

立法會
Legislative Council

LC Paper No. CB(2)1223/10-11
(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 eighth meeting
held on Thursday, 20 January 2011, 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 LEUNG Yiu-chung
Hon TAM Yiu-chung, GBS, JP
Dr Hon Joseph LEE Kok-long, SBS, JP
Hon Ronny TONG Ka-wah, SC
Hon Cyd HO Sau-lan
Hon CHEUNG Kwok-che
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung

Members absent : Hon IP Wai-ming, MH
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)

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

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

Action

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

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

2. Members generally expressed concern about the operating difficulties and the financial viability of private residential care homes for persons with disabilities ("RCHDs") after the implementation of the licensing system having regard to the fact that the majority of residents living in private RCHDs were Comprehensive Social Security Assistance ("CSSA") recipients who would not be able to meet the increased home fees as a result of the reduction in the number of RCHD places for meeting

Action

the spatial requirement. While members were supportive of enhancing the service standards of private RCHDs, they considered that it was equally important to safeguard that the well-being of private RCHD residents would not be adversely affected after the implementation of the licensing system. In this connection, the Administration should, in tandem with the Bill, consider increasing the CSSA payment rates for private RCHD recipients prior to the implementation of the statutory licensing system. Deputy Secretary for Labour and Welfare (Welfare)¹ advised that the Administration was fully aware of the concerns raised by members, it had introduced a pilot Bought Place Scheme for private RCHDs to encourage private RCHD operators to upgrade their service standards. He would convey members' views to the Administration for consideration.

Admin

3. The Administration was requested to provide a breakdown of the number of places in each category of RCHDs, namely the high-care-level RCHDs, medium-care-level RCHDs and low-care-level RCHDs, together with the respective number of waitlistees for such places.

II. Any other business

4. Members agreed that the next meeting would be held on 11 February 2011 at 10:45 am.

5. There being no other business, the meeting ended at 12:17 pm.

Council Business Division 2
Legislative Council Secretariat
7 March 2011

**Proceedings of the eighth meeting of the
Bills Committee on Residential Care Homes (Persons with Disabilities) Bill
on Thursday, 20 January 2011, at 10:45 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker(s)	Subject(s)	Action required
<i>Agenda item I – Meeting with the Administration</i>			
000000 - 000728	Chairman	Report on the Bills Committee's visit to two private residential care homes for persons with disabilities ("RCHDs") on 17 January 2011	
000729 - 001747	Chairman Administration	Discussion on the comparison of the unit operating cost of a private RCHD estimated by the Hong Kong Private Hostel for Rehabilitation Association and the Administration [LC Paper Nos. CB(2)304/10-11(01) and CB(2)599/10-11(02)]	
001748 - 002846	Chairman Mr LEUNG Yiu-chung Administration	Discussion on the operating difficulties and the financial viability of private RCHDs after the implementation of the licensing system having regard to the fact that the majority of residents living in private RCHDs were Comprehensive Social Security Assistance ("CSSA") recipients who would not be able to meet the increased home fees as a result of reduction in the number of RCHD places for meeting the spatial requirement. To ensure the service quality of RCHDs, the Administration was requested to consider increasing the CSSA payment rates for RCHD recipients.	
002847 - 003237	Mr LEUNG Kwok-hung Chairman Administration	Views of Mr LEUNG Kwok-hung that he would not support the Bill if the well-being of residents in private RCHDs was adversely affected after the implementation of the licensing scheme. The Administration should make an undertaking and seek additional resources to this effect	
003238 - 004239	Mr LEE Cheuk-yan Chairman Administration	Mr LEE Cheuk-yan's view that setting different staffing requirements for RCHDs according to the levels of care required by their residents was acceptable, and that more living space should be provided to residents who needed high-care-level services. Responding to Mr LEE Cheuk-yan, the Administration advised that a Working Group comprising various stakeholders had been set up to review the existing non-statutory Code of Practice for RCHDs issued in 2002. The Working Group had convened meetings and a number of consultations were organised to gauge the views of the rehabilitation sector and stakeholders, including	

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		<p>frontline RCHD staff. Further views from the staff unions on staffing requirement were welcome</p> <p>Mr LEE Cheuk-yan would consult the staff unions of RCHDs on the proposed staffing requirement under the draft 2008 Code of Practice ("CoP"), and would revert to the Bills Committee for further discussion when necessary</p>	
004240 - 005531	Mr CHEUNG Kwok-che Administration Chairman	Mr CHEUNG Kwok-che pointed out that the discrepancies in the estimation made by the private RCHD operators and the Administration on the operating cost of private RCHDs was largely due to the fallacy in adopting the net floor area concept in calculating the spatial requirement under CoP. As market rental was determined in accordance with gross floor area, this explained the higher rental cost as quoted by the private RCHD sector in its submission. In addition, the Administration had omitted one of the cost components (i.e. depreciation) in projecting the operating cost of private RCHDs	
005532 - 005733	Mr TAM Yiu-chung Chairman	Mr TAM Yiu-chung took the view that in anticipation of rising market rental and the implementation of the statutory minimum wage, the operating cost of private RCHDs would increase and thereby resulting in an increase in home fee which was beyond the affordability of the residents. Given that majority of private RCHD residents were CSSA recipients, it would not be financially viable for private RCHDs to continue operation after the implementation of the licensing system if their revenue was relied on the CSSA payments of the residents. Mr TAM urged the Administration to critically examine the impact of the licensing system on the private RCHD sector and their residents from the policy perspective	
005734 - 010326	Mr LEUNG Yiu-chung Chairman Administration	<p>Mr LEUNG Yiu-chung's view that the staffing requirement under the pilot Bought Place Scheme ("BPS") for private RCHDs and CoP should be worked out based on eight-hour work per shift</p> <p>The Administration's advice that while the price for a BPS place was calculated based on eight-hour work per shift, the employment terms including the working hours was a matter of employer-employee agreement</p>	
010327 - 010431	Chairman	The Chairman's view that members unanimously urged the Administration to provide additional resources by, say, increasing the CSSA payment rates for private RCHD residents to safeguard the well-being of private RCHD residents and ensure	

Time marker	Speaker(s)	Subject(s)	Action required
		the continued operation of private RCHDs after the implementation of the licensing system	
010432 - 011911	Chairman Administration Dr Joseph LEE	Discussion on the classification of RCHDs under the 2008 CoP [LC Paper No. CB(2)654/10-11(01)] The Administration was requested to provide a breakdown of the number of places in each category of RCHDs, namely the high-care-level RCHDs, medium-care-level RCHDs and low-care-level RCHDs, together with the respective number of waitlistees for such places	Admin
011912 - 012935	Chairman Administration Dr Joseph LEE	Discussion on the views collected from the Working Group and during the consultation sessions on the review of the CoP and the Administration's responses [LC Paper No. CB(2)578/10-11(01)] Dr Joseph LEE's reiteration on the need to spell out explicitly in the minimum spatial requirement under CoP that the floor area per resident included personal living and nursing care space of individual RCHD residents	
012936 - 013411	Chairman Administration Mr CHEUNG Kwok-che Mr LEE Cheuk-yan	Date of the next meeting	