

# 立法會 *Legislative Council*

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## **Panel on Welfare Services**

**Updated background brief prepared by the Legislative Council Secretariat  
for the meeting on 13 March 2010**

### **Provision of residential places for persons with disabilities**

#### **Purpose**

This paper gives a brief account of past discussions of the Panel on Welfare Services (the Panel) on the provision of residential places for persons with disabilities (PWDs) and the proposal of introducing a statutory licensing scheme for residential care homes for persons with disabilities (RCHDs).

#### **Background**

2. RCHDs in Hong Kong are run by both the private sector and non-governmental organisations (NGOs). There are three types of RCHDs, namely subvented RCHDs, self-financed RCHDs operated by NGOs and private homes.

3. According to the Administration, various kinds of subsidised residential care services are provided to those who cannot live independently or cannot be adequately cared for by their families. These services include –

- (a) Hostel for Severely Mentally Handicapped Persons;
- (b) Hostel for Moderately Mentally Handicapped Persons;
- (c) Supported Hostel;
- (d) Care and Attention Homes for Severely Disabled Persons;
- (e) Hostel for Severely Physically Handicapped Persons;
- (f) Long Stay Care Home;

- (g) Halfway House;
- (h) Care and Attention Home for the Aged Blind;
- (i) Small Group Home for Mildly Mentally Handicapped Children/Integrated Small Group Home;
- (j) Residential Special Child Care Centre; and
- (k) Integrated Vocational Training Centre (Residential Service).

4. In accordance with the 2007 Rehabilitation Programme Plan (RPP), the Government has adopted a three-pronged approach to encourage participation from different sectors in providing diversified residential care services for PWDs, viz –

- (a) regulating RCHDs through a statutory licensing scheme, so as to ensure their service quality on one hand and help the market develop residential care homes of different types and operational modes on the other;
- (b) supporting NGOs to develop self-financing homes; and
- (c) continuing to steadily increase the number of subsidised residential care home places.

### **Deliberations by members**

#### Standardised Assessment Mechanism for Residential Services for PWDs

5. The Administration informed the Panel at the meeting on 5 January 2004 of the development of a standardised assessment tool by the Social Welfare Department (SWD) for admission to RCHDs, as subsidised places were non-means-tested. With effect from 1 January 2005, all applicants for subvented residential services for PWDs must be assessed by the Standardised Assessment Mechanism for Residential Services for PWDs to ascertain their residential service needs before they were put on the central waiting list or admitted to their required service units. The Panel further discussed the implementation progress of the Mechanism on 14 June 2004 and 21 March 2006.

6. Members generally welcomed the idea of a standardised assessment tool to identify the needs of PWDs for residential service with a view to matching their needs with the appropriate levels and categories of service. Some members also considered that the assessment tool would not help in addressing the shortage of residential places. Responding to the concerns about the introduction of the assessment tool might turn PWDs away from residential services, the Administration stressed that the assessment tool was intended for streaming purpose and was not meant to replace the in-depth

assessments conducted by professionals for the training and care of PWDs. Appropriate day training and community support services would be arranged if the PWDs concerned did not require residential services or if residential placement was not immediately available.

#### Waitlisting situation of subsidised residential places for PWDs

7. The inadequacy of subsidised RCHD places to meet the needs of PWDs had been high on the Panel's agenda. Members took the view that the Administration should set out the pledge of providing subsidised residential places to eligible PWDs so as to shorten the waiting time.

8. At the Panel meeting on 9 July 2007 when members discussed RPP which set out the strategic directions and key suggestions in each programme area of rehabilitation services, members generally expressed disappointment at the absence of concrete implementation details about the RPP recommendations. They requested the Administration to map out concrete measures to enhance the rehabilitation services for PWDs, including residential care services. The Administration advised that it would continue its efforts to bid for more resources to increase the supply of subvented residential places for PWDs. However, the provision of additional RCHDs would depend on the availability of suitable sites/premises.

