

立法會
Legislative Council

LC Paper No. CB(2)1048/10-11

(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 seventh meeting
held on Tuesday, 4 January 2011, at 10:45 am
in Conference Room B of the Legislative Council Building**

Members present : Hon WONG Sing-chi (Chairman)
Hon LEE Cheuk-yan
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
Hon LEUNG Kwok-hung

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

Public Officers attending : Item II

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)

Mrs Helen KWOK
Chief Social Work Officer
(Rehabilitation & Medical Social Services) 2

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

I. Confirmation of minutes
[LC Paper No. CB(2)664/10-11]

The minutes of the meeting held on 3 December 2010 were confirmed.

Action

II. 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), CB(2)599/10-11(02) and CB(2)654/10-11(01)]

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

3. The Chairman said that owing to other commitments, Chi Yun School would not be able to receive members from mid to end of January 2011. The Chairman suggested, and members agreed, that the Bills Committee would first visit two private residential care homes for persons with disabilities ("RCHDs") in the afternoon of 17 January 2011.

4. Ms Cyd HO, Dr Joseph LEE and Mr IP Wai-ming said that they would not support the Bill if the minimum staffing requirement set out in the Code of Practice ("CoP") was too low to ensure the service quality of licensed RCHDs. They urged the Administration to review the minimum staffing requirement for RCHDs stipulated in CoP. The Administration advised that it would consider whether there was the need to amend CoP after fully taking into account the deliberations of the Bills Committee.

Admin

5. The Administration was requested to provide information on -

- (a) the minimum staffing requirement for different service sessions by types of RCHDs;
- (b) the staffing requirement of -
 - (i) subvented RCHDs under the Lump Sum Grant Subvention System, whereby the Handbook on Rehabilitation Services could serve as a reference for service operators as notional staff establishment;
 - (ii) subvented RCHDs which commenced service in 2010 under the invitation of quality proposals; and
 - (iii) private RCHDs under the pilot Bought Place Scheme for private RCHDs;

Action

- (c) the inspection mechanism to be put in place to ensure that a RCHD would only admit residents of appropriate level of care.

III. Any other business

6. The Chairman said that the next meeting would be held on 20 January 2011 at 10:45 am.
7. There being no other business, the meeting ended at 12:50 pm.

Council Business Division 2
Legislative Council Secretariat
15 February 2011

**Proceedings of the seventh meeting of the
Bills Committee on Residential Care Homes (Persons with Disabilities) Bill
on Tuesday, 4 January 2011, 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 – Confirmation of minutes</i>			
000000 - 000714	Chairman	Confirmation of minutes of meeting on 3 December 2010 [LC Paper No. CB(2)664/10-11]	
<i>Agenda item II – Meeting with the Administration</i>			
000715 - 000956	Chairman Mr CHEUNG Kwok-che Ms Cyd HO	Date of visit to two private residential care homes for persons with disabilities ("RCHDs")	
000957 - 001424	Chairman Administration	Briefing by the Administration on the comparison of the staffing requirement under the existing non-statutory Code of Practice ("CoP") for RCHDs issued in 2002 ("2002 CoP") and the latest version of the draft revised CoP for RCHDs ("2008 CoP") [LC Paper No. CB(2)186/10-11(01)]	
001425 - 003008	Mr LEE Cheuk-yan Administration Chairman	<p>Concerns raised by Mr LEE Cheuk-yan -</p> <ul style="list-style-type: none"> (a) it was a retrograde step as the staffing requirement set out in the 2008 CoP was lower than the 2002 CoP; (b) adverse impacts of the lower staffing requirements on RCHD staff; (c) instead of lowering the staffing requirement to facilitate the continual operation of private RCHDs after the implementation of the licensing scheme, the Administration should provide assistance to the private RCHD sector to upgrade and enhance the service quality; and (d) whether RCHD staff or staff unions had been consulted on the proposed staffing requirement <p>The Administration's response that the Working Group to review the 2002 CoP had convened meetings and a number of consultation sessions were organised to gauge the views of the rehabilitation sector and stakeholders, including parent groups and operators of private RCHDs and subvented RCHDs. The staffing requirement was set out having balanced the different views of the rehabilitation sector and stakeholders</p>	

