
Social Workers Registration (Amendment) Bill 2024

Contents

Clause		Page
1.	Short title and commencement	C1727
2.	Social Workers Registration Ordinance amended	C1727
3.	Section 2 amended (interpretation)	C1727
4.	Section 4 amended (constitution of Board)	C1727
5.	Sections 4A and 4B added	C1731
	4A. Requirement to take Board Member Oath	C1731
	4B. Consequences of declining or neglecting to take Board Member Oath	C1733
6.	Section 5 amended (tenure of office)	C1735
7.	Section 5A added	C1743
	5A. Filling of vacancy in office of elected member of Board	C1743
8.	Section 6 amended (proceedings of Board)	C1745
9.	Section 7 amended (functions of Board)	C1745
10.	Section 9 amended (Board may make rules)	C1747
11.	Section 10 amended (approval of codes of practice by Board)	C1747
12.	Section 12 amended (delegations)	C1749
13.	Section 14A added	C1749

Clause	Page
14A.	Power and proceedings of Board not affected by vacancy in membership C1751
14.	Section 20 amended (expiry of registration and renewal) C1751
15.	Part IIIA added C1753

Part IIIA

**Removal of Names of Registered Social Workers Convicted of
Certain Offences from Register**

24A.	Board’s direction to remove names of registered social workers convicted of certain offences from Register C1753
24B.	Procedures for giving direction under section 24A(1) C1755
24C.	Registrar must serve notice of Board’s direction C1757
24D.	Registrar must publish Board’s direction C1759
24E.	Registrar must carry out Board’s direction C1761
16.	Section 25 amended (disciplinary offences) C1761
17.	Section 26 amended (disciplinary committee panel) C1767
18.	Section 27 amended (decision of disciplinary committee and Board on complaint, etc.) C1767
19.	Section 30 amended (disciplinary orders) C1769
20.	Section 32 amended (publication of disciplinary orders) C1769
21.	Section 33 amended (appeal to Court of Appeal) C1771

Social Workers Registration (Amendment) Bill 2024

C1723

Clause		Page
22.	Section 38 amended (fees)	C1775
23.	Section 39 amended (amendment of Schedules)	C1777
24.	Section 40 added	C1777
40.	Savings and transitional provisions relating to Social Workers Registration (Amendment) Ordinance 2024	C1777
25.	Schedule 1 amended (provisions with respect to Board and committees and their members, etc.)	C1777
26.	Schedules 3 and 4 added	C1781
	Schedule 3 Written Oath Prescribed for Purposes of Section 4A(2)(a)	C1781
	Schedule 4 Savings and Transitional Provisions relating to Social Workers Registration (Amendment) Ordinance 2024	C1783

A BILL

To

Amend the Social Workers Registration Ordinance to change the composition of the Social Workers Registration Board; to require a person who is holding or is to take up the office of a member of the Board to take an oath; to provide for the consequences of declining or neglecting to take the oath; to provide for the consequences of breaching the oath; to provide for the filling of a vacancy in the office of an elected member of the Board; to provide that any vacancy in the membership of the Board does not affect the power and proceedings of the Board; to revise certain requirements relating to the meetings of the Board; to provide for continuing professional development requirements for registered social workers; to amend the provisions relating to the dates on which a code of practice approved by the Board takes effect and ceases to have effect; to revise the procedures for the removal of the name of a registered social worker who has been convicted of certain offences from the register of registered social workers; to revise certain requirements relating to the disciplinary proceedings of the Board; to amend the provisions on the effective dates of the appointment (and its revocation) of a member of a disciplinary committee panel by the Board; and to provide for transitional and related matters.

Enacted by the Legislative Council.

1. Short title and commencement

- (1) This Ordinance may be cited as the Social Workers Registration (Amendment) Ordinance 2024.
- (2) Subject to subsection (3), this Ordinance comes into operation on the day on which it is published in the Gazette.
- (3) Sections 14 and 25(2) come into operation on a day to be appointed by the Secretary for Labour and Welfare by notice published in the Gazette.

2. Social Workers Registration Ordinance amended

The Social Workers Registration Ordinance (Cap. 505) is amended as set out in sections 3 to 26.

3. Section 2 amended (interpretation)

Section 2(1)—

Add in alphabetical order

“*Board Member Oath* (註冊局成員誓言) means an oath that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People’s Republic of China;”.

4. Section 4 amended (constitution of Board)

- (1) Section 4(3)—

Repeal

“shall consist of 15”

Substitute

“is to consist of 27”.

- (2) Section 4(3)(a)—

Repeal

“shall be”

Substitute

“are”.