9. Members generally considered that notwithstanding the difficulty of identifying suitable sites for new RCHDs, the Administration should come up with a plan on the target number of additional residential places for PWDs to be provided each year. To address the shortage of suitable premises, the Administration should include the provision of residential services for PWDs in its town planning.

10. The Administration explained that attempts had been made by SWD to turn vacant premises in public housing estates into residential homes for PWDs, but such proposals were often met with local opposition. As such, SWD had to look for idle properties, such as unused schools and staff quarters, located in the remote areas for constructing homes for PWDs.

11. According to the supplementary information on the 2007 RPP provided by the Administration after the meeting, an additional funding of \$3.3 million would be made available in 2007-2008 for providing 490 additional residential places. In parallel, the Administration would bid for more resources and identifying suitable venues for additional residential places for 2008-2009, and had liaised with the relevant authorities in town planning and housing to strive for suitable medium-term and long-term venues for hostels and rehabilitation facilities for PWDs. The Administration would also continue to support the development of self-financing RCHDs operated by NGOs, including assisting NGOs to identify suitable sites/premises and apply for funding for alteration and renovation.

12. At its meeting on 12 November 2007, when the Panel was consulted on the proposals of setting up two new Integrated Rehabilitation Services Centres (IRSCs)

for PWDs, members noted that the average waiting time for Hostel for Severely Mentally Handicapped Persons in 2006-2007 was as long as 83 months. The Panel held a strong view that the waiting time for RCHD places was unacceptable. In the absence of a regulatory framework, the quality of the private RCHDs varied greatly, and therefore PWDs preferred to wait for subsidised residential care places. Members urged the Administration to provide more subvented residential care services for PWDs, set specific targets to shorten the waiting time for such services and expedite the introduction of a licensing scheme for RCHDs. Some members suggested that consideration should be given to converting vacant Government premises and schools into subvented RCHDs and buying places from private RCHDs.

13. The Administration advised that it was aware of the problem and had accorded priority to the provision of new subvented residential care places for PWDs. However, the provision of additional RCHDs would also depend on the availability of suitable premises. On some occasions, the proposed projects could not be proceeded with right away on account of objection by the local communities. The Administration further advised that it would consider buying places from private RCHDs after the introduction of the licensing scheme.

14. In the light of members' grave concern about the long waiting time for subvented RCHD places, the Panel decided to write to the Chief Secretary for Administration (CS) and the Financial Secretary requesting the Administration to formulate a long-term plan and set specific targets for the provision of residential care services for PWDs, and to allocate additional resources for the purpose. In his reply, CS advised that the Administration adopted a three-pronged approach, as set out in the 2007 RPP, to expedite the waiting time for residential services and day services for PWDs. An additional \$33 million had been allocated for providing 490 additional residential places in 2007-2008 and SWD was actively identifying suitable premises for such places, including vacant schools.

15. When the Panel was consulted on 11 May 2009 on the proposals of setting up another two new IRSCs, members noted that the average waiting time for Hostel for Severely Physically Handicapped Persons in 2008 was as long as 106.8 months. Given that only 490 subvented residential care places would be provided in 2010 through the two new IRSCs and 181 residential care places would be provided through other projects in the coming two years, the Panel held a strong view that the provision of subvented residential care services for PWDs should be expedited to shorten the average waiting time to a reasonable time frame.

16. The Administration assured members that it had endeavoured to increase the number of and shorten the waiting time for residential care places for PWDs. Notably, it would continue to liaise with other authorities in town planning to strive for suitable long-term venues for RCHDs as well as study the viability of turning vacant premises into RCHDs. The Panel decided to write to the Secretary for Education (SED) and the Government Property Administrator to enlist their support in identifying suitable vacant premises for conversion into RCHDs. In his reply, SED advised that the Education Bureau had started since 2007 to share with other bureaux

and departments the list of vacant school premises not suitable for school or other educational uses.

