

SER FOUNDATION FOR HUMANITARIAN AID

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05 MARCH, 2002.

THE HON. MRS. SELINA CHOW LIANG SHUK YEE, JP
CHAIRMAN OF THE HOUSE COMMITTEE
LEGISLATIVE COUNCIL SECRETARIAT
3/FL CITIBANK TOWER
HONG KONG.

**REF: DRUG DEPENDENT PERSONS TREATMENT & REHABILITATION
CENTRES (LICENSING) ORDINANCE (10 OF 2001)
(COMMENCEMENT) NOTICE 2002 (L.N.20)**

DEAR CHAIRMAN,

FIRSTLY, WE WISH TO EXPRESS OUR HEARTFELT APPRECIATION TO YOU & YOUR FELLOW HONOURABLE COUNCILLORS FOR PROVIDING THE REPRESENTATIVES OF THE VARIOUS DRUG TREATMENT CENTRES OF HONG KONG WITH A PLATFORM TO EXPRESS OUR VIEWS IN RELATION TO THE FORTH-COMING LICENSING ORDINANCE. WE APPLAUD YOUR EFFORTS IN CARRYING OUT THIS EXERCISE IN A DEMOCRATIC SPIRIT, WHICH MAY FURTHER ENHANCE THE EFFECTIVENESS OF THE LICENSING BILL.

WE PARTICULARLY AGREE WITH THE VIEWPOINT OF KEEPING THIS MATTER BETWEEN THE EXECUTIVE AUTHORITIES, THE LEGISLATIVE COUNCIL AND THE RESPECTIVE TREATMENT CENTRES (THE SERVICE PROVIDERS), WITHOUT THE IMMEDIATE NEED FOR SEEKING SUCH A PLATFORM THROUGH OTHER THIRD PARTIES, SUCH AS THE MEDIA.

HOWEVER, WE HOPE YOU UNDERSTAND THE MEDIA CAN BE A VERY POWERFUL CHANNEL IN AMPLIFYING OUR OPINIONS, IF AND WHEN THE NEED DOES ARISE. ANYHOW, WE WISH TO REAFFIRM OUR FAITH IN THE HOUSE COMMITTEE MEMBERS DECISIONS THAT ANY SUCH DECISION TAKEN BY YOUR HONOURABLE OFFICES WILL ULTIMATELY SERVE THE BEST FOR THE TREATMENT CENTRES. AS A CONSEQUENCE, TREATMENT CENTRES WILL BE BETTER PLACED TO SERVE THE NEEDS OF THE PEOPLE SEEKING SOLUTIONS AGAINST DRUG ABUSE & PROMOTE OTHER WELFARE INITIATIVES.

THE PURPOSE OF THIS LETTER IS TO MAKE YOU AWARE OF THE "REALITY" OF THE PROBLEMS TREATMENT CENTERS WILL FACE ONCE THIS BILL COMES INTO EFFECT. IN ESSENCE, EVERY TREATMENT CENTRE WILL HAVE TO FACE THEIR OWN "REALITY" AS WE ARE DEFENDING OUR OWN CAUSES IN DIFFERENT WAYS IN ORDER TO COMPLY WITH THIS BILL. FOR THIS, I REFER TO OUR MEETING ON 4th MARCH, 2002, WHERE WE EMPHASISED THE NEED FOR HARMONY BETWEEN YOUR HONOURABLE OFFICES, THE NARCOTICS DIVISION & THE TREATMENT CENTRES CONCERNED.

S.E.R (WHICH MEANS TO KNOW – TO UNDERSTAND – TO REALISE) METHODS APPLIED WITHIN TREATMENT CENTRES, HAVE HAD PAST EXPERIENCES WITH MEETING LICENSING REQUIREMENTS SET BY GOVERNMENTS. WE HAVE ALWAYS MANAGED TO OVERCOME THESE CHALLENGES. THEREFORE, WHEN WE WERE AQUAINTED WITH THE FORTH COMING BILL WE WERE IN FAVOUR OF IT. WE ONLY HAD SOME EXPECTATIONS

AS TO HOW THE AUTHORITIES WOULD AID THE AGENCIES CONCERNED IN COMPLYING WITH IT & THE ACTUAL CONTENTS OF THE BILL ITSELF.

HOWEVER, ONCE WE WERE AWARE OF THE DETAILS OF THE FORTH COMING BILL WE ALWAYS STRESSED THE NEED FOR DETAILED DISCUSSIONS BETWEEN THE AUTHORITIES AND THE SERVICE PROVIDERS WELL BEFORE ANY LEGISLATION COMES INTO EFFECT TO PREVENT ANY MISUNDERSTANDINGS & GREIVANCES BEFORE AND AFTER THE BILL IS PASSED.