- (3) Section 4(3)—

Repeal paragraph (b)

Substitute

“(b) 17 are persons appointed by the Chief Executive by notice published in the Gazette of whom—

(i) at least 5 are neither registered social workers nor public officers; and

(ii) at least 5 are registered social workers (category 1);”.

- (4) After section 4(3)(b)—

Add

“(ba) 1 is a public officer appointed by the Chief Executive by notice published in the Gazette who is also a registered social worker (category 1); and”.

- (5) Section 4(3)(c)—

Repeal

“shall be”

Substitute

“is”.

- (6) Section 4(4), Chinese text—

Repeal

“該款規定”

Substitute

“第 (3)(a) 款規定”.

- (7) Section 4(4), Chinese text—

Repeal

“第 (3)(a) 款成為”

Substitute

“該款成為”.

- (8) Section 4—

Repeal subsections (11) and (12).

5. Sections 4A and 4B added

After section 4—

Add

“4A. Requirement to take Board Member Oath

- (1) This section applies to a person who—
- (a) is to take up the office of a member of the Board; or
 - (b) held the office of a member of the Board immediately before the commencement date of the Social Workers Registration (Amendment) Ordinance 2024 (of 2024).
- (2) The person must, within the period specified by the Secretary, take a Board Member Oath by—
- (a) signing and completing a written oath in the form prescribed in Schedule 3; and
 - (b) returning the signed and completed written oath, either in person or by hand, to the Secretary during ordinary business hours.

(3) In this section—

ordinary business hours (通常辦公時間) means the hours between 9 a.m. and 6 p.m. on any working day;

working day (工作日) means any Monday, Tuesday, Wednesday, Thursday or Friday other than a general holiday.

4B. Consequences of declining or neglecting to take Board Member Oath

(1) A person declines or neglects to take a Board Member Oath if—

- (a) the Secretary does not receive a written oath signed, completed and returned by the person in accordance with section 4A(2) within the period specified under that section in respect of the person;
- (b) the Secretary is satisfied that the person does not genuinely and truthfully intend to uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China; or
- (c) the Secretary is satisfied that the person intentionally alters or distorts the wording of the written oath.

(2) A person who declines or neglects to take a Board Member Oath—

- (a) if the person falls within the description of section 4A(1)(a)—must not take up the office of a member of the Board; or

- (b) if the person falls within the description of section 4A(1)(b)—must not continue to hold the office of a member of the Board.
- (3) The office of a member of the Board that the person would have taken up, or continued to hold, but for subsection (2) is to become vacant.
- (4) Despite section 5(1)(c), the person is, within 5 years after the date on which the period specified under section 4A(2) in respect of the person ends—
 - (a) disqualified from being nominated as a candidate at an election of members of the Board, or from being elected as a member of the Board; and
 - (b) disqualified from being appointed as a member of the Board.”.

6. Section 5 amended (tenure of office)

- (1) Section 5(1)(a)—

Repeal

“shall, subject to subsections (3), (4) and (5), serve”

Substitute

“is, subject to subsections (3) and (4) and section 5A(5), to serve”.

- (2) Section 5(2)—

Repeal

“Director)—”

Substitute

“Director, or a member appointed under section 4(3)(ba)—”.

- (3) Section 5(2)—

Repeal

“he” (wherever appearing)

Substitute

“the member”.

- (4) Section 5(2), English text—

Repeal

“shall again be”

Substitute

“is again”.

- (5) Section 5(2), English text—

Repeal

“shall apply”

Substitute

“applies”.

- (6) Section 5(3)—

Repeal

“Director)—”

Substitute

“Director, or a member appointed under section 4(3)(ba))—”.

- (7) Section 5(3)(a), English text—

Repeal

“his”

Substitute

“the member’s”.

- (8) Section 5(3)(b)(i)—

Repeal

“he”

Substitute

“the member”.

- (9) Section 5(3)(b)(ii), Chinese text—

Repeal

“他”

Substitute

“該成員”.

- (10) Section 5(3)(c)—

Repeal

“his duties as a member”

Substitute

“the duties of a member of the Board”.

- (11) Section 5(3)(e)—

Repeal

“magistrate; or”

Substitute

“magistrate;”.

- (12) Section 5(3)(f)—

Repeal

“offence,”

Substitute

“offence; or”.

- (13) After section 5(3)(f)—

Add

“(g) has breached the Board Member Oath taken by the member.”

- (14) Section 5(3)—

Repeal

“his office as a member of the Board”

Substitute

“the member’s office”.

- (15) Section 5(3), English text—

Repeal

“shall notify”

Substitute

“must notify”.

- (16) Section 5(3), English text—

Repeal

“shall become”

Substitute

“becomes”.

