

立法會
Legislative Council

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Panel on Welfare Services

**Information note prepared by the Legislative Council Secretariat
for the meeting on 11 October 2021**

Registration of social workers

The Social Workers Registration Ordinance (Cap. 505) ("the Ordinance"), which came into operation on 6 June 1997, provides for the registration of social workers and disciplinary control of the professional activities of registered social workers, and for related matters. The registration system and regulatory mechanism under the Ordinance aimed at monitoring the professionalism of registered social workers and protecting the interests of service users and the general public.

2. The Social Workers Registration Board ("the Board") is a statutory body established under the Ordinance. According to section 4(3) of the Ordinance, the Board shall consist of 15 members. The 15 members comprised of eight registered social workers elected by registered social workers; six persons appointed by the Chief Executive, of whom not less than three shall be persons who are neither a registered social worker nor a public officer; and the Director of Social Welfare. The Board is empowered under the Ordinance to, among others, set and review the qualification standards for the registration of social workers, and make rules in respect of the conduct and discipline of registered social workers and the conduct of inquiries in relation to the investigation of an alleged disciplinary offence.

3. Under section 17 of the Ordinance, registered social workers (category 1) shall be holder of a degree or diploma in social work recognized by the Board for registration; or a person who has occupied social work post or posts not later than 31 March 1982 and, subsequently for not less than 10 years, whether or not continuously. Person who is not qualified for registered social workers (category 1) can register as a registered social worker (category 2) if he or she satisfies the Board that he or she currently occupies a social work post or has been accepted for such a post; and if so registered, he or she proposes to obtain a

recognized degree or diploma in social work within a period which is reasonable in all the circumstances. No person shall be registered as a registered social worker unless at the time of application for registration he or she is ordinarily resident in Hong Kong; a fit and proper person to be registered; and not subject to a disciplinary order¹ which precludes him or her from being registered. The Board may refuse to register a person as a registered social worker who has been convicted in Hong Kong or elsewhere of any offence which may bring the profession of social worker into disrepute; and is punishable with imprisonment (and whether or not the person was sentenced to imprisonment). It shall refuse to register a person as a registered social worker who has been (a) convicted in Hong Kong of any offence coming within any of the descriptions specified in Schedule 2 to the Ordinance (see **Appendix I**); or (b) 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 (a) above. As at September 2021, the total number of registered social workers is around 26 700.

4. In accordance with section 10 of the Ordinance, the Board approves and issues the Code of Practice for Registered Social Workers ("the Code of Practice") for the purpose of providing practical guidance in respect of the professional conduct of registered social workers (including ethical matters relating to such conduct).² Separately, the Board promulgates a set of Guidelines on Code of Practice for Registered Social Workers to help social workers implement and observe the standards laid down in the Code of Practice through better understanding of the provisions and their interpretation.³

5. An oral question on registration and disciplinary matters of social workers and a written question on self-regulation of professional sectors (including the social worker sector) were raised at the Council meetings of 26 May and 8 September 2021 respectively. The questions and the Administration's replies are in **Appendices II and III**.

6. The Administration will brief the Panel on registration of social workers at the meeting on 11 October 2021.

Council Business Division 2
Legislative Council Secretariat
5 October 2021

¹ Disciplinary order means an order under section 30(1) of the Ordinance.

² The Code of Practice for Registered Social Workers can be accessed at the website of the Board at http://www.swrb.org.hk/documents/Code%20of%20Practice_Eng.pdf.

³ The Guidelines on Code of Practice for Registered Social Workers can be accessed at the website of the Board at https://www.swrb.org.hk/documents/Guidelines%20on%20Code%20of%20Practice_Eng.pdf.

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.

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

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.

Last updated date
29.11.2020

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.

Last updated date
29.11.2020

Social Workers Registration Ordinance

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. (<i>Added 31 of 2003 s. 26</i>)	
(<i>Amended E.R. 1 of 2015</i>)	
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.

Last updated date
29.11.2020

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.

Last updated date
29.11.2020

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.

