

(English translation prepared
by the Legislative Council Secretariat
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(Letterhead of the Office of Cyd HO S.L., Legislative Councillor)

By Fax and by Hand

26 February 2002

Hon Mrs Selina CHOW LIANG Shuk-ye, JP
Chairman of the House Committee
Legislative Council Secretariat
3/F Citibank Tower
Hong Kong
(Fax No. 2509 9055)

Dear Chairman,

**Drug Dependent Persons Treatment and Rehabilitation Centres
(Licensing) Ordinance (10 of 2001) (Commencement) Notice 2002 (L.N. 20)**

It is reported in the press that some rehabilitation centres have encountered difficulties with land use regulations when applying for licences, and they are worried that they cannot obtain licences to continue operation. During the scrutiny of the Drug Dependent Persons Treatment and Rehabilitation Centres (Licensing) Bill, the Executive Authorities, the Legislative Council and the service providers concerned all agreed to the objective of the Bill to upgrade the fire and building safety standards of rehabilitation centres, and that the Executive Authorities would assist such centres to apply for adequate funds from various charitable funds to carry out upgrading works.

In order to ensure the continued smooth operation of the rehabilitation centres while upgrading their safety standards, the Bills Committee on Drug Dependent Persons Treatment and Rehabilitation Centres (Licensing) Bill had agreed that the Bill should not come into effect immediately after passage, until the funding applications of the centres concerned have been approved. As some centres may not be able to meet the licensing requirements because of land use problems, I would like to seek the Chairman's agreement to discuss at the House Committee meeting on 1 March 2002 the setting up of a subcommittee to examine the Commencement Notice and take a view on whether the Drug Dependent Persons Treatment and Rehabilitation Centres (Licensing) Ordinance should come into operation on 1 April 2002.

Cyd HO
Legislative Councillor

Enclosure: A newspaper cutting dated 25 February 2002

Drug care centres face closure

Legislator criticises officials for failing to warn that new law could shut down rehabilitation facilities

Patsy Moy and Alex Lo

At least half the private drug rehabilitation centres in Hong Kong may face closure or relocation under a new licensing law, a veteran social worker has warned.

The changes have also attracted criticism from legislator Cyd Ho Sau-lan, who helped secure the bill's passage last year. She accused officials of failing to warn lawmakers of the possible implications of the legislation.

The law, passed in May and due to come into effect this April, requires all of the drug centres to meet the fire safety and land use regulations that apply to government leases.

An operator of one of the centres said it would cost millions to make his rehabilitation centre comply with the new rules.

Fourteen non-government groups - which operate 38 treatment centres for about 700 addicts - must apply for licences

between April and June to continue operating, according to the Drug Dependent Persons Treatment and Rehabilitation Centres (Licensing) Ordinance.

Many centres were set up years ago and had not bothered to check zoning requirements. It was only after the new rules were passed that the centres were warned they could face closure.

The Social Welfare Department has confirmed at least 10 centres appeared to have breached land use rules.

The Reverend Charles McKnelly, director of Glorious Praise Fellowship, one of the 14 drug help groups, estimated at least half of the 38 centres were likely to have breached zoning laws or government fire safety laws.

Neither Mr McKnelly nor the Social Welfare Department would name the centres, so it was not possible to estimate how many addicts might be affected.

However, Mr McKnelly admitted his own centre, housed in a



Charles McKnelly at his group's centre in Siu Lam, Tuen Mun. David Wong

40-year-old building in Siu Lam village, Tuen Mun, was illegally located in a green-belt zone.

Rezoning would require building a new road and providing fire safety facilities at a cost of millions of dollars.

Although the non-government groups will have an eight-year

grace period to meet the requirements, exemption can be withdrawn during this time if the department considers public safety and the well-being of neighbours to have been adversely affected.

The Social Welfare Department said in a statement: "Around 10 centres may be re-

quired to approach the Lands and/or Planning departments as appropriate to ascertain if they are in contravention of the permitted user condition of the relevant government leases and the provisions of the relevant statutory town plans.

"Our licensing office had explained to Reverend Charles McKnelly that he needed to submit a rezoning application to the Town Planning Board if he would like to continue to use the place for the purpose of a treatment centre and to obtain a licence."

Ms Ho, of The Frontier, who chaired the Legco bills committee that passed the law, said she was now having second thoughts. She said she would consult lawyers to see whether the law's enactment date could be delayed until the land use issues were resolved.

"I would not have passed the bill if I and other legislators knew about zoning and land use," she said. "The Government never raised these issues, while it kept

telling us adequate funding would be available for fire and building safety upgrades."

Jacob Lam Hay-sing, director of the Christian Zheng Sheng Association, said three of his group's centres in Kam Tin and on Lantau would fail fire safety requirements.

He has appealed, without success, to the Government to help rebuild his centres since 1996.

"The Government did not provide support when the organisations launched their rehabilitation services years ago, so people can imagine how poor a condition most centres are in," he said.

"Even if the grace period is further extended to 10 or 20 years, it would not help us without material support from the Government. The centres will be unable to continue without co-operation from the Lands and Planning departments, which can help with rezoning and redevelopment."

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