

**立法會**  
**Legislative Council**

LC Paper No. CB(2)2359/08-09  
(These minutes have been  
seen by the Administration)

Ref : CB2/PL/WS

**Panel on Welfare Services**

**Minutes of special meeting**  
**held on Wednesday, 25 February 2009, at 8:30 am**  
**in Conference Room A of the Legislative Council Building**

**Members present** : Hon Albert CHAN Wai-yip (Chairman)  
Hon CHEUNG Kwok-che (Deputy Chairman)  
Hon Albert HO Chun-yan  
Hon LEE Cheuk-yan  
Hon TAM Yiu-chung, GBS, JP  
Hon WONG Kwok-hing, MH  
Hon Alan LEONG Kah-kit, SC  
Hon LEUNG Kwok-hung  
Hon Ronny TONG Ka-wah, SC  
Hon Paul CHAN Mo-po, MH, JP  
Hon WONG Sing-chi  
Hong WONG Kwok-kin, BBS

**Members absent** : Hon LEUNG Yiu-chung  
Hon LI Fung-ying, BBS, JP  
Hon Frederick FUNG Kin-kee, SBS, JP

**Public Officers attending** : Item I  
Mr Stephen SUI  
Commissioner for Rehabilitation  
Labour and Welfare Bureau  
  
Mr FUNG Pak-yan  
Deputy Director of Social Welfare (Services)

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Mrs Cecilia YUEN  
Assistant Director of Social Welfare  
(Rehabilitation and Medical Social Services)

**Deputations  
by invitation**

: Concord Mutual-Aid Club Alliance

Mr CHAN Kwok-shing  
Member

Civic Party

Dr Fernando CHEUNG  
Exco Member

The Parents' Association of Pre-school Handicapped Children

Mrs Julie LEE  
Vice Chairperson

Direction Association for the Handicapped

Mr LEE Yuen-tai  
Chairman

The Hong Kong Council of Social Service

Mr KUO Chun-chuen  
Rehabilitation Chief Officer

The Hong Kong Joint Council of Parents of the Mentally Handicapped

Ms CHAN Mei-wa  
Centre-in-charge

Democratic Party

Mr LAW Kin-hei  
Member of Welfare Group

Hong Kong Red Cross John F. Kennedy Centre

Ms YIM Fuk-nor  
Warden

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新界區私營院舍聯會

Mr CHEUNG Kin-wah  
Social Worker

香港區私營院舍聯會

Ms NG Yuet-yee  
Assistant Chairman

Hong Kong Private Hostel for Rehabilitation Association

Mr CHAN Tze-hau  
Principal

私人院舍社會工作者同盟

Mr PONG Kwok-boon  
Committee Member

新界西私營殘疾院舍聯會

Ms CHAN Kwok-chun  
Officer

新界東私營復康院舍聯會

Mr TSANG Kim-kwong  
Convenor

爭取私營院舍權益大聯盟

Ms WONG Yun-fong  
Representative

殘疾人士關注同盟

Miss HU Siu-ying

殘疾人士互助小組

Mr LEUNG Lai-man

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殘疾人士家長權益小組

Ms LI Mei-yung  
Parent

九龍區私營院舍聯會

Mr LI Wing-yiu  
Representative

**Clerk in attendance** : Miss Betty MA  
Chief Council Secretary (2) 4

**Staff in attendance** : Miss Florence WONG  
Senior Council Secretary (2) 5

Miss Maggie CHIU  
Legislative Assistant (2) 4

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**I. Progress on the introduction of a licensing scheme for residential care homes for persons with disabilities**

[LC Paper Nos. CB(2)560/08-09(04) and CB(2)933/08-09(01) to (03)]

The Chairman welcomed deputations to the meeting to give views on the proposed licensing scheme for residential care homes for persons with disabilities (RCHDs).