~~**SECRETARY FOR EDUCATION** (in Cantonese): President, certainly we would not discuss individual cases here, but we would handle all complaints received during this period, including those mentioned by Mr HO just now, appropriately in accordance with our procedures. If a teacher has committed any wrongdoings or inappropriate behaviours that have an impact on students, we will certainly take appropriate actions taking into account the severity of such wrongdoings.~~

~~**PRESIDENT** (in Cantonese): Second question.~~

Registration and disciplinary matters of social workers

2. **MR LEUNG CHE-CHEUNG** (in Cantonese): *In recent years, a number of registered social workers were convicted of the offences of unlawful assembly or assault on police officers, and were sentenced to imprisonment. Some organizations have lodged complaints to the Social Workers Registration Board ("the Board"), which is responsible for the registration and disciplinary matters of social workers, demanding the Board to cancel the registration of such persons as a social worker. However, the Board has rejected their demand on the grounds that the offences concerned do not constitute professional misconduct. In this connection, will the Government inform this Council:*

- (1) *whether it knows the number of registered social workers who were convicted of any criminal offence and sentenced to imprisonment in the past three years, with a breakdown by type of offences involved and term of imprisonment; among them, the number of those whose registration as a social worker was subsequently cancelled;*
- (2) *whether it knows if any of those sentenced to imprisonment mentioned in (1) were at that time members of the Board; if some of them were, whether the Board has cancelled their registration as a social worker; if the Board has not, whether the Government will request the Board to review the relevant decisions and the effectiveness of the work of the Committee on Professional Conduct under it, so as to avoid giving members of the public the perception that the Board harbours its members; and*

- (3) *whether the Government will review the functions and composition of the Board, and improve the Board's mechanisms for handling complaints against social workers and for disciplining convicted social workers, so as to allay public concern; if so, of the details; if not, the reasons for that?*

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, the Social Workers Registration Board ("the Board ") is a statutory body established under the Social Workers Registration Ordinance (Cap. 505) ("the Ordinance") enacted in 1997. The Ordinance stipulates that the Board shall consist of 15 members and serve on a three-year term. Eight of the members shall be registered social workers elected by registered social workers; six members shall be appointed by the Chief Executive, of whom not less than three shall be persons who are neither a registered social worker nor a public officer; and one member shall be the Director of Social Welfare or his/her representative. The Board is empowered to set and review the qualification standards for the registration of social workers, formulate and approve codes of practice, administer the registration system and handle disciplinary matters. The Board may decide whether persons convicted of criminal offences can be registered as registered social workers. That notwithstanding, if the person concerned is convicted of any serious offences stipulated in Schedule 2 of the Ordinance, including incest, rape, murder, abduction of child or juvenile, etc., the Board shall refuse to register the person concerned unless with the agreement of all members of the Board. For the handling of complaints against registered social workers, the Board shall appoint disciplinary committees to conduct hearings and recommend actions to be taken to the Board, which will make the final decision in respect of the complaint.

My reply to the Member's question is as follows:

- (1) and (2)

According to the information provided by the Board, from January 2018 to April 2021, a total of seven registered social workers have reported to the Board that they have been convicted of criminal offences with sentences of imprisonment. None of them had his/her name removed from the Register so far, nor were any of them a member of the Board. Of these seven persons, the Board is deliberating on the case of one of them; two persons are awaiting the court's verdict on their appeals; one person did not apply for registration renewal; and the Board decided that the convictions of

the remaining three persons would not affect their registration renewal. The offences involved of the seven persons are not listed on Schedule 2 of the Ordinance. The breakdown of the offences and sentences concerned is listed in the Annex.

- (3) The Board is a statutory body, and its constitution, powers, functions, registration requirements and disciplinary proceedings have been stipulated in the Ordinance. So long as the Board acts in accordance with the Ordinance on disciplinary control of social workers and related matters, it would not be appropriate for the Government to intervene. In light of the different views in the community on the Board's work, the Government will recommend the Board to consider appropriate measures to enhance its operational transparency and strengthen its communication with stakeholders.

