

Social Workers Registration Ordinance

(Cap. 505)

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An Ordinance to provide for the registration of social workers and disciplinary control of the professional activities of registered social workers, and for related matters.

[6 June 1997] *L.N. 302 of 1997*
(*Format changes—E.R. 1 of 2019*)

(*Enacting provision omitted—E.R. 1 of 2019*)

Part I

Preliminary

1. Short title

(*Amended E.R. 1 of 2019*)

- (1) This Ordinance may be cited as the Social Workers Registration Ordinance.
- (2) (*Omitted as spent—E.R. 1 of 2019*)

2. Interpretation

- (1) In this Ordinance, unless the context otherwise requires—

Board (註冊局) means the Social Workers Registration Board established under section 4(1);

Chairperson (主席) means the Chairperson of the Board elected under section 4(5);

code of practice (工作守則) includes—

- (a) a standard;
- (b) a specification; and

(c) any other documentary form of practical guidance;

committee (委員會) means a committee established under section 8(1)(a);

degree (學位) and **diploma** (文憑) include any fellowship, membership, licence, authority to practise, letter testimonial, certificate of other status or document granted by any educational institution or government, whether in Hong Kong or elsewhere;

Deputy Chairperson (副主席) means the Deputy Chairperson of the Board elected under section 4(5);

Director (署長) means the Director of Social Welfare and includes a representative of the Director;

disciplinary committee (紀律委員會) means a disciplinary committee appointed under section 27(1);

disciplinary offence (違紀行為) means an act or omission set out in section 25(1);

disciplinary order (紀律制裁命令) means an order under section 30(1);

panel (備選委員小組) means the disciplinary committee panel appointed under section 26(1);

recognized (認可), in relation to a degree or diploma in social work, means a degree or diploma, as the case may be, recognized under section 17(1)(a);

Register (註冊紀錄冊) means the register established under section 7(1)(a);

registered (註冊) means registered under this Ordinance;

registered social worker (註冊社會工作者) means a person whose name is currently entered in the Register;

registered social worker (category 1) (註冊社會工作者(第1類)) means a registered social worker whose name is entered in part 1 of the Register;

registered social worker (category 2) (註冊社會工作者(第2類)) means a registered social worker whose name is entered in part 2 of the Register;

Registrar (註冊主任) means the Registrar appointed under section 15(1);

relevant date (有關日期) means the date on which the first notice under section 4(4) is published in the Gazette;

Secretary (局長) means the Secretary for Labour and Welfare; (Replaced L.N. 106 of 2002. Amended L.N. 130 of 2007)

social work post (社會工作職位) means a post of employment in social work where the holder of the post, in order to discharge the duties of the post, requires knowledge and skills that may be obtained by acquiring a recognized degree or diploma in social work;

specified (指明), in relation to a form, means specified under section 37.

(2) Any reference to social worker in any other Ordinance shall be construed to mean a registered social worker.

(3) For the purposes of sections 31(2) and 32(1), an appeal to the Court of Appeal shall be deemed to be finally determined when the earliest of the following events occurs, whichever is applicable in the circumstances—

- (a) when the appeal to the Court of Appeal is withdrawn or abandoned;
- (b) when the specified period expires without an application for leave to appeal having been made to the Court of Appeal;

- (c) if, before the expiry of the specified period, an application for leave to appeal is made to the Court of Appeal—
 - (i) when the application is withdrawn or abandoned;
 - (ii) if the application is refused, when the specified period expires without an application for leave to appeal having been made to the Court of Final Appeal; or
 - (iii) if the application is granted, when the appeal to the Court of Final Appeal is withdrawn, abandoned or disposed of; or
 - (d) if, before the expiry of the specified period, an application for leave to appeal is made to the Court of Final Appeal—
 - (i) when the application is withdrawn, abandoned or refused; or
 - (ii) if the application is granted, when the appeal to the Court of Final Appeal is withdrawn, abandoned or disposed of. (*Added 10 of 2005 s. 110*)
- (4) In subsection (3)—
- application for leave to appeal*** (上訴許可申請) means an application made to the Court of Appeal or the Court of Final Appeal under section 24 of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) for leave to appeal to the Court of Final Appeal from a judgment of the Court of Appeal;
- specified period*** (指明限期)—
- (a) in the case of an application for leave to appeal made to the Court of Appeal, means—
 - (i) subject to subparagraph (ii), the period of 28 days within which the notice of motion referred to in section 24(2) of the Hong Kong Court of Final

- Appeal Ordinance (Cap. 484) is required to be filed; or
- (ii) if, on an application made within the 28-day period referred to in subparagraph (i), the Court of Appeal extends that period, the period as so extended; or
- (b) in the case of an application for leave to appeal made to the Court of Final Appeal, means—
- (i) subject to subparagraph (ii), the period of 28 days within which the notice of motion referred to in section 24(4) of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) is required to be filed; or
 - (ii) if, on an application made within the 28-day period referred to in subparagraph (i), the Court of Final Appeal extends that period, the period as so extended. (*Added 10 of 2005 s. 110*)

3. Application

This Ordinance binds the Government.

Part II

Social Workers Registration Board

4. Constitution of Board

- (1) There is hereby established a body corporate to be known as the “Social Workers Registration Board”. (*Amended E.R. 1 of 2019*)
- (2) The Board shall have perpetual succession and a common seal and shall be capable of suing and being sued.
- (3) The Board shall consist of 15 members of whom—
 - (a) subject to subsection (4), 8 shall be registered social workers (category 1) elected—
 - (i) by registered social workers; and
 - (ii) in accordance with rules made under section 9(1)(b);
 - (b) 6 shall be persons appointed by the Chief Executive by notice in the Gazette of whom not less than 3 shall be persons who are neither a registered social worker nor a public officer; and (*Amended 37 of 2000 s. 3*)
 - (c) 1 shall be the Director.
- (4) A registered social worker (category 1) shall not be a member of the Board under subsection (3)(a) until the date on which the Secretary publishes a notice in the Gazette stating that the social worker has been duly elected as provided under that subsection.
- (5) The members of the Board shall elect from among their number—
 - (a) a Chairperson; and

- (b) a Deputy Chairperson.
- (6) The Deputy Chairperson shall act as Chairperson if the Chairperson is absent from Hong Kong or is, for any other reason, unable to act as Chairperson.
- (7) If for any period both the Chairperson and Deputy Chairperson are absent from Hong Kong or are, for any other reason, unable to perform the functions of their respective offices the members of the Board may elect from among their number a person to act as Chairperson during that period.
- (8) The relevant provisions of Schedule 1 shall have effect with respect to the Board and its members.
- (9) The Board shall not be regarded as a servant or agent of the Government or as enjoying any status, immunity or privilege of the Government.
- (10) Part VII of the Interpretation and General Clauses Ordinance (Cap. 1) shall apply to the Board and appointments to the Board except in so far as that Part is inconsistent with the provisions of this Ordinance.
- (11) Where there is any conflict or inconsistency between a provision of Schedule 1 and any other provision of this Ordinance, then that first-mentioned provision shall, to the extent of that conflict or inconsistency, as the case may be, prevail over that other provision.
- (12) Subsection (11) shall expire on the relevant date.

