

立法會
Legislative Council

LC Paper No. CB(2)1109/05-06
(These minutes have been
seen by the Administration)

Ref : CB2/HS/2/04

**Subcommittee to Study Issues Relating to the Provision of
Boarding Places, Senior Secondary Education and Employment
Opportunities for Children with Special Educational Needs**

**Minutes of meeting
held on Friday, 20 January 2006 at 10:45 am
in Conference Room A of the Legislative Council Building**

- Members present** : Dr Hon Fernando CHEUNG Chiu-hung (Chairman)
Hon LEE Cheuk-yan
Hon CHEUNG Man-kwong
Hon CHAN Yuen-han, JP
Hon LEUNG Yiu-chung
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Audrey EU Yuet-mee, SC, JP
- Member absent** : Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
- Public Officers attending** : Item II

Mrs Betty IP TSANG Chui-hing
Principal Assistant Secretary (School Administration &
Support), Education and Manpower Bureau

Mrs Mary MA LO To-wan
Commissioner for Rehabilitation, Health, Welfare and
Food Bureau

Mr SIT Tung
Assistant Director (Rehabilitation and Medical Social
Services), Social Welfare Department

Mrs Agnes LI CHAN Chui-ngan
Chief Social Work Officer (Rehabilitation and Medical
Social Services)1, Social Welfare Department

**Attendance by
invitation** : Item II

The Hong Kong Joint Council of Parents of the Mentally
Handicapped

Mr LO Kin-ping
Executive Committee Member

Ms LAM Sai-deep
Member

Rights & Service Advocacy Group of the Hong Kong
Joint Council of Parents of the Mentally Handicapped

Mr WONG Wai-lun
Member

Mr FUNG Cho-shing
Member

Parents' Concern Group on Private Hostel for the
Mentally Handicapped

Miss WAI Chau-kit
Core Member

Ms CHEUNG Pui-lan
Core Member

The Association of Parents of the Severely Mentally
Handicapped

Ms YIP Yuk-chun
Vice-Chairman

Ms LEE Siu-king
General Administration

Concern Group on Private Hostels for People with Disabilities
“殘疾人士私營院舍關注組”

Ms Phyllis WONG King-shui
Representative

Miss TAM Pui-yee

Miss LEUNG Wai-ying

Miss FUNG Lai-yee

Clerk in attendance : Miss Flora TAI
Chief Council Secretary (2)2

Staff in attendance : Mr Stanley MA
Senior Council Secretary (2)6

Miss Sherman WOO
Legislative Assistant (2)2

Action

I. Confirmation of minutes

[LC Paper No. CB(2)907/05-06]

The minutes of the meeting held on 16 December 2005 were confirmed.

II. Transitional arrangements for children with special educational needs with respect to residential services

[LC Paper Nos. CB(2)885/05-06(01), CB(2)939/05-06(01) & (02) and CB(2)951/05-06(03)]

Opening remark

2. The Chairman said that Social Welfare Department (SWD) had implemented the Standardized Assessment Mechanism (the Assessment Mechanism) for Residential Services for people with disabilities (PWD) since January 2005. PWD in need of residential services but did not meet the eligibility criteria under the mechanism would have to make use of the services provided by private hostels. Although children with disabilities who could not be properly taken care of by their family members could apply for subsidised residential places, the waiting time for these places was usually very long. As a

Action

result, these children might also need to stay at private hostels. The Chairman explained that as the operation of private hostels was not subject to a licensing system, there was no mechanism to monitor their quality of services. Inadequacy of residential services for PWD and the related transitional arrangements was not only a problem currently faced by some children with disabilities, but also a problem to be faced by these children when they grew up. To facilitate members' understanding of the waiting time for subsidised residential service and the operation of private hostels, two extracts from television programmes on the subject were played at the meeting.

Briefing by the Administration

3. Assistant Director (Rehabilitation and Medical Social Services), Social Welfare Department (AD(R&MSS)) briefed members on the Administration's paper entitled "Provision of support services for children with special educational needs (SEN) and school leavers of special schools by SWD". He clarified that according to the information provided by private hostels, there were about 20-30 boarders in private hostels who were below the age of 18, which was far below the figure of 600 as quoted in some press reports.

4. Referring to the Annex to the Administration's paper on provision of day and residential services for PWD, Mr CHEUNG Man-kwong said that the Administration should have provided the corresponding figures on the demand side. Mr CHEUNG requested the Administration to provide further information on the number of PWD on the waiting lists for the various services provided by SWD and non-governmental organisations (NGOs), and the corresponding waiting time for provision of these services. AD(R&MSS) agreed to provide the requisite information after the meeting.