Meeting with deputations

*Concord Mutual-Aid Club Alliance*  
[LC Paper No. CB(2)972/08-09(01)]

2. Mr CHAN Kwok-shing presented the views of the Concord Mutual Club Alliance as detailed in the submission. He urged the Administration to expeditiously introduce the licensing regime and strengthen the monitoring of service quality in private RCHDs. Mr CHAN was concerned that some private RCHDs would cease operation after the implementation of the licensing regime. In the light of the long waiting list for subsidised RCHD places, the Administration should allocate more resources and identify suitable premises for

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non-governmental organizations (NGOs) to operate RCHDs or half-way houses for persons with disabilities (PWDs). Moreover, the Administration should consider adopting measures and decanting arrangements to safeguard the well-being of residents of the affected RCHDs.

*Civic Party*

*[LC Paper No. CB(2)972/08-09(02)]*

3. Dr Fernando CHEUNG presented the views of the Civic Party as detailed in the submission. While welcoming the proposed licensing scheme to regulate the operation of RCHDs, Dr CHEUNG highlighted the problems as revealed under the draft Code of Practice (draft Code) for RCHDs. Specifically, the minimum staffing requirements for healthcare staff for licensed RCHDs as set out in the draft Code was lower than the standards as set out in the existing Code. The minimum area of floor space per resident should be 8 square metres. On the proposed classification of RCHDs, the Civic Party was of the view that if one-third of residents were in need of high level of care and assistance, the RCHD concerned should be classified as a "high-care-level" home. The grace period for RCHDs to take actions to comply with the licensing requirements should not be more than two years.

*The Parents' Association of Pre-school Handicapped Children*

4. Mrs Julie LEE said that she had participated in the meetings of the Working Group on RCHDs. To her knowledge, the draft Code for RCHDs had been drawn up after taking into account the practical situations of RCHDs and the concerns of stakeholders. She further said that the Association supported the three-pronged approach of provision of residential care services to PWDs through private RCHDs, subsidized RCHDs and self-financing homes, as this provided more options for residential care services for PWDs. It was, however, very concerned about the sustainability of the private RCHDs after the introduction of a licensing scheme and the well-being of the residents living therein. It urged the Administration to make reference to the Enhanced Bought Place Scheme (EBPS) for residential care homes for the elderly (RCHEs) and purchase places from private RCHDs so as to improve the service quality of RCHDs and help reduce the number of PWDs waiting for subsidised RCHD places.

*The Hong Kong Council of Social Service*

*[LC Paper No. CB(2)933/08-09(02)]*

5. Mr KUO Chun-chuen presented the views of the Hong Kong Council of Social Services (HKCSS) as detailed in the submission. HKCSS was of the view that the Administration should introduce the licensing scheme expeditiously with a view to improving the service quality of private RCHDs. Noting that

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over 6 000 PWDs were on the central waiting list for subsidised RCHD places and the average waiting time for hostels for severely physically handicapped persons was over eight years, Mr KUO urged the Administration to actively consider buying places from RCHDs and devise a long-term policy and plan to shorten the waitlisting situation. Given that the provision of social workers was not a mandatory requirement under the draft Code, Mr KUO said that the Administration should deploy social workers to provide appropriate support services to the residents of private RCHDs. In the light of the possible closure of some RCHDs for not being able to meet the licensing requirements, the Administration should take appropriate measures to assist the affected residents.

*Democratic Party*

*[LC Paper No. CB(2)933/08-09(03)]*

6. Mr LAW Kin-hei presented the views of the Democratic Party as detailed in the submission. Noting that only six private RCHDs had successfully joined the Voluntary Registration Scheme (VRS), the Democratic Party cast doubt about the effectiveness of VRS and cautioned that private RCHD operators might transfer the costs for carrying out improvement works to meet the licensing requirements to the residents. The Democratic Party suggested that the minimum area of floor space per resident should be set in the region of 5 square metres to 6.5 square metres to allow flexibility for private RCHDs. This apart, Mr LAW urged the Administration to simplify the licence application procedures by making reference to that of RCHEs.