5. Tenure of office

- (1) Elected or appointed members of the Board—
 - (a) shall, subject to subsections (3), (4) and (5), serve for 3 years or, in the case of an appointed member, such lesser period as may be specified in the terms of appointment;
 - (b) may resign by giving notice in writing to—

- (i) in the case of an elected member, the Board;
 - (ii) in the case of an appointed member, the Chief Executive; (*Amended 37 of 2000 s. 3*)
 - (c) subject to subsection (2), may be re-elected or reappointed.
- (2) A member of the Board (other than the Director)—
 - (a) who has been a member continuously for 9 years; or
 - (b) whose period of service as a member exceeds 9 years in any 11 year period,may not again be a member until a period of 2 years since he last served has elapsed when he shall again be eligible to be a member as if he had not previously been a member, and this subsection shall apply again accordingly.
- (3) If the Chief Executive is satisfied that a member of the Board (other than the Director)— (*Amended 37 of 2000 s. 3*)
 - (a) has become bankrupt or has entered into a composition or scheme of arrangement with his creditors within the meaning of the Bankruptcy Ordinance (Cap. 6);
 - (b) has been absent from 3 consecutive meetings of the Board—
 - (i) of which he has had notice to attend; and
 - (ii) without the permission of the Board;
 - (c) has become so incapacitated by physical or mental illness as to be unable to carry out his duties as a member;
 - (d) has ceased to be ordinarily resident in Hong Kong;
 - (e) has been sentenced to imprisonment, whether suspended or not, by any court or magistrate; or
 - (f) has been found guilty of a disciplinary offence,

the Chief Executive may declare his office as a member of the Board to be vacant, and shall notify the fact in such manner as the Chief Executive thinks fit; and upon such declaration the office shall become vacant. (*Amended 37 of 2000 s. 3*)

- (4) Where an elected member of the Board ceases, for whatever reason, to be a registered social worker (category 1), the Secretary shall publish a notice in the Gazette stating that his office as a member is vacant (and upon such publication the office shall be vacant).
- (5) Upon the expiry of the term of office of any elected member of the Board otherwise than by effluxion of time, a person, if any, filling the position thus vacated shall be elected under section 4(3)(a) for the balance of the period for which that elected member was due to serve.

6. Proceedings of Board

- (1) The Chairperson may appoint the time and place for the Board to meet.
- (2) The Chairperson shall, on the written requisition of not less than 8 other members of the Board, give notice of a meeting of the Board to be held not sooner than 7 days but within 28 days from the receipt of the requisition and appoint the time and place for that purpose.
- (3) The Board shall not transact business at a meeting other than to adjourn unless there is a quorum of 6 members of the Board present.

7. Functions of Board

- (1) The Board shall—
 - (a) establish and maintain a register of registered social workers;

- (b) set and review the qualification standards for registration as a registered social worker and related registration matters;
 - (c) subject to subsection (2), assess qualifications to ascertain whether they should be set under paragraph (b);
 - (d) publish from time to time and make available for public inspection—
 - (i) the qualification standards set under paragraph (b);
 - (ii) the qualifications, not being qualification standards set under paragraph (b), in respect of which the Board has performed its function under paragraph (c);
 - (e) examine and verify the qualifications of persons who apply for registration as registered social workers;
 - (f) receive, examine, accept or reject applications for registration and renewal of registration as a registered social worker;
 - (g) deal with disciplinary offences in accordance with this Ordinance;
 - (h) keep proper records of its proceedings and accounts; and
 - (i) perform such other functions as are imposed on it under this Ordinance.
- (2) Subsection (1)(c) shall not operate to require the Board to assess all types of qualifications to ascertain whether they should be set under subsection (1)(b), and whether or not any qualifications are those of a person who has applied for registration as a registered social worker.

8. Powers of Board

- (1) The Board may do all such things as are necessary for, or incidental or conducive to, the better performance of

its functions and in particular but without prejudice to the generality of the foregoing, may—

- (a) establish committees to advise the Board on the performance of its functions and the exercise of its powers (including committees which have members who are not members of the Board);
 - (b) employ persons to assist the Board with the performance of its functions and the exercise of its powers;
 - (c) acquire and hold property of any description if in the opinion of the Board such property is necessary for—
 - (i) the accommodation of the Board or of any committee (including a disciplinary committee); or
 - (ii) the performance of any of its functions,and, subject to the terms and conditions upon which such property is held, dispose of it;
 - (d) enter into, carry out, assign or accept the assignment of, vary or rescind, any contract, agreement or other obligation;
 - (e) exercise such other powers as are conferred on it under this Ordinance.
- (2) The relevant provisions of Schedule 1 shall have effect with respect to a committee and its members.

9. Board may make rules

- (1) The Board may make such rules, not inconsistent with this Ordinance, as are necessary for, or incidental or conducive to, the better performance of its functions or exercise of its powers and in particular but without prejudice to the generality of the foregoing, may make rules in respect of—
 - (a) the conduct of meetings of the Board or of any committee (including a disciplinary committee);

- (b) the election of members of the Board under section 4(3)(a);
 - (c) the steps to be taken by the Registrar where the Board accepts or rejects an application for registration or renewal of registration;
 - (d) the conduct and discipline of registered social workers;
 - (e) the reimbursement of reasonable expenses incurred by persons attending to the business of the Board;
 - (f) the conduct of inquiries by a disciplinary committee and for other matters relating to the investigation of an alleged disciplinary offence;
 - (g) the election of the Chairperson and Deputy Chairperson under section 4(5);
 - (h) the election of a person to act as Chairperson under section 4(7).
- (2) For the avoidance of doubt, it is hereby declared that rules made under subsection (1) are not subsidiary legislation.

10. Approval of codes of practice by Board

- (1) For the purpose of providing practical guidance in respect of the professional conduct of registered social workers (including ethical matters relating to such conduct), the Board may—
- (a) approve and issue such codes of practice (whether prepared by it or not) as in its opinion are suitable for that purpose; and
 - (b) approve such codes of practice issued or proposed to be issued otherwise than by it as in its opinion are suitable for that purpose.
- (2) Where a code of practice is approved under subsection (1), the Board shall, by notice in the Gazette, identify the code

concerned and specify the date on which its approval is to take effect.

(3) The Board may—

- (a) from time to time revise the whole or any part of any code of practice prepared by it under this section; and
- (b) approve any revision or proposed revision of the whole or any part of any code of practice for the time being approved under this section,

and the provisions of subsection (2) shall, with the necessary modifications, apply in relation to the approval of any revision under this subsection as they apply in relation to the approval of a code of practice under subsection (1).

- (4) The Board may at any time withdraw its approval from any code of practice approved under this section.
- (5) Where under subsection (4) the Board withdraws its approval from a code of practice approved under this section, it shall, by notice in the Gazette, identify the code concerned and specify the date on which its approval of it is to cease to have effect.
- (6) References in this Ordinance to an approved code of practice are references to that code as it has effect for the time being by virtue of any revision of the whole or any part of it approved under this section.
- (7) The power of the Board under subsection (1)(b) to approve a code of practice issued or proposed to be issued otherwise than by it shall include power to approve a part of such a code and, accordingly, in this Ordinance *code of practice* (工作守則) may be read as including a part of such a code.

11. Use of approved codes of practice in disciplinary proceedings

- (1) A failure on the part of any registered social worker to

observe any provision of an approved code of practice shall not of itself be a disciplinary offence but where a registered social worker is alleged to have committed a disciplinary offence at a time when there was an approved code of practice, then subsection (2) shall have effect with respect to such code in relation to the alleged disciplinary offence.

- (2) The Board or a disciplinary committee may, in any proceedings under this Ordinance to decide whether a registered social worker has committed a disciplinary offence, have regard to any provision of an approved code of practice which appears to the Board or disciplinary committee, as the case may be, to be relevant to the act or omission constituting the offence.

