

Rules in respect of Pre-hearing Procedures for Disciplinary Proceedings 紀律聆訊前程序規則

1. Notice of Proceedings

- 1.1 Within 28 days after a complaint is referred to the Social Workers Registration Board (“the Board”) pursuant to s.25(3) of the Social Workers Registration Ordinance (“the Ordinance”), a notice (“the Notice of Proceedings”) shall be served on the complainant (“the Complainant”) and the respondent of the hearing (“the Respondent”) including:-
- the rules in respect of the pre-hearing procedures and the disciplinary proceedings;
 - a list of Disciplinary Committee members;
 - the Summary of the Complaint (if any); and
 - the complaint form and other relevant documents(if any).

2. Pre-Hearing Procedures

- 2.1 If the Respondent intends to defend the case, the Respondent shall submit a Respondent’s Case in the prescribed form to the Board before the expiration of 30 days after the service on him of the Notice of Proceedings.
- 2.2 The Complainant may submit a Reply to the Respondent’s Case in the prescribed form before the expiration of 14 days after the service on him of the Respondent’s Case served by the Board. The Complainant’s Reply shall be limited to matters related to the Respondent’s Case and may annex any further documentary evidence on which the Complainant’s Reply relies.
- 2.3 The Respondent may submit a Reply to the Complainant’s Reply in the prescribed form before the expiration of 14 days after the service on him of the Complainant’s Reply served by the Board. The Respondent’s Reply shall be limited to matters related to the Complainant’s Reply and may annex any further documentary evidence on which the Respondent’s Reply relies.
- 2.4 Unless the Disciplinary Committee orders otherwise, the complaint form, the Respondent’s Case and the parties’ Replies (including annexed documentary evidence) shall constitute submissions and evidence of the parties in the hearing.
- 2.5 The documents annexed to the Respondent’s Case and the parties’ Replies may include: -
- statements of other witnesses.
 - documentary evidence which either party intends to adduce to support his/her case; and
 - other relevant evidence.

1. 紀律程序通知

- 1.1 在有關投訴根據社會工作者註冊條例（“條例”）第 25（3）條轉介社會工作者註冊局（“註冊局”）後，本局須於 28 天內向投訴人及答辯人送達包含如下內容的通知（“紀律程序通知”）：
- 紀律聆訊前程序規則及紀律程序規則。
 - 紀律委員會成員名單。
 - 投訴摘要(如有)；以及
 - 投訴表格和其他相關文件(如有)。

2. 聆訊前程序

- 2.1 如答辯人有意提出答辯，答辯人須於紀律程序通知送達他後 30 天屆滿前，以指定格式向本局提交答辯人陳述書。
- 2.2 投訴人可於答辯人陳述書送達他後 14 天屆滿前，就該答辯人陳述書以指定格式提交投訴人回覆書。投訴人回覆書的內容應只涉及對答辯人陳述書內容的回覆，且應隨其回覆書附上任何支持其理據的文件證據。
- 2.3 答辯人可於投訴人回覆書送達他後 14 天屆滿前，就該投訴人回覆書以指定格式提交答辯人回覆書。答辯人回覆書的內容應只涉及對投訴人回覆書內容的回覆，且應隨其回覆書附上任何支持其理據的文件證據。
- 2.4 除非紀律委員會另有要求，否則，答辯人和投訴人就案件提交的投訴表格、答辯人陳述書及雙方的回覆書（包括附錄的文件證據）將作為雙方聆訊時的陳詞和證據。
- 2.5 答辯人及投訴人可於答辯人陳述書及雙方的回覆書中提交文件證據以支持其理據，其形式包括：
- 其他證人的證供；
 - 援引以支持其理據的文件證據；
 - 其他有關的證據。

