
- (Ms. CHU retired from the meeting at this juncture.)
87. (anonymized) said that politics is with a wide spectrum and part of daily life, and elected members had to realize their manifesto to the electors. He also remarked that it would be naïve to think of no criticism after one leaving an office, and he was full of doubt as if the disclosure had been unethical, to move ahead they had to be convinced such is the case.
88. (anonymized) told the meeting the deliberation of this item be concluded hereby.

Any Other Business

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

Date of next meeting

90. The next two meetings would be held on 20 March 2018 (Tuesday) and 17 May 2018 (Thu) at 7:00pm.
91. The meeting adjourned at 10:34pm.

Chairperson