

立法會
Legislative Council

LC Paper No. CB(2)1794/01-02
(These minutes have been
seen by the Administration)

Ref : CB2/SS/8/01

**Subcommittee on Drug Dependent Persons Treatment
and Rehabilitation Centres (Licensing) Ordinance (10 of 2001)
(Commencement) Notice 2002**

**Minutes of the second meeting
held on Tuesday, 5 March 2002 at 8:30 am
in Conference Room A of the Legislative Council Building**

Members Present : Hon Cyd HO Sau-lan (Chairman)
Hon James TO Kun-sun
Hon Michael MAK Kwok-fung
Dr Hon LO Wing-lok

Members Absent : Dr Hon David CHU Yu-lin, JP
Hon LAW Chi-kwong, JP

Member Attending : Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP

Public Officers Attending : Narcotics Division, Security Bureau

Mrs Clarie LO
Commissioner for Narcotics

Ms Mimi LEE
Principal Assistant Secretary for Security (Narcotics)

Social Welfare Department

Ms LUNG Siu-kit
Chief Social Work Officer (Licensing)

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Mrs Lily NG
Senior Social Work Officer (Youth)

Ms Brenda LAU Tze-hung
Social Work Officer
(Licensing Office of Drug Dependent Treatment Centres)

Planning Department

Mr Wilson Y L SO
Chief Town Planner
Town Planning Board

Lands Department

Mr I J MacNaughton
Assistant Director/Estate Management

Mr CHU Chi-keung
Chief Land Executive/Village Improvement

Buildings Department

Mr S T LAM
Chief Building Surveyor/PADS and Rail

Mr T C YU
Senior Building Surveyor/Licensing Unit

Clerk in Attendance : Ms Doris CHAN
Chief Assistant Secretary (2) 4

Staff in Attendance : Mr LEE Yu-sung
Senior Assistant Legal Adviser 1

Ms Dora WAI
Senior Assistant Secretary (2) 4

The Subcommittee deliberated (index of proceedings attached at **Annex**).

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2. The Administration's written response to the views expressed by members and the deputations at the meeting on 4 March 2002 was tabled at the meeting. Two submissions from the Christian Zheng Sheng Association Ltd and the SER Foundation for Humanitarian Aid were also tabled.

(Post-meeting note : Four more submissions from the following centres were circulated to members after the meeting -

- (a) The Society for the Aid and Rehabilitation of Drug Abusers;
- (b) Wu Oi Christian Centre;
- (c) Glorious Praise Fellowship H.K. Ltd (*further submission*); and
- (d) Operation Dawn.)

Members' views

3. Mr James TO was of the view that the commencement of the Drug Dependent Persons Treatment and Rehabilitation Centres (Licensing) Ordinance (the Ordinance) should be deferred until there was a clearer picture regarding the zoning issues. He indicated that he would move a motion to repeal the Drug Dependent Persons Treatment and Rehabilitation Centres (Licensing) Ordinance (10 of 2001) (Commencement) Notice 2002 (the Commencement Notice).

4. Dr LO Wing-lok was opposed to deferment of the commencement date when only a small number of centres might need to apply for rezoning and the Government had pledged to provide all necessary assistance.

5. The Chairman urged the Administration to provide the following reassurances to centre operators to address their main concerns -

- (a) there would be no immediate closure of centres unless in very exceptional circumstances such as heavy rainfall causing danger of landslide;
- (b) centres which had to be relocated would be allowed to continue operation at their existing premises until the new premises were ready; and
- (c) communication with centre operators would be further enhanced to foster mutual trust.

The Administration's stance

6. The Administration pointed out that delaying the commencement of the Ordinance by several months would not help change the requirements these centres would need to comply with. With the assistance the Administration was rendering to centres and the further measures to improve co-ordination in implementing the licensing

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scheme, the Administration held the view that the licensing scheme should commence on 1 April 2002 as planned and agreed by all the parties concerned, including the affected centres.