*新界區私營院舍聯會*

*[LC Paper No. CB(2)972/08-09(03)]*

7. Mr CHEUNG Kin-wah presented the views of 新界區私營院舍聯會 as detailed in the submission. Mr CHEUNG told the meeting about the difficulties faced by private RCHDs in financing the improvement works for meeting the requirements as stipulated in the draft Code. Given that most of their residents were CSSA recipients, private RCHDs received a monthly home fees of \$3,700 which was equivalent to the monthly CSSA payments, and therefore private RCHDs had limited resources to carry out improvement works and for service enhancement. To this end, Mr CHEUNG hoped that the Government could provide a one-off subsidy for private RCHDs to carry out improvement works, raise the CSSA payments for PWDs on CSSA and buy places from RCHDs. In addition, Mr CHEUNG urged the Administration to streamline the licensing requirements for RCHDs and RCHEs such that PWDs residing in RCHDs could continue to stay in the same RCHD after they reached the age of 65.

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香港區私營院舍聯會

[LC Paper No. CB(2)972/08-09(04)]

8. Ms NG Yuet-ye presented the views of 香港區私營院舍聯會 as detailed in the submission. Pointing out that a number of government departments were involved in processing licence application for RCHDs, Ms NG suggested that the Administration should model on the application procedures in respect of the issue of licences for RCHEs, i.e. only the Social Welfare Department (SWD) and Buildings Department were involved. She urged the Administration to extend the grace period from 36 months to five years such that private RCHDs could have sufficient time to carry out the necessary improvement works. In the light of the high rental in urban areas, Ms NG said that private RCHDs located in the urban areas had practical difficulties in meeting the minimum area of floor space of 6.5 square metres per resident, and suggested that the requirement be lowered to five square metres per resident.

*Hong Kong Private Hostel for Rehabilitation Association*

[LC Paper No. CB(2)972/08-09(05)]

9. Mr CHAN Tze-hau presented the views of the Hong Kong Private Hostel for Rehabilitation Association as detailed in the submission. He told the meeting that many private RCHDs attached great importance to the welfare of residents and strived to provide timely support services to the residents. While raising no objection to the introduction of the licensing scheme to enhance the service quality of RCHDs, the Association was very concerned that some RCHDs would discontinue operation after the implementation of the proposed licensing regime since most of the private RCHDs were not financially viable to carry out improvement works for complying with the requirements as stipulated in the draft Code. To safeguard the well-being of over 2 000 residents of private RCHDs and job security of hundreds of RCHD staff, and alleviate the waitlisting situation for subsidised RCHD places, Mr CHAN urged the Administration to –

- (a) provide a one-off subsidy for private RCHDs to carry out improvement works;
- (b) provide subsidy to private RCHD residents to meet higher home fees upon service enhancement;
- (c) buy places from private RCHDs; and
- (d) allow including a maximum of 30% outdoor area as part of minimum space requirement.

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Mr CHAN presented at the meeting 200 letters individually signed by PWDs' parents in support of the Association's suggestions.

私人院舍社會工作者同盟

[LC Paper No. CB(2)972/08-09(06)]

10. Mr PONG Kwok-boon presented the views of 私人院舍社會工作者同盟 as detailed in the submission. He said that only six private RCHDs had successfully joined VRS because substantial costs amounted to \$400,000 would be required for carrying out improvement works to meet the standards. To finance the improvement works, the monthly fees of private RCHD places would have to be set in the region of \$8,000 to \$10,000. Since most of the residents of private RCHDs were CSSA recipients, the home fees were far from adequate to finance the improvement works in order to comply with the licensing requirements. Against this background, the requirements as stipulated in the draft Code would pose operational difficulties to private RCHDs. He urged the Administration to consider relaxing the minimum floor area requirements and buying places from private RCHDs.

新界西私營殘疾院舍聯會

[LC Paper No. CB(2)972/08-09(07)]

11. Ms CHAN Kwok-chun presented the views of 新界西私營殘疾院舍聯會 as detailed in the submission. While acknowledging the public expectation of improving the service quality of private RCHDs, Ms CHAN expressed dissatisfaction at the Administration's failure to take note of the operational difficulties faced by private RCHDs. In the absence of financial assistance from the Administration, most private RCHDs could hardly survive after the coming into force of the licensing regime, particularly amidst of the financial tsunami. The Administration should consider buying places from private RCHDs and providing subsidies to private RCHDs to meet the licensing requirements.

