

立法會
Legislative Council

LC Paper No. CB(2)2380/10-11
(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 12th meeting
held on Tuesday, 12 April 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
Hon TAM Yiu-chung, GBS, JP
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
Hon Ronny TONG Ka-wah, SC
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)

Ms Maggie LEUNG Yee-lee
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) 4

Miss Maggie CHIU
Legislative Assistant (2) 4

Action

I. Meeting with the Administration

[The Bill, Annex B and C to LC Paper No. CB(2)80/10-11(01), Annex B to LC Paper No. CB(2)186/10-11(01) and LC Paper No. CB(2)1472/10-11(01)]

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

2. The Administration took members through the latest version of the draft revised Code of Practice ("2008 CoP") for residential care homes for persons with disabilities ("RCHDs").

3. The Administration was requested to take into account members' views below in preparing the finalized version of CoP -

Admin

Action

- (a) specifying the optimum room temperature of RCHDs to facilitate RCHD operators to comply with the requirement for providing a comfortable environment to the residents;
- (b) specifying in the CoP that the home managers of RCHDs should possess certification for relevant training on infection control if they would take up the role of an infection control officer; and
- (c) stating explicitly in the CoP that the operator of a RCHD must comply with the statutory requirements under the Minimum Wage Ordinance in arranging the duty shifts and working hours of staff.

The Administration was also requested to consider stating explicitly in the internal guidance note on the approving criteria for Certificate of Exemption application.

II. Any other business

- 4. The Chairman reminded members that the next meeting would be held on 29 April 2011 at 10:45 am.
- 5. There being no other business, the meeting ended at 12:51 pm.

Council Business Division 2
Legislative Council Secretariat
14 July 2011

**Proceedings of the 12th meeting of the
Bills Committee on Residential Care Homes (Persons with Disabilities) Bill
on Tuesday, 12 April 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 – Meeting with the Administration</i>			
000000 - 000621	Chairman Administration	<p>The Administration's advice that in preparing the latest version of the draft revised Code of Practice for residential care homes for persons with disabilities ("RCHDs") ("2008 CoP"), it had not reflected the following developments and the deliberations of the Bills Committee -</p> <ul style="list-style-type: none"> (a) the introduction of the Residential Care Homes (Persons with Disabilities) Bill; (b) the Administration's proposed Committee Stage amendments to the Bill; and (c) the draft Residential Care Homes (Persons with Disabilities) Regulation ("the Regulation") which would be revised having regard to the final version of the Bill. 	
000622 - 004314	Chairman Administration Mr LEUNG Kwok-hung	<p>The Administration took members through the 2008 CoP chapter-by-chapter [Annex B to LC Paper No. CB(2)80/10-11(01)]</p> <p><i>Chapter 3 - Certificate of Exemption ("COE")</i></p> <p>At the Chairman's request, the Administration would consider stating explicitly in the internal guidance note on the approving criteria for COE application.</p> <p><i>Chapter 5 - Building and accommodation</i></p> <p>At the request of the Chairman and Mr LEUNG Kwok-hung, the Administration would consider specifying the optimum room temperature in RCHDs to facilitate the operators to comply with the requirement for providing a comfortable environment for the residents.</p>	<p>Admin</p> <p>Admin</p>
004315 - 004919	Mr LEE Cheuk-yan Administration Chairman Mr CHEUNG Kwok-che	<p><i>Chapter 10 - Staffing</i></p> <p>Mr LEE Cheuk-yan's concern about the impact of the statutory minimum wage on the operation of RCHDs, including the staffing deployment and the calculation of work hours.</p>	

Time marker	Speaker(s)	Subject(s)	Action required
		<p>The Administration's advice -</p> <p>(a) under section 11(2) of the draft Regulation, an operator of a RCHD must employ, in the manner specified in the Schedule to the Regulation, various types of staff in a RCHD; and</p> <p>(b) the minimum staffing requirements for different types of RCHDs were set out in Chapter 10.1 of the 2008 CoP.</p> <p>The Administration agreed to state explicitly in the CoP that the operator of a RCHD must observe the Minimum Wage Ordinance in arranging duty hours of staff.</p>	<p>Admin</p>
005025 - 010430	<p>Administration Chairman Mr CHEUNG Kwok-che</p>	<p><i>Chapter 11 - Health workers</i></p> <p>The Chairman's concern about the need for registered health workers to attend continuing training courses.</p> <p>Mr CHEUNG Kwok-che's suggestion that health workers should attend refresher courses if they had not performed the duties of a health worker for a specified period of time.</p>	<p>Admin</p>
010431 - 011136	<p>Administration Chairman Mr CHEUNG Kwok-che</p>	<p><i>Chapter 13 - Infection control</i></p> <p>Concerns were raised by the Chairman and Mr CHEUNG Kwok-che as to whether infection control officers were required to attend relevant training courses and acquire relevant qualifications.</p> <p>The Administration would consider specifying in the CoP that the home managers of RCHDs should possess certification for relevant training on infection control if they would take up the role of an infection control officer.</p>	<p>Admin</p>
011137 - 012457	<p>Administration Chairman Mr CHEUNG Kwok-che</p>	<p><i>Chapter 14 - Nutrition and diet</i></p> <p>Responding to Mr CHEUNG Kwok-che's enquiry, the Administration elaborated on the enforcement actions against non-compliance with the requirements set out in Chapter 14 of the 2008 CoP.</p> <p>Members raised no questions on Annexes 1 to 10 of the 2008 CoP.</p>	
012458 - 012910	<p>Mr CHEUNG Kwok-che Chairman</p>	<p><i>Chapter 5 - Building and accommodation</i></p>	

Time marker	Speaker(s)	Subject(s)	Action required
	Administration	Views of Mr CHEUNG Kwok-che's that the Administration should explain to RCHD operators their responsibility in ensuring the safety of the residents and allowing barrier-free access of the residents.	
012911 - 013708	Chairman Administration	<p>The Administration's response to the following issues raised at the meetings of the Bills Committee held on 4 and 20 January 2011 [LC Paper No. CB(2)1472/10-11(01)] -</p> <p>(a) the minimum staffing requirement for different sessions by types of RCHDs under the 2008 CoP; and</p> <p>(b) a breakdown of the number of places in each type of RCHDs together with the respective number of waitlistees for such places.</p>	
013709 - 015520	Mr LEE Cheuk-yan Administration Chairman	<p>Concerns raised by Mr LEE Cheuk-yan -</p> <p>(a) whether the minimum staffing requirement for the high-care-level RCHDs should be enhanced; and</p> <p>(b) whether the performance of on-call and stand-by duties was within the meaning of work hours for the purpose of the Minimum Wage Ordinance.</p> <p>The Administration agreed to state explicitly in the CoP that the operator of a RCHD must observe the Minimum Wage Ordinance in arranging the duty hours of staff.</p> <p>The Administration's advice that the licensing scheme aimed to set out the minimum staffing requirement on the operation of RCHDs. The pilot Bought Place Scheme for private RCHDs was introduced prior to the implementation of the statutory licensing system to encourage private RCHDs to upgrade their service standards.</p>	Admin
015521 - 020402	Mr CHEUNG Kwok-che Chairman Administration Mr LEE Cheuk-yan	Mr CHEUNG Kwok-che's proposal for enhancing the minimum staffing requirement for high-care-level RCHDs.	
<i>Agenda item II – Any other business</i>			
020403 - 020531	Chairman Administration Ms Cyd HO	Date and discussion items of next meeting	

020532 - 020606	Chairman Ms Cyd HO	Rescheduling of the visit to Chi Yun School	
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