12. Delegations

- (1) Subject to subsection (2), the Board may, with or without restrictions as it thinks fit, delegate in writing any of its functions or powers to—
- (a) any member of the Board;
 - (b) any committee (including a disciplinary committee);
 - (c) the Registrar;
 - (d) any employee of the Board.
- (2) The Board shall not delegate any of its functions or powers under—
- (a) subsection (1) or section 8(1)(a), 9, 10, 19, 25(3) or (4), 26(1) or (2), 27(1), (8) or (9), 30 or 38;
 - (b) any provisions of any rules made under section 9(1) which are specified in the rules as provisions which shall not be subject to subsection (1);

- (c) any provisions of Schedule 1 which are specified in that Schedule as provisions which shall not be subject to subsection (1).
- (3) A delegate of the Board—
 - (a) shall perform the delegated functions and may exercise the delegated powers as if the delegate were the Board; and
 - (b) shall be presumed to be acting in accordance with the relevant delegation in the absence of evidence to the contrary.

13. Protection of members of Board, etc.

- (1) No person to whom this subsection applies, acting in good faith, shall be personally liable in damages for any act done or default made in the performance or purported performance of any function, or the exercise or purported exercise of any power, imposed or conferred on the Board under this Ordinance.
- (2) The protection conferred under subsection (1) on any person to whom that subsection applies in respect of any act or default shall not in any way affect the liability of the Board for that act or default.
- (3) The persons to whom subsection (1) applies are—
 - (a) any member of the Board or a committee (including a disciplinary committee);
 - (b) the Registrar;
 - (c) any employee of the Board.

14. No fees payable to Board members

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No fees shall be paid to any member of the Board for his services as a member.

Part III

Register and Certificates

15. Appointment and duties of Registrar

- (1) The Board shall appoint a person to be the Registrar upon such terms and conditions as it thinks fit.
- (2) The Registrar shall—
 - (a) be responsible for the custody of the Register; and
 - (b) serve as secretary to the Board and, subject to any rules made by the Board, any committee (including a disciplinary committee).

16. Form of Register

- (1) The Registrar shall, in accordance with the directions of the Board, keep the Register in 2 parts of which—
 - (a) part 1 shall contain in respect of every registered social worker (category 1)—
 - (i) his name and address;
 - (ii) the qualification on which his registration is based; and
 - (iii) any other details that the Board may direct;
 - (b) part 2 shall contain in respect of every registered social worker (category 2)—
 - (i) his name and address;
 - (ii) the qualification on which his registration is based; and
 - (iii) any other details that the Board may direct.

- (2) The Register shall be available to any person for inspection free of charge at the office of the Board at such reasonable times as the Board may direct.
- (3) A person whose name is entered in the Register shall within 3 months notify the Registrar of any change in the particulars prescribed by subsection (1).

17. Qualifications for registration

- (1) The Board shall not register a person as a registered social worker (category 1) unless he—
 - (a) is the holder of a degree or diploma in social work recognized by the Board for the purposes of this subsection; or
 - (b) satisfies the Board that he has—
 - (i) occupied a social work post not later than 31 March 1982; and
 - (ii) subsequent to that date, occupied a social work post or posts for not less than 10 years, whether or not continuously.
- (2) The Board shall not register a person as a registered social worker (category 2) unless he satisfies the Board that—
 - (a) he currently occupies a social work post or has been accepted for such a post; and
 - (b) if he is so registered, he proposes to obtain a recognized degree or diploma in social work within a period which is reasonable in all the circumstances.
- (3) No person shall be registered as a registered social worker unless at the time of application for registration he is—
 - (a) ordinarily resident in Hong Kong;
 - (b) a fit and proper person to be registered; and

- (c) not subject to a disciplinary order which precludes him from being registered.
 - (4) Without limiting the generality of subsection (3)(b), the Board—
 - (a) may refuse to register a person as a registered social worker who has been convicted in Hong Kong or elsewhere of any offence which—
 - (i) may bring the profession of social worker into disrepute; and
 - (ii) is punishable with imprisonment (and whether or not the person was sentenced to imprisonment);
 - (b) subject to subsection (5), shall refuse to register a person as a registered social worker who has been—
 - (i) convicted in Hong Kong of any offence coming within any of the descriptions specified in Schedule 2; or
 - (ii) convicted elsewhere of any offence where the act or omission constituting the offence, if the act or omission had occurred in Hong Kong, would constitute an offence referred to in subparagraph (i).
 - (5) A person may be registered as a social worker notwithstanding that he has been convicted of an offence referred to in subsection (4)(b) if, but only if, all the members for the time being of the Board, after considering all the circumstances of the case, resolve that he be so registered.
 - (6) Subsections (2)(b), (3)(b) and (4)(a) shall apply to a person who was registered before the relevant date as they apply to a person registered on or after that date, and section 20(4) shall be construed accordingly.

18. Application for registration

A person shall apply for registration as a registered social worker—

- (a) to the Registrar; and
- (b) in the specified form.

19. Acceptance and refusal of registration

- (1) The Board may accept or reject an application for registration or renewal of registration.
- (2) Where the Board accepts or rejects an application for registration or renewal of registration, the Registrar shall act in accordance with rules made by the Board.
- (3) Where the Board rejects an application for registration or renewal of registration, it shall notify the applicant of the rejection and the reasons therefor.

20. Expiry of registration and renewal

- (1) The entry in the Register of a person as a registered social worker—
 - (a) shall remain in force for 12 months from the date when he was registered;
 - (b) may be renewed annually by application of the person so registered.
- (2) A registered social worker shall apply for renewal of registration as a registered social worker—
 - (a) to the Registrar;
 - (b) in the specified form; and
 - (c) not earlier than 3 months and not later than 28 days prior to the expiry of the current registration.
- (3) If a registered social worker does not apply for renewal of registration before the expiry of his current registration—

- (a) the Registrar shall, on the expiry of the current registration, note in the Register that registration has not been renewed; and
 - (b) the person shall be deemed not to be currently on the Register from the date of expiry of his registration.
- (4) The Board may reject an application for renewal of registration if it is satisfied that the applicant does not continue to comply with the requirements for registration set out in section 17 (except section 17(1)(a), including that section as modified by the provisions of Schedule 1 at any time before the relevant date) and, in such case, the Board shall notify the applicant of the rejection and the reasons therefor.
- (5) Where a registered social worker fails to renew his registration within time, the Board may extend time for renewal of registration if the registered social worker makes an application to the Board therefor.
- (6) If the registration of a registered social worker has expired, the Board may require him to reapply for registration instead of renewing his registration.

21. Certificate of registration

The Registrar shall issue to each registered social worker a certificate of registration or a certificate of renewal of registration in the specified form.

22. Removal of name from Register

- (1) The Registrar may remove the name of a registered social worker from the Register if he has notice that the social worker—
 - (a) has died;
 - (b) has applied to discontinue his registration;

- (c) has, in the opinion of the Board, ceased to be ordinarily resident in Hong Kong;
 - (d) has failed to renew his registration;
 - (e) was not at the time of his registration entitled to be registered;
 - (f) failed to notify a change of details required under section 16(3); or
 - (g) failed to serve a notice required under section 24.
- (2) For the purposes of subsection (1)(c), if a registered social worker has failed to reside in Hong Kong for a period of 2 years or more, the Board shall not consider him to be ordinarily resident in Hong Kong.
- (3) Subject to section 31(2), the Registrar shall remove a name from the Register if he receives an order of the Court of Final Appeal, the Court of Appeal or the Board directing that the name be removed from the Register. (*Amended 10 of 2005 s. III*)
- (4) Where the Registrar intends to remove the name of a registered social worker from the Register under subsection (1)(c), (d), (e), (f) or (g), he shall send notice of his intention and the reasons therefor by prepaid registered post to the registered address of the social worker and shall not remove his name until the expiry of a period of 28 days after the date of posting the notice.
- (5) If the Registrar gives notice to a registered social worker that—
 - (a) the Board is of the opinion that he is not ordinarily resident in Hong Kong and, before the Registrar acts to remove his name from the Register, the social worker satisfies the Board that he is ordinarily resident in Hong Kong;

- (b) he has not applied to renew his registration and, before the Registrar acts to remove his name from the Register, the social worker properly applies to renew his registration;
- (c) he was not at the time of his registration entitled to be registered and, before the Registrar acts to remove his name from the Register, the social worker satisfies the Board that he was entitled to be registered;
- (d) he has failed to notify a change in particulars required under section 16(3) and, before the Registrar acts to remove his name from the Register, the social worker takes such action as will remedy the defect in the Register; or
- (e) he has failed to serve a notice required under section 24 and, before the Registrar acts to remove his name from the Register, the social worker serves such notice on the Board,

the Registrar shall not remove the name from the Register for the reason set out in a notice under subsection (4).