Time marker	Speaker(s)	Subject(s)	Action required
003009 - 004442	Ms Cyd HO Administration Chairman	<p>Ms Cyd HO's concern that the provision of nurses and health workers was not required between 6:00pm and 7:00 am under the staffing requirement set out in the 2008 CoP. The arrangement was unacceptable. She could not support the Bill if the licensing requirements were too low for ensuring quality services of private RCHDs</p> <p>The Administration's advice that under the existing arrangement, RCHD residents would seek emergency ambulance service for receiving medical treatment at public hospitals if such needs arose at the night time</p> <p>The Administration's further advice that the Bill aimed at regulating RCHDs through a statutory licensing scheme. As a matter of fact, the majority of existing private RCHDs did not comply with the requirements under the non-statutory 2002 CoP nor those of the 2008 CoP. By meeting the proposed licensing requirements under the 2008 CoP, the private RCHDs would have achieved a material improvement in service standards</p>	
004443 - 010601	Mr CHEUNG Kwok-che Administration Chairman	<p>Mr CHEUNG Kwok-che's view that the service standards set out in the 2008 CoP should be expressed in quantitative term so as to facilitate monitoring</p> <p>The Administration was requested to consider adopting the staffing requirement in the 2002 CoP</p>	Admin
010602 - 012456	Dr Joseph LEE Chairman Administration	<p>Views of Dr Joseph LEE -</p> <p>(a) the specific staffing requirement for the operation of different types of RCHDs under the 2008 CoP was unclear and confused;</p> <p>(b) having regard to the specific care needs of PWDs, the staffing requirement for RCHDs should ensure that round-the-clock nursing care services were provided to the residents living therein; and</p> <p>(c) while the pilot Bought Place Scheme for private RCHDs provided incentive for participating RCHDs to enhance their service quality, it remained the Government's responsibility to ensure the service quality of licensed RCHDs, including the minimum staffing requirement was reasonable to cope with the nursing care needs of the residents</p>	

Time marker	Speaker(s)	Subject(s)	Action required
		<p>The Administration's advice that clear information on the respective staffing requirement for different types of RCHDs, e.g in the form of a table, would be made available for easy reference by service operators and users when the licensing scheme came into operation</p>	
012457 - 013953	<p>Mr LEE Cheuk-yan Chairman Mr CHEUNG Kwok-che Dr Joseph LEE Administration Mr IP Wai-ming</p>	<p>Discussion on the minimum staffing requirement for the operation of different types of RCHDs at different service sessions</p> <p>The Administration was requested to provide information on the minimum staffing requirement under the 2008 CoP in different time periods by types of RCHDs</p>	Admin
013954 - 014515	<p>Mr CHEUNG Kwok-che Chairman Administration</p>	<p>The Administration was requested to provide the staffing requirement of -</p> <ul style="list-style-type: none"> (a) subvented RCHDs under the Lump Sum Grant Subvention System, whereby the Handbook on Rehabilitation Services could serve as a reference for service operators as notional staff establishment; (b) subvented RCHDs which commenced service in 2010 under the invitation of quality proposals; and (c) private RCHDs under the pilot Bought Place Scheme 	Admin
014516 - 015536	<p>Mr IP Wai-ming Chairman Administration</p>	<p>Mr IP Wai-ming's enquiry about the application of the majority rule in the classification of RCHDs</p> <p>Mr IP Wai-ming's view that he could not support the legislative proposal if the licensing standards were too low for quality service of private RCHDs. Mr IP's concern whether the Administration would review the staffing requirement as set out in the 2008 CoP</p> <p>The Administration's advice on the application of the majority rule in the classification of RCHDs for the purpose of the 2008 CoP</p> <p>The Administration was requested to provide information on the inspection mechanism to be put in place to ensure that a RCHD would only admit residents of appropriate level of care</p>	Admin

Time marker	Speaker(s)	Subject(s)	Action required
015537 - 020514	Mr LEUNG Kwok-hung Chairman Administration	Mr LEUNG Kwok-hung's concern about the enforceability of the licensing standards of RCHDs if PWDs required different levels of care were living in the same home. Instead, the Administration should allocate additional resources to reduce the waitlisting situation of subvented RCHDs	
020515 - 020600	Chairman	Date of the next meeting	

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