Annex

Breakdown of the offences and sentences of the seven registered social workers
January 2018 to 30 April 2021
(Provided by the Social Workers Registration Board)

<i>Reporting year</i>	<i>Laws and sentences concerned</i>	<i>Number of persons</i>
2018	<ul style="list-style-type: none"> • Dangerous Drugs Ordinance (6 months and 14 days) and Pharmacy and Poisons Ordinance (6 months and 14 days) (concurrent sentences) <ul style="list-style-type: none"> - Possession of dangerous drug otherwise than for trafficking - Possession of poison included in Part 1 of the Poisons List • Contempt of court in failing to obey an injunction order (1 month, suspended for 12 months) 	1
2019	<ul style="list-style-type: none"> • Two cases in connection with the Common Law and the Criminal Procedure Ordinance (8 months for each case; concurrent sentences) <ul style="list-style-type: none"> - Incitement to commit public nuisance - Incitement to incite public nuisance 	1

<i>Reporting year</i>	<i>Laws and sentences concerned</i>	<i>Number of persons</i>
2020	<ul style="list-style-type: none"> • Theft Ordinance (2 months, suspended for 18 months) <ul style="list-style-type: none"> - Fraud • Offences against the Person Ordinance (1 year) <ul style="list-style-type: none"> - Wilfully obstructs any police officer in the due execution of his duty • Offences against the Person Ordinance (2 months) and Public Order Ordinance (4 months) (concurrent sentences) <ul style="list-style-type: none"> - Assaults any police officer in the due execution of his duty - Unlawful assembly 	1 1 1
2021 (January to April)	<ul style="list-style-type: none"> • Public Order Ordinance (8 months, suspended for 1 year) <ul style="list-style-type: none"> - Knowingly takes part in any unauthorized assembly 	1

MR LEUNG CHE-CHEUNG (in Cantonese): *President, in part (3) of the main reply, the Secretary mentioned that it would not be appropriate for the Government to intervene. If it is not appropriate for the Government to intervene, why does the Government have to appoint six members to sit on the Board? If it is not appropriate for the Government to intervene, it may as well let social workers assume full responsibility. As such, I think the Secretary's reply has laid bare his indifference to the present incident. And, as we often say, it gives people the impression that the entire Board is shielding and defending its own men. Eight members on the Board are social workers and six members are appointed members, while one member is from the Social Welfare Department—whom I think will neither vote nor give his or her views. If that is the case, how would the Board make a ruling on those who have made mistakes and convicted of criminal offences?*

Finally, one of the provisions in the Ordinance mentions that social workers convicted of criminal offences will be disciplined. Yet, as pointed out by the Secretary in his main reply, only those convicted of offences listed on Schedule 2 will be disciplined. This argument is unconvincing.

I hereby solemnly urge the Secretary to amend the legislation concerning the Board to change the existing composition where the number of social workers exceeds that of appointed members, i.e. there are fewer lay members than social workers, leading to imbalance and cover-up.

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, I believe Members may have noticed that among all the relevant professional organizations in Hong Kong, particularly self-regulatory organizations authorized by law, the proportion of professional members coming from the relevant sectors is generally higher. The ratio of elected members to members appointed by the Government under the Ordinance is already the highest among the various professions as far as we know.

DR PRISCILLA LEUNG (in Cantonese): *President, in an assault case in July 2019, a woman was detained in full view of the public, and it was a shock to find out that a social worker was involved. Social workers have great influence on young people and their influence may be greater than that of teachers and parents at any time. Social workers are originally tasked to deal with the emotions of young people, yet now we see that he had taken the lead to beat up and detain a person, blatantly violating the law. It is most worrying that these black sheep are not limited to one to two persons.*

Hence, may I ask the Secretary, since the Secretary said that the Government does not have to intervene, when the authorities allocate tremendous resources for implementing the policy of "one social worker for each school" and when many community centres were used as supplies depots during the protests on anti-extradition amendment bill in 2019, how the authorities can restore the respect and trust of the public in the social worker profession? What can the Government do? When the public now query the close contact between social workers and young people, is the Secretary unable to do anything?

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, first, I have to clarify that the remark in the main reply about "non-intervention" refers to that fact that it is not appropriate for the Government to intervene when the Board is handling disciplinary control of social workers and related matters in accordance with the Ordinance. If the Board is not handling the disciplinary control of social workers and related matters in accordance with the provisions of

the Ordinance, the Government is obliged to do so. The self-discipline conduct of all professions is handled by the relevant self-regulatory organizations authorized by the relevant legislation passed by the Legislative Council or the former Legislative Council, so the authority comes from society and the Legislative Council. As such, if the relevant organizations have failed to take up this responsibility, the Government or the Legislative Council is certainly obliged to examine whether it is necessary to amend the authorization.

PRESIDENT (in Cantonese): Dr Priscilla LEUNG, which part of your supplementary question has not been answered?