- (6) If the name of a registered social worker is removed from the Register, his registration is cancelled and he shall return any certificate issued in respect of his registration to the Registrar not later than 14 days after being notified thereof by the Registrar.

23. Correction of errors on Register

The Registrar may correct any error apparent on the face of the Register (including any omission from the Register).

24. Duty of registered social workers to report charges and convictions

A registered social worker who has, at any time on or after the

date of the statutory declaration made by him pursuant to section 37(5), been charged with or convicted of any offence, whether in Hong Kong or elsewhere, shall as soon as reasonably practicable after he has been charged or convicted, as the case may be, serve a notice in writing on the Board specifying the nature of the offence in respect of which he has been charged or convicted (and notwithstanding that, in the case of a conviction for an offence, the social worker has previously served a notice under this section relating to his being charged with that offence).

Part IV

Disciplinary Proceedings

25. Disciplinary offences

- (1) A registered social worker commits a disciplinary offence if he—
 - (a) commits misconduct or neglect in any professional respect;
 - (b) has been convicted of an offence under this Ordinance;
 - (c) has obtained registration by fraud or misrepresentation;
 - (d) without reasonable excuse, refuses or fails to attend before a disciplinary committee when summoned either as a witness or as a person in respect of whom the disciplinary committee is meeting;
 - (e) has been convicted in Hong Kong or elsewhere of any offence which—
 - (i) may bring the profession of social worker into disrepute; and
 - (ii) is punishable with imprisonment (and whether or not the person was sentenced to imprisonment); or
 - (f) has been convicted of an offence referred to in section 17(4)(b)(i) or (ii).
- (2) Subject to subsection (5), if a person who has been—
 - (a) guilty of misconduct or neglect in any professional respect;
 - (b) convicted of an offence under this Ordinance;
 - (c) convicted in Hong Kong or elsewhere of any offence which—

- (i) may bring the profession of social worker into disrepute; and
 - (ii) is punishable with imprisonment (and whether or not the person was sentenced to imprisonment),
- discloses to the Board such misconduct, neglect or conviction when he applies for registration or renewal of registration and the Board subsequently accepts the person for registration or renewal of registration, that person shall not, for the purposes of registration or renewal of registration, be considered as having committed a disciplinary offence in respect of the disclosed misconduct, neglect or conviction.
- (3) Any complaint concerning any disciplinary offence shall be made in the specified form to the Registrar who shall, in accordance with rules made by the Board under section 9, submit the form to 2 members of the Board appointed by the Board for the purpose, and the members, in accordance with such rules, shall refer the complaint to the Board unless—
 - (a) the members are satisfied that—
 - (i) the complainant has had actual knowledge of the disciplinary offence complained of for more than 2 years immediately preceding the date on which the Registrar received the complaint; and
 - (ii) there are no special circumstances which explain the delay in making the complaint;
 - (b) the complaint is made anonymously;
 - (c) the complainant cannot be identified or traced;
 - (d) the social worker the subject of the complaint has ceased to be a registered social worker;
 - (e) the complaint, or a complaint of a substantially similar nature, has previously been inquired into by a

- disciplinary committee and the Board decided that the disciplinary offence complained of was not committed;
- (f) the members are satisfied that the disciplinary offence complained of is trivial;
 - (g) the members are satisfied that the complaint is frivolous or vexatious or is not made in good faith; or
 - (h) the members are satisfied for any other reason that referring the complaint to the Board is unnecessary.
- (4) Where a complaint has been referred to the Board under subsection (3), the Board shall, before reaching a decision in relation to the complaint or making a disciplinary order, appoint a disciplinary committee to inquire into the complaint, to advise it whether the disciplinary offence complained of has been committed and, if so, to recommend an appropriate disciplinary order.
- (5) Subsection (2) shall not apply to a person who has made a disclosure referred to in that subsection to the Board before the relevant date but if, on or after that date, the Board accepts the person for registration or renewal of registration, that subsection shall apply to that person in respect of the misconduct, neglect or conviction the subject of that disclosure.
- (6) For the avoidance of doubt, it is hereby declared that neither subsection (2) nor subsection (5) shall prejudice the operation of section 17(5).

26. Disciplinary committee panel

- (1) The Board shall appoint persons (not being members of the Board) to be members of a disciplinary committee panel in accordance with the following numbers and categories—
- (a) not less than 12 registered social workers (category 1) who each hold a recognized degree in social work;

- (b) not less than 12 registered social workers (category 1) who each hold a recognized diploma in social work; and
 - (c) not less than 10 persons who are not registered social workers.
- (2) A member of the panel may resign at any time by notice in writing delivered to the Board and the Board may at any time and for any reason revoke the appointment of a member of the panel.
- (3) An appointment under subsection (1) shall be notified in the Gazette.

27. Decision of disciplinary committee and Board on complaint, etc.

- (1) The Board shall, not later than 30 days after a complaint is referred to it under section 25(3), appoint the disciplinary committee required by section 25(4) in relation to the complaint.
- (2) The disciplinary committee shall consist of 5 members of the panel of whom—
 - (a) not less than 3 and not more than 4 shall be registered social workers;
 - (b) if the registered social worker against whom the complaint concerned is made is—
 - (i) a public officer, 1 shall be a registered social worker who is a public officer and who has, in the opinion of the Board, professional experience as a social worker comparable to that of the registered social worker against whom the complaint is made;
 - (ii) not a public officer, 1 shall be a registered social worker who is not a public officer and who has, in the opinion of the Board, professional

experience as a social worker comparable to that of the registered social worker against whom the complaint is made.

- (3) The quorum at any meeting of the disciplinary committee shall be 3 members of whom—
 - (a) not less than 1 shall be a person who is not a registered social worker; and
 - (b) 1 shall be the member referred to in subsection (2)(b)(i) if the registered social worker against whom the complaint is made is a public officer or, in any other case, 1 shall be the member referred to in subsection (2)(b)(ii).
- (4) The members present at a meeting of the disciplinary committee may elect one of their number to preside at the meeting.
- (5) The disciplinary committee shall not proceed to hear evidence of a complaint concerning a disciplinary offence unless the registered social worker in respect of whom the complaint is made is given 28 days' notice of the complaint and the date, time and place of the hearing.
- (6) The registered social worker referred to in subsection (5) shall be entitled—
 - (a) to attend and hear all evidence produced at the hearing;
 - (b) to examine any witness and documents or other evidence produced at the hearing;
 - (c) to call any witness and produce any documents or other evidence at the hearing; and
 - (d) to legal representation.
- (7) After the disciplinary committee has reached a decision on the advice to be given to the Board as to whether the disciplinary offence complained of has been committed and

any appropriate disciplinary order that it would recommend in respect of the complaint, it shall report to the Board accordingly.