WE FEEL VERY PRIVELEGED TO BE OPERATING IN AN ENVIRONMENT WHICH OFFERS A VARIETY OF TREATMENT SERVICES TO THE COMMUNITY, HENCE, I WISH TO BRING TO YOUR ATTENTION A QUOTE FROM OUR LETTER TO THE LEGISLATIVE COUNCIL SECRETARIAT DATED THE 27th OF NEVEMBER, 2000 (OVER 1 YEAR AGO BEFORE THE BILL WAS PASSED) IN WHICH WE SPECIFICALLY HIGHLIGHTED THIS POINT AS UNDER :

“AS HONG KONG IS AN ADMINISTRATIVE REGION – WITH MANY DIFFERENT MODALITIES OF TREATMENT AND MANY ORGANISATIONS ENFORCING THIS TREATMENT TRYING TO CATER TO THE NEEDS OF THE PUBLIC, SPECIAL ATTENTION SHOULD BE GIVEN TO THE AGENCIES OPINIONS. IN CONCLUSION, WHAT WE FEEL IS THAT THIS LEGISLATIVE BILL REQUIRES IS TIME, AND DISCUSSION, IN ORDER TO FULFULL ALL REQUIREMENTS ASKED FOR, AND MOST LIKELY IN NEED OF BEING AMENDED IN ORDER TO BE IMPROVED AND BE TURNED INTO A FAIR BILL. “

AS YOU CAN SEE, WE HAD INFORMED YOU OF THE NEED FOR THOROUGH CONSULTATIONS A LONG TIME AGO AS A WAY TO ENSURE THAT THIS BILL IS PASSED WITH THE GRACIOUS CONSENT & PEACE OF MIND OF THE SERVICE PROVIDERS. THIS WOULD HAAVE ALSO ENABLED THE GOVERNMENT & SERVICE PROVIDERS WITH PLENTY OF TIME & POWER OF KNOWLEDGE IN FINDING SOLUTIONS FOR US AGENCIES WHO ARE CURRENTLY UNABLE TO COMPLY WITH THE REQUIREMENTS OF THIS BILL.

WE ARE PROUD OF BEING PART OF A TEAM OF AGENCIES WHO OFFER A MULTI-MODALITY APPROACH OF TREATMENTS IN HONG KONG. IN PARTICULAR S E R IS VERY GRATEFUL TO THE AUTHORITIES FOR PROVIDING US WITH A CONDUCTIVE ATMOSPHERE IN WHICH WE OPERTE, ENABLING US TO OFFER SOLUTIONS TO PEOPLE. HOEVER, WE SINCERELY HOPE THAT INTRODUCING REGULATIONS WILL NOT LEAD TO SOME OF US AGENCIES BEIGN FORCED TO CLOSE DOWN DUE TO LIMITED OR LACK OF RESOURCES.

IN CONCLUSION TO ALL THE ABOVE, I WISH TO EXPRESS TO YOU & YOUR FELLOW HONOURABLE COUNCILLORS THAT THE AGENCIES CONCERNED HAVE SPENT MANY YEARS BUILDING & ENHANCING THEIR CENTRES AND SERVICES WITH SELFLESS DEDICATION AND TOTAL MOTIVATION, WITH THE ULTIMATE AIM OF HELPING THOSE IN NEED (AS FAR AS I KNOW – NO ONE CAN DARE PROVE OTHERWISE).

THE PROPOSED REGULATIONS HAVE CREATED AN ATMOSPHERE OF INSECURITY AMOUNGST US, AS WE HAVE TO DEFEND WHAT WE HAVE SPENT SO MUCH EFFORT IN BUILDING. THIS IS, AFTER ALL, A NORMAL REACTION CONSIDERING THAT THERE HAVE NEVER BEEN ANY EFFECTIVE REGULATIONS, SUCH AS THE FORTH COMING BILL IN THE PAST.

WE ARE TRYING TO APPLY SOME OF THE POSITIVE OUTLOOK, WITH WHICH WE SET UP IN HONG KONG, TO THIS FORTH COMING BILL. THIS POSITIVE FEELING COULD BE GREATLY ENHANCED IF WE COULD BE ASSURED THAT THE GOVERNMENT WON'T LOOK AT THIS ISSUE AS ANOTHER POLITICAL GAME, WHEREBY POLITICAL ASPIRANTS TO ACHIEVE THEIR OBJECTIVES MAKE MANY PROMISES, AND LEAVE THEM AS THEY ARE, JUST PROMISES.