Admin

Oral presentation by deputations

*The Hong Kong Joint Council of Parents of the Mentally Handicapped
[LC Paper No. CB(2)929/05-06(01)]*

5. Mr LO Kin-ping presented the views of the Hong Kong Joint Council of Parents of the Mentally Handicapped as detailed in its submission. He highlighted that the Administration should be urged to introduce legislation and a licensing system to regulate the operation of private hostels, and to increase the capacity of day service, vocational rehabilitation services and residential services to address the needs of special school leavers.

Rights & Service Advocacy Group of the Hong Kong Joint Council of Parents of the Mentally Handicapped

6. Mr FUNG Cho-shing described the case of his brother and requested the Government to provide appropriate care and residential services for persons with

Action

serious mental handicap. Mr WONG Wai-lun supplemented that the waiting time for PWD to be provided with subsidised residential services was very long, and the residential services in some private hostels were unacceptable. He requested the Administration to introduce legislation to regulate the operation of private hostels.

Parents-Concern Group on Private Hostel for the Mentally Handicapped

7. Miss WAI Chau-kit described the experience of her sister to illustrate the sub-standard residential services provided by some private hostels. She said that some private hostels did not inform parents of the drugs they asked boarders to take. She also expressed dissatisfaction that the Administration had not provided adequate advice and information regarding the choice of private hostels. Ms CHEUNG Pui-lan highlighted that the Administration should regulate the operation of private hostels by legislation as soon as possible.

The Association of Parents of the Severely Mentally Handicapped
[LC Paper No. CB(2)916/05-06(01)]

8. Ms LEE Siu-king presented the views of the Association of Parents of the Severely Mentally Handicapped as detailed in its submission. She highlighted that the Association requested the Government to regulate the operation of private hostels by legislation and increase the capacity of subsidised residential services for PWD as soon as practicable.

Concern Group on Private Hostels for People with Disabilities “殘疾人士私營院舍關注組”

[LC Paper No. CB(2)951/05-06(01)]

9. Ms Phyllis WONG presented the views of the Concern Group on Private Hostels for People with Disabilities as detailed in its submission. She highlighted that some private hostels accommodated persons between the ages of three to sixty-five, with different types of physical disabilities or levels of mental handicaps. She also described the sub-standard premises, facilities and services as well as the inappropriate treatment of boarders by unqualified staff in private hostels. Ms WONG urged the Administration to reduce the waiting time for residential services supported by SWD and to monitor the quality of services in private hostels by legislation for the protection of boarders there.

Miss TAM Pui-ye

[LC Paper No. CB(2)951/05-06(02)]

10. Miss TAM Pui-ye presented her views as detailed in her submission. She cited two cases to illustrate the insufficiency and lack of long term planning in the provision of subsidised residential places for special school leavers with severe physical disability or mental handicap. She requested members and the

Action

Administration to address the problems of private hostels from the perspective of parents and their children with physical disability or mental handicap.

Miss LEUNG Wai-ying

[LC Paper No. CB(2)929/05-06(03)]

11. Miss LEUNG Wai-ying presented the case of a parent who had sent her son to a private hostel to illustrate the sub-standard facilities, services, living environment and inappropriate treatment of boarders in private hostels. She requested the Administration to introduce legislation to monitor the operation of private hostels and establish a mechanism to receive complaints from parents on matters relating to the operation and services of private hostels.

Miss FUNG Lai-ye

[LC Paper No. CB(2)929/05-06(02)]

12. Miss FUNG Lai-ye presented the case of a single parent who had sent her son to two private hostels to illustrate the sub-standard living and hygiene conditions, meals, facilities and services, and the unqualified staff in private hostels. She requested the Government to regulate the operation of private hostels by legislation and increase the capacity of subsidised residential services for needy families.

Discussion

Residential services supported by SWD

13. Mr CHEUNG Man-kwong expressed concern that children with severe mental handicap were required to wait for five to 10 years for the provision of a residential place. He considered that SWD should increase the capacity of subsidised residential places to meet the increasing demand of PWD for places, instead of tightening the eligibility criteria under the Assessment Mechanism to reduce the number of PWD on the waiting lists for residential services. He urged the Administration to consider the difficult situation of parents and their children with disabilities, and reduce the waiting time for residential services.

School-age children in private hostels

14. Mr CHEUNG Man-kwong asked whether private hostels were allowed to accommodate school-age children with different types of disabilities. Principal Assistant Secretary (School Administration & Support) responded that according to the information collected by SWD, the 20-odd private hostels had accommodated some 20-30 school-age children with disabilities. Upon request from their parents, the Education and Manpower Bureau (EMB) would examine the long-term residential needs of these school-age children in the light of individual circumstances and provide assistance as appropriate.

Action

Admin

15. Mr CHEUNG Man-kwong requested SWD to provide EMB with relevant information on the school-age children in private hostels for necessary follow-up. AD(R&MSS) undertook to liaise with the private hostels and provide the information to EMB after the meeting. The Chairman expressed concern that SWD might not have a full picture of the operating private hostels in the territory.