- (8) The Board shall, after considering the disciplinary committee's decision or recommendation, the reasons in support thereof, any evidence and findings in respect thereof and all relevant circumstances relating thereto, decide whether the disciplinary offence complained of has been committed and notify the complainant concerned of the decision and the reasons therefor.
- (9) Where the Board, after consideration of the advice of the disciplinary committee that a disciplinary offence has been committed or the recommendation that a certain disciplinary order should be made, is of the opinion that the complaint concerned or the recommended disciplinary order requires further investigation, it may refer the complaint back to the disciplinary committee which has reported thereon or to another disciplinary committee which the Board may appoint for further investigation, and may at the time of making such reference or thereafter give directions on matters relating to the complaint or the recommended disciplinary order on which such further investigation should be conducted.
- (10) Where a registered social worker is alleged to have committed a disciplinary offence—
 - (a) under section 25(1)(b), (e) or (f), the disciplinary committee shall not be required to inquire whether the social worker was properly convicted of the alleged offence; and
 - (b) under section 25(1)(b) or (e), the disciplinary committee may consider any record of the case in which a conviction was recorded and any other evidence which is relevant as showing the nature and gravity of the offence.

28. Legal adviser

The Board may appoint a legal practitioner to advise the disciplinary committee and the Board on any points of law and procedure that arise before, during or after an inquiry into an alleged disciplinary offence.

29. Power in regard to obtaining of evidence and conduct at inquiry

- (1) A disciplinary committee shall have power—
 - (a) to hear, receive and examine evidence on oath;
 - (b) to summon any person to attend the inquiry either as the person whose conduct is the subject of the inquiry or to give evidence or produce any document or other thing in his possession and to examine him as a witness or require him to produce any document or other thing in his possession, subject to all just exceptions;
 - (c) to admit or exclude the public or any member of the public from the inquiry;
 - (d) to admit or exclude the press from the inquiry;
 - (e) to award any person summoned to attend the inquiry as a witness such sum, to be paid from the funds of the Board, as in the opinion of the disciplinary committee has been reasonably expended by him in connection with his attendance.
- (2) The Registrar shall sign summonses to witnesses.
- (3) No person shall be required to answer any question or produce any document or other thing which, in the opinion of the disciplinary committee, may tend to incriminate him.
- (4) A witness shall, in respect of any evidence given by him before the disciplinary committee, be entitled to the same

privileges to which he would be entitled if he were giving evidence in court.

30. Disciplinary orders

- (1) Where the Board has decided that a registered social worker has committed a disciplinary offence, it shall—
 - (a) order the Registrar to remove the name of the social worker from the Register permanently;
 - (b) order the Registrar to remove the name of the social worker from the Register for such period (not being more than 5 years) as the Board thinks fit;
 - (c) reprimand the social worker in writing and order the Registrar to record the reprimand on the Register; or
 - (d) order that the Chairperson of the Board admonish the social worker orally.
- (2) Where the disciplinary offence referred to in subsection (1) is a disciplinary offence under section 25(1)(f), the Board shall exercise its power under subsection (1)(a).

31. Service and implementation of disciplinary orders

- (1) The Registrar shall serve a copy of any decision under section 27(8) and a copy of any order made under section 30(1)(a), (b) or (c), together with a copy of the reasons of the Board, or serve notice that the Board has not found that the alleged disciplinary offence was committed, upon the registered social worker concerned, either personally or by registered post to his registered address as soon as practicable after the Board has reached its decision on whether or not the social worker committed the alleged disciplinary offence.
- (2) Subject to subsection (3), no disciplinary order shall be carried out before the expiry of the period for serving a notice of appeal under section 33 or, in the case of an appeal made

to the Court of Appeal against the disciplinary order under that section, before the appeal is finally determined (and, if the disciplinary order is varied on appeal, the order as varied shall be carried out). (*Amended 10 of 2005 s. 112*)

- (3) A disciplinary order may be carried out before the expiry of the period for serving a notice of appeal under section 33 if—
- (a) the Board is satisfied that it is necessary to do so for the protection of the public or in the best interests of the registered social worker concerned; and
 - (b) the order served on the social worker is accompanied with a copy of the reasons of the Board for being so satisfied.

32. Publication of disciplinary orders

- (1) After the expiry of the time within which an appeal may be made to the Court of Appeal under section 33 against a disciplinary order or, if such an appeal has been made, after the appeal is finally determined, the Board— (*Amended 10 of 2005 s. 113*)
- (a) shall, where a disciplinary order is made under section 30(1)(a), (b) or (c) and may, where any other disciplinary order is made, publish a copy of the order or, if the order is varied on appeal, the order as so varied in at least one English and one Chinese language newspaper circulating generally in Hong Kong; and
 - (b) may publish the order or, if the order is varied on appeal, the order as so varied in any other publication or manner as the Board thinks fit. (*Amended 10 of 2005 s. 113*)
- (2) Where a disciplinary order is published under subsection (1), the Board—

- (a) shall publish with such order sufficient particulars to acquaint the public with the nature of the matter to which the order relates; and
 - (b) may publish with such order an account of the proceedings of the disciplinary committee.
 - (3) No action in damages for defamation shall lie against any person as a result of publishing a disciplinary order and other particulars required or permitted under this section.
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Part V

Appeals

33. Appeal to Court of Appeal

- (1) Any person who is aggrieved by—
 - (a) any decision made in respect of him under section 19(1), 20(4) or 27(8); or
 - (b) any disciplinary order made in respect of him,may appeal to the Court of Appeal.
- (2) The Court of Appeal may affirm, reverse or vary the decision or disciplinary order appealed against.
- (3) Where a person appeals against a decision of the Board under section 27(8) or a disciplinary order, the Court of Appeal shall consider the reasons of the disciplinary committee and of the Board and submissions upon the findings of fact and law of the disciplinary committee made on behalf of the parties to the inquiry and may call for the original record of the evidence taken and any document put in evidence before the disciplinary committee.
- (4) The Court of Appeal may, upon special grounds being shown, consider any additional evidence not adduced before the disciplinary committee.
- (5) *(Repealed 10 of 2005 s. 109)*
- (6) The practice in relation to any appeal shall be subject to any rules of court made under the High Court Ordinance (Cap. 4).
(Amended 25 of 1998 s. 2)
- (7) The Court of Appeal shall not have power to hear any appeal against—

- (a) a decision made under section 19(1), 20(4) or 27(8); or
 - (b) a disciplinary order,
- unless notice of such appeal is given within 3 months of—
- (i) in the case of paragraph (a), notification of the decision having been given to the person the subject of the decision;
 - (ii) in the case of paragraph (b), the service of the disciplinary order under section 31 or, where section 30(1)(d) is applicable, the date on which the admonition concerned is given.
- (8) In deciding any appeal under this section the Court of Appeal may make such order for payment of costs as it considers reasonable.
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Part VI

Use of Title

34. Use of title

- (1) Subject to subsections (3) and (4), a person whose name does not appear on the Register shall not be entitled to use—
 - (a) the description “registered social worker” or “註冊社會工作者”;
 - (b) the initials “R.S.W.”; or
 - (c) the description “social work” or “社會工作” or “social worker” or “社會工作者” or “社工”,
whether in combination with any other description or any initials or otherwise, to describe his profession as being the social work profession or his social work professional qualifications.
- (2) The Board may apply to a judge for an order restraining any person whose name is not on the Register from contravening subsection (1).
- (3) Subsection (1) shall not be construed to prevent any person from stating any academic or professional qualifications where he actually possesses such qualifications, whether or not he is qualified to be registered.
- (4) A person who is not a registered social worker but—
 - (a) who—
 - (i) has provided social work service outside Hong Kong in respect of a particular case or matter; and
 - (ii) proposes to provide that service in Hong Kong for that case or matter, as the case may be; or

(b) who—

- (i) has provided social work service outside Hong Kong;
- (ii) has, by reason of substantial training and practical experience, developed expertise in the provision of that service which is not, or not generally, available amongst registered social workers; and
- (iii) proposes to provide that service in Hong Kong wholly or partly to demonstrate the provision of that service to registered social workers or a class of registered social worker,

may use the description “social work” or “社會工作” or “social worker” or “社會工作者” or “社工”, whether in combination with any other description or initials or otherwise—

- (i) in connection with the social work service referred to in paragraph (a) or (b) provided by him; or
- (ii) subject to subsection (5), to describe his profession as being the social work profession or his social work professional qualifications.

