

**立法會**  
**Legislative Council**

LC Paper No. CB(2)407/10-11  
(These minutes have been  
seen by the Administration)

Ref : CB2/BC/4/09

**Bills Committee on Residential Care Homes (Persons with Disabilities) Bill**

**Minutes of the fourth meeting**  
**held on Friday, 5 November 2010, at 10:45 am**  
**in Conference Room A of the Legislative Council Building**

**Members present** : Hon WONG Sing-chi (Chairman)  
Hon LEE Cheuk-yan  
Hon TAM Yiu-chung, GBS, JP  
Hon Ronny TONG Ka-wah, SC  
Hon Cyd HO Sau-lan  
Hon CHEUNG Kwok-che  
Hon IP Wai-ming, MH  
Hon Alan LEONG Kah-kit, SC  
Hon LEUNG Kwok-hung

**Members absent** : Hon LEUNG Yiu-chung  
Dr Hon Joseph LEE Kok-long, SBS, JP  
Dr Hon PAN Pey-chyou

**Public Officers attending** : Item I

Mr Roy TANG Yun-kwong, JP  
Deputy Secretary for Labour and Welfare (Welfare) 1

Mr Stephen SUI Wai-keung  
Commissioner for Rehabilitation  
Labour and Welfare Bureau

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

Mr Philip TANG  
Senior Social Work Officer  
(Rehabilitation & Medical Social Services) 6  
Social Welfare Department

Ms Lonnie NG Wah-chi  
Senior Government Counsel  
Department of Justice

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

**Staff in attendance** : Mr YICK Wing-kin  
Assistant Legal Adviser 8

Ms Yvonne YU  
Senior Council Secretary (2) 5

Miss Maggie CHIU  
Legislative Assistant (2) 4

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**I. Meeting with the Administration**

[The Bill, LC Paper Nos. CB(2)2002/09-10(01), CB(2)2274/09-10(01), CB(2)2289/09-10(01) and CB(2)186/10-11(01)]

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

2. The Administration was requested to provide the following -

- (a) the views collected during the eight consultation sessions on the revised draft Code of Practice for residential care homes for persons with disabilities ("RCHDs"), in particular those views that were not adopted by the Administration;

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- (b) a breakdown of the estimated unit operating costs of a private RCHD place (Annex D of the Administration's paper) by cost components including rent and rates, staff costs, food and miscellaneous expenses, drug expenses, administration and depreciation costs; and
- (c) a comparison of the service standards of subvented RCHD places and the pilot Bought Place Scheme places.

**II. Any other business**

3. The Chairman said that the next meeting would be held on 18 November 2010 at 10:45 am.

*(Post-meeting note: The meeting originally scheduled for 18 November 2010 was cancelled to avoid a clash with the anticipated continuation of the Council meeting on the same day, and the next meeting would be held on 3 December 2010 at 10:45 am.)*

4. There being no other business, the meeting ended at 12:25 pm.

Council Business Division 2  
Legislative Council Secretariat  
25 November 2010

**Proceedings of the fourth meeting of the  
Bills Committee on Residential Care Homes (Persons with Disabilities) Bill  
on Friday, 5 November 2010, at 10:45 am  
in Conference Room A of the Legislative Council Building**

| Time marker  | Speaker(s)                                       | Subject(s)   | Action required |
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| <i>Agenda item I – Meeting with the Administration</i> |  |  |                 |
| 000000 - 001627  | Chairman<br>Administration                       | The Administration's response to issues raised at the meeting held on 25 October 2010<br>[LC Paper No. CB(2)186/10-11(01)]   |                 |
| 001628 - 002130  | Mr TAM Yiu-chung<br>Chairman<br>Administration   | <p>Mr TAM Yiu-chung's concern whether and how the Administration would take action to ensure the safety of the 11 private residential care homes for persons with disabilities ("RCHDs") which had non-rectifiable structural/means of escape problems</p> <p>The Administration's responses -</p> <p>(a) in the absence of a licensing system, the Administration could not require private RCHDs to carry out improvement works; and</p> <p>(b) these 11 private RCHDs would need relocation as they would not be qualified for subsidies under the Financial Assistance Scheme to carry out the necessary improvement works in compliance with the licensing requirements in building and fire safety. At present, it was observed that these 11 private RCHDs had no immediate safety concerns</p> |                 |
| 002131 - 003628  | Chairman<br>Mr CHEUNG Kwok-che<br>Administration | <p>Mr CHEUNG Kwok-che's request for the views collected during the eight consultation sessions on the revised draft Code of Practice ("2008 CoP") for RCHDs, in particular those views that were not adopted by the Administration</p> <p>Concerns raised by Mr CHEUNG Kwok-che -</p> <p>(a) the plan put in place by the Social Welfare Department ("SWD") to decant about 240 residents of the 11 private RCHDs which might close down after the enactment of the Bill; and</p> <p>(b) the cost implications for private RCHDs if they were to meet the staffing and spatial requirements under the pilot Bought Place Scheme ("BPS") for RCHDs</p> <p>The Administration's responses -</p> <p>(a) the 11 private RCHDs concerned were fully aware of the need to decant their residents if</p>      | <b>Admin</b>    |

