

**立法會**  
**Legislative Council**

LC Paper No. CB(2)954/10-11  
(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 sixth meeting**  
**held on Friday, 17 December 2010, at 10:45 am**  
**in Conference Room B of the Legislative Council Building**

**Members present** : Hon WONG Sing-chi (Chairman)  
Hon LEE Cheuk-yan  
Hon LEUNG Yiu-chung  
Dr Hon Joseph LEE Kok-long, SBS, 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

**Members absent** : Hon TAM Yiu-chung, GBS, JP  
Dr Hon PAN Pey-chyou  
Hon LEUNG Kwok-hung

**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

Miss Elaine NG Pui-kei  
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

Action

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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), CB(2)186/10-11(01), CB(2)304/10-11(01), CB(2)578/10-11(01) and CB(2)599/10-11(01) to (02)]

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

Action

2. Given that it was unable to identify a suitable date in December 2010 for the proposed visit to Chi Yun School and two private residential care homes for persons with disabilities ("RCHDs"), members agreed that the visit should be conducted in January 2011.

3. Noting that the minimum net floor area per RCHD resident was proposed to be set at 6.5m<sup>2</sup>, members were concerned whether the residents would be provided with adequate space for personal living and nursing care. The Administration advised that the proposed licensing scheme aimed to set out the minimum requirements and standards on the operation of RCHDs. To encourage private RCHDs to upgrade their service standards, a pilot Bought Place Scheme for private RCHDs would be introduced. Participating private RCHDs would need to meet higher staffing and spatial requirements.

Admin

4. The Administration was requested to -

- (a) provide further information on how to ensure that RCHD residents were provided with adequate personal living and nursing care space under the proposed minimum spatial requirement of 6.5 m<sup>2</sup> per resident; and
- (b) consider refining the meaning of net floor area under the 2008 CoP and spelling out clearly that the floor area per resident included personal living and nursing care space of individual residents.

**II. Any other business**

5. Members were reminded that the next meeting would be held on 4 January 2011 at 10:45 am.

6. There being no other business, the meeting ended at 12:45 pm.

**Proceedings of the sixth meeting of the  
Bills Committee on Residential Care Homes (Persons with Disabilities) Bill  
on Friday, 17 December 2010, at 10:45 am  
in Conference Room B of the Legislative Council Building**

Time marker	Speaker(s)	Subject(s)	Action required
<i>Agenda item I – Meeting with the Administration</i>			
000000 - 000510	Chairman	The Chairman's suggestion that the submission from the Hong Kong Private Hostel for Rehabilitation Association [LC Paper No. CB(2)599/10-11(02)] on its response to the Administration's estimated unit operating costs of a private residential care home for persons with disabilities ("RCHD") based on the standards under the revised draft Code of Practice ("2008 CoP") for RCHDs [LC Paper No. CB(2) 304/10-11(01)] would be discussed at a future meeting	
000511 - 000802	Chairman Ms Cyd HO Dr Joseph LEE Mr Alan LEONG	Proposed date of the visit to two private RCHDs and Chi Yun School	
000803 - 001002	Chairman Administration	Continuation of discussion on the comparison of 2002 CoP and 2008 CoP (Annex I to LC Paper No. CB(2)186/10-11(01))  Discussion on the classification of RCHDs according to the age and care needs of children under the 2008 CoP	
001003 - 002213	Administration Ms Cyd HO Chairman Mr CHEUNG Kwok-che	Discussion on the classification of small group homes for persons with disabilities under the 2008 CoP  Ms Cyd HO's concern about the occurrence of sex abuse cases in small group homes if no age limit was imposed on the residents living therein  Mr CHEUNG Kwok-che's concern about the service quality of small group homes	
002214 - 002418	Chairman Administration	Discussion on the provision of barrier-free facilities in RCHDs under the 2008 CoP	
002419 - 002504	Chairman Administration	Discussion on the enhanced requirement on fire service installations in RCHDs under the 2008 CoP	