(5) Subsection (4)(ii) shall cease to apply to a person upon the expiration of 6 months immediately following the person’s entry into Hong Kong in connection with the social work service referred to in subsection (4)(a) or (b) provided by him unless the Board in his case extends or further extends that period in writing.

(6) For the avoidance of doubt, it is hereby declared that—

- (a) subsection (4) shall not prejudice the operation of subsection (1)(a) or (b);
- (b) where subsection (4)(ii) has applied to a person, subsection (5) shall not operate to prevent subsection

(4)(ii) from again applying to the person if he re-enters Hong Kong in connection with a social work service—

- (i) referred to in subsection (4)(a) or (b) provided by him; and
 - (ii) which is different from the social work service referred to in subsection (4)(a) or (b) which was provided by him the last time subsection (4)(ii) applied to him.
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Part VII

Offences and Evidence

35. Offences and penalties

Any person who—

- (a) having been summoned by a disciplinary committee to attend as a witness or to provide a document or other thing under section 29(1)(b) without reasonable excuse refuses or fails to do so;
- (b) attends as a witness before a disciplinary committee and, without lawful excuse, refuses or fails to answer any question put to him by the disciplinary committee;
- (c) fraudulently obtains registration as a registered social worker, registered social worker (category 1) or registered social worker (category 2) for himself or any other person;
- (d) obtains registration as a registered social worker, registered social worker (category 1) or registered social worker (category 2) for himself or any other person by means of any misleading, false or fraudulent representation or statement, either oral or in writing;
- (e) makes or causes to be made any falsification in the Register;
- (f) impersonates or falsely represents himself as being the person referred to in any certificate or document presented to the Board or a disciplinary committee in connection with its functions under this Ordinance;

- (g) falsely takes or uses any name, initials, title, addition or description indicating that his name is entered in the Register;
- (h) not being a registered social worker (but without prejudice to the operation of section 34(3) and (4)), knowingly permits the use of, or uses, in connection with his business or profession—
 - (i) the description “registered social worker” or “註冊社會工作者”;
 - (ii) the initials “R.S.W.”;
 - (iii) the description “social work” or “社會工作” or “social worker” or “社會工作者” or “社工”; or
 - (iv) any initials or abbreviations of words intended to cause, or which may reasonably cause, any person to believe that the person using the initials or abbreviations, as the case may be, is on the Register;
- (i) not being on the Register, advertises or represents himself as a registered social worker or knowingly permits himself to be so advertised or represented;
- (j) holds himself out to be ordinarily resident in Hong Kong at the time of making application for registration when he is not so ordinarily resident; or
- (k) without reasonable excuse, refuses or fails to return his certificate to the Registrar in accordance with section 22(6),

commits an offence and is liable on conviction to a fine at level 5 and, in the case of paragraph (c), (d), (e) or (f), to imprisonment for 1 year.

36. Certificate as evidence

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A certificate, purporting to be signed by the Registrar, that the name of a person has or has not been entered in or has been removed from the Register shall for all purposes, without further proof, be evidence of the facts stated in the certificate.

Part VIII

Miscellaneous

37. Power of Board to specify forms

- (1) Subject to subsection (2), the Board may specify the form of any document required under this Ordinance to be in the specified form and the form of such other documents required for the purposes of this Ordinance as it thinks fit.
- (2) The Board's power under subsection (1) shall be subject to any express requirement under this Ordinance for a form, whether specified or otherwise, to comply with that requirement, but that requirement shall not restrict the exercise of that power in respect of that form to the extent that, in the opinion of the Board, its exercise of that power in respect of that form does not contravene that requirement.
- (3) For the avoidance of doubt, it is hereby declared that the Board's power under subsection (1) may be exercised in such a way as to—
 - (a) include (whether by way of attachment or otherwise) in the specified form of any document referred to in that subsection a statutory declaration—
 - (i) to be made by the person completing the form; and
 - (ii) as to whether the particulars contained in the form are true and correct to the best of that person's knowledge and belief;
 - (b) specify 2 or more forms of any document referred to in that subsection, whether as alternatives, or to provide for particular circumstances or particular cases, as the Board thinks fit.

- (4) A form specified under this section shall be—
- (a) completed in accordance with such directions and instructions as are specified in the form;
 - (b) accompanied by such documents as are specified in the form; and
 - (c) if the completed form is required to be provided to the Board or any other person, so provided in the manner, if any, specified in the form.
- (5) The Board shall exercise its power under this section in such a way as to require a person seeking to be registered as a registered social worker to make a statutory declaration as to—
- (a) whether he has been convicted of any offence, whether in Hong Kong or elsewhere;
 - (b) if he has been so convicted, the nature of each such offence.
- (6) In this section, **document** (文件) includes any accounts, application, notice and certificate.

38. Fees

- (1) The Board may, subject to any directions given to it under subsection (4), determine the fee payable for any relevant matter.
- (2) The Board may, in a determination under subsection (1), subject to any directions given to it under subsection (4), specify, either generally or specifically, the circumstances in which, and by whom, a fee for any relevant matter may be reduced, waived or refunded, in whole or in part.
- (3) Where the Board has made a determination under subsection (1), it shall, after consultation with the Secretary, as soon as practicable, and subject to any directions given to it under

subsection (4), publish a copy of the determination in at least one English and one Chinese language newspaper circulating generally in Hong Kong.

- (4) The Secretary may give directions in writing of a general or specific character to the Board in relation to the exercise of its power under subsection (1) or (2), or the performance of its function under subsection (3), and the Board shall comply with those directions.
- (5) The Board and the Registrar may each refuse to carry out any relevant matter for which any fee (including part of any fee) specified in a determination under subsection (1) remains unpaid.
- (6) In this section, ***relevant matter*** (有關事宜) means—
 - (a) the correction of the Register, whether pursuant to a notice under section 16(3) or otherwise;
 - (b) the provision of a copy of any part of the Register;
 - (c) an application for registration as a registered social worker;
 - (d) an application for renewal of the registration of a registered social worker;
 - (e) an application for the renewal of the registration of a registered social worker received later than 28 days prior to the expiry of the current registration;
 - (f) the extension of the time for renewal of the registration of a registered social worker;
 - (g) the restoration of a name to the Register following the carrying out of a disciplinary order under section 30(1)(b);
 - (h) the extension or further extension of the period specified in section 34(5) in the case of social work service

referred to in section 34(4)(a) or (b) provided by a person;

- (i) the replacement of a certificate of registration which has been lost, defaced or destroyed;
 - (j) any other matter specified under subsection (7) for the purposes of this definition.
- (7) The Secretary may, by notice in the Gazette, specify a matter for the purposes of the definition of ***relevant matter***.
- (8) For the avoidance of doubt, it is hereby declared that a notice under subsection (7) is subsidiary legislation.
- (9) The amount of any fee determined under subsection (1) shall not be limited by reference to the amount of administrative or other costs incurred or likely to be incurred in relation to providing the relevant matter to which such fee relates, and different fees may be so determined for the same relevant matter in order to provide for particular circumstances or particular cases specified in the determination concerned made under that subsection.

39. Amendment of Schedules

- (1) The Chief Executive in Council may by notice in the Gazette amend Schedule 1. (*Amended 37 of 2000 s. 3*)
 - (2) The Secretary may by notice in the Gazette amend Schedule 2.
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Schedule 1

[ss. 4(8) & (11), 8(2),
12(2)(c), 20(4) & 39(1)]

Provisions with respect to Board and Committees and their Members, etc.