- 2.6 If any photocopy or non-original document is adduced as documentary evidence, the Disciplinary Committee may require the party relying on the said document to provide original for inspection and verification. The Disciplinary Committee has a discretionary power on whether to accept photocopies or non-original documents as evidence.
- 2.6 如任何一方提供文件的副本或非正本文件作為證據文件，紀律委員會可能會要求依賴該等文件的一方提供該等文件的正本以供查閱。紀律委員會主席有酌情權決定是否採納任何文件副本或非正本文件作為聆訊用的證據。
- 2.7 If the submission to be made by any party to the hearing or on his behalf at the hearing shall include any argument on legal issues and/or matters of statutory interpretation, he shall furnish to the Board at least 2 working days before the date of the hearing an outline sufficiently setting out the issues and/or matters and the arguments thereon together with copies of all statutes, cases and authorities to be relied on.
- 2.7 如參與聆訊的任何一方擬於聆訊時就某法律觀點及／或法例釋義提出爭論，他必須在聆訊前最少兩個工作天向本局提交大綱，充分地列明擬提出的法律觀點及／或釋義，並把將會援引的法例、案例及典據的文本交予本局。
- 2.8 If any written notice has been given by the Respondent to the Disciplinary Committee prior to the hearing that the Respondent does not intend to contest the complaint, the Disciplinary Committee may take such steps as it considers appropriate including but not limited to determining the complaint based on the documentary evidence provided by the Complainant without a hearing, dismissing the complaint, or proceeding with a hearing to hear evidence.
- 2.8 如在聆訊前的任何階段，答辯人書面通知紀律委員會答辯人無意對投訴提出抗辯，則紀律委員會可採取其認為恰當的行動，包括但不限於在不進行聆訊的情況下基於投訴人提交的文件證據作出裁決、駁回投訴或進行聆訊聽取證據。
- 2.9 After the deadline for submission of the Respondent's Case and the parties' Replies, no further written submissions or documentary evidence shall be admitted without the consent of the presiding member of the Disciplinary Committee.
- 2.9 答辯人及投訴人雙方提交答辯人陳述書及雙方的回覆書的時限屆滿後，如非獲得紀律委員會主席同意，書面陳詞或文件證據將不獲接納。
- 2.10 If any parties need to adjourn the fixed date of the hearing notified, such application must be made to the Disciplinary Committee in writing together with the reasons in support of adjournment and/or supportive documents. The presiding member of the Disciplinary Committee shall consider whether to allow such application, and may, where appropriate, impose conditions in allowing an adjournment of the hearing.
- 2.10 如任何一方欲延遲已定出的聆訊日期，須以書面的形式向紀律委員會提出申請並詳列理據以支持該申請。紀律委員會主席將酌情考慮是否允許該申請，如情況需要，或會有條件地批准延遲聆訊日期。
- 2.11 Subject to the Ordinance, the Disciplinary Committee may, in its discretion, on request of the parties or on their own motion, dispense with or vary any of the requirements this Part 2 hereof or make such directions for the better administration of the pre-hearing procedures as it considers appropriate.
- 2.11 受制於條例的規定，無論是因應任何一方的申請或自行提出，紀律委員會可在認為適當的時候行使其酌情權免除或更改本第 2 部份內的要求或作出任何指示，以更好地管理紀律聆訊前的程序。
- 3. Notice of Hearing**
- 3. 召開聆訊通知**
- 3.1 Pursuant to section 27(5) of the Ordinance, a notice of the Hearing ("Notice of Hearing") will be served on the Complainant and the Respondent listing the date, time and place of the hearing no less than 28 days before the hearing.
- 3.1 根據條例第 27(5)條，召開聆訊通知將於聆訊前不少於 28 日送達投訴人及答辯人。聆訊通知將詳列聆訊日期、時間及地點。

4. Service

- 4.1 Any notice or document to be served on the parties under these rules shall be deemed served:
- (a) if in the case of an individual, it is—
 - (i) delivered to him;
 - (ii) left at his registered address or last known address;
 - (iii) sent by post to his registered address or last known address; or
 - (iv) inserted into the letter box of his registered address or last known address;
 - (b) in the case of a company, it is—
 - (i) delivered to an officer of the company;
 - (ii) left at the company's registered address;
 - (iii) sent by post to the company's registered address; or
 - (iv) inserted into the letter box of the company's registered address.

