

SOCIAL WORKERS REGISTRATION BOARD
Notes of the 66th Meeting of the Committee on Professional Conduct

Date: 23 March 2017
Time: 7:15 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
Mr. LUK Ka-mei
Mr. LUN Chi-wai
Mr. MA Kam-wah, Timothy
Mr. SHIU Ka-chun
Apology: Dr. Dai Lok-kwan, David
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 65th meeting

1. Paragraph 5 was revised as “Some members expressed the view that whether discharge of administrative or managerial duties by RSWs...abused”.

Matters arising from the 65th meeting

2. There were no matters arising from last meeting notes for discussion.

Progress report on the complaint cases

3. (Business information deleted)

Review of the internal procedures of handling complaint cases

4. The Registrar updated that since last meeting, the working procedures had been refined and implemented smoothly. Four staff members had been involved in handling complaints and appropriate tool had been deployed to monitor the case progress on a daily basis to eliminate delay.

(Mr. Shiu joined the meeting at this juncture.)

5. (Business information deleted)

6. (Business information deleted)
7. (Business information deleted)
8. (Business information deleted)
9. The Committee agreed that the immediate action was to review the whole complaint handling procedures and the workflow. He reminded that the Board office should bring up any unresolved problems to the responsible parties at whatever stage. The Board office was directed to work out the procedures which should include a reasonable timeline for all parties. The draft would be circulated to the Committee by email. *(Post meeting note: the draft of workflow was circulated to the Committee on 28 March 2017 and it was cleared by the Committee.)*

Review of the honorarium for Disciplinary Committee Member

10. The Registrar reported that the current rates of honorarium for Disciplinary Committee Member were \$1,500/session for presiding member and \$750/session for other member. The rates had been in used since 2006 and it was time to review them. It was also found that the rates were not comparable to that of the Assessment Team despite that the DC also needed to attend one or two days' hearings.
11. It was agreed that the honorarium should be reviewed. As the presiding member took up more responsibilities than other members, it was reasonable that his/her honorarium should be higher than other members. After discussion, members had the following proposals:
 - (a) Plan A (accumulative inflation was 1.6 in the past 10 years)
\$2,400/session for presiding member and \$1,200/session for other members
(i.e. \$4,800/day and \$2,400/day)
 - (b) Plan B: (with reference to the Assessment Team)
\$3,000/session for presiding member and \$1,500/session for other members
(i.e. \$6,000/day and \$3,000/day)
12. The above proposals would be put forward to the Committee on Administration for discussion.

A proposal to make new rules concerning the disciplinary function

13. It was noted that the Registrar had been providing support to the function of the DC Committee in the following: one was to prepare a written summary of the hearing proceedings from the audio record and another was to draft the findings and recommendations in accordance with the instructions of the DC. However, there were latent risks as the written summary of hearing was not verbatim and the parties might argue the summary having omitted material points affecting the deliberation by the DC, and the findings and recommendations formed the basis for the Board's decision and for any appeal

or judicial review, that the drafting work demands professionally trained legal skills.

14. The Registrar had worked out a proposal and presented it to the Committee. To duly manage any possible risks, he invited the Committee to consider to outsource the transcription and legal drafting work to professionals. The estimated cost of transcription was in the range of (business information deleted) per case while the cost of drafting the findings and recommendations was about (business information deleted) assuming 8 working hours per case.
15. A member shared that in the courts of law, notes of hearings taken down by the judges would be sufficient for their deliberation and writing of decision. Transcript of the verbatim records of hearing proceedings would be made available on a need basis. He understood that in each disciplinary hearing, the Board would invite a legal adviser to support the DC. He suggested that the same legal adviser could take up the drafting of findings and recommendations based on his/her own notes of hearings as well as direction of the DC. The report would then be cleared by the presiding member. The Board office was instructed to touch base with the existing legal advisers if their roles and responsibilities would include the drafting work. *(Post meeting note: the message had been conveyed to the legal advisers.)*

Progress of the review exercise of the Code of Practice

16. Dr. Leung updated that three Taskforce meetings were held. Members noted that the usage and applicability of the Code of Practice by the disciplinary committee panel was important. The Taskforce had collected information from 2 Board Members who were responsible to screen complaint cases. At the last meeting, the Taskforce had reviewed six complaint cases with disciplinary inquiry. In summary, the Taskforce agreed that the scope of revision would mainly cover:
 - (a) Contents
 - (i) Aspirations towards RSWs;
 - (ii) What RSWs should do (may or may not violate the standards if not to do so); and
 - (iii) What RSWs should not do (violate the standards if doing so).
 - (b) Structure and presentation
17. The Taskforce agreed that there were complaint cases in relation to the (business information deleted) and it was necessary to collect more information on this area. At the next meeting, each Taskforce member would study and compare the Code of Practice in overseas countries and shared their findings.

Business information deleted

18. Business information deleted
19. Business information deleted

20. Business information deleted

Business information deleted

21. Business information deleted

Any other business

22. The Chairman of the Hong Kong Social Workers Association (HKSWA) had recently informed the Board's Chairman that their association had engaged an experienced social worker to answer enquiries referred by the Board office.

23. Members noted that the referral of enquiries to HKSWA was a long standing practice. In our FAQs, it stated that as the Board was required to maintain an impartial stance, it would not address individual enquiries on the respective clauses of the Code of Practice. The enquirer might seek advice from the HKSWA. Members suggested that the answer should be revised to make it more generic and the enquirer should consult the opinions from social workers association or senior social workers. The Committee directed the Board office to revise the FAQs. *(Post meeting notes: the revised FAQ was cleared by the Committee and updated to the Board's website on 29 March 2017.)*

Date of next meeting

24. Members agreed that the next meeting would be scheduled on 23 March 2017 at 7:15 pm.

25. There being no other business, the meeting was adjourned at 9:20 pm.

11 April 2017