Board and members of Board

1. Initial constitution of Board, etc.

- (1) The Board shall, until the relevant date, consist of 6 members of whom—
 - (a) 1 shall be the Chairperson of the Council;
 - (b) 2 shall be other members of the Council appointed by the Chief Executive from amongst nominations submitted to the Secretary for Health and Welfare by the Council; (*Amended 37 of 2000 s. 3; L.N. 106 of 2002*)
 - (c) 2 shall be persons appointed by the Chief Executive; and (*Amended 37 of 2000 s. 3*)
 - (d) 1 shall be the Director.
- (2) Whilst the Board is constituted as provided in subsection (1), the provisions of this Ordinance shall operate as if—
 - (a) sections 5(1), (2), (4) and (5), 7(1)(b), (c) and (g), 10, 11, 17(2)(b), (3)(b) and (c) and (6), 34(1)(c) and 35(h) (iii), and Part IV, of this Ordinance were omitted;
 - (b) section 4(5) of this Ordinance were omitted and the following substituted—

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- “(5) The Director shall be the Chairperson of the Board and the members of the Board shall elect from among their number a Deputy Chairperson.”;
- (c) the number “3” were substituted for the number “8” appearing in section 6(2) of this Ordinance;
- (d) the number “3” were substituted for the number “6” appearing in section 6(3) of this Ordinance;
- (e) section 15(1) of this Ordinance were omitted and the following substituted—
- “(1) The Director shall appoint a person to be the Registrar—
- (a) until the relevant date; and
- (b) upon such terms and conditions as he thinks fit.”;
- (f) section 17(1)(a) of this Ordinance were omitted and the following substituted—
- “(a) is the holder of a degree or diploma in social work recognized by the Director, on or before 1 January 1997, for employment in a social work post; or”;
- (g) in section 17(4) of this Ordinance—
- (i) the word “The” were substituted for the words “Without limiting the generality of subsection (3)(b), the”;
- (ii) paragraph (a) were omitted.
- (3) The fact that a person is or was a member of the Board under subsection (1)(a), (b) or (c)—
- (a) shall not of itself prevent the person becoming a member of the Board under section 4(3)(a) or (b) of this Ordinance;

- (b) shall not be taken into account in calculating any period under section 5(2) of this Ordinance.
- (4) A member of the Board under subsection (1)(b) or (c) may resign by giving notice in writing to the Chief Executive. *(Amended 37 of 2000 s. 3)*
- (5) A member of the Board under subsection (1)(c) holds office at the Chief Executive's discretion. *(Amended 37 of 2000 s. 3)*
- (6) In this section, **Council** (社專局) means the Hong Kong Social Welfare Personnel Registration Council.
- (7) This section shall expire on the relevant date.

2. Members of Board to disclose interests in respect of certain contracts

- (1) A member of the Board who is in any way directly or indirectly interested in a contract made or proposed to be made by—
 - (a) the Board;
 - (b) a committee; or
 - (c) an employee or agent of the Board,shall disclose the nature of his interest at a meeting of the Board.
- (2) The Board shall record the disclosure in the minutes of the meeting of the Board.
- (3) A member who has an interest in a contract referred to in subsection (1)—
 - (a) shall not without the permission of the Chairperson or other member presiding take any part in any deliberation of the Board with respect to that contract; and
 - (b) shall not in any event vote on any matter concerning it.

- (4) For the purposes of subsection (1), a member may give a notice in writing at a meeting of the Board to the effect that he is a member of a company or firm and is to be regarded as interested in any contract which may, after the date of the notice, be made with the company or firm and the notice shall be regarded as a sufficient disclosure of his interest in relation to any contract so made or proposed to be so made.
- (5) A member of the Board need not attend in person at a meeting of the Board to make a disclosure which he is required to make under this section if he takes reasonable steps to secure that the disclosure is made by a notice in writing which is brought up and read at the meeting.

3. Voting

All matters for determination at a meeting of the Board shall be decided by a majority of votes of the members present and voting and where there is an equality of votes the Chairperson or other member presiding shall have a casting vote in addition to his original vote.

4. Fixing of seal of Board

The fixing of the seal of the Board shall be—

- (a) authorized by the Board; and
- (b) authenticated by the signatures of—
 - (i) the Chairperson; and
 - (ii) any other member of the Board authorized by the Board, either generally or specifically, to act for that purpose.

5. Documents of Board

- (1) The Board may make and execute any document in the performance of its functions or the exercise of its powers

or in connection with any matter reasonably incidental to or consequential upon the performance of its functions or the exercise of its powers.

- (2) Any document purporting to be executed under the seal of the Board shall be admitted in evidence and shall, in the absence of evidence to the contrary, be deemed to have been duly executed.

6. Certain documents not required to be sealed

Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not be required to be under seal may be entered into or executed on behalf of the Board by any member of the Board generally or specifically authorized by the Board for that purpose.

7. Procedure of Board

Subject to the provisions of this Schedule, the Board shall have power to regulate its own procedure including the manner in which decisions of the Board may be made by a quorum of its members otherwise than at a meeting of the Board.

Committees and members of committees

8. Members of committees

The Board—

- (a) may appoint members of the Board, and persons who are not such members, to be members of a committee other than a disciplinary committee; and
- (b) shall appoint the chairperson of a committee and determine the number of members of a committee.

9. Members of committee to disclose interests in respect of certain contracts

- (1) A member of a committee who is in any way directly or indirectly interested in a contract made or proposed to be made by—
 - (a) the Board;
 - (b) the committee; or
 - (c) an employee or agent of the Board,shall disclose the nature of his interest at a meeting of the committee.
- (2) The committee shall record the disclosure in the minutes of the meeting of the committee.
- (3) A member who has an interest in a contract referred to in subsection (1)—
 - (a) shall not without the permission of the chairperson of the committee or other member presiding take any part in any deliberation of the committee with respect to that contract; and
 - (b) shall not in any event vote on any matter concerning it.
- (4) For the purposes of subsection (1), a member may give a notice in writing at a meeting of a committee to the effect that he is a member of a company or firm and is to be regarded as interested in any contract which may, after the date of the notice, be made with the company or firm and the notice shall be regarded as a sufficient disclosure of his interest in relation to any contract so made or proposed to be so made.
- (5) A member of a committee need not attend in person at a meeting of the committee to make a disclosure which he is required to make under this section if he takes reasonable steps to secure that the disclosure is made by a notice in writing which is brought up and read at the meeting.

Finances, etc. of Board

10. Resources of Board

- (1) The resources of the Board shall consist of—
 - (a) until the relevant date, all money—
 - (i) paid by the Government to the Board and appropriated for that purpose by the Legislative Council; and
 - (ii) otherwise provided to the Board by the Government; and
 - (b) all other money and property, including gifts, donations, fees, rent, interest and accumulations of income received by the Board.
- (2) Subsection (1)(a) shall expire on the relevant date.

11. Accounts, audit and annual report of Board

- (1) The Board shall cause proper accounts to be kept of all its financial transactions.
- (2) The Board shall, as soon as practicable after the expiry of a financial year, prepare a statement of the accounts of the Board, which statement shall include an income and expenditure account and a balance sheet.
- (3) The Board shall appoint an auditor who shall, as soon as practicable, audit the accounts required under subsection (1) and the statement of accounts required under subsection (2) and shall submit a report on the statement to the Board.
- (4) The Board shall, as soon as practicable and in any case not later than 9 months after the expiry of a financial year (or such further period as the Secretary allows), furnish—
 - (a) a report on the activities of the Board during that year including a general survey of developments during that

year, in respect of matters falling within the scope of the Board's functions;

(b) a copy of the statement of accounts required under subsection (2); and

(c) the auditor's report on the statement,

to the Secretary who shall cause the same to be tabled in the Legislative Council.