- (17) After section 5(3)—

Add

“(3A) Despite subsection (1)(c), a person whose office as a member of the Board becomes vacant because of a declaration made in respect of the person under subsection (3) on the ground specified in subsection (3)(g) is, within 5 years after the date on which the declaration is made—

- (a) disqualified from being nominated as a candidate at an election of members of the Board, or from being elected as a member of the Board; and
- (b) disqualified from being appointed as a member of the Board.”.

(18) Section 5—

Repeal subsection (5).

7. Section 5A added

After section 5—

Add

“5A. Filling of vacancy in office of elected member of Board

- (1) This section applies if a vacancy in the office of an elected member of the Board arises because of—
 - (a) section 4B(3);
 - (b) section 5(1)(b)(i);
 - (c) section 5(3); or
 - (d) section 5(4).
- (2) Subject to subsection (3), the Board is to decide whether, and if so, when, it is reasonably practicable to hold an election to fill the vacancy.
- (3) An election under subsection (2) must not be held within 12 months preceding the date on which the term of the office would have ended had the vacancy not arisen (*specified date*).
- (4) An election under subsection (2) is to be held in accordance with the rules made under section 9(1)(b).

- (5) A person elected at an election under subsection (2) may only serve up to the specified date.”.

8. Section 6 amended (proceedings of Board)

- (1) Section 6(2), English text—

Repeal

“shall”

Substitute

“must”.

- (2) Section 6(2)—

Repeal

“8”

Substitute

“10”.

- (3) Section 6(3), English text—

Repeal

“shall”

Substitute

“must”.

- (4) Section 6(3)—

Repeal

“6”

Substitute

“10”.

9. Section 7 amended (functions of Board)

- (1) Section 7(1)—

Repeal

“Board shall”

Substitute

“functions of the Board are to”.

(2) After section 7(1)(f)—

Add

“(fa) set continuing professional development requirements for registered social workers;”.

10. Section 9 amended (Board may make rules)

Section 9(1)(b)—

Repeal

“under section 4(3)(a)”.

11. Section 10 amended (approval of codes of practice by Board)

(1) Section 10—

Repeal subsection (2)

Substitute

“(2) A code of practice approved under subsection (1) takes effect on the date on which the Secretary publishes a notice in the Gazette stating that the code of practice has been approved under that subsection.”.

(2) Section 10(5)—

Repeal

everything after “this section,”

Substitute

“the code of practice ceases to have effect on the date on which the Secretary publishes a notice in the Gazette stating that the approval has been withdrawn under that subsection.”.

12. Section 12 amended (delegations)

(1) Section 12(2), English text—

Repeal

“Board shall”

Substitute

“Board may”.

(2) Section 12(2)(a)—

Repeal

“section 8(1)(a), 9, 10, 19,”

Substitute

“section 5A(2), 8(1)(a), 9, 10, 19, 24A(1) or (4), 24B(1),”.

(3) Section 12(2)(b) and (c), English text—

Repeal

“which shall not be”

Substitute

“that are not”.

13. Section 14A added

Part II, after section 14—

Add

“14A. Power and proceedings of Board not affected by vacancy in membership

Any vacancy in the membership of the Board does not affect—

- (a) the power of the Board to transact business; or
- (b) the validity of the proceedings of the Board.”.

14. Section 20 amended (expiry of registration and renewal)

- (1) Section 20(4)—

Repeal

everything after “satisfied”

Substitute

“that—

- (a) the applicant has ceased to meet any of the requirements for registration set out in section 17 (other than subsection (1)(a) of that section) that are applicable to the applicant; or
- (b) the applicant has failed to comply with the continuing professional development requirements set by the Board under section 7(1)(fa) within a period specified by the Board.”.

- (2) After section 20(4)—

Add

“(4A) If an application is rejected under subsection (4), the Board must notify the applicant of the rejection and the reasons for the rejection.”.

15. Part IIIA added

After Part III—

Add

“Part IIIA

**Removal of Names of Registered Social Workers
Convicted of Certain Offences from Register**

24A. Board’s direction to remove names of registered social workers convicted of certain offences from Register

- (1) Subject to section 24B, the Board may direct the Registrar to remove a registered social worker’s name from the Register if the social worker has been convicted in Hong Kong or elsewhere of an offence that—
 - (a) may bring the profession of social worker into disrepute; and
 - (b) is punishable with imprisonment (whether or not the social worker was sentenced to imprisonment).
- (2) A direction given under subsection (1) may be a direction to remove the registered social worker’s name from the Register—
 - (a) permanently; or
 - (b) for a period the Board thinks fit, which must not exceed 5 years.
- (3) For the purposes of subsection (1), the Board may consider—

- (a) any record of the case in which the conviction concerned was recorded; and
 - (b) any other relevant evidence that may show the nature and gravity of the offence of which the registered social worker concerned has been convicted.
- (4) If the Board has notice that a registered social worker has been convicted of an offence referred to in section 17(4)(b)(i) or (ii), the Board must, as soon as practicable after having such notice, direct the Registrar to remove the social worker's name from the Register permanently, unless the condition specified in subsection (5) is satisfied.
- (5) The condition is that all the members for the time being of the Board resolve, after considering all the circumstances of the case, that the registered social worker's name should not be removed from the Register.
- (6) For subsections (1) and (4), the Board is not required to inquire whether the registered social worker concerned was properly convicted.