新界東私營復康院舍聯會

[LC Paper No. CB(2)972/08-09(08)]

12. Mr TSANG Kim-kwong presented the views of 新界東私營復康院舍聯會 as detailed in the submission. While agreeing that the service quality of private RCHDs should be enhanced, he expressed concern that the resources required for the improvement works and additional staffing requirements were not affordable by most private RCHDs. Mr TSANG urged the Administration to make reference to EBPS for RCHEs and introduce a similar arrangement for RCHDs. He hoped that the Administration could appreciate the efforts made by

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private RCHDs in providing timely services to needy PWDs while they were waiting for the subsidised RCHDs places.

*爭取私營院舍權益大聯盟*

*[LC Paper No. CB(2)972/08-09(09)]*

13. Ms WONG Yun-fong presented the views of *爭取私營院舍權益大聯盟* as detailed in the submission. She told the meeting that many private RCHD operators and staff endeavoured to take care of the well-being of residents living in private homes. In her view, some private RCHDs had been providing a cheaper option for PWDs who needed residential care services. Ms WONG urged the Administration to increase the CSSA payments to PWDs on CSSA who were living in private RCHDs after the implementation of the licensing regime. Whiling agreeing the proposal of stipulating the minimum area of floor space per resident in RCHDs, she hoped that the Administration could exempt outdoor space from the calculation of the minimum floor area so that the residents could be provided with more room for recreational activities.

*殘疾人士關注同盟*

*[LC Paper No. CB(2)972/08-09(10)]*

14. Miss HU Siu-ying presented the views of *殘疾人士關注同盟* as detailed in the submission. Illustrating her experience of residing in a private RCHD as an example, she told the meeting that some residents of private RCHDs were accustomed to the living environment and enjoyed the lives in RCHDs. She hoped that she could continue to reside in the existing private RCHD without the need to move out after the coming into effect of the licensing scheme.

*殘疾人士互助小組*

*[LC Paper No. CB(2)972/08-09(11)]*

15. Mr LEUNG Lai-man presented the views of *殘疾人士互助小組* as detailed in the submission. He told the meeting about his daily life of being an ex-mentally ill person in a private RCHD in which he was provided with outdoor facilities and appropriate care. He was worried about the implementation of licensing scheme as this might result in the closure of the RCHD where he was residing. He did not want to move out or be decanted to a RCHE which was not specialized in taking care of PWDs.

*九龍區私營院舍聯會*

*[LC Paper No. CB(2)972/08-09(12)]*

16. Mr LI Wing-yiu presented the views of *九龍區私營院舍聯會* as detailed in the submission. He said that in the absence of a licensing regime,

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only 45 private RCHDs were in operation. This had fully revealed that the operation of private RCHDs was not easy especially for those located at the urban area because of the high rental. The requirement on the minimum area of floor space per resident further posed operational difficulties to private RCHDs located at the urban area. Taking into account that most PWDs relied solely on CSSA, he hoped that the Administration could raise the rent allowance for those residents of private RCHDs located at the urban area who were on CSSA.

*殘疾人士家長權益小組*

17. Ms LI Mei-yung told the meeting about her frustration when her son, who was a PWD, was requested to move out from subvented RCHDs one after another due to his non-compliance with the rules of the subvented RCHDs concerned. His son could settle down only until he was resided in a private RCHD where he was now arranged to work in a sheltered workshop. Ms LI expressed grave concern about the possible cessation of operation of the private RCHD where her son was residing after the implementation of the licensing scheme.

18. Representatives from the Direction Association for the Handicapped, Hong Kong Joint Council of Parents of the Mentally Handicapped and Hong Kong Red Cross John F. Kennedy Centre said that they had no supplementary views to add.