- 4.2 The date of service effected under sub-rule 4.1(a)(iii) or 4.1(b)(iii) shall, unless the contrary is shown, be deemed to be the fifth day after the date on which the notice or document was so posted. The date of service effected other than under sub-rule 4.1(a)(iii) and 4.1(b)(iii) shall be deemed to be the day the notice or document was so delivered, left or inserted.

4. 送達

- 4.1 任何須要向答辯或投訴一方送達的通知或文件，在以下情況，即須當作已經送達該文件或通知：
- (a) 就個人而言，該通知或文件已—
 - (i) 遞交予他；
 - (ii) 留在他的註冊地址或最後所知的地址；
 - (iii) 以郵遞方式寄往他的註冊地址或最後所知的地址；或
 - (iv) 投入到他的註冊地址或最後所知的地址的信箱。
 - (b) 就公司而言，該通知或文件已—
 - (i) 遞交予該公司的人員；
 - (ii) 留在該公司的註冊地址或最後所知的地址；
 - (iii) 以郵遞方式寄往該公司的註冊地址或最後所知的地址；或
 - (iv) 投入到該公司的註冊地址或最後所知的地址的信箱。

- 4.2 如果該通知或文件以本條第 4.1(a)(iii)或 4.1(b)(iii)款的郵寄方式送達，除非證明事實並非如此，須當作是在其寄出之日後的第 5 日送達。如果該通知或文件以本條第 4.1(a)(iii)及 4.1(b)(iii)款以外的方式送達，須當作是在該通知或文件交予、留給或投入地址的信箱之日送達。

(如中文譯本與英文原文有差異時，以英文原文為準。)

FORM FOR RESPONDENT'S CASE

答辯人陳述書

Complaint投訴編號 No: _____

PART I 第一部分

Please State your full name 請寫出你的全名

PART II 第二部分

Please state whether you intend to contest the complaint against you (tick appropriate box) 答辯人是否有意對本投訴提出抗辯（請在恰當的方格內勾選）

yes 是，答辯人有意提出抗辯 no 不，答辯人無意提出抗辯

- **If you tick yes, please fill in Part III and Part IV of this Form. If you tick no, please fill in Part IV of this Form.**

如勾選“是”，請填寫本表格的第三和第四部分。如勾選否，請填寫本表格的第四部分。

- **Please note that if you do not intend to contest the complaint against you, the Disciplinary Committee may make its decision without hearing from you.**

請注意，如閣下無意對投訴提出抗辯，紀律委員會可以在不進行聆訊聽取閣下的抗辯的情況下作出裁決。

PART III 第三部分

1. Facts and Evidence事實及證據

Please set out all or any of the Complainant's allegations which you deny and state what you consider to be the true position. Please identify the evidence upon which you rely to prove your position, by reference to annexed documentary evidence listed out in Part 3 of this form (if any) where appropriate.

請說明與投訴人的指控有爭議的事實並闡述閣下的真實立場。請參照本表格第3部分所列出的文件證據（如有），指明閣下用於證明上述立場的證據。

2. Further matters其他事項

Please provide any further relevant information and set out any additional submissions which you think the Disciplinary Committee should take into account when considering your case

如有其他閣下認為紀律委員會需要就此陳述而納入考慮的事項，請在此作出相關補充陳詞。

3. List of Annexures附錄

Please list out all the documentary evidence you would like to annex to this form to support your case.

請閣下列明所有附錄於此投訴表格中以支持此陳述的文件證據。

PART IV 第四部分

Statement of Truth 屬實申述

I hereby confirm that the submissions made by me in this form are true and correct.

