

Legislative Council Panel on Security

Progress Report on the Implementation of the Drug Dependent Persons Treatment and Rehabilitation Centres (Licensing) Ordinance (Cap. 566)

Purpose

This paper seeks to update members on the progress made since the implementation of the licensing scheme for drug treatment and rehabilitation centres.

Background

2. In order to introduce a statutory licensing scheme for drug treatment and rehabilitation centres providing residential treatment to drug dependent persons, the Drug Dependent Persons Treatment and Rehabilitation Centres (Licensing) Ordinance (Cap. 566) (the Ordinance) was passed by the Legislative Council on 25 April 2001 and has come into effect on 1 April 2002.

3. The objective of the licensing scheme is to provide a regulatory framework that is in line with present day safety and management requirements for voluntary residential drug treatment and rehabilitation centres. The scheme aims to protect the well-being of persons undergoing treatment in these centres. It also seeks to improve drug treatment and rehabilitation services in Hong Kong.

4. The licensing scheme is administered by the Licensing Office of Drug Dependents Treatment Centres (LODTC) set up under the Social Welfare Department. The scheme requires a person / organisation to apply to the Director of Social Welfare for a licence to operate any drug treatment and rehabilitation centre (treatment centre) that provides voluntary residential care for four or more drug dependent persons. While new treatment centres would have to comply with the licensing requirements from the commencement of the operation of the Ordinance, existing treatment centres not readily able to comply fully with the requirements may apply for a Certificate of Exemption (CoE) from the Director of Social Welfare to continue their operation while making rectification to comply with the requisite standards. Grace periods of four years and eight years (counting from the date of issue of the first CoE to the respective centres) would in principle be allowed for existing subvented treatment centres and non-subvented treatment centres respectively to provide the agencies the necessary lead time.

Progress of Implementation of the Licensing Scheme

5. Since coming into operation of the Ordinance, the LODTC has received 47 applications for either CoE or licence, including three applications which were self-withdrawn subsequent to closure of the centres due to agency service restructuring or agency's decision in terminating tenancy of its centre premises. In processing the applications for a licence / CoE, the LODTC provides a one-stop service by taking the lead to co-ordinate efforts with concerned departments like Buildings Department (or as the case may be, Architectural Services Department or Housing Department), Fire Services Department, Lands Department and Planning Department for their advice. This ensures a

dedicated, coordinated and consistent approach to each application and reduces the administrative work of the agency concerned. As at 31st May 2004, the LODTC has issued or renewed either licences or CoEs to 44 treatment centres, including 41 CoEs and three licences as listed in **Annex I**.

Assistance Given to Existing Treatment Centres

6. Since the Ordinance came into effect in April 2002, the Narcotics Division of the Security Bureau and concerned government departments have rendered assistance to the treatment centres to enable them to comply with the licensing requirements of the scheme. Problems faced by existing centres / agencies can be broadly categorised into technical problems such as unauthorised building works and non-compliance in land use, and procedural problems such as identifying an “Authorised Person” and how to initiate and follow through the application, and funding issues. As such, assistance given by the government includes technical advice on building and fire safety issues related to licensing, planning permission on land use, reprovisioning of sites and funding support for upgrading premises. A summary of the assistance given to these centres is given below.

Technical Advice

7. Having regard to the specific circumstances of different treatment centres, in particular those accommodated in the older type of village houses or unauthorised structures, and the agencies’ need for more advice especially on the technical issues in taking forward their upgrading plans, the LODTC has taken the initiative to convene a series of

individual consultation / liaison meetings with the responsible personnel of the agencies to discuss with them matters of concern and to clarify any doubt they may have on the licensing requirements under the Ordinance. Concerned government departments like Buildings Department and Fire Services Department were also invited to join the meetings to advise individual agencies and their Authorised Persons (APs) on technical aspects of the licensing requirements. To facilitate the appointment of APs, LODTC has given the websites for searching of such lists of technical personnels (including APs and fire services installation contractors) to the agencies concerned. Through these meetings, treatment centres can focus their improvement / upgrading work in a pragmatic and practical manner and avoid possible waste of resources and time.

Planning Permission

8. As most of the treatment centres were set up using existing structures then available to them, in some cases they have not met statutory planning requirements. Under the circumstances, the concerned establishments will need to apply for planning permission in order to enable them to continue their operation as treatment centres on the current sites. With the assistance from concerned government departments, six treatment centres have already secured the required planning permission under section 16 of the Town Planning Ordinance.

Tenancy and Building Related Matters

9. Treatment centres wishing to operate in premises under the management of Government Property Agency (GPA) require policy

support from the Narcotics Division on their operation before a new lease could be granted by GPA, or tenancy renewed. With a view to assisting these centres in securing premises from GPA, the Narcotics Division has so far given policy support to three such centres. We will continue to liaise with GPA to explore suitable premises for treatment centres wishing to be re-located to government accommodation.

10. Having regard to the fact that some existing buildings currently occupied by treatment centres are not constructed to current standards and as such strict compliance with the specified requirements under various ordinances is impracticable, concerned government departments have agreed to take a flexible and practical approach in enforcing building safety requirements along the following lines :

- (a) For centres in New Territories Exempted Houses, pre-war buildings, or other approved buildings not meeting current standards, the Building Authority will only require an AP or a Registered Structural Engineer to certify structural and fire safety of the premises and / or to carry out any necessary upgrading works to meet the building safety requirements under the Ordinance.
- (b) For certain unauthorised building works erected in some centres, the Director of Lands may where appropriate exercise discretion in granting retrospective CoEs to these treatment centres provided the relevant statutory and administrative criteria can be complied with.