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|                 |  | <p>they failed to secure suitable alternative accommodation in the end. A grace period of 18 months would be provided for these private RCHDs to take necessary actions after the enactment of the Bill. The number of private RCHDs known to SWD had increased from 54 in March 2010 to 71 recently, this showed that private RCHDs were able to secure suitable premises for operation;</p> <p>(b) SWD had from time to time referred and arranged alternative placement for RCHD residents when such a need arose; and</p> <p>(c) it had issued in October 2010 letters to private RCHDs to invite them to join the pilot BPS. A briefing session for private RCHD operators was held on 18 October 2010. Under the pilot BPS, SWD would purchase about 300 BPS places over the four-year pilot period in two phases. SWD would make suitable adjustment to the number of places to be bought having regard to the response of service users, the number of quality places to be provided by and response of private RCHDs. The respective contract prices for a BPS place in urban area and the New Territories ("NT") would be \$7,840 and \$7,243. Given that residents would pay a home fee of \$1,603, the Government's subsidy for a pilot BPS place in the urban area and NT would be \$6,237 and \$5,640 respectively</p> |                 |
| 003629 - 004735 | Mr IP Wai-ming<br>Chairman<br>Administration | <p>Concerns raised by Mr IP Wai-ming -</p> <p>(a) whether the Administration had taken into account the impact of statutory minimum wage on the operating costs of private RCHDs in determining the price level for a BPS place; and</p> <p>(b) difficulties encountered by private RCHDs in recruiting healthcare workers</p> <p>The Administration's response -</p> <p>(a) the BPS price was estimated having regard to the rental and rates, staff costs, food and miscellaneous expenses incurred by private RCHDs. Reference had been made to the prevailing market wage levels and rental collated by the Labour Department and the Rating and Valuation Department respectively;</p>  |                 |

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|                 |  | <p>(b) the impact of the statutory minimum wage on staff costs and an eight-hour work per shift were taken into account in drawing up the staffing requirement for BPS homes; and</p> <p>(c) on the service quality, the BPS homes would be required to comply with a set of 16 service quality standards ("SQS") relating to facilities, meal provision, health care, fee charging, social activities, etc, and which were same as those for subvented homes. A service monitoring group comprising persons with disabilities ("PWDs") and stakeholders would be set up to monitor the service quality of BPS homes. If the BPS homes did not comply with SQS, SWD would cease to purchase or reduce the number of BPS places to be bought from these homes</p>  |                 |
| 004736 - 011553 | Chairman<br>Administration                       | <p>The Chairman's request for a breakdown of the estimated unit operating costs of a private RCHD place (Annex D of the Administration's paper) by cost components including rent and rates, staff costs, food and miscellaneous expenses, drug expenses, administration and depreciation costs</p> <p>The Chairman's concern that about 90% of persons with mental problems and ex-mentally ill persons were living in private RCHDs as they were refused for admission by subvented RCHDs</p> <p>The Administration's responses -</p> <p>(a) it did not have statistics on the number of ex-mentally ill persons living in private RCHDs who had applied for subsidised RCHDs but were not admitted. Some ex-mentally ill persons preferred the living environment of private RCHD; and</p> <p>(b) quite a number of ex-mentally ill persons who lived in private RCHDs were receiving various subsidised day care and training at Day Activity Centres and Sheltered Workshops etc</p> | <b>Admin</b>    |
| 011554 - 012904 | Mr CHEUNG Kwok-che<br>Chairman<br>Administration | <p>Responding to Mr CHEUNG Kwok-che, the unit operating costs of a subvented place was computed based on the expenses on personnel emoluments, other charges and rent and rates</p> <p>Mr CHEUNG Kwok-che's request for a comparison of the service standards of subvented RCHD places and BPS places</p>   | <b>Admin</b>    |

| <b>Time marker</b> | <b>Speaker(s)</b>                                  | <b>Subject(s)</b>   | <b>Action required</b> |
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| 012905 - 013753    | Chairman<br>Mr TAM Yiu-chung<br>Administration     | <p>Views of Mr TAM Yiu-chung that the 2008 CoP provided greater details on the regulation and operation of RCHDs</p> <p>Mr TAM Yiu-chung's enquiry about the reasons for revising the definitions of RCHDs and PWDs in the 2008 CoP as compared with the non-statutory CoP issued in 2002</p> <p>The Administration's advice that it had made suitable refinements to the definition of PWDs and some other sections in the course of drafting the Bill in the light of legal advice and new developments. It would amend the corresponding provisions in the 2008 CoP after the enactment of Bill. Responding to Mr TAM Yiu-chung, the Administration advised that -</p> <p>(a) the definition of PWDs under the 2008 CoP was modelled on the United Nations Convention on the Rights of PWDs. In the course of drafting the Bill, it was considered that the definition was too general and broad for the purpose of the legislation. After deliberation, the Administration generally adopted the definition of "disability" in the Disability Discrimination Ordinance (Cap. 487) with suitable refinements for the Bill; and</p> <p>(b) residential accommodation for children with disability under the age of six was regulated under the Child Care Services Ordinance (Cap. 243). The definition of RCHDs was revised with a view to extending the Bill to cover children with disability aged between six to 14</p> |                        |
| 013754 - 013930    | Chairman<br>Mr CHEUNG Kwok-che<br>Mr TAM Yiu-chung | Date of the next meeting  |                        |