DR PRISCILLA LEUNG (in Cantonese): *The Legislative Council now finds out that there is something wrong with this authorization. Secretary, in respect of resource allocation and so on, will you consider linking this to those organizations found to have black sheep?*

PRESIDENT (in Cantonese): Dr Priscilla LEUNG, this is not the supplementary question you asked just now.

Mr LUK Chung-hung, please ask your question.

MR LUK CHUNG-HUNG (in Cantonese): *President, the law-abiding awareness among a small number of social workers is weak, and they have also participated in radical and illegal assemblies, intensified social conflicts and violated the law. These social workers have tarnished the professional reputation of social workers and seriously undermined the professional image of social workers. Moreover, these illegal acts reflect the thinking behind. I am worried that certain social workers who are carried away by politics and hold unlawful thinking may influence many service users, particularly young people, through their work. However, recently, the handling of these social workers engaging in unlawful acts by the Board has made the public extremely disappointed. Members of the public think that these social workers are facing "zero punishment" and no concrete disciplinary action. There is not any real punishment, not to mention the cancellation of their registration. This gives people the impression that the Board is harbouring and conniving at these unlawful acts.*

The Secretary has refused to talk about restructuring just now. I think the Government cannot muddle through in the restructuring issue. I hope that restructuring will bring into the Board representatives of service users and relevant institutes of social workers to be appointed by the Government. These people, such as the representatives of institutes of social workers, are also social workers, so the requirement of a higher proportion of social workers on the Board can also be met.

I would also like to ask the Secretary whether the provisions in the existing Code of Practice for Registered Social Workers ("Code of Practice") will be reviewed. Since the existing Code of Practice does not include any provision requiring social workers to be law-abiding and respect the rule of law, I think this is one of the reasons that the law-abiding awareness of social workers is weak. Is the Secretary willing to conduct a review?

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, regarding the formulation of the Code of Practice, we have delegated the relevant authority to the Board. If any members of the public or persons affected are dissatisfied with the work of the Board, particularly in respect of disciplinary action, they may lodge complaints or, if they are involved in the case concerned, they may appeal to the Court of Appeal against the decision of the Board.

MR HOLDEN CHOW (in Cantonese): *President, I am extremely disappointed with the main reply of the Bureau today. Currently, the issue is that violent social workers have committed offences of unlawful assembly or assaulting the police and so on, but since the offences of unlawful assembly and assaulting the police are not specified offences under the Ordinance, the Board can find this loophole in law to shield or let go the persons concerned, enabling them to dodge disciplinary actions. Nonetheless, it is stipulated clearly in section 25 of the Ordinance that if a social worker has committed any offence which is punishable with imprisonment, the Board may take disciplinary action. Yet, the Board did not do so this time and instead turned a blind eye to it, which is obviously harbouring violent social workers. How can it be?*

President, my question is that given the above scenario, should the Bureau not consider amending the Ordinance, at least to include the offences of assault

of police and unlawful assembly in the specified offences under the Ordinance, making it clear that the commission of such offences should be punishable by deregistration, so as to ensure a correct understanding of the matter?

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): As I said in my reply to the supplementary question of another Member, if there is opinion in the community that the relevant organizations or statutory bodies have failed to perform their functions under the relevant laws, the Government is definitely obliged to examine such work and we will surely listen to the views of the community. However, I would like to make a factual clarification because two Members have just said that the Board had not imposed any punishment on the relevant social workers, which is inconsistent with the facts.

MS ELIZABETH QUAT (in Cantonese): *President, if a social worker who has been convicted of the offences of participating in unlawful assembly and riots is allowed to continue to work as a social worker without having his registration cancelled, it is evident that there is something wrong with the existing mechanism. The Secretary said earlier that if they heard the community expressing their concerns, they would go back and think about it. In fact, they are shirking their responsibility. Secretary, the Bureau should not merely act in response to concerns expressed by the community and then make improvement after spending 8 to 10 years to examine the issue. Instead, it should spot the problems in society, particularly when the Chief Executive and the Commissioner of Police, as well as the community at large, are discussing the weakening of law-abiding awareness among young people ... We are facing a serious problem. When we see that some social workers, teachers and students have committed unlawful acts, we know how serious the problem is, and the Government should review and identify the existing problem. If the situation we mentioned just now arises, the Government should take the initiative to conduct a review. If there is loophole in the legislation, the legislation should be amended. If there is loophole in the existing mechanism, the mechanism should be amended. The authorities should not wait passively for the response and consensus of the community to assess how serious the problem is. The Government should not wait till the problem deteriorates to slowly start examining the issue for 8 to 10 years. This is exactly why we often query the Government for not taking the initiative to do something.*