Time marker	Speaker(s)	Subject(s)	Action required
002505 - 003356	Chairman Administration Mr CHEUNG Kwok-che	<p>Discussion on the difference in spatial requirement for RCHDs in the 2002 CoP and 2008 CoP</p> <p>Mr CHEUNG Kwok-che's concern about the deteriorating living environment in RCHDs as the spatial requirement under the 2008 CoP was lower than that in the non-statutory 2002 CoP</p> <p>The Administration's response that majority of the existing private RCHDs was not able to meet the spatial requirement under the 2002 CoP. Hence, there was no question of deterioration in spatial requirement under the 2008 CoP. The licensing scheme aimed to set out the minimum requirements on the operation of RCHDs and that RCHDs which participated in the pilot Bought Place Scheme ("BPS") for RCHDs would need to meet higher staffing and spatial requirements</p>	
003357 - 004823	Ms Cyd HO Chairman Administration	<p>Ms Cyd HO's concern about the personal living space of residents in RCHDs so as to safeguard their privacy</p> <p>The Administration was requested to provide further information on how to ensure that RCHD residents were provided with adequate personal living space under the proposed minimum floor area of 6.5m<sup>2</sup> per resident</p>	<b>Admin</b>
004824 - 005823	Dr Joseph LEE Chairman Administration	<p>Dr Joseph LEE's concern whether adequate space was provided in RCHDs for nursing care and rest under the proposed minimum floor area of 6.5 m<sup>2</sup> per resident</p> <p>The Administration's advice that the proposed licensing standards set out the minimum requirements for compliance by RCHDs and that RCHDs which participated in the pilot BPS would need to meet higher staffing and spatial requirements</p> <p>The Administration was requested to provide information on how to ensure that adequate living and nursing care space would be provided for RCHD residents under the proposed spatial requirement of 6.5 m<sup>2</sup> per resident</p>	<b>Admin</b>

Time marker	Speaker(s)	Subject(s)	Action required
005824 - 010355	Ms Cyd HO Chairman Administration	<p>Ms Cyd HO's concern whether RCHD residents would be provided with adequate nursing care space if the minimum spatial requirement was set at 6.5m<sup>2</sup> per resident</p> <p>The Administration's elaboration on the different impacts on the operation of private RCHDs if the net floor area per resident was set at 6.5 m<sup>2</sup> and 8m<sup>2</sup></p>	
010356 - 012039	Mr LEUNG Yiu-chung Chairman Administration Ms Cyd HO Dr Joseph LEE	<p>Mr LEUNG Yiu-chung's view that the minimum floor area per resident should be set at "not less than 6.5 m<sup>2</sup>" instead of "6.5 m<sup>2</sup>" to allow room for improvement</p> <p>The Administration's advice that the spatial requirement proposed in the 2008 CoP had already been "not less than 6.5 m<sup>2</sup>". The meaning of net floor area was stipulated in Chapter 7 of the 2008 CoP. In determining the floor area per resident, the area of staff dormitory, open space, podium, garden, flat roof, bay window, staircase, column, staircase hall, lift, lift landing, any space occupied by machinery for any lift, air-conditioning system or similar service provided for the building, and any other area in the home which the Director of Social Welfare considered unsuitable for the purpose of a RCHD would be disregarded</p> <p>The Chairman's view that the Administration should provide incentive to RCHDs to operate in premises with more open space by, say, taking into account a proportion of open space in calculating the floor area for the purpose of spatial requirement</p> <p>Dr Joseph LEE's view that the Administration should consider refining the meaning of floor area as stipulated in the 2008 CoP and spelling out clearly that the floor area included personal living space and nursing care space for RCHD residents</p>	
012040 - 012900	Mr CHEUNG Kwok-che Chairman Administration Ms Cyd HO	Members' concern whether persons with severe disabilities would be deprived of the choice to live in private RCHDs if the spatial requirement under the 2008 CoP was too low for RCHDs to provide adequate nursing care space	

<b>Time marker</b>	<b>Speaker(s)</b>	<b>Subject(s)</b>	<b>Action required</b>
012901 - 013942	Mr LEUNG Yiu-chung Chairman Administration	Mr LEUNG Yiu-chung's proposal of introducing a nursing care subsidy for residents of private RCHDs on Comprehensive Social Security Assistance	
013943 - 014544	Chairman Administration Mr CHEUNG Kwok-che Ms Cyd HO	Discussion on the requirements on healthcare services under the 2008 CoP	
014545 - 014745	Chairman Mr CHEUNG Kwok-che	Date of next meeting	

Council Business Division 2  
Legislative Council Secretariat  
9 February 2011