Discussion

19. Mr WONG Kwok-hing was of the view that only six out of 45 private RCHDs had successfully joined VRS had fully revealed that it was difficult for them to comply with the requirements and to improve the service quality without financial assistance from the Administration. Noting that over 6 000 PWDs were waiting for subsidised residential care places, Mr WONG urged the Administration to consider providing subsidies to private RCHDs to carry out improvement works and purchasing places from private RCHDs. Otherwise, many private RCHDs might close down and the residents living in would be inevitably affected.

20. Deputy Director of Social Welfare (Services) (DDSW(S)) advised that the Administration recognised the contribution of private RCHDs in providing PWDs with more options for residential care services. The Administration was in the course of examining the feasibility of introducing complementary measures with a view to minimising the impact on service users of RCHDs brought about by legislation and providing more service options for PWDs, while ensuring that a reasonable standard of service would be provided by RCHDs. It would carefully consider the proposals of purchasing residential care places from private RCHDs and providing subsidy to private RCHDs, with

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due regard to the need for proper use of public money and the commercial nature of private RCHDs. DDSW(S) added that the Administration was working on the issues of resource implications arising from the introduction of the complementary measures and would consult members on the proposals once the details were available. A grace period would be allowed for RCHDs to comply with the requirements upon implementation of the licensing scheme.

21. Mr LEUNG Kwok-hung expressed dissatisfaction at the Administration's failure to provide concrete measures to facilitate private RCHDs in meeting the requirements. In his view, complementary measures should be put in place concurrently with the introduction of the licensing scheme.

22. DDSW(S) responded that private RCHDs not meeting the licensing standards would be required to carry out improvement works and/or to take other necessary measures such as reducing the number of residential care places in order to satisfy the stipulated requirements. DDSW(S) added that the Administration was in the process of drafting the legislative proposal, and would consider the need for additional resources to facilitate RCHDs to comply with the stipulated requirements.

23. Mr WONG Sing-chi was of the view that the licensing regime for RCHEs was not directly applicable to RCHDs having regard to the fact that residents of these two types of homes were of different age groups and service needs. Mr WONG expressed concern whether the Administration had conducted adequate consultation with private RCHD operators on the draft Code. Mr CHAN Tze-hau of Hong Kong Private Hostel for Rehabilitation Association said that a consultation session was conducted in November 2008 to gauge the views of private RCHD operators on the future requirements of RCHDs. He hoped that the Administration would continue to gauge the views of the stakeholders.

24. Mr CHEUNG Kwok-che expressed concern about the sustainability of the private RCHDs after the introduction of the licensing scheme. While acknowledging that the Administration was considering various measures, such as purchasing places from private RCHDs, he agreed that the proposal of providing subsidy to private RCHDs should also be considered carefully. Nevertheless, the Administration should let the private RCHD operators know whether subsidy would be provided to the operator when the legislative proposal was introduced so that the operators concerned could make an informed decision as to whether they would continue operation. Mr WONG Kwok-kin expressed a similar view.

25. DDSW(S) reiterated that the Administration was in the process of drafting the legislative proposal and in parallel examining the feasibility of related complementary measures with a view to minimising the impact on service users of RCHDs brought about by legislation.

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26. Responding to Mr CHEUNG Kwok-che's enquiry about the legislative timetable, Commissioner for Rehabilitation said that the Administration was proceeding with the drafting of the legislative proposal in consultation with the Department of Justice (DoJ) and aimed to introduce the Bill into LegCo as soon as possible. He added that the purpose of the licensing regime was to improve the service quality of RCHDs. A grace period would be allowed for RCHDs to comply with the statutory requirements after the legislative framework came into force.

27. Mr Ronny TONG enquired if the Administration had drawn up specific decanting arrangement for residents of private RCHDs in the event that some private homes ceased to operate after the implementation of the licensing scheme. Specifically, whether the Administration had estimated the number of residents affected, whether resources had been earmarked, and whether residential care home places had been reserved for the purpose.