Therefore, President, we demand the Government to review the existing Ordinance and the mechanism for deregistration to identify the loopholes and introduce amendments as soon as possible, so that the gate-keeping work in this regard can be done properly. Otherwise, when the authorities seek an increase in the number of social workers and resources later, how can we support these initiatives given the prevailing discontent of many parents and members of the public in society?

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, I strongly believe Members in the legislature would agree that the Government would listen to the views of the community before taking forward any legislative work. I trust that Members would not object to this. We must listen to the views of society and surely that of Members in handling any legislative work.

MS ALICE MAK (in Cantonese): *President, I think the way the Secretary gives his reply is ... Secretary, we had better stop arguing. The Secretary's most favourite and strongest point is to stir up quarrels and engage in war of words. What for? The time of the legislature is precious.*

At issue is that Members of the legislature have told the Secretary that members in the community consider it necessary to amend the Ordinance. We think the Board has failed to gain the recognition of the community that it has made the correct decision in handling certain disciplinary offences. As such, we ask the Secretary whether the Government will consider amending the Ordinance. The Secretary just needs to give us a "yes" or a "no", and he does not have to say so much. For instance, the Secretary said earlier that the ratio of lay members sitting on the Board is relatively high in comparison with other boards. Secretary, you have good education background and you are intelligent. I understand that when others are correct, it does not mean that you are correct too. You should know the if not A then not B logic. Therefore, though it is the case in other registration boards, it does not mean that the review of the Ordinance of the Board is unnecessary. This is particularly so when we are talking about the disciplinary committee under the Ordinance. As for the ratio of lay members to members in the sector, the ratio of other registration boards does not align with that of the Board when it comes to disciplinary committees, and that is why we ask the Secretary whether the Government will

amend the Ordinance. We do not mean to target your profession or the social worker profession. We want to help to restore the public's confidence in the social worker profession, so that parents will trust the "one social worker for each school" policy and seek assistance from social workers at school if anything happens. Will the authorities amend the Ordinance to restore the public's confidence in the social worker profession?

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, as I said in my earlier reply, we have heard the views of Members.

DR JUNIUS HO (in Cantonese): *President, I do not intend to keep nagging the Secretary in the first place, yet the earlier reply and attitude of the Secretary have really made us query whether or not he is willing to do it. Members' views are made against the background of the "black-clad violence" in 2019. We have seen a big "malignant boil"—education is one of these "malignant boils" and Secretary Kevin YEUNG has responded positively just now that he would look into it when he goes back and that he would do something about it.*

The other "big malignant boil" is social workers. The Secretary said earlier that the unanimous support of the entire Board would be required if severe punishment was to be imposed. How could there be unanimous support? It is like asking the tiger for its skin. Having heard the concerns expressed by so many Members, this is what I would say if I were the Secretary: The views expressed by Members today are extremely useful and I must go back to examine how to amend the Ordinance and make the necessary improvements, in the hope that social workers can provide quality social services in assisting young people who have gone astray in society to get back on the right track. Secretary, this is what you should say, and it is not for me to teach you how to be a government official. Just now, he said, "Alright, I have heard your views, OK". What then? Do something when you return to office. Do not just listen, but take action after listening. I do not want to scold the Secretary in this way, yet his attitude is really appalling. Secretary, will you go back and deal with this?

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, Members would understand that a Director of Bureau, who stands here listening to Members views, cannot make any policy decision on the spot. I have heard

Members' views. Certainly, in the Government, whether it is necessary to conduct a study on amending the relevant legislation is the decision of the Government and I will surely discuss the issue with other colleagues. I will certainly listen to Members' views, but I will not give Members a reply here that we will do it, for this is not the proper way to do things.

PRESIDENT (in Cantonese): Third question.