7. The Administration undertook to consider the Chairman's suggestion to invite interested centre operators to join the inter-departmental working group which it had agreed to establish. The Administration also undertook to provide a revised version of its written response incorporating further information on issues of concern raised at the meeting.

Extension of scrutiny period and report to the House Committee

8. The Subcommittee noted that a motion to extend the scrutiny period of the Commencement Notice to 13 March 2002 would be moved by the Chairman of the House Committee at the Council meeting on 6 March 2002 and that a report on the deliberations of the Subcommittee would be made to the House Committee on 8 March 2002.

9. There being no other business, the meeting ended at 10:25 am.

Council Business Division 2
Legislative Council Secretariat
2 May 2002

**Proceedings of the second meeting of the
Subcommittee on Drug Dependent Persons Treatment
and Rehabilitation Centres (Licensing) Ordinance (10 of 2001)
(Commencement) Notice 2002
on Tuesday, 5 March 2002 at 8:30 am
in Conference Room A of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
0000-0201	Chairman	Admin's written response to views expressed by members and deputations at the meeting on 4 March 2002	
0202-1430	Admin	Briefing on its written response	
1431-1434	Chairman	Inviting questions from members	
1435-1520	Mr James TO	Problems that would arise if commencement of the Ordinance was delayed	
1521-2156	Admin	Reasons supporting that the licensing scheme should commence as planned	
2157-2220	Mr James TO	Problems that would arise if commencement of the Ordinance was delayed	
2221-2237	Chairman	Ditto	
2238-2313	Mr James TO	Assistance provided to centres prior to commencement of the Ordinance	
2314-2322	Admin	Problems that would arise if commencement of the Ordinance was delayed	
2323-2335	Chairman	Ditto	
2336-2347	Admin	Ditto	
2348-2357	Mr James TO	Ditto	
2358-2402	Admin	Ditto	
2403-2833	Mr James TO	Comments on the reasons given by Admin	
2834-2957	Chairman	Pointing out that Admin had the responsibility to ensure that centres were offered effective assistance on matters relating to licensing requirements before commencement of the Ordinance	
2958-3552	Admin	Response to Mr James TO's comments	
3553-4013	Mr James TO	(a) Advantages of delaying the commencement of the Ordinance by six months; and (b) Operation of the Beat Drugs Fund	

Time	Speaker	Subject(s)	Action required
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4014-4722	Admin	(a) Centres assessed as requiring applications for compliance with the Town Planning Ordinance; and (b) Planning Department's recommendation to amend the Notes of "Green Belt" zone to incorporate "social welfare facility" as a Column 2 use such that centres which were required to apply for rezoning would only need to apply for section 16 permission	
4723-5139	Mr James TO	Suggesting Admin to delay commencement of the Ordinance by several months until there was a clearer picture regarding zoning issues	
5140-5256	Chairman	Co-ordination amongst Government departments concerned in providing assistance to centres in matters relating to licensing requirements	
5257-5718	Admin	(a) Ditto; and (b) Granting of exemption to centres to allow them to continue operation during the grace period	
5719-010141	Chairman	(a) Need to have better co-ordination amongst Government departments concerned in providing assistance to centres in matters relating to licensing requirements; (b) Need to have assurances from Admin that centres would be granted exemption to continue operation if they could demonstrate commitment and efforts in making improvements to their centres; and (c) Suggestion to invite interested centre operators to join the inter-departmental working group to be established	
010142-010334	Mr James TO	Need to work out solutions to or measures to address the problems encountered by centres in relation to planning and land use issues before commencement of the Ordinance	
010335-010927	Admin	(a) Relaxation of requirements that centres had to comply with in relation to the issue of certificate of exemption; (b) Mechanism for renewal of certificate of exemption; and (c) Chairman's suggestion to invite interested centre operators to join the inter-departmental working group to be established	
010928-010954	Mr James TO	Granting of exemption to centres to allow them to continue operation during the grace period	
010955-011012	Admin	Ditto	
011015-011022	Chairman	Order of the meeting	
Time	Speaker	Subject(s)	Action required