28. DDSW(S) responded that during their visit to private RCHDs, it was found that most private RCHDs could meet the required standards simply by carrying out improvement works and/or taking necessary measures such as reducing the number of residential care places and increasing staffing provision. Taking into account that the current occupancy rate of private RCHDs was about 70%, the Administration would assist the affected residents of private RCHDs to move to other RCHDs as far as practicable if individual private RCHDs ceased to operate.

29. Mr LEE Cheuk-yan expressed dissatisfaction at the belated introduction of the licensing scheme as members had repeatedly called on a licensing scheme to regulate the operation of RCHDs. Taking into account over 90% of the private RCHD residents were CSSA recipients, it was difficult for the operators to improve service quality due to lack of resources. Notwithstanding that the Administration had yet to reveal the complementary measures for the affected RCHDs to meet the required standards, he urged the Administration to introduce expeditiously the relevant measures with a view to improving the living environment of the residents. He was concerned that the provision of a grace period would further delay the implementation of the licensing scheme. Referring to the submissions from the Civic Party and the Parents' Association of Pre-school Handicapped Children, Mr LEE noted with concern about the lowering of the minimum requirement of floor area of space per resident and staffing requirement under the draft Code as compared with the existing Code.

30. Mr CHEUNG Kwok-che said that the existing Code was promulgated in 2002. Therefore, the minimum staffing requirements set out in the draft Code should by no means be lower than the standards in 2002. For instance, he could not accept the proposal of one care worker to 60 PWDs for "high-care-level" homes during the night shift. Moreover, the provision of social workers in

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RCHDs should be made mandatory. He cautioned that the minimum requirements would in effect become the maximum standards adopted by RCHDs.

31. DDSW(S) said that a number of consultation sessions had been conducted to gauge the views of the rehabilitation sector and stakeholders, including operators of private RCHDs and subvented RCHDs, and parent groups. The minimum area of floor space per resident and staffing requirements in RCHDs were set out having balanced the different views of the rehabilitation sector and stakeholders. The draft Code was prepared by simplifying the existing Code and adopting, as far as possible, the standards set out in the Code for RCHEs, while standards that were specific to the situations of PWDs were also devised. DDSW(S) stressed that the draft Code would serve as a statutory code on the minimum standard of service to be complied with by all RCHDs. While subvented RCHDs would have to comply with the Code, they would also have to comply with the terms and conditions of the Funding and Service Agreements as mutually agreed with SWD. He added that the standards required under EBPS, if introduced for RCHDs, would be higher than the minimum requirements as stipulated in the draft Code.

32. Mr LEE Cheuk-yan remained of the view that the service standards of RCHDs should be enhanced, and that it was the Administration's responsibility to do so by injecting more resources to assist private RCHDs.

33. Echoing Mr Chuek-yan's views, Mr Alan LEONG said that given that most private RCHDs could not meet the requirements as stipulated in the existing Code, the Administration should put in more resources with a view to enhancing the service quality of private RCHDs. In the light of insufficient subsidised residential care places for PWDs, Mr LEONG was of the view that private RCHDs had played a role in providing residential care service for PWDs to fill the service gap. He enquired how the Administration perceived the role of private RCHDs.

34. DDSW(S) responded that the Administration had been adopting a three-pronged approach to encourage participation from different sectors in providing diversified residential care services for PWDs to meet their specific needs, viz supporting non-governmental organisations to develop self-financing homes, steadily increasing the number of subsidised residential care home places and regulating private RCHDs so as to enhance their service quality.

35. Mr Alan LEONG said that the provision of adequate subsidised RCHD and RCHE places was essential social infrastructural to safeguard the well-being of the community at large. He expressed dissatisfaction at the Administration's failure to do so.

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36. Mr TAM Yiu-chung recalled that when the legislative framework for the licensing regime of RCHEs was introduced, the Administration had provided resources and introduced measures to facilitate private RCHEs to satisfy the requirements as stipulated in the Code for RCHEs. Mr TAM suggested that the Administration should make reference to the experience of regulating RCHEs and introduce a series of complementary measures to facilitate private RCHDs to comply with the requirements set out in the draft Code.