11. There would be treatment centres which could not attain full compliance with the licensing requirements because of complicated building and fire safety problems that cannot be rectified by upgrading

work alone and other feasible and economically efficient alternatives have been exhausted. Under such circumstances, the operator(s) may register a request to re-provision the centre(s) to a new site. The Administration is prepared to render every possible assistance in this kind of re-provisioning requests. To date, with the assistance of concerned government departments, one such centre has been offered a new site to re-provision its existing centre in Kam Tin, New Territories. Re-provisioning is however a long process which involves the identification of vacant land, consultation and support of local communities, submission of plans by APs and approval by relevant authorities, securing of funds for new structures and subsequent construction work. Existing treatment centres facing relocation problem have therefore been asked to expedite their efforts to ensure that re-provisioning requests are made the soonest possible. Upon receiving such requests, the Administration will work closely with these treatment centres to ensure smooth operation of the centres concerned during transition.

Funding Support

12. To comply with the requirements of the new legislation, some existing treatment centres, in particular those currently accommodated in stone and/or wooden structures in remote areas with minimum facilities or fire safety installations, will need to upgrade their premises to ensure that drug dependent persons undergoing treatment and rehabilitation will receive services in secured physical environment. To assist the drug treatment agencies in securing funds for the upgrading works, the Narcotics Division has approached various charitable funds to explain the licensing scheme and enlist their support to give priority

consideration to funding applications from these treatment centres. While some of the drug treatment agencies have to sort out technical issues before applying for fund, over \$13 million have already been granted to four drug treatment agencies to upgrade their five centres to meet licensing requirements since commencement of the Ordinance in April 2002. Another two applications for \$4.27 million for the purpose are being processed. The Administration will continue to assist agencies in securing funds for the upgrading works.

The Way Forward

13. The licensing scheme aims to improve the standard of drug treatment and rehabilitation services and ensure that drug dependent residents will receive such services in a properly managed and secured physical environment. We are pleased to have the co-operation of drug treatment agencies in implementing the scheme, and are appreciative of the dedication and commitment of the agencies in their effort to re-integrate drug dependent persons into society and in the fight against drugs. While there remain some technical compliance issues for drug treatment agencies to address, such as the need for remedial and rectification work, reprovisioning for some agencies, as well as identification of suitable APs and contractors, the Administration will continue to assist the drug treatment centres in every possible way to ensure that their operation can continue smoothly during the process and to help them to move towards fulfillment of the licensing requirements.

Security Bureau

June 2004

Annex I

List of Centres obtaining Licences / Certificates of Exemption (as at May 2004)

Centres operating on Licences

Serial No.	Operating Agency	Treatment Centre
1	Hong Kong Christian Service	Jockey Club Lodge of Rising Sun
2	The Society for the Aid and	Au Tau Youth Centre
3	Rehabilitation of Drug Abusers	Adult Female Rehabilitation Centre

Centres operating on Certificates of Exemption

Serial No.	Operating Agency	Treatment Centre
1	Barnabas Charitable Service Association Limited	Lamma Training Centre
2		Ma On Shan Half-way House
3	Caritas – Hong Kong	Caritas Wong Yiu Nam Centre
4	Christian New Life Association Limited	Christian New Life Association Limited
5	Christian Zheng Sheng Association Limited	Kam Tin Treatment and Rehabilitation Adult Centre for Male
6		Ha Keng Treatment and Rehabilitation Youth Centre for Male
7		Ha Keng Treatment and Rehabilitation Female Centre
8		Cheung Chau Male Training Centre for Youth
9		Cheung Chau Female Training Centre

Serial No.	Operating Agency	Treatment Centre
10		Mui Wo Male Training Centre for Adult
11	Enchi Lodge, Dacars Limited	Enchi Lodge, Dacars Limited
12	Glorious Praise Fellowship (Hong Kong) Limited	Glorious Praise Fellowship (Hong Kong) Limited
13	Yuen Long Centre, Mission Ark Limited	Yuen Long Centre, Mission Ark Limited
14	Operation Dawn Limited	Dawn Island Drug Treatment and Rehabilitation Centre,
15		Girl Centre
16		Wong Tai Sin Centre (Halfway House)
17	Perfect Fellowship Limited	Koo Tung Rehabilitation Centre,
18		Lam Chuen Rehabilitation Centre
19	Remar Association (Hong Kong) Limited	Remar Association (Hong Kong) Limited
20	St. Stephen's Society	Tuen Mun Multi-purpose Rehabilitation Homes (Female)
21		Tai Po Multi-purpose Rehabilitation Homes (Male/Female)
22		Shing Mun Springs Multi-purpose Rehabilitation Homes (Male/Female)
23	The Christian New Being Fellowship Limited -	Training Centre
24		Halfway House
25	The Finnish Evangelical Lutheran Mission	Ling Oi Tan Ka Wan Centre
26		Ling Oi Centre
27	The Society for the Aid and Rehabilitation of Drug Abusers	Shek Kwu Chau Treatment and Rehabilitation Centre
28		Bradbury Hong Ching Centre
29		Bradbury Pui Ching Centre
30		Kowloon Hostel

Serial No.	Operating Agency	Treatment Centre
31		Luen Ching Centre
32		Female Hostel
33		Sister Aquinas Memorial Women's Treatment Centre
34	The Society of Rehabilitation and Crime Prevention, Hong Kong	Bradbury Wai Chi Hostel
35		Hong Kong Female Hostel
36	Wu Oi Christian Centre Limited	Shun Tin Half-way House
37		Long Ke Training Centre
38		Tai Mei Tuk Female Training Centre
39		Bliss Lodge Youth Training Centre
40		Green Island Youth Training Centre
41		Fo Tan Youth Halfway House