24B. Procedures for giving direction under section 24A(1)

- (1) If the Board intends to give a direction under section 24A(1) (*section 24A(1) direction*), the Board may direct the Registrar to serve a written notice on the registered social worker concerned stating—
- (a) the Board's intention;
 - (b) the Board's reasons for the intention; and
 - (c) the social worker's right to make written representation under subsection (3).

- (2) The notice must be served on the social worker—
 - (a) by delivering it personally to the social worker; or
 - (b) by sending it by registered post to the social worker's registered address.
- (3) The social worker may make written representation to the Board, within 28 days after the date on which the notice is delivered personally or sent by registered post, as to why the section 24A(1) direction should not be given.
- (4) The Board may give the section 24A(1) direction if—
 - (a) the social worker does not make the written representation within the period specified in subsection (3); or
 - (b) having considered the written representation made by the social worker under subsection (3), the Board still considers that the direction should be given.

24C. Registrar must serve notice of Board's direction

- (1) As soon as practicable after the Board has given a direction under section 24A(1) or (4), the Registrar must serve a written notice on the registered social worker concerned stating—
 - (a) the Board's direction;
 - (b) the Board's reasons for the direction; and
 - (c) the date on which the direction is carried out in accordance with section 24E.
- (2) The notice must be served on the social worker—

- (a) by delivering it personally to the social worker;
or
- (b) by sending it by registered post to the social worker's registered address.

24D. Registrar must publish Board's direction

- (1) If the Board has given a direction under section 24A(1) or (4), the Registrar—
 - (a) must, as soon as practicable, publish the direction in at least one English and one Chinese language newspaper circulating generally in Hong Kong; and
 - (b) may publish the direction in any other publication or manner the Board thinks fit.
- (2) If the direction is varied on appeal, the Registrar—
 - (a) must, as soon as practicable, publish the varied direction in the same manner as described in subsection (1)(a); and
 - (b) may publish the varied direction in any other publication or manner the Board thinks fit.
- (3) If a direction or a varied direction is published under subsection (1) or (2), the Registrar must publish with it sufficient particulars to acquaint the public with the nature of the matter to which it relates.
- (4) No action in damages for defamation may lie against any person as a result of publishing a direction or a varied direction and other particulars required or permitted under this section.

24E. Registrar must carry out Board's direction

- (1) The Registrar must carry out a direction given under section 24A(1) or (4) on the date on which it is published under section 24D(1)(a), whether or not an appeal is made against the direction under section 33(1)(ab).
- (2) If the direction is varied on appeal, the Registrar must carry out the varied direction.
- (3) Section 22(6) applies if the name of a registered social worker is removed from the Register because of this section.”.

16. Section 25 amended (disciplinary offences)

- (1) Section 25(1), English text—

Repeal

“he”

Substitute

“the social worker”.

- (2) Section 25(1)(c), after “misrepresentation;”

Add

“or”.

- (3) Section 25(1)(d)—

Repeal the semicolon**Substitute a full stop.**

- (4) Section 25(1)—

Repeal paragraphs (e) and (f).

- (5) Section 25(2)(a), after “respect;”

Add

“or”.

(6) Section 25(2)(b)—

Repeal the semicolon

Substitute a comma.

(7) Section 25(2)—

Repeal paragraph (c).

(8) Section 25(2)—

Repeal

“he”

Substitute

“the person”.

(9) Section 25(2), English text—

Repeal

“that person shall”

Substitute

“the person is”.

(10) Section 25(2), English text—

Repeal

“be”.

(11) Section 25(3), English text—

Repeal

“shall” (wherever appearing)

Substitute

“must”.

(12) Section 25(3)—

Repeal

“2 members”

Substitute

“3 members”.

(13) Section 25(3)(a), before “the members”—

Add

“at least 2 of”.

(14) After section 25(3)(e)—

Add

“(ea) at least 2 of the members are satisfied that the circumstances based on which the complaint is made are, or are substantially similar to, the circumstances constituting an offence and in respect of the conviction of the offence—

(i) a written notice of the Board’s intention to give a direction under section 24A(1) has been served under section 24B(1);

(ii) the Board has given a direction under section 24A(4); or

(iii) the Board is not required to give a direction under section 24A(4) because the condition specified in section 24A(5) is satisfied;”.

