

## LEGISLATIVE COUNCIL BRIEF

### Social Workers Registration Ordinance

#### **SOCIAL WORKERS REGISTRATION ORDINANCE (AMENDMENT OF SCHEDULE 2) NOTICE 2022**

#### **INTRODUCTION**

Pursuant to section 39(2) of the Social Workers Registration Ordinance (Cap. 505) (SWRO), the Secretary for Labour and Welfare has made the Social Workers Registration Ordinance (Amendment of Schedule 2) Notice 2022 (Notice) at Annex. The Notice adds “An offence endangering national security” to Schedule 2 of the SWRO so that a person convicted of any offence endangering national security shall be disentitled from being or continuing to be a registered social worker.

#### **JUSTIFICATIONS**

2. The SWRO was enacted in 1997 to provide for the registration of social workers and disciplinary control of the professional activities of registered social workers, and for related matters, including the setting and review of the qualification standards for the registration of social workers, formulation and approval of codes of practice, and handling of disciplinary matters.

3. The Social Workers Registration Board (SWRB) is established under the SWRO, comprising 15 members who 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 SWRB may refuse to register a person 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) as a registered social worker. The SWRB shall refuse to register a person convicted in Hong Kong of any offence coming within any of the descriptions specified in Schedule 2 of the SWRO (or 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 Schedule 2 of the SWRO), as a registered social worker, unless all the prevailing members of the SWRB, after considering all the circumstances of the case, resolve that he/she be so registered.

4. The Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (NSL) was enacted by the Standing Committee of the National People's Congress in June 2020. Article 3 of the NSL provides that it is the duty of the Hong Kong Special Administrative Region (HKSAR) to safeguard national security, and the executive authorities, legislature and judiciary of the HKSAR shall effectively prevent, suppress and punish any act or activity endangering national security in accordance with the NSL and other relevant laws. Article 9 provides that the HKSAR Government shall take necessary measures to strengthen public communication, guidance, supervision and regulation over matters concerning national security, including those relating to schools, universities, social organisations, the media, and the internet.

5. The social work profession, through serving in social organisations, plays a pivotal role in helping people in need and shoulders social responsibility towards their service users with whom they are in frequent contact. Social workers, with the trust of service users, stand to exert on them significant influence in matters including those of concern to national security. Persons convicted of offences endangering national security, if permitted to discharge the duties of social workers, would put the interest of the service users at stake, cast doubt on the integrity of the social work profession and tarnish the professional image of social workers. It is hence important to include offences endangering national security in Schedule 2 of the SWRO to underline their seriousness, and to better ensure that a person convicted of any of such offences will not be entitled to be or continue to be a registered social worker, unless all the prevailing members of the SWRB, after considering all the circumstances of the case, resolve otherwise.

6. For the purpose explained in paragraph 5 above, we propose to add “An offence endangering national security” to Schedule 2. The offences shall include, but are not limited to, the offences of “secession”, “subversion”, “terrorist activities” and “collusion with a foreign country or with external elements to endanger national security” stipulated in the NSL, and the offences of “treason” and “sedition” in the Crimes Ordinance (Cap. 200). It is not feasible to list all such offences specifically in Schedule 2 because some of them may not be, on the face of their elements, offences endangering national security, but could be regarded as such in a particular case under certain circumstances.

## **THE NOTICE**

7. A copy of the Notice is at Annex. The Notice amends Schedule 2 to the SWRO so that a person convicted of any of such offences shall be disentitled from being or continuing to be a registered social worker.

## **LEGISLATIVE TIMEABLE**

8. The Notice will be published in the Gazette on 20 May 2022 and tabled in the Legislative Council on 25 May 2022 for negative vetting. Pursuant to section 1 of the Notice made under section 39(2) of the SWRO, the Notice comes into operation on 22 July 2022.

## **IMPLICATIONS OF THE NOTICE**

9. The Notice is in conformity with the Basic Law, including the provisions concerning human rights. It will not affect the current binding effect of the SWRO. It has no productivity, civil service, economic, environmental, sustainability, finance, gender and family implications.

## **PUBLIC CONSULTATION**

10. The Government briefed the Panel on Welfare Services of the Legislative Council in the previous and current terms on 11 October 2021 and 16 May 2022 respectively on the proposal, which was supported by

Members. The Government has also consulted the SWRB and the Hong Kong Council of Social Services (HKCSS). The SWRB has reflected to the Government the views of its individual members on the proposal, which do not affect the direction or the content of the legislative proposal. The HKCSS has not indicated disagreement.

## **PUBLICITY**

11. A spokesman arranged by the Labour and Welfare Bureau will be available to answer media and public enquiries.

## **ENQUIRY**

12. Any enquiries on this brief should be addressed to Mr Tony YIP, Principal Assistant Secretary for Labour and Welfare (Welfare) 1, at 2810 3931.

**Labour and Welfare Bureau**  
**18 May 2022**

## Social Workers Registration Ordinance (Amendment of Schedule 2) Notice 2022

(Made by the Secretary for Labour and Welfare under section 39(2) of the Social Workers Registration Ordinance (Cap. 505))

### 1. Commencement

This Notice comes into operation on 22 July 2022.

### 2. Social Workers Registration Ordinance amended

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

### 3. Schedule 2 amended (description of offences which disentitle persons from being or continuing to be registered social workers)

Schedule 2—

#### Add

- “5. An offence endangering national security”.



Secretary for Labour and Welfare

2022  
16 May \_\_\_\_\_

## Explanatory Note

Under section 17(4)(b) of the Social Workers Registration Ordinance (Cap. 505) (*Ordinance*), the Social Workers Registration Board established under section 4(1) of the Ordinance is to, unless certain exception applies, refuse to register as a registered social worker a person who has been convicted in Hong Kong of any offence coming within any of the descriptions specified in Schedule 2 to the Ordinance (*Schedule 2 offence*); or who has been 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 a Schedule 2 offence.

2. This Notice amends Schedule 2 to the Ordinance by adding an offence under the description of an offence endangering national security.