Regulation of private hostels by legislation

16. Referring to the set of press cuttings tabled at the meeting [LC Paper No. CB(2)951/05-06(01)], Mr CHEUNG Man-kwong said that the living environment and quality of services provided by private hostels was unacceptable. He considered it inhuman to tie up boarders in bed and inconsiderate to ask them to take unnecessary drugs for no reason but to calm them down. He also considered it definitely necessary to introduce legislation to regulate the operation of private hostels. He asked when the Administration would introduce legislation and establish a licensing system to regulate the operation of private hostels.

17. Commissioner for Rehabilitation, Health, Welfare and Food Bureau (C for R(HWFB)) responded that HWFB and SWD had all along been monitoring the operation and development of private hostels for PWD in the community. She pointed out that the 2005 Hong Kong Rehabilitation Programme Plan Review Working Group (the Working Group) had discussed the issue at its two meetings held in mid 2005. As highlighted in its paper [2005 RPP Review Paper 9/2005], the Working Group, at the discussions, was inclined to replace the private hostels with self-financing hostels run by NGOs on a progressive basis. The Working Group would complete the consultation under the 2005 Hong Kong Rehabilitation Programme Plan Review (the Review) in January 2006. The Working Group would discuss in February/March 2006 the views and suggestions collected during the consultation exercise and submit its recommendations to the Rehabilitation Advisory Committee (RAC) for consideration. The operation of private hostels was included in the Review and the Administration had planned to brief the Panel on Welfare Services on the progress of the Review in the second quarter of 2006.

18. Mr CHEUNG Man-kwong pointed out that the operation of private hostels would continue as long as the supply of residential places supported by SWD was inadequate. He considered that the Government had a duty to regulate the operation of private hostels which currently accommodate some 1 000 PWD. He asked whether there was any legislation or regulations governing the operation of private hostels, and if not, how SWD would prevent boarders in private hostels from being ill-treated.

Action

19. AD(R&MSS) responded that SWD had issued in 2002 a Code of Practice for Residential Care Homes for PWD which served as a guide to operator on the minimum standard of service. However, the Code of Practice was not legally binding. He assured members that SWD officers would continue to visit private hostels and give advice and guidance to the operators concerned. He added that parents were encouraged to approach SWD for advice and assistance on availability of places in private hostels.

20. Mr CHEUNG Man-kwong urged the Administration to set out a timetable for enactment of legislation to regulate the operation of private hostels and to protect boarders from being ill-treated. He pointed out that educational establishments in enrolment of more than seven students were regulated by the Education Ordinance. There was no reason for the 20-odd private hostels serving around 1 000 PWD to continue operation without any regulation.

21. C for R(HWFB) reiterated that the Administration had planned to revert to the Panel on Welfare Services in the second quarter of 2006 on the results of the Review on future strategic directions for rehabilitation services including the provision of residential services. The Administration would consider the formulation of long-term policies on the operation of private hostels on the basis of the results of the Review.

22. Mr LEE Cheuk-yan expressed concern about the poor living environment and services in private hostels as indicated in the set of press cuttings tabled at the meeting. He asked whether SWD was aware of the poor situation in private hostels. He queried why SWD considered that the majority of private hostels were providing acceptable services to boarders, and asked how often SWD had visited these private hostels. Ms Audrey EU said that the poor quality of residential services in some private hostels had been widely reported in recent year, and the Government had an obligation to protect PWD from being ill-treated.

23. AD(R&MSS) responded that SWD officers conducted liaison visits to private hostels on a regular basis. They would give advice and guidance to the operators in respect of any irregularities observed on the spot. He acknowledged that SWD officers had noted cases of boarders being tied up in bed, but the practice was supported with acceptable reasons. As regards the sub-standard living environment, he pointed out that most private hostels were located in New Territories and operated on village buildings which did not meet the licensing requirement of residential care home for the elderly.

24. Mr LEE Cheuk-yan said that the community in general would not object to regulation of private hostels by legislation in order to safeguard the interests of parents and protect PWD from being ill-treated. He queried the need to conduct the Review to ascertain the need to legislate for the regulation of private hostels. He suspected that the Administration had used the Review as a tactic to delay

Action

regulation of the operation of private hostels.

25. C for R(HWFB) responded that the Administration was open on regulation of the operation of private hostels by legislation. Nevertheless, the Administration would have to follow the established consultation mechanism in consulting RAC on the formulation of policies and regulations on provision of rehabilitation services and programmes, including the introduction of legislation on regulation of private hostels.

26. The Chairman remarked that the Association of Parents of the Severely Mentally Handicapped had requested SWD and RAC to enact legislation on regulation of private hostels a decade ago. However, the Administration so far had only started to consider whether a licensing system should be established to regulate the operation of private hostels. He added that given the shortage in supply of subsidised residential places, the number of private hostels would continue to increase.