(15) Section 25(3)(f), (g) and (h), before “the members”—

Add

“at least 2 of”.

17. Section 26 amended (disciplinary committee panel)

(1) Section 26(3)—

Repeal

everything after “subsection (1)”

Substitute

“takes effect on the date on which the Secretary publishes a notice in the Gazette stating that the appointment has been made under that subsection.”.

(2) After section 26(3)—

Add

“(4) A revocation of an appointment under subsection (2) takes effect on the date on which the Secretary publishes a notice in the Gazette stating that the revocation has been made under that subsection.”.

18. Section 27 amended (decision of disciplinary committee and Board on complaint, etc.)

(1) Section 27(3)(a), Chinese text—

Repeal

“最少”

Substitute

“至少”.

(2) Section 27(5), Chinese text, after “有人就某”—

Add

“註冊”.

(3) Section 27(10), after “disciplinary offence”—

Add

“under section 25(1)(b)”.

- (4) Section 27(10)(a)—

Repeal

“under section 25(1)(b), (e) or (f), the disciplinary committee shall not be”

Substitute

“the disciplinary committee is not”.

- (5) Section 27(10)(b)—

Repeal

“under section 25(1)(b) or (e),”.

19. Section 30 amended (disciplinary orders)

- (1) Section 30(1)(a) and (b), Chinese text—

Repeal

“該冊”

Substitute

“註冊”.

- (2) Section 30—

Repeal subsection (2).

20. Section 32 amended (publication of disciplinary orders)

- (1) Section 32, Chinese text, heading—

Repeal

“發表”

Substitute

“發布”.

- (2) Section 32(1)(a), Chinese text—

Repeal

everything after “該命令，”

Substitute

“於香港廣泛流通的中文報章及英文報章(各至少一份)發布，而若所作出的是其他紀律制裁命令，則註冊局可如此發布該命令；及”。

- (3) Section 32(1)(b) and (2), Chinese text—

Repeal

“發表”(wherever appearing)

Substitute

“發布”。

- (4) Section 32(3), Chinese text—

Repeal

everything after “不得” and before “提出”

Substitute

“因本條規定發布(或容許發布)的紀律制裁命令及其他詳情，而以誹謗為理由向任何其他人”。

21. Section 33 amended (appeal to Court of Appeal)

- (1) Section 33(1)(a)—

Repeal

“him under section 19(1), 20(4) or 27(8); or”

Substitute

“the person under section 19(1), 20(4) or 27(8);”。

- (2) After section 33(1)(a)—

Add

“(ab) any direction given in respect of the person under section 24A(1) or (4); or”。

- (3) Section 33(1)(b)—

Repeal

“him”

Substitute

“the person”.

- (4) Section 33(1), Chinese text, after “以下決定”—

Add

“、指示”.

- (5) Section 33(2)—

Repeal

“decision”

Substitute

“decision, direction”.

- (6) Section 33(7), English text—

Repeal

“shall not have”

Substitute

“has no”.

- (7) Section 33(7)(a)—

Repeal

“27(8); or”

Substitute

“27(8);”.

- (8) After section 33(7)(a)—

Add

“(ab) a direction given under section 24A(1) or (4); or”.

- (9) After section 33(7)(i)—

Add

“(ia) in the case of paragraph (ab), the publication of the direction under section 24D(1)(a); or”.

- (10) Section 33(7), Chinese text, after “以下決定”—

Add

“、指示”.

22. Section 38 amended (fees)

- (1) Section 38(3), Chinese text—

Repeal

“在普遍行銷於香港的中文及英文報章最少各一份發表”

Substitute

“於香港廣泛流通的中文報章及英文報章(各至少一份)發布”.

- (2) After section 38(6)(f)—

Add

“(fa) the restoration of a name to the Register following the carrying out of a direction under section 24A(1);”.

- (3) Section 38(6)(g), Chinese text—

Repeal

“登記”

Substitute

“紀錄”.

(4) Section 38(7), after “notice”—

Add

“published”.

23. Section 39 amended (amendment of Schedules)

(1) Section 39, heading, after “Schedules”—

Add

“**1 and 2**”.

(2) Section 39(1) and (2), after “notice”—

Add

“published”.

24. Section 40 added

After section 39—

Add

“40. Savings and transitional provisions relating to Social Workers Registration (Amendment) Ordinance 2024

Schedule 4 provides for the savings and transitional provisions relating to the Social Workers Registration (Amendment) Ordinance 2024 (of 2024).”.