37. The Chairman was of the view that the Administration should assess the impact of the proposed licensing regime on the operation of private RCHDs, and the financial implications of carrying out improvement works to satisfy the requirements before introducing the legislative proposal. He requested the Administration to provide the above information as far as practicable.

38. Mr LEE Cheuk-yan enquired whether persons with deafness were within the definition of residents of RCHDs and the reasons for allowing a grace period of 36 months.

39. Assistant Director of Social Welfare (Rehabilitation and Medical Social Services) (ADSW(RMSS)) said that the Administration intended to make reference to the definition of PWDs as set out in the United Nations Convention on the Rights of Persons with Disabilities that had been applied to Hong Kong, to define "residents of RCHDs", for the purpose of the proposed licensing scheme for RCHDs, as "persons with physical, mental, intellectual or sensory impairments who require residential care service". As such, persons with deafness would be within the meaning of the proposed definition of "residents of RCHDs". Meanwhile, DoJ was in the process of drafting the legislation. The initial thinking was to provide a grace period of up to 36 months to allow sufficient time for RCHDs to carry out improvement works, recruit staff and organise training for health workers in order to satisfy the requirements as stipulated in the draft Code.

40. Mr WONG Sing-chi wondered how the Administration could decant the residents of private RCHDs to subvented RCHDs if the private RCHDs discontinued operation given the fact that over 6 000 PWDs were waiting for subsidised residential care home places. In his view, decanting arrangement should be the last resort. Instead, the Administration should provide more support to private RCHDs in meeting the requirements.

41. DDSW(S) reiterated that the Administration would assist the affected residents of private RCHDs to move to other subvented, self-financing or private RCHDs as far as practicable if individual private RCHDs ceased to operate. As to the concern about lack of consultation with private RCHD operators, ADSW(RMSS) said that the Working Group on RCHDs had convened meetings and organised a number of consultation sessions to gauge the views of the

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rehabilitation sector, private RCHD operators and stakeholders in the course of reviewing the existing Code.

42. Mr LEUNG Kwok-hung urged the Administration to bid for additional resources to enhance the service quality of RCHDs with a view to safeguarding the well-being of PWDs and creating more jobs in RCHDs.

43. The following supplementary points were made by the deputations –

(a) Dr Fernando CHEUNG of Civic Party stressed that the introduction of a licensing scheme for RCHDs, which had been advocated for a long time, was to enhance the service quality of private RCHDs. It was unacceptable that the standards as set out in the draft Code were lower than those in the existing Code; and

(b) Mrs Julie LEE of the Parents' Association of Pre-school Handicapped Children said that when reviewing the existing Code, the Working Group on RCHDs struck a balance between enhancing service quality of RCHDs and enabling the sustainability of private RCHDs after the implementation of a licensing regime. She urged the Administration to actively consider purchasing places from private RCHDs and providing a one-off subsidy for private RCHDs to carry out improvement works.

44. DDSW(S) reiterated that the purpose of the licensing scheme was to enhance the service quality of RCHDs. The draft Code was drawn up after taking into account the views of the rehabilitation sector and stakeholders. The requirements as set in the draft Code were the minimum standards of services to be complied with by all RCHDs. Nevertheless, the Administration would take note of members' views and concerns in taking forward the legislative proposal.

45. In summing up, the Chairman said that members in general supported the proposal of introducing a licensing scheme to regulate the operation of RCHDs. However, members were concerned about the impact of the draft Code on the existing RCHDs and the residents living therein if the RCHDs could not meet the requirement and had to cease operation. The closing down of private RCHDs was the last thing members would like to see. The Chairman further said that members also expressed reservation about the minimum standards set out in the draft Code, which were too low for quality residential care service standards. In this connection, the Chairman requested the Administration to review the minimum requirements as set out in the draft Code, provide complementary measures, together with the resource implications, to facilitate private RCHDs to meet with the standards when the legislative proposal was introduced, and report the progress to the Panel.

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**II. Any other business**

46. There being no other business, the meeting ended at 10:22 am.

Council Business Division 2  
Legislative Council Secretariat  
7 August 2009