27. At the invitation of the Chairman, Mr LO Kin-ping and Mr WONG Wai-lun confirmed that they had requested the Administration to regulate the operation of private hostels by legislation a decade ago. The Administration had replied that there was no need to legislate for regulation of private hostels at that time. Nevertheless, the Administration had undertaken to keep an overall view on the matter and step in to regulate when there was a need to do so.

28. Mr LEUNG Yiu-chung asked when SWD was aware of the poor living environment and ill-treatment of boarders in private hostels as presented by deputations at the meeting. AD(R&MSS) replied that SWD had received complaints about the operational arrangements and service quality in private hostels during the consultation exercise under the Review. SWD officers had inspected the private hostels and followed up with the operators concerned.

29. Mr LEUNG Yiu-chung queried whether private hostel operators would listen to the advice given by SWD staff. He also requested the Administration to provide statistics on SWD's liaison visits to private hostels.

30. AD(R&MSS) responded that most private hostel operators would listen to the advice given by SWD officers in respect of the operation of their private hostels. He undertook to provide relevant statistics on liaison visits to private hostels conducted by SWD officers.

Admin

31. Miss CHAN Yuen-han pointed out that persons with severe mental handicap were unable to protect themselves and the Government had an obligation to safeguard the interests of PWD in private hostels. She considered the residential services in some private hostels unacceptable and suggested that the Administration should take immediate steps to introduce legislation to regulate the operation of private hostels. She also suggested that the

Action

Subcommittee should revisit the issue in April 2006. The Chairman remarked that it might be more appropriate for the Panel on Welfare Services to follow up the progress of legislation on regulation of private hostels. Miss CHAN agreed.

Administrative measures to regulate the operation of private hostels

32. Ms Audrey EU considered it unlikely that the quality of service in private hostels could be improved by the advice given by SWD officers during the liaison visits. As enactment of legislation for regulation of the operation of private hostels would take time, she asked whether the Administration would adopt some administrative measures to improve the current situation, such as the provision of support and guidance to PWD in receipt of comprehensive social security assistance (CSSA) in the selection of private hostels.

33. AD(R&MSS) responded that PWD in receipt of CSSA might request SWD to arrange a transfer to another private hostel if they were dissatisfied with the residential services in a private hostel. He pointed out that CSSA recipients in private hostels were also supported by outreaching services provided by NGOs.

34. Ms Audrey EU suggested that deputations should provide details of individual cases on the poor services and ill-treatment of PWD in private hostels to SWD for follow-up investigation. AD(R&MSS) responded that SWD would follow up the cases upon receipt of relevant details from deputations.

35. Mr CHEUNG Man-kwong shared the view of Ms Audrey EU that before the enactment of legislation to regulate the operation of private hostels, the Administration should adopt administrative measures to protect PWD from being ill-treated in private hostels. He suggested that PWD in receipt of CSSA should collaborate with social workers to boycott private hostels providing sub-standard services. Alternatively, the Administration should consider using the CSSA to support NGOs to provide more residential places for PWD.

36. AD(R&MSS) responded that the Administration would consider members' views and suggestions expressed at the meeting.

Admin

Motion passed at the meeting

37. Mr LEUNG Yiu-chung moved the following motion which was seconded by Miss CHAN Yuen-han –

“本小組要求政府盡速立法監管私營殘疾人士院舍，保障殘疾人士的生活質素及基本人權，並在過渡期內，必須採取各種可能的行政辦法，阻止私營院舍提供不人道、不合理的住宿服務，並加強巡查和增建資助院舍數目，解決目前長期輪候的問題”

Action

TRANSLATION

“That this Subcommittee requests that the Government should legislate expeditiously on the regulation of private hostels for people with disabilities in order to protect the quality of life and basic human rights of such people, and in the interim it must make various possible administrative efforts to curb the provision of inhuman and unreasonable residential services in private hostels, and to step up inspections as well as increasing the number of subsidised hostels to solve the problem of extended waiting time.”

38. All members present had voted in support of the motion. The motion was carried.

39. Mr LEUNG Yiu-chung asked how the Administration would follow up the motion passed by the Subcommittee.

40. C for R(HWFB) responded that she would relay members' views and the Subcommittee's motion to the Working Group for priority consideration. She envisaged that the Working Group would consolidate the views of stakeholders in March 2006 and submit its recommendations to RAC on the need to legislate for the regulation of private hostels in April 2006. The Administration would report on the proposal of introducing legislation and the interim administrative measures to improve the living standard of PWD in private hostels in April 2006. Members agreed.

Admin

III. Any other business

41. There being no other business, the meeting ended at 1:00 pm.

Council Business Division 2
Legislative Council Secretariat
16 February 2006