#### Initiatives under the 2009-2010 Policy Address

17. At its meetings on 22 October and 14 December 2009 when members were briefed on the policy initiatives announced in the Chief Executive's Policy Address 2009-2010 in respect of the provision of additional subsidised residential care places for PWDs, members noted that the Administration had over the past three years provided 517 additional subsidised places in RCHDs. It expected to provide 671 additional places in the coming two years, including the setting up of two IRSCs in Kwai Chung and Ho Man Tin, providing a total of 490 residential care places. In addition, it had earmarked sites for the construction of new RCHDs in another six development projects in the longer run.

18. Members were also advised that the majority of PWDs on the waiting list for subsidised residential care places were receiving various day training, vocational rehabilitation and community support services provided by NGOs under SWD's subvention. Through the provision of rehabilitation services in accordance with individual needs, PWDs were given the necessary support and assistance which enabled them to continue to live in the community while relieving the burden on and the stress of their families or carers.

#### Introduction of a statutory licensing system for RCHDs

19. The Panel has been following up closely on the quality of services in private RCHDs, in particular the maltreatment of residents by unqualified staff in private homes. Members took the view that the poor quality of some private RCHDs had led to the waitlisting situation of subsidised RCHD places. To enhance the service quality, members strongly urged the Administration to consider introducing legislation and setting up a licensing system to regulate the operation of private homes.

20. As the licensing scheme would apply to all subvented homes, self-financing homes operated by NGOs as well as private homes, the Administration advised that it would need to consider the appropriate licensing requirements, taking into account the special circumstances of these homes. Given that it took time to prepare for the licensing legislation, the Administration would introduce a Voluntary Registration Scheme as an interim measure to enhance their service quality.

21. The Panel was updated on the progress of introduction of the licensing scheme on 11 June 2007, 8 May 2008, and 12 January and 25 February 2009. Members were advised that to speed up the process of legislative work, the Administration was taking parallel action to examine the legal and related issues pertaining to the licensing regime. The Administration stressed that it aimed to introduce a Residential Care Homes (Persons with Disabilities) Bill to the Legislative Council (LegCo) in the 2008-2009 session. The Panel was subsequently advised that the Administration would postpone the introduction of the Bill to LegCo to the 2009-2010 session given

that the Bill would comprise a large number of provisions and entail consequential amendments to other ordinances, thereby necessitating the deliberation of related policy issues.

### Pilot Bought Place Scheme (BPS)

22. To help the market develop more service options and increase the overall supply of subsidised residential places for PWDs, the Administration planned to introduce a pilot BPS as a complementary measure prior to the implementation of a statutory licensing system. This served to encourage operators to upgrade the service standard of these homes through enhanced requirements in staffing and space standard, help the market develop more service options for PWDs, and increase the supply of subsidised residential care places.

23. At its meeting on 8 February 2010, the Panel was consulted on the framework on the pilot Bought Place Scheme. Members were advised that SWD would adopt a two-phase approach in purchasing BPS places over the four-year pilot period, with an initial purchase of around 100 places in the first year, building up to a total of 250 or 300 from the second year onwards. BPS placement would be offered to those being waitlisted for Long Stay Care Home or Hostel for Moderately Mentally Handicapped Persons.

24. Members were also advised that SWD would further consult the private RCHD sector and relevant stakeholders on the operational details of the pilot BPS, with a view to seeking funding allocation from the Lotteries Fund in May 2010 for implementing the Scheme in 2010-2011. Mid-term reviews would be conducted to keep track of progress and refine the operational details as appropriate.

25. Given that the entire home was required to comply with the upgraded standards under the pilot BPS irrespective of the number of places to be bought, members generally considered that it would be financially viable for private RCHD operators to join the Scheme only if a reasonable percentage of the recognised capacity was to be bought. The Administration advised that having regard to the response of service users, the number of new homes coming on stream, the quality of places to be provided by and the response of private RCHDs, SWD would consider suitable adjustment to the number of places to be purchased. SWD would further consult the private RCHDs on their operating costs in determining the appropriate level of the contract price.