Achieving the carbon neutrality target

3. **IR DR LO WAI-KWOK** (in Cantonese): *President, the Chief Executive indicated in the 2020 Policy Address that the Government would strive to achieve carbon neutrality before 2050. In this connection, will the Government inform this Council:*

- (1) *whether, in order to ensure achievement of the aforesaid target, the Government has drawn up comprehensive policy directions and measures in areas such as waste treatment, energy supply, green building, green transportation, cleaner production and green finance, and formulated implementation timetables as well as short, medium and long term key performance indicators for such measures; if so, of the details; if not, the reasons for that;*
- (2) *whether it will consider establishing a regular communication mechanism with the relevant Central ministries and the governments of Guangdong Province and Macao, so as to coordinate the implementation of carbon reduction initiatives in the Guangdong-Hong Kong-Macao Greater Bay Area, thereby matching the national target of achieving carbon neutrality before 2060; if so, of the details; if not, the reasons for that; and*
- (3) *whether it will accept more views of the relevant professional sectors in order to step up efforts in achieving carbon neutrality, as well as strengthen the training and support for the relevant talents; if so, of the details; if not, the reasons for that?*

Press Releases

LCQ20: Self-regulation of professional sectors

Following is a question by the Hon Tony Tse and a written reply by the Secretary for Security, Mr Tang Ping-keung, in the Legislative Council today (September 8):

Question:

Some members of the public have pointed out that a number of professionals such as counsels, solicitors, social workers and healthcare personnel have been convicted and sentenced for participating in unlawful activities during the occupation movement in 2014 or the movement of opposition to the proposed legislative amendments in 2019. However, it is seldom heard that the professional bodies concerned have taken disciplinary actions against such persons or cancelled their professional registrations or practising qualifications. Among such persons, an individual has even been elected a member of the registration board of his profession after serving his sentence. Such members of the public are of the view that the aforesaid situation reflects that individual professional bodies have failed to discharge their duties and responsibilities under "professional autonomy" and "professional self-regulation" to eliminate the black sheep of their professions, thus undermining their own credibility and that of the professions concerned, as well as damaging the overall image of Hong Kong's professional sectors. In this connection, will the Government inform this Council:

(1) whether it knows the respective numbers of counsels, solicitors, social workers and healthcare personnel convicted since 2014 for the commission of unlawful acts related to the occupation movement or the movement of opposition to the proposed legislative amendments and, among them, the number of those sentenced to imprisonment (including suspended sentences); if such information is unavailable, whether it will gather the relevant information expeditiously;

(2) whether it knows the details (including the progress and outcome of the disciplinary actions taken) of the follow-up actions taken by the professional bodies and registration boards concerned in respect of the cases mentioned in (1), and set out the information by profession; if such information is unavailable, whether it will expeditiously request the bodies concerned to provide the relevant information;

(3) of the roles and powers of the Government under the existing legislation in respect of regulating the aforesaid professional bodies and registration boards; and

(4) of the follow-up actions taken by the Government on the allegations that individual professional bodies have failed to discharge their duties and responsibilities of eliminating the black sheep of their professions?

Reply:

President,

Hong Kong is a society that upholds the rule of law. Any person or institution must abide by the law. In respect of professional bodies, they should, under the principle of not violating the law, operate effectively according to their objects, maintain the credibility and recognition of their own and their professions, foster the development of their professions, and

tender their views on issues relating to their professions to the Government. If an individual body or its members are suspected of engaging in illegal activities, the law enforcement agencies will definitely pursue their legal liabilities.

With regard to the Member's question, a reply based on the information provided by the Department of Justice (DoJ), Labour and Welfare Bureau (LWB) and Food and Health Bureau (FHB) is set out below:

(1) and (2) In terms of the overall statistics, in respect of the illegal occupy movement in 2014, the Police arrested a total of 1 003 persons. 225 persons were prosecuted of which 169 persons have to bear legal consequences (including 127 persons who were convicted). As regards the illegal acts relating to the violent riots, as at July 31, 2021, the Police arrested 10 265 persons in total and 2 684 persons have been prosecuted. Among the 1 527 persons who have completed the judicial proceedings, 1 197 persons have to bear legal consequences (including 905 who were convicted).

The Government does not keep statistics on the different professionals who were convicted for violating the law. The arrest action by the Police is directed against the criminal act and has nothing to do with the background or occupation of the person(s) concerned. Likewise, the DoJ controls criminal prosecutions, which are based on an objective assessment of all admissible evidence and the applicable law. Prosecutions will not be conducted differently owing to the background or occupation of the persons involved. The Police and DoJ therefore do not maintain information on the occupation of the arrested persons.