本人確認上述陳述正確無訛。

Signature of the Respondent

答辯人簽名

Dated the day of 20
日期: 年 月 日

NOTE THAT 注意事項:

1. If you want to defend your case, this form must be submitted to the Registrar before the expiration of 30 days after the service on you of the Notice of Proceedings and shall constitute your submissions and evidence in the hearings. 如閣下有意提出答辯，則閣下須於紀律程序通知書送達閣下後 30 天屆滿前，向本局提交此表格。此表格將會成為閣下聆訊時的陳詞和證據。
2. Any written submission contained herein and any witness statements annexed hereto should be drafted in paragraphs numbered consecutively. Each paragraph must present at most one point or issue as far as practicable.任何包含在本表格內的書面陳詞及附錄於本表格的證人證供應以數目字清楚分段。每段只包含一項要點或事宜。
3. You should annex to this form all documentary evidence on which you rely (including, if you choose to rely on such materials, any statements obtained from witnesses). Such documentary evidence shall be arranged in a logical order and indexed. 閣下所依賴的文件證據（包括任何證人的陳詞）應附錄於此表格，並應按邏輯順序編排索引。
4. If any photocopy or non-original document is adduced as documentary evidence, the relevant disciplinary committee may require you to provide the original of such document for inspection and verification. The presiding member of the Disciplinary Committee has a discretionary power to accept the photocopies or non-original documents as evidence. 如閣下提供文件的副本或非正本文件作為證據文件，紀律委員會可能會要求閣下提供該等文件的正本以供查閱。紀律委員會主席有酌情權決定是否採納任何文件副本或非正本文件作為聆訊用的證據。
5. 閣下所提供的資料僅供註冊局用於與本投訴有關的用途。閣下乃自願以提供閣下之個人資料。註冊局可能在法例授權或准許下，向其他人披露 / 轉移部分或全部資料。註冊局職員、委員會或經授權的人員在處理投訴時或會取得該等個人資料。The information provided will only be used for purposes which are related to the complaints. The provision of personal data is voluntary. The Board may disclose/transfer any or all of such information to any third party provided that the disclosure/transfer is authorized or permitted by law. It may be accessible to officers, committees or other persons authorised to receive information in the processing of the complaint.

FORM FOR COMPLAINANT'S REPLY

投訴人回覆書

Complaint投訴編號 No: _____

1. Facts In Dispute and Evidence 爭議事實及證據

Please make your further submissions limited to the extent of the contents of the Respondent's Case. You shall hereby identify the facts in dispute, state what you consider to be the true position, and identify the evidence upon which you rely to prove such assertions.

請就答辯人陳述書所涉及的内容，作出進一步的補充陳述。請在此說明與答辯人的陳述有爭議的事實以及閣下的真實立場，並指明閣下用於證明上述事實和立場的證據。

2. List of Annexures附錄

Please list out all the documentary evidence you would like to annex to this form to support your case.

請閣下列明所有附錄於此投訴表格中以支持此陳述的文件證據。

3. Statement of Truth屬實申述

I hereby confirm that the submissions made by me in this form are true and correct.

本人確認上述陳述正確無訛。

Signature of complainant

投訴人簽名

Dated the day of 20
日期： 年 月 日

NOTE THAT 注意事項:

1. This form may be submitted to the Registrar before the expiration of 14 days after the service on you of the Respondent's Case and shall constitute your submissions and evidence in the hearings.閣下可於答辯人陳述書送達閣下後 14 天屆滿前，向本局提交此表格。此表格將會成為閣下聆訊時的陳詞和證據。
2. Any written submission contained herein and any witness statements annexed hereto should be drafted in paragraphs numbered consecutively. Each paragraph must present at most one point or issue as far as practicable. 任何包含在本表格內的書面陳詞及附錄於本表格的證人證供應以數目字清楚分段。每段只包含一項要點或事宜。
3. You should annex to this form all documentary evidence on which you rely (including, if you choose to rely on such materials, any statements obtained from witnesses). Such documentary evidence shall be arranged in a logical order and indexed. 閣下所依賴的文件證據（包括任何證人的陳詞）應附錄於此表格，並須按邏輯順序編排索引。
4. If any photocopy or non-original document is adduced as documentary evidence, the relevant disciplinary committee may require you to provide the original of such document for inspection and verification. The presiding member of the Disciplinary Committee has a discretionary power to accept the photocopies or non-original documents as evidence. 如閣下提供文件的副本或非正本文件作為證據文件，紀律委員會可能會要求閣下提供該等文件的正本以供查閱。紀律委員會主席有酌情權決定是否採納任何文件副本或非正本文件作為聆訊用的證據。
5. 閣下所提供的資料僅供註冊局用於與本投訴有關的用途。閣下乃自願以提供閣下之個人資料。註冊局可能在法例授權或准許下，向其他人披露 / 轉移部分或全部資料。註冊局職員、委員會或經授權的人員在處理投訴時或會取得該等個人資料。The information provided will only be used for purposes which are related to the complaints. The provision of personal data is voluntary. The Board may disclose/transfer any or all of such information to any third party provided that the disclosure/transfer is authorized or permitted by law. It may be accessible to officers, committees or other persons authorised to receive information in the processing of the complaint.

FORM FOR RESPONDENT'S REPLY

答辯人回覆書

Complaint投訴編號 No: _____

1. Facts In Dispute and Evidence 爭議事實及證據

Please make your further submissions limited to the extent of the contents of the Complainant's Reply. You shall hereby identify the facts in dispute, state what you consider to be the true position, and identify the evidence upon which you rely to prove such assertions.

請就投訴人回覆書所涉及的内容，作出進一步的補充陳述。請在此說明與投訴人回覆書內的陳述有爭議的事實以及閣下的真實立場，並指明閣下用於證明上述事實和立場的證據。

2. List of Annexures附錄

Please list out all the documentary evidence you would like to annex to this form to support your case.

請閣下列明所有附錄於此投訴表格中以支持此陳述的文件證據。

3. Statement of Truth屬實申述

I hereby confirm that the submissions made by me in this form are true and correct.

本人確認上述陳述正確無訛。

Signature of Respondent

答辯人簽名

Dated the day of 20
日期: 年 月 日

NOTE THAT 注意事項:

1. 1. This form may be submitted to the Registrar before the expiration of 14 days after the service on you of the Complainant' s Reply and shall constitute your submissions and evidence in the hearings.閣下可於投訴人回覆書送達閣下後 14 天屆滿前，向本局提交此表格。此表格將會成為閣下聆訊時的陳詞和證據。
2. Any written submission contained herein and any witness statements annexed hereto should be drafted in paragraphs numbered consecutively. Each paragraph must present at most one point or issue as far as practicable; 任何包含在本表格內的書面陳詞及附錄於本表格的證人證供應以數目字清楚分段。每段只包含一項要點或事宜。
3. You should annex to this form all documentary evidence on which you rely (including, if you choose to rely on such materials, any statements obtained from witnesses). Such documentary evidence shall be arranged in a logical order and indexed.閣下所依賴的文件證據（包括任何證人的陳詞）應附錄於此表格，並須按邏輯順序編排索引。
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5. 閣下所提供的資料僅供註冊局用於與本投訴有關的用途。閣下乃自願以提供閣下之個人資料。註冊局可能在法例授權或准許下，向其他人披露 / 轉移部分或全部資料。註冊局職員、委員會或經授權的人員在處理投訴時或會取得該等個人資料。The information provided will only be used for purposes which are related to the complaints. The provision of personal data is voluntary. The Board may disclose/ transfer any or all of such information to any third party provided that the disclosure/ transfer is authorized or permitted by law. It may be accessible to officers, committees or other persons authorised to receive information in the processing of the complaint.