25. Schedule 1 amended (provisions with respect to Board and committees and their members, etc.)

(1) Schedule 1—

Repeal

“[ss. 4(8) & (11),”

Substitute

“[ss. 4(8),”.

- (2) Schedule 1—

Repeal

“12(2)(c), 20(4) & 39(1)”

Substitute

“12(2)(c) & 39(1)”.

- (3) Schedule 1—

Repeal section 1.

- (4) Schedule 1, cross-heading before section 10—

Repeal

“**Finances, etc.**”

Substitute

“**Resources**”.

- (5) Schedule 1, English text, section 10(1)—

Repeal

“shall”.

- (6) Schedule 1, section 10(1)—

Repeal paragraph (a).

- (7) Schedule 1, section 10(1)(b)—

Repeal

“other”.

- (8) Schedule 1, section 10—

Repeal subsection (2).

(9) Schedule 1—
Repeal sections 11 and 12.

(10) Schedule 1—
Repeal section 13
Substitute

“13. Provision not subject to section 12(1)

Section 8 of this Schedule is not subject to section 12(1).”.

26. Schedules 3 and 4 added

After Schedule 2—

Add

“Schedule 3

[s. 4A]

**Written Oath Prescribed for Purposes of Section
4A(2)(a)**

I, *..... (name of
oath-taker), of *.....
(address of oath-taker) **affirm/swear that—

- (a) I will uphold the Basic Law; and
- (b) I will bear allegiance to the Hong Kong Special Administrative Region of the People’s Republic of China.

**Affirmed/sworn this *..... day of *.....

(Signature)

This oath was **affirmed/sworn and signed before me, a
**Commissioner for Oaths/Justice of the Peace/Solicitor with a
practising certificate.

(Signature)

* Complete as appropriate.

** Delete whichever is inapplicable.

Schedule 4

[s. 40]

Savings and Transitional Provisions relating to Social Workers Registration (Amendment) Ordinance 2024

1. Interpretation

In this Schedule—

Amending Ordinance (《修訂條例》) means the Social
Workers Registration (Amendment) Ordinance 2024
(of 2024);

material date (關鍵日期) means the date on which this Schedule comes into operation;

pre-amended Ordinance (《原有條例》) means this Ordinance as in force immediately before the material date.

2. **Chairperson and Deputy Chairperson of Board and transaction of business of Board**

- (1) At the beginning of the material date—
 - (a) the person who held the office of the Chairperson of the Board immediately before the material date ceases to hold that office;
 - (b) the person who held the office of the Deputy Chairperson of the Board immediately before the material date ceases to hold that office; and
 - (c) the offices of the Chairperson and Deputy Chairperson of the Board become vacant.
- (2) Beginning on the material date, despite any other provisions of this Ordinance, the Board may not transact any business until the meeting referred to in subsection (3) is held, except for the purpose of convening the meeting.
- (3) A meeting of the Board for the purposes of subsection (4) must be held within 21 days after the date on which the Chief Executive makes the first appointment under section 4(3)(b) on or after the material date.
- (4) At the meeting, the members of the Board must, before transacting any other business, elect from among their number—

-
- (a) a Chairperson; and
 - (b) a Deputy Chairperson.
 - (5) The Registrar must—
 - (a) appoint the time (which must be within 14 days after the date on which the appointment referred to in subsection (3) is made) and place for the meeting; and
 - (b) conduct the election referred to in subsection (4) at the meeting.
 - (6) If the Registrar fails to act in accordance with subsection (5), to ensure that subsection (3) is complied with, a member of the Board may act in the place of the Registrar if the member is authorized to do so by at least 10 members of the Board (including the member himself or herself).
 - (7) A person elected under subsection (4) is taken to be elected under section 4(5).
 - 3. Pre-existing complaint concerning disciplinary offence pending decision of referral**
 - (1) Subsection (2) applies if, before the material date—
 - (a) a form in which a complaint concerning a disciplinary offence is made has been submitted to 2 members of the Board (*pre-existing members*) under section 25(3) of the pre-amended Ordinance; and
 - (b) the pre-existing members have not decided whether to refer the complaint to the Board under that section.
 - (2) On or after the material date—

- (a) the Registrar must, as soon as practicable, in accordance with the rules made by the Board under section 9, submit the form referred to in subsection (1)(a) to 1 additional member of the Board (*additional member*) appointed by the Board for the purposes of section 25(3); and
- (b) the additional member and the pre-existing members together must act under section 25(3).