WE NEED THE SECURITY OF KNOWLEDGE THAT THE GOVERNMENT WILL ACT ON THE PROMISES MADE, AND THOSE PROMISES WILL BECOME A REALITY FOR THE AGENCIES CONCERNED.

IN EFFECT, WE WELCOME THE PASSING OF THIS BILL AS WE FULLY UNDERSTAND THE NEED FOR A UNIFORM REGULATION WHICH COVERS THE FIELD OF TREATMENT CENTRES. WE ALSO REALISE THE GOOD INTENTIONS OF THE PEOPLE & AUTHORITIES BEHIND THIS LEGISLATION.

IN OUR MEETING OF 4th MARCH, 2002 YOU HAD INVITED US TO SUBMIT TO YOU IN WRITING THE SPECIFIC PROBLEMS WE WILL FACE IN-LIEU OF THE FORTH COMING BILL. ALTHOUGH WE FEEL VERY PLEASED TO BE GRANTED A CHANCE TO EXPRESS OUR NEEDS TO THE LEGISLATIVE COUNCILLORS AS TO WHAT SORT OF PROBLEMS THE AGENCIES FACE BECAUSE AS FAR AS I UNDERSTOOD TODAY THE ADMINISTRATION FAILED TO ILLUSTRATE COMPLETELY THE CONSEQUENCES THAT MAY ARISE FROM THE IMPLEMENTATION OF THE BILL TO THE LEGISLATORS CONCERNED, HOWEVER, WE FEEL THAT A MORE REALISTIC SOLUTION WOULD BE TO ADDRESS OUR PROBLEMS TO THE SPECIFIC BODIES WHO HAVE PROMISED HELP IN SPECIFIC AREAS. THIS WOULD ENSURE A MORE DIRECT & TIME SAVING EXERCISE, WHICH WOULD RESULT IN FIRM CONCLUSIONS TO VARIOUS PROBLEMS ENCOUNTERED BY AGENCIES.

WE REQUIRE GUIDANCE FROM VARIOUS GOVERNMENT DEPARTMENTS AS TO GEOGRAPHICAL & TECHNICAL FAULTS WITHIN OUR CENTRES, AND IMMEDIATE ADVICE AS TO HOW TO RESOLVE THEM.

WE REQUIRE FINANCIAL SUPPORT TO ENABLE US TO UPGRADE THE CENTRES TO MEET THE STANDARD LIVING REQUIREMENTS, AS SET OUT.

IN CONCLUSION, WE FEEL THE BURDEN OF RESPONSIBILITY FOR ENSURING A SMOOTH TRANSITION TO MEET THE REGULATIONS SHOULD BE SHARED BY BOTH THE AGENCIES & AUTHORITIES CONCERNED, THEREFORE MAKING THIS TASK MORE MANAGEABLE.

IN FACT, WE FULLY TRUST THAT THE AUTHORITIES WILL NOT LEAVE THE CONCERNED AGENCIES STRANDED. THIS FORMS PART OF OUR MOTIVATION IN WELLCOMING THIS BILL, AS WE BELIEVE THAT THE SOONER IT IS PASSED, THE SOONER WE WILL KNOW WHAT CHANGES ARE REQUIRED FROM US IN ORDER TO COMPLY WITH THE REQUIREMENTS & THE SOONER WE CAN START TO EFFECT THE NECESSARY CHANGES WITH THE AID OF THE DEPARTMENTS CONCERNED. WE ALSO BELIEVE THAT THE PASSING OF THE BILL WILL TAKE AWAY SOME OF THE THREAT & SUSPENSE CURRENTLY SURROUNDING THE AFTERMATH OF THIS BILL, AS WE ARE

STILL NOT SURE WHAT TO EXPECT IN TERMS OF FUNDING, LAND ISSUES & CERTIFICATE OF EXEMPTION.

BEING TRUSTED BY THE AUTHORITIES OF HONG KONG IN CARRYING OUT OUR WORK OR SO MANY YEARS, WE FEEL COMPELLED TO TRUST AND WOULD LIKE TO EXPRESSLY STATE THAT WE HAVE NO OBJECTION TO THE DRUG DEPENDENT PERSONS TREATMENT AND REHABILITATION CENTRES (LICENSING) ORDINANCE COMING INTO EFFECT ON 1 APRIL, 2002.