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011023-011212	Admin	Assurance from Admin that flexibility would be exercised in granting exemption to centres to enable them to continue operation during the grace period	
011213-011216	Chairman	Inviting other attending officials to brief members on their respective areas	
011217-011312	Admin	Views on the suggestion to delay commencement of the Ordinance	
011313-011414	Chairman	Lack of effective support for centres in the past few months	
011415-011757	Admin	Need to have concerted efforts from all parties concerned	
011758-011836	Chairman	Inviting other attending officials to brief members on their respective areas	
011837-012033	Admin	Building improvement works to be carried out by centres	
012034-012148	Chairman	Need to have assurance from Admin that there would be no immediate closure of centres unless in very exceptional circumstances such as heavy rainfall causing danger of landslide	
012149-012313	Admin	Response to the above	
012314-012520	Mr James TO	Need to work out solutions to or measures to address the problems encountered by centres in relation to planning and land use issues before commencement of the Ordinance	
012521-012629	Chairman	Extension of scrutiny period of the Commencement Notice	
012630-012635	Mr James TO	Enquiry on whether amendment could be moved to delay commencement of the Ordinance	
012636-012706	SALA1	Response to the above	
012707-012805	Chairman	Deadline for moving amendment to the Commencement Notice	
012806-012842	Mr James TO	Intention to move an amendment to delay commencement of the Ordinance	
012843-012854	Chairman	Inviting SALA1 to give legal advice on the above	
012855-012921	SALA1	Response to the above	
012922-012939	Mr James TO	Intention to repeal the Commencement Notice	
012940-013114	Chairman	Inviting members' views on a proposal to be made to the House Committee that Admin should provide an information note for commencement notices in the future	
013115-013146	Dr LO Wing-lok	Comments on the above proposal	
013147-013231	Chairman	Reason for the above proposal	
013232-013302	Dr LO Wing-lok	Expressing disagreement	
013303-013316	Chairman	Views of other members	
013317-013459	Mr James TO	Existing practice of bills committees and panels in following up commencement dates of ordinances	

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Time	Speaker	Subject(s)	Action required
013500-013705	SALA1	Explanation of commencement notices and amendments to such notices	
013706-013711	Dr LO Wing-lok	Comments on the above	
013712-013713	Chairman	Ditto	
013714-013718	Dr LO Wing-lok	Ditto	
013719-013751	SALA1	Further explanation of the procedures	
013752-013803	Dr LO Wing-lok	Comments on the above	
013804-013820	SALA1	Response to Dr LO Wing-lok's comments	
013821-013958	Chairman	In view of lack of consensus, the proposal that Admin should provide an information note for commencement notices in the future would be followed up separately	
013959-014233	SALA1	Further explanation of the existing practice	
014234-014320	Mrs Sophie LEUNG	Whether centre operators had provided information on the problems they encountered in relation to application for licence	
014321-014349	Chairman	Ditto	
014350-014410	Mrs Sophie LEUNG	Ditto	
014411-014503	Chairman	Further information to be provided by Admin	
014504-014601	Admin	Ditto	
014602-014715	Chairman	Ditto	
014716-014729	Admin	Admin to provide a revised version of its written response incorporating further information on issues of concern raised at the meeting	✓
014730-014801	Chairman	Date of reporting the deliberations of the Subcommittee to House Committee	
014802-014818	Dr LO Wing-lok	Deadline for moving amendment to the Commencement Notice	
014821-014845	Chairman	Members' views on the Commencement Notice	
014846-014849	Dr LO Wing-lok	Opposition to deferment of the Commencement Notice	
014850-014910	Chairman	Legislative timetable for the Commencement Notice	

Note : The audio records of the above proceedings are kept at the LegCo Library

Council Business Division 2
Legislative Council Secretariat
 2 May 2002