4. Pre-existing complaint concerning disciplinary offence referred under section 25(3) of pre-amended Ordinance

- (1) This section applies if, before the material date—
 - (a) a registered social worker—
 - (i) has been convicted in Hong Kong or elsewhere of an offence that—
 - (A) may bring the profession of social worker into disrepute; and
 - (B) is punishable with imprisonment (whether or not the social worker was sentenced to imprisonment); or
 - (ii) has been convicted of an offence referred to in section 17(4)(b)(i) or (ii);
 - (b) a complaint concerning a disciplinary offence under section 25(1)(e) or (f) of the pre-amended Ordinance has been made in relation to the conviction of an offence mentioned in paragraph (a)(i) or (ii) (*pre-existing complaint*), irrespective of whether the pre-existing complaint also concerns any disciplinary offence under section 25(1)(a), (b), (c) or (d); and

- (c) the pre-existing complaint has been referred to the Board under section 25(3) of the pre-amended Ordinance.
- (2) If, before the material date, the Board has not appointed a disciplinary committee in accordance with section 27(1) in relation to the pre-existing complaint—
- (a) if the pre-existing complaint only concerns a disciplinary offence under section 25(1)(e) or (f) of the pre-amended Ordinance, on or after the material date—
 - (i) despite section 27(1), the Board must not appoint a disciplinary committee in relation to the pre-existing complaint; and
 - (ii) the pre-existing complaint is not to be further dealt with; or
 - (b) otherwise, on or after the material date—
 - (i) the Board must appoint a disciplinary committee in accordance with section 27(1) in relation to the pre-existing complaint; and
 - (ii) the disciplinary committee appointed under subparagraph (i) may only inquire into the pre-existing complaint in so far as it concerns a disciplinary offence under section 25(1)(a), (b), (c) or (d).
- (3) To avoid doubt, subsection (2) does not affect the application of Part IIIA in relation to the conviction of an offence mentioned in subsection (1)(a)(i) or (ii) in relation to which the pre-existing complaint has been made.

-
- (4) If, before the material date, the Board has appointed a disciplinary committee in accordance with section 27(1) in relation to the pre-existing complaint, on or after the material date—
- (a) Part IV of the pre-amended Ordinance continues to apply in relation to the pre-existing complaint and the proceedings arising from that complaint as if the Amending Ordinance had not been enacted; and
 - (b) Part IIIA does not apply in relation to the conviction of an offence mentioned in subsection (1)(a)(i) or (ii) in relation to which the pre-existing complaint has been made.”.
- _____

Explanatory Memorandum

This Bill amends the Social Workers Registration Ordinance (Cap. 505) (*Ordinance*) for the purposes set out in the long title.

2. Clause 1 sets out the short title and provides for commencement.

Composition of Social Workers Registration Board

3. Clause 4(1), (3) and (4) amends section 4(3) of the Ordinance to increase the number of members of the Social Workers Registration Board (*Board*) from 15 to 27 and to change the composition of the Board.
4. Clause 6(2) and (6) respectively amends section 5(2) and (3) of the Ordinance to provide that certain requirements on the tenure of office do not apply to certain members of the Board.

Oath-taking Requirement

5. Clause 5 adds a new section 4A to the Ordinance to require a person who is holding or is to take up the office of a member of the Board to take a Board Member Oath (the definition of which is added to section 2(1) of the Ordinance by clause 3).
6. A Board Member Oath is to be taken by signing, completing and returning a written oath in the form prescribed in the new Schedule 3 added by clause 26 to the Ordinance.
7. Clause 5 also adds a new section 4B to the Ordinance to provide for the consequences of declining or neglecting to take a Board Member Oath.

8. Clause 6(13) and (17) respectively amends section 5(3) of the Ordinance and adds a new section 5(3A) to the Ordinance to provide for the consequences of breaching a Board Member Oath.

Vacancy in Membership of Board

9. Clause 7 adds a new section 5A to the Ordinance to provide for the filling of a vacancy in the office of an elected member of the Board.
10. Clause 13 adds a new section 14A to the Ordinance to provide that any vacancy in the membership of the Board does not affect the power and proceedings of the Board.

Meetings of Board

11. Clause 8(2) amends section 6(2) of the Ordinance so that the minimum number of members of the Board required to give a written requisition to the Chairperson of the Board for convening a meeting of the Board is increased from 8 to 10.
12. Clause 8(4) amends section 6(3) of the Ordinance to increase the quorum of a meeting of the Board from 6 members to 10 members.

Continuing Professional Development Requirements

13. Clause 9(2) amends section 7(1) of the Ordinance to add a new function of the Board to set continuing professional development requirements for registered social workers.

14. Clause 14(1) amends section 20(4) of the Ordinance to provide that the Board may reject an application for renewal of registration by a registered social worker if the social worker has failed to comply with continuing professional development requirements.