WE BELIEVE THERE IS NO REASON IN FURTHER DELAYING THIS PROCESS AS IT WILL NOT HELP TO RESOLVE THE PROBLEMS BEING CURRENTLY FACED BY THE AGENCIES CONCERNED. THE PROBLEMS ARE THERE REGARDLESS OF THE EFFECTIVENESS OF THE BILL. HENCE, WE SHOULD GET THE PROCESS MOVING AND START EXPLORING WAYS IN WHICH TO FIND AMICABLE SOLUTIONS.

THIS IS A VERY GOOD OPPORTUNITY FOR THE GOVERNMENT TO DISPELL THE MYTH THAT IT CANNOT ACT ON IT'S PROMISES, AND AS MS. MIMI LEE (FOR COMMISSIONER OF NARCOTICS) STATED IN HER LETTER , DATED 28TH FEBRUARY 2002 ,ADRESSED TO YOU ,AND I QUOTE: "TO GIVE PRIORITY CONSIDERATION FOR CERTAIN FUNDS , SO THEY COULD HAVE SUFFICIENT TIME AND RESOURCES TO MEET THE LICENSING STANDARDS. " WE HOPE THIS PLEDGE ALSO COVERS PRIORITY CONSIDERTAIION IN TERMS OF OBTAINING ASSISTANCE FROM VARIOUS GOVERNMENT DEPARTMENTS & AGENCIES SUCH AS THE LANDS DEPARTMENT, BUILDINGS DEPARTMENT, FIRE DEPARTMENT ETC, AND WE HOPE THE GOVERNMENT WILL ALSO ACCOMPANY THE SERVICE PROVIDERS IN APPROACHING THE TOWN PLANNING BOARDS IN GIVING US THE PRIORITY CONSIDERATIONS.

IN CONCLUSION TO THIS EXTENSIVE LETTER, WE WOULD FEEL MUCH MORE COMFORTABLE IF THE LEGISLATIVE COUNCILLORS & EXECUTIVE AUTHORITIES COULD THOROUGHLY ANALYSE THE FOLLOWING PROPOSITIONS TO DISMISS ANY FEELINGS OF THREAT, FEAR & UNCERTAINTY IN THE FUTURE THAT LIES AHEAD :

- TO GRANT AUTOMATICALLY THE CERTIFICATE OF EXEMPTION TO THE 14 AGENCIES TO ALLOW THEM TO OPERATE THEIR CENTRES WITHOUT HINDRANCE, REGARDLESS OF WHAT IS THE CURRENT STATE OF THE CENTRES IN QUESTION.
- TO FORM A FRONT-LINE TASK FORCE COMPRISING OF OFFICIALS OF THE VARIOUS GOVERNMENT DEPARTMENTS CONCERNED WITH THE VARIOUS REQUIREMENTS OF THE BILL. THESE OFFICIALS WOULD BE IN CHARGE OF DIRECTLY AIDING & SUPERVISING & RECOMMENDING THE CHANGES NECESSARY UNTIL FULL COMPLIANCE HAS BEEN ACHIEVED. THEY WOULD ALSO BE RESPONSIBLE FOR HELPING TO INTERPRET THE VARIOUS ORDINANCES CONTAINED WITHING THE BILL ALONGSIDE THE CODE OF PRACTICE.
- MAKE EFFECTIVE THE PROMISE MADE BY THE GOVERNMENT OF "PRIORITY CONSIDERATION" WHEN SERVICE PROVIDERS APPLY FOR FUNDS TO BE USED INCARRYING OUT WORKS NECESSARY FOR COMPLIANCE.
- AN INCREASE IN FREQUENCY OF MEETINGS & FIELD VISITS HELD BETWEEN THE AGENCIES AND AUTHORITIES, TO REDUCE ANY FEELINGS OF NEGLECT OR IMPOSITION ON THE SERVICE PROVIDERS. INSTEAD, TO PROMOTE THE FEELING OF TEAM WORK, AS THE CURRENT SITUATIONS HAVE BEEN BROUGHT ABOUT BY A LACK

OF DISCUSSION ON THE SUBJECT. THIS WILL GIVE A MORE REALISTIC & INFORMATIVE STANCE TO REPORTS SUBMITTED BY OFFICIALS.

- TO OBTAIN WRITTEN ASSURANCES FROM THE EXECUTIVE AUTHORITIES CONCERNED THAT THEY WILL TAKE ALL STEPS NECESSARY IN PROVIDING THE AGENCIES WITH HELP AND THE TIMELY FORMATION OF THE PROPOSED TASK-FORCE IN ORDER TO ACHIEVE THE ULTIMATE OBJECTIVE OF FULL COMPLIANCE WITH LICENSING REQUIREMENTS.