(5) This section shall expire on the relevant date.

12. Director of Audit's examination

(1) The Director of Audit may, in respect of any financial year, conduct an examination into the economy, efficiency and effectiveness with which the Board has expended its resources in performing its functions and exercising its powers.

(2) Subject to subsection (3), the Director of Audit shall have a right of access at all reasonable times to all such documents as he may reasonably require for conducting an examination under this section and shall be entitled to require from any person holding or being accountable for any such document such information and explanation as he considers reasonably necessary for that purpose.

(3) Subsection (2) applies only to documents in the custody and control of the Board.

(4) Subsection (1) shall not operate to entitle the Director of Audit to question the merits of the policy objectives of the Board.

(5) This section shall expire on the relevant date.

Delegations

13. Provisions to which section 12(1) of this Ordinance shall not apply

Social Workers Registration Ordinance

Schedule 1

S1-18

Section 13

Cap. 505

Sections 8 and 11(3) shall not be subject to section 12(1) of this Ordinance.

Schedule 2

[ss. 17(4)(b) & 39(2)]

Description of Offences which Disentitle Persons from Being or Continuing to be Registered Social Workers

1. An offence under the following section of the [#]Affiliation Proceedings Ordinance (Cap. 183)—

Section	Description*
16(b)	ill-treating a child

Editorial Note:

- [#] Cap. 183 was repealed by section 79 of the Law Reform (Miscellaneous Provisions and Minor Amendments) Ordinance 1997 (80 of 1997).

2. An offence under any of the following sections of the Crimes Ordinance (Cap. 200)—

Section	Description*
47	incest by men
48	incest by women of or over 16

* Note: The short description of offences in this Schedule is for ease of reference only.

Social Workers Registration Ordinance

Schedule 2

S2-4

Cap. 505

Section	Description*
118	rape
118A	non-consensual buggery
118B	assault with intent to commit buggery
118C	homosexual buggery with or by a man under 16 <i>(Amended 18 of 2014 s. 12)</i>
118D	buggery with a girl under 21
118E	buggery with a mentally incapacitated person <i>(Amended 21 of 2020 s. 65)</i>
118F	<i>(Repealed 18 of 2014 s. 12)</i>
118G	procuring others to commit homosexual buggery
118H	gross indecency with or by a man under 16 <i>(Amended 18 of 2014 s. 12)</i>
118I	gross indecency by a man with a male mentally incapacitated person <i>(Amended 21 of 2020 s. 65)</i>
118J	gross indecency by a man with another man otherwise than in private
118K	procuring gross indecency by a man with another man
118L	bestiality
119	procurement of an unlawful sexual act by threats or intimidation
120	procurement of an unlawful sexual act by false pretences
121	administering drugs so as to enable a third person to do an unlawful sexual act

* Note: The short description of offences in this Schedule is for ease of reference only.

Social Workers Registration Ordinance

Schedule 2

S2-6

Cap. 505

Section	Description*
122	indecent assault
123	sexual intercourse with a girl under 13
124	sexual intercourse with a girl under 16 (if, but only if, the offender was more than 18 years of age at the time of the offence)
125	sexual intercourse with a woman who is a mentally incapacitated person (<i>Amended 21 of 2020 s. 65</i>)
126	abduction of an unmarried girl under 16
127	abduction of an unmarried girl under 18 for sexual intercourse
128	abduction of a mentally incapacitated person for an unlawful sexual act (<i>Amended 21 of 2020 s. 65</i>)
129	trafficking in persons for the purpose of prostitution
130	control over persons for the purpose of unlawful sexual acts or prostitution
131	causing prostitution
132	procurement of a girl under 21 to have sexual intercourse
133	procurement of a woman who is a mentally incapacitated person to have sexual intercourse (<i>Amended 21 of 2020 s. 65</i>)
134	detention of a person for an unlawful sexual act or in a vice establishment

* Note: The short description of offences in this Schedule is for ease of reference only.

Social Workers Registration Ordinance

Schedule 2

S2-8

Cap. 505

Section	Description*
135	causing or encouraging the prostitution of, an unlawful sexual act with, or indecent assault on a girl or boy under 16
136	causing or encouraging the prostitution of a mentally incapacitated person (<i>Amended 21 of 2020 s. 65</i>)
137	living on earnings of prostitution of others
138A	use, procurement or offer of persons under 18 for making pornography or for live pornographic performances (<i>Added 31 of 2003 s. 26</i>)
139	keeping a vice establishment
140	permitting a girl or boy under 13 to resort to or be on premises for prostitution or an unlawful sexual act
141	permitting a young person to resort to or be on premises or vessel for the purpose of sexual intercourse, prostitution, buggery or a homosexual act
142	permitting mentally incapacitated person to resort to or be on premises or vessel for intercourse, prostitution or homosexual act (<i>Amended 21 of 2020 s. 65</i>)
146	indecent conduct towards a child under 16
147	soliciting for an immoral purpose

* Note: The short description of offences in this Schedule is for ease of reference only.

Social Workers Registration Ordinance

Schedule 2

S2-10

Cap. 505

Section	Description*
148	indecent in public
153Q(1)	arrangement relating to commission against a child of act outside Hong Kong that offends Schedule 2 provision (<i>Added 31 of 2003 s. 26</i>)

For the avoidance of doubt, where an offence under a section of the Crimes Ordinance (Cap. 200) may, by virtue of section 153P of that Ordinance, be constituted by an act committed outside Hong Kong, a reference in this item to an offence under that section includes a reference to an offence so constituted. (*Added 31 of 2003 s. 26*)

(Amended E.R. 1 of 2015)

3. An offence under any of the following sections of the Offences against the Person Ordinance (Cap. 212)—

Section	Description*
2	murder
5	conspiring or soliciting to commit murder
7	manslaughter
10	administering poison or wounding with intent to commit murder
11	destroying or damaging building with intent to commit murder
12	setting fire to or casting away ship with intent to commit murder

* Note: The short description of offences in this Schedule is for ease of reference only.

Social Workers Registration Ordinance

Schedule 2

S2-12

Cap. 505

Section	Description*
13	attempting to administer poison, or shooting, or attempting to shoot or drown, etc., with intent to murder
14	attempting to commit murder by means not specified
15	sending letter threatening to murder
17	shooting or attempting to shoot, or wounding or striking with intent to do grievous bodily harm
19	wounding or inflicting grievous bodily harm
20	attempting to choke, etc., in order to commit indictable offence
21	using chloroform, etc., in order to commit indictable offence
22	administering poison, etc., so as to endanger life or inflict grievous bodily harm
23	administering poison, etc., with intent to injure, etc.
26	exposing a child whereby his or her life is endangered
27	ill-treatment or neglect by those in charge of a child or young person
29	causing gunpowder to explode, etc., or throwing corrosive fluid, with intent to do grievous bodily harm
30	placing gunpowder near building, etc., with intent to do bodily injury

* Note: The short description of offences in this Schedule is for ease of reference only.

Social Workers Registration Ordinance

Schedule 2

S2-14

Cap. 505

Section	Description*
31	setting spring gun, etc., with intent to inflict grievous bodily harm
42	forcible taking or detention of a person with intent to sell him or her
43	stealing a child under 14 years
44	unlawful transfers of possession, custody or control of other persons for valuable consideration
47B	child destruction
47C	infanticide

4. An offence under any of the following sections of the Protection of Children and Juveniles Ordinance (Cap. 213)—

Section	Description*
26	abduction of child or juvenile
42	assisting escape of child or juvenile from custody or control

* Note: The short description of offences in this Schedule is for ease of reference only.