Dates on which Codes of Practice Take Effect and Cease to Have Effect

15. Clause 11(1) amends section 10(2) of the Ordinance to stipulate that a code of practice approved by the Board takes effect on the date on which the Secretary for Labour and Welfare (*Secretary*) publishes a notice in the Gazette stating that the code of practice has been so approved.
16. Clause 11(2) amends section 10(5) of the Ordinance to stipulate that a code of practice the approval of which is withdrawn by the Board ceases to have effect on the date on which the Secretary publishes a notice in the Gazette stating that the approval has been so withdrawn.

Board's Handling Procedures relating to Registered Social Workers Convicted of Certain Offences

17. Clause 15 adds a new Part IIIA (new sections 24A to 24E) to the Ordinance that relates to the direction of the Board (*Board's direction*) to remove the name of a registered social worker who has been convicted of certain offences from the register of registered social workers (*Register*). More specifically—
 - (a) the new section 24A(1) empowers the Board to direct the removal of a registered social worker's name from the Register if the social worker has been convicted in Hong Kong or elsewhere of an offence that—

-
- (i) may bring the profession of social worker into disrepute; and
 - (ii) is punishable with imprisonment (whether or not the social worker was sentenced to imprisonment);
- (b) the new section 24A(4) requires the Board to direct the removal of a registered social worker's name from the Register if the social worker has been convicted of an offence referred to in section 17(4)(b)(i) or (ii) of the Ordinance, unless all the members of the Board resolve otherwise;
 - (c) the new section 24B provides for the right of the registered social worker concerned to make written representation if the Board intends to exercise the power under the new section 24A(1);
 - (d) the new section 24C provides for the service of notice of the Board's direction;
 - (e) the new section 24D provides for the publication of the Board's direction; and
 - (f) the new section 24E provides for the carrying out of the Board's direction by the Registrar.
18. Clause 12(2) amends section 12(2)(a) of the Ordinance to provide that certain functions and powers of the Board under the new Part IIIA are non-delegable.
19. Clauses 16(4), (7) and (14), 18(3), (4) and (5) and 19(2) amend certain provisions in Part IV of the Ordinance so that a conviction described in paragraph 17(a) or (b) is no longer a disciplinary offence under that Part, and so as to make related amendments.

20. Clause 21(2), (4), (5), (8), (9) and (10) amends section 33 of the Ordinance so that a person who is aggrieved by the Board's direction may appeal to the Court of Appeal.
21. Clause 22(2) amends section 38(6) of the Ordinance to provide that the Board may determine the fee payable for the restoration of a name to the Register following the carrying out of a direction under the new section 24A(1).

Disciplinary Proceedings of Board

22. Under section 25(3) of the Ordinance, 2 members of the Board are required to decide whether to refer a complaint to the Board for the carrying out of the disciplinary proceedings under Part IV of the Ordinance. Clause 16(12), (13), (14) and (15) amends that section to increase the number of such members from 2 to 3 and to provide that certain decisions can be made if satisfied by at least 2 of those 3 members.

Effective Dates of Appointment (and its Revocation) of Members of Board's Disciplinary Committee Panel

23. Clause 17(1) amends section 26(3) of the Ordinance to stipulate that the Board's appointment of a member of a disciplinary committee panel takes effect on the date on which the Secretary publishes a notice in the Gazette stating that the appointment has been made.
24. Clause 17(2) adds a new section 26(4) to the Ordinance to stipulate that the Board's revocation of an appointment of a member of a disciplinary committee panel takes effect on the date on which the Secretary publishes a notice in the Gazette stating that the revocation has been made.

Savings and Transitional Provisions

25. Clauses 24 and 26 respectively add a new section 40 and a new Schedule 4 to the Ordinance to stipulate savings and transitional provisions. More specifically—
- (a) section 2 of the new Schedule 4 provides that—
 - (i) the offices of the Chairperson and Deputy Chairperson of the Board become vacant at the beginning of the date on which the new Schedule 4 comes into operation (*material date*); and
 - (ii) the Board must not transact any business beginning on the material date until a new Chairperson and a new Deputy Chairperson are elected;
 - (b) section 3 of the new Schedule 4 deals with the scenario where a complaint concerning a disciplinary offence has been submitted to 2 members of the Board under section 25(3) of the Ordinance as in force immediately before the material date but those members have not decided whether to refer it to the Board before the material date; and
 - (c) section 4 of the new Schedule 4 deals with complaints concerning a disciplinary offence under section 25(1)(e) or (f) of the Ordinance as in force immediately before the material date that have been referred to the Board before the material date.

Miscellaneous Amendments

26. The Bill also repeals certain provisions in the Ordinance that have already expired, and makes certain textual amendments so that plain language and gender-neutral drafting approaches are adopted.