IN CLOSING, I WOULD LIKE TO STATE WHY IT IS IMPORTANT TO CONSIDER AND PUT IN PRACTICE, WITH THE ASSISTANCE OF YOUR WISE COUNCIL,

- (A) AS A COMPENSATION FOR THE YEARS OF WORK & DEDICATION SHOWN BY THE SERVICE PROVIDERS, AND AS A GESTURE OF FRIENDSHIP TO EASE SOME OF THE FEARS THAT WE MAY HAVE.
THE AUTOMATIC GRANTING OF THE CERTIFICATE OF EXEMPTION WILL HAVE A TWO-FOLD EFFECT. WHILST IT WILL HELP TO ALIVIAE THE FEARS OF THE SERVICE PROVIDERS AND GIVE THEM SOME ADDITIONAL TIME IN WHICH TO GAIN FURTHER KNOWLEDGE ABOUT THE REQUIREMENTS AND EFFECT THESAME, IT WILL ALSO JUSTIFY THE GOVERNMENT 'S DEMANDS FOR CONSTANT PROGRESS REPORTS AS TO WHAT STEPS THE CENTRES ARE TAKING TOWARDS FULL COMPLIANCE WITH THE BILL.
- (B) BY GRANTING THE ABOVE, THE GOVERNMENT WILL ALSO BE MOTIVATING THE NUMEROUS SOCIAL WORKERS & VOLUNTEER STAFF INVOLVED WITH THE SERVICE PROVIDERS, AND ENHANCE THEIR NEED TO CONTINUE PROVIDING THEIR SERVICES & DEDICATION TO FURTHER THEIR CAUSE AS THE FUTURE WILL LOOK MORE PROSPEROUS.
- (C) AS FAR AS WE KNOW, THE CERTIFICATE OF EXEMPTION IS SUBJECT TO ANNUAL REVIEW & RENEWAL. THESE 12 MONTHS SHOULD BE ENOUGH FOR THE GOVERNMENT TO ALLOCATE THE NECESSARY FUNDS & MANPOWER TO OVERSEE THE REQUIREMENTS BEING MET. IT WILL ALSO BE ENOUGH TIME FOR THE TASK-FORCE TO MAKE AN EFFECTIVE INTERVENTION IN DEALING & ASSESSING THE REQUIREMENTS OF THE SERVICE PROVIDERS AND IT WILL BE ENOUGH TIME FOR THE SERVICE PROVIDERS TO BETTER EDUCATE THEMSELVES ABOUT THE LICENSING BILL.
- (D) BY EFFECTING THESE CONFIDENCE BUILDING MEASURES, WE ARE ADOPTING AN AMICABLE METHOD BY WHICH ALL PARTIES CONCERNED WILL DEVELOP SUFFICIENT GROUNDS IN WHICH TO REACH A POSITIVE OUTCOME. THE LEGISLATORS WILL FEEL ASSURED THAT THEY HAVE PASSED A FAIR & POSITIVE BILL AND THAT ASSISTANCE WILL BE PROVIDED TO ENSURE THE IMPLEMENTATION OF THE BILL. THE AUTHORITIES WILL FEEL ASSURED THAT THIS FIELD OF TREATMENT WILL NOW HAVE SET REGULATIONS BY WHICH TO OPERATE AND THE SERVICE PROVIDERS WILL FEEL ASSURED THAT ALL THEIR WORK WILL NOT GO TO WASTE, AND THAT THEY HAVE REASONS TO CONTINUE THEIR GOOD WORK IN HONG KONG WITH THE FULL SUPPORT OF THE GOVERNMENT, THEREFORE THEIR CAUSE WILL NOT BE NEGLECTED.

WE DO NOT WISH FOR ANY CONFRONTATION WITH THE GOVERNMENT. WE JUST WANT TO CONTINUE WORKING IN HONG KONG AND PURSUING OUR OBJECTIVES. TO AVOID THAT THE NEW LAW COULD SHUT DOWN REHABILITATION FACILITIES WE HOPE THAT HARMONY CAN BE FOUND AMONGST THE PARTIES CONCERNED. IT'S UP TO THE LEGISLATIVE COUNCIL TO JUDGE THIS, IT'S UP TO THE EXECUTIVE AUTHORITIES TO PROVIDE THIS & IT'S UP TO THE TREATMENT CENTRES TO COMPLY WITH THE REQUIRED CHANGES.

WE HOPE TO RECEIVE YOUR UTMOST ATTENTION TO THIS MATTER.

YOURS FAITHFULLY,

MIGUEL ALVES
ON BEHALF OF S E R FOUNDATION FOR HUMANITARIAN AID

C.C. COMMISSIONER FOR NARCOTICS