26. While welcoming the introduction of the pilot BPS, members stressed that the Government should devise a long-term plan to shorten the waitlisting situation for subsidised RCHD places. To alleviate the problem, members took the view that the Administration should actively consider the provision of an allowance for home carers of PWDs to provide an additional option for PWDs to be taken care of at home and to relieve the stress and financial burden of family carers of PWDs. A motion urging the Administration to launch immediately a scheme for payment of an allowance for home carers of PWDs was passed at the Panel meeting on 8 February 2010.

27. The Panel will hold a special meeting on 13 March 2010 to receive views from deputations on the pilot BPS for private RCHDs.

**Relevant papers**

28. A list of relevant papers is at the **Appendix**. Members are invited to access the Legislative Council website at <http://www.legco.gov.hk/> for details.

Council Business Division 2  
Legislative Council Secretariat  
5 March 2010

**Appendix**

**Relevant Papers/Documents**

<u>Meeting</u>	<u>Meeting Date</u>	<u>Papers</u>
Panel on Welfare Services	5 January 2004	Administration's Paper LC Paper No. CB(2)847/03-04(03)  Minutes of meeting LC Paper No. CB(2)2261/03-04
	14 June 2004	Administration's Paper LC Paper No. CB(2)2695/03-04(03)  Minutes of meeting LC Paper No. CB(2)3160/03-04
	21 March 2006	Administration's Paper LC Paper No. CB(2)1389/05-06(04)  Minutes of meeting LC Paper No. CB(2)1873/05-06
	11 June 2007	Administration's Paper LC Paper No. CB(2)2046/06-07(03)  Minutes of meeting LC Paper No. CB(2)2600/06-07
	9 July 2007	Administration's Papers LC Paper Nos. CB(2)2348/06-07 (01) and CB(2)2768/06-07(01)  Minutes of meeting LC Paper No. CB(2)131/07-08
	12 November 2007	Administration's Papers LC Paper Nos. CB(2)254/07-08(04) and CB(2)1003/07-08(01)  Minutes of meeting LC Paper No. CB(2)521/07-08  Letter of the Panel Chairman dated 16 November 2007 and the reply from the Chief Secretary for the Administration dated 11 January 2008 LC Paper No. CB(2)863/07-08(01)



<b><u>Meeting</u></b>	<b><u>Meeting Date</u></b>	<b><u>Papers</u></b>
	8 May 2008	Administration's Paper LC Paper No. CB(2)1798/07-08(01)  Minutes of meeting LC Paper No. CB(2)2812/07-08  Reply from the Chief Secretary for Administration to the Panel Chairman dated 27 June 2008 LC Paper No. CB(2)2490/07-08(01)
	12 January 2009	Administration's Paper LC Paper No. CB(2)560/08-09(04)  Minutes of meeting LC Paper No. CB(2)764/08-09
	25 February 2009	Minutes of meeting LC Paper No. CB(2)2359/08-09
	11 May 2009	Administration's Paper LC Paper No. CB(2)1451/08-09(03)  Minutes of meeting LC Paper No. CB(2)1710/08-09  Reply from the Secretary for Education to the Panel Chairman dated 5 June 2009 LC Paper No. CB(2)1862/08-09(03)
	22 October 2009	Administration's Paper LC Paper No. CB(2)6/09-10(01)  Minutes of meeting LC Paper No. CB(2)379/09-10
	14 December 2009	Administration's Paper LC Paper No. CB(2)450/09-10(03)  Minutes of meeting LC Paper No. CB(2)598/09-10

<b><u>Meeting</u></b>	<b><u>Meeting Date</u></b>	<b><u>Papers</u></b>
	8 February 2010	Administration's Paper LC Paper No. CB(2)845/09-10(03)

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