In respect of social workers, the LWB indicates that according to the information provided by the Social Workers Registration Board, a total of eight registered social workers have been convicted since 2014 for their unlawful acts related to the illegal occupy movement or the violent riots, and all of them were sentenced to imprisonment (including suspended sentences). For follow-up actions of these eight persons, the Board implemented a disciplinary order of reprimanding one person in writing pursuant to Section 30(c) of the Social Workers Registration Ordinance; approved the applications for registration renewal of three persons; is deliberating on the cases of two persons; and is awaiting the remaining two persons to report the court's verdict on their appeals.

As for healthcare professionals, the FHB indicates that according to the information obtained from the statutory boards and councils of 13 healthcare professions, one occupational therapist and one physiotherapist were convicted for their unlawful acts related to the illegal occupy movement or the violent riots, and neither of them were sentenced to imprisonment. Insofar as follow-up actions are concerned, the Occupational Therapists Board has completed the handling of the concerned case in accordance with the relevant statutory procedures. After deliberation, the Board's Preliminary Investigation Committee (PIC) concluded that there was no professional misconduct and determined that no disciplinary inquiry or further follow-up action was required. Separately, the Physiotherapists Board is handling the concerned case according to the relevant statutory procedures. The case is under deliberation by the Board's PIC.

(3) and (4) Regulatory bodies of professionals are established in accordance with various ordinances and are responsible for regulating the registration and conduct, etc. of specific trades. Regulatory bodies must discharge their statutory functions in accordance with the relevant laws.

Insofar as the legal profession is concerned, according to DoJ, the conduct of solicitors and barristers is regulated by the

relevant regulations applicable to their professional branches. Related matters should be handled under the existing self-regulatory regime for the legal profession in Hong Kong.

Under the Legal Practitioners Ordinance and its subsidiary legislation, the Law Society of Hong Kong (Law Society) and the Hong Kong Bar Association (Bar Association) are the respective regulatory bodies of the solicitors' and barristers' branches. In particular, the Law Society and Bar Association are empowered by the Legal Practitioners Ordinance to make rules providing for the conduct and discipline of solicitors and barristers, and to submit a matter on a solicitor's or barrister's conduct to a Solicitors Disciplinary Tribunal or a Barristers Disciplinary Tribunal respectively. An order for suspension or striking off the roll in relation to a solicitor or barrister shall be published in the Gazette in accordance with the Legal Practitioners Ordinance.

In respect of social workers, according to the information provided by LWB, the Social Workers Registration Board is a statutory body established under the Social Workers Registration Ordinance. The Social Workers Registration Ordinance empowers the Board to set and review the qualification standards for the registration of social workers, formulate and approve codes of practice, administer the registration system and handle disciplinary matters, including deciding whether persons convicted of criminal offences can be registered or continue to be registered as social workers.

As regards healthcare professionals, the FHB advises that there are currently 13 healthcare professions in Hong Kong which are subject to statutory registration, including doctors, dentists, dental hygienists, nurses, midwives, Chinese medicine practitioners, pharmacists, occupational therapists, physiotherapists, medical laboratory technologists, optometrists, radiographers and chiropractors. These healthcare professions are subject to the regulation of respective ordinances and subsidiary legislation. A total of 13 statutory boards and councils were established under the law and are given the power to prescribe the registration requirements, handle and investigate complaints, and take disciplinary actions against registered healthcare professionals for violation of the regulations.

In conclusion, professionals are generally regulated by their regulatory bodies in accordance with the relevant laws. At the same time, the relevant policy bureaux will review the work of the regulatory bodies as necessary to ensure their effective operation. If regulatory bodies fail to discharge their statutory functions, the Government of the Hong Kong Special Administrative Region (HKSAR) will examine the case seriously and follow up in accordance with the actual circumstances.

The HKSAR Government emphasises that professional bodies should discharge their professional duties. If an individual body deviates from its objects of establishment, allowing its profession to be hijacked or overridden by politics, thereby resulting in apparent bias or dereliction of duties, the HKSAR Government will re-examine its relations with the relevant body and take appropriate follow-up measures, including ceasing the Government's relations with that body where absolutely necessary.

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