



Hong Kong Psychological Society

26 March 2025

Statement of Hong Kong Psychological Society

Regarding recent media reports, our council has the following response:

To deter professionals from malpractice and to alert the public to instances of professional misconduct, it is common for professional / regulatory bodies to publish the identities of members once it has been established that they have breached their code of conduct. Based on this convention, The Hong Kong Psychological Society ("the Society") By-Laws include such a regulation. The Society has previously published disciplinary case findings on its website, including the identities of disciplined members, without facing challenges.

However, in 2023, the Society faced opposition when attempting to publish a member's identity while announcing the findings of a complaint investigation, as it conflicted with the Personal Data (Privacy) Ordinance ("PDPO"). Had the Society proceeded with publishing the member's identity without her express consent, it could have been prosecuted for breaching the PDPO. The Society has continued to seek legal advice on this matter. Meanwhile, it has only been able to publish disciplinary findings without revealing the member's identity.

In August 2024, the Society decided to mandate all 3,000 members to provide written consent to an updated and comprehensive Privacy Policy Statement ("PPS"), which includes provisions for publishing the identities of disciplined members. To date, approximately 2,600 members have submitted their written consent. However, for recently disciplined members who have not provided explicit consent, the Society still faces potential legal ramifications if it publishes their identities. As such, the publication of disciplinary findings in the case of Ms. Cheung, which was finalized in December 2024, has been postponed until the legal considerations are resolved.

On 15 January 2025, the Society wrote to the Privacy Commissioner for Personal Data, Hong Kong, to express its deep concerns about not being able to publish the identities of recently disciplined members. The Society sought advice on whether it could invoke exemptions under Part 8 of the PDPO to proceed with publishing a member's identity in the public interest. On 12 February 2025, the Society received a written reply from the Commissioner's Office, citing the exemptions under Part 8 of the PDPO. Further legal advice was sought to clarify the exemption conditions, which are complex. It was decided that this matter would be resolved during the Society's Council Meeting scheduled for 26 March 2025, to determine whether the Society should proceed with publishing the identities of recently disciplined members while relying on the exemptions under Part 8 of the PDPO in the event of a legal challenge.

Due to the non-disclosure agreement signed by all parties involved, the Society cannot disclose details of the case.

This statement aims to provide clarity regarding the Society's position and its limitations. Thank you for understanding.

Council of the Hong Kong Psychological Society