

SOCIAL WORKERS REGISTRATION BOARD
Notes of the 74th Meeting of the Committee on Professional Conduct

Date: 29 August 2019
Time: 7:30 p.m.
Venue: Conference Room, 26/F Eastern Commercial Centre, 83 Nam On Street, Shau Kei Wan, Hong Kong.
Present: Mr. LUN Chi-wai (Convenor)
Ms. CHAN Tsz-wai
Ms. MAN Yuen-ling, Connie
Dr. NG Yut-ming
Dr. TING Wai-fong
Mr. TSANG Kin-chiu
Ms. TSOI Wing-tak, Michelle (co-opted member)
Apology: Ms. LIT Ming-wai (co-opted member)
Secretary: Mr. LEE Wing-po, Eric, Registrar

The meeting welcomed Ms. TSOI on board as a co-opted member of this Committee. As it was learnt that Mr. LUN would take some more travelling time to arrive, the meeting agreed that Dr. TING presided the meeting till his arrival.

Confirmation of notes of the last meeting

1. The Committee endorsed the notes of meeting.

Matters arising from the last meeting

Review of Code of Practice

2. The Committee took note of the legal advice on compliance with privacy law and rules in relation to confidentiality. In the ensuing discussion, it was learnt that in the context of a person giving opinion on another person where such opinion having been recorded, the record would be personal data of both the former and the latter persons, and as per the legal advice sought, when the identity of the former was explicitly recorded, the consent of the former would be required for release of such record to the latter. It was further learnt that even when the identity was not explicitly recorded, but such identity would be revealed or implicitly disclosed through an examination of the record released, the consent rule shall be observed by RSWs.

(Mr. LUN arrived at this juncture and took over the chair to preside the meeting.)

3. It was also learnt that RSWs would be obliged to release without the consent when being ordered by the court.
4. The meeting took note of the legal position and the queries raised at the previous meeting having been duly answered.

5. The meeting referred to the latest draft of the revised document for the Code of Practice and resolved on a number of proposed refinements as highlighted in Annex I, and the Registrar was asked to put forth draft proposals of the following for further consideration: -
 - (a) The Chinese translation of the added clause to the second paragraph of point 4 under section 3;
 - (b) A new point 8.4 on dealing with data access request under section 5; and
 - (c) The Chinese translation of second part of point no. 13 under section 5.
6. The meeting took note of the comments made by a disciplinary committee on absence of rules governing act of social workers in fund raising via the internet platform, and members of the meeting were of the consensus that the basic principle of professional integrity would be sufficient in this regard and activities of that type had been duly governed by legislation of trustees, that the Board need not prescribe anything specific in the Code.

The proposal of developing a list of precedents and its possible uses

7. The meeting considered the spreadsheet prepared for this discussion and came to the view that as the original intent of developing the list would be making reference to it for determining the level of disciplinary order of a similar nature, that (anonymized) undertook to review the cases again and work out another one by nature of the cases.
8. The meeting also came to the view that it would be helpful if future disciplinary committees would also record their ratio in reaching decisions.

Protocol for referring cases of suspected breach of s.34 and/or s.35 of the Social Workers Registration Ordinance

9. The meeting considered the discussion paper for the item. Having learnt of the Board serving due notice and reminder of consequences of non-renewals, the meeting debated as if the period of a break in registration should be lengthened from one month to a longer period, say three months. The meeting put it to vote, (anonymized) and (anonymized) voted for maintaining it as one month, and the rest voted for extension to three months. There were no other proposed changes to the protocol, where the Board would be with full discretion to seek further information from the subject and to decide making the referral or not. Convenor would bring this back to the Board for consideration.

Date of next meeting

10. Members agreed that the next meeting would be held on 16 October 2019 (Wed) at 7:30pm.
11. There being no other business, the meeting was adjourned at 10:00pm.

End