

立法會
Legislative Council

LC Paper No. CB(2)2585/10-11
(These minutes have been
seen by the Administration)

Ref : CB2/SS/10/10

Subcommittee on Residential Care Homes (Persons with Disabilities)
Regulation and Residential Care Homes (Persons with Disabilities)
Ordinance (Commencement) Notice 2011

Minutes of the first meeting
held on Friday, 22 July 2011, at 4:30 pm
in Conference Room B of the Legislative Council Building

Members present : Hon WONG Sing-chi (Chairman)
Hon LEUNG Yiu-chung
Hon LI Fung-ying, SBS, JP
Hon Cyd HO Sau-lan
Hon CHEUNG Kwok-che
Dr Hon PAN Pey-chyou

Members absent : Hon LEE Cheuk-yan
Hon Ronny TONG Ka-wah, SC
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon Alan LEONG Kah-kit, SC

Public Officers attending : Item II

Mr Roy TANG Yun-kwong, JP
Deputy Secretary for Labour and Welfare (Welfare) 1

Miss Neve LEUNG Man-shan
Acting Commissioner for Rehabilitation
Labour and Welfare Bureau

Mrs Cecilia YUEN
Assistant Director of Social Welfare (Rehabilitation
and Medical Social Services)

Ms Maggie LEUNG Yee-lee
Senior Social Work Officer (Rehabilitation and
Medical Social Services) 6
Social Welfare Department

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. Election of Chairman

Mr WONG Sing-chi was elected Chairman of the Subcommittee. Members agreed that election of a deputy chairman of the Subcommittee was not necessary.

2. Members accepted the application for late membership made by Mr LEE Cheuk-yan.

II. Meeting with the Administration

[Legislative Council Brief, L.N. 111 of 2011, L.N. 112 of 2011, LC Paper Nos. LS86/10-11, CB(2)2329/10-11 and CB(2)2374/10-11(02) to (03)]

3. The Subcommittee deliberated (index of proceedings attached at

Action

Annex).

4. Members agreed to invite public views on the Residential Care Homes (Persons with Disabilities) Regulation and Residential Care Homes (Persons with Disabilities) Ordinance (Commencement) Notice 2011 at the next meeting.

Admin

5. The Subcommittee requested the Administration to -

- (a) provide supplementary information on the paper to the Panel on Welfare Services on the implementation of the Financial Assistance Scheme for private residential care homes for persons with disabilities ("RCHDs");
- (b) provide information on decanting arrangements concerning private RCHDs and their residents;
- (c) advise on the criteria for determining the area in a RCHD for the purpose of spatial requirement, and in particular whether outdoor space would be within the meaning of "net floor area for the exclusive use of the home"; and
- (d) provide information on the location and number of those private RCHDs which had closed down or joined the market after the Administration had introduced the legislative proposal on the proposed licensing scheme for RCHDs.

III. Any other business

6. Members agreed that the next meeting would be held on 15 August 2011 at 2:30 pm.

7. There being no other business, the meeting ended at 5:19 pm.

**Proceedings of the first meeting of the
Subcommittee on Residential Care Homes (Persons with Disabilities) Regulation
and Residential Care Homes (Persons with Disabilities) Ordinance
(Commencement) Notice 2011
on Friday, 22 July 2011, at 4:30 pm
in Conference Room B of the Legislative Council Building**

Time marker	Speaker(s)	Subject(s)	Action required
<i>Agenda item I – Election of Chairman</i>			
000000 - 000242	Ms LI Fung-ying Mr CHEUNG Kwok-che Ms Cyd HO Mr Wong Sing-chi	Election of Chairman	
000243 - 000259	Chairman	Application of late membership made by Mr LEE Cheuk-yan	
<i>Agenda item II – Meeting with the Administration</i>			
000300 - 001154	Chairman Administration	<p>Briefing by the Administration on the Residential Care Homes (Persons with Disabilities) Regulation ("the Regulation") and Residential Care Homes (Persons with Disabilities) Ordinance (Commencement) Notice 2011 ("Commencement Notice")</p> <p>The Administration's elaboration on the latest position of the operation of residential care homes for persons with disabilities ("RCHDs")</p> <p>(a) of all RCHDs in Hong Kong, 75% were subvented homes, 5% were self-financing homes and the remaining some 20% were private homes;</p> <p>(b) as at 31 May 2011, there were 71 private RCHDs known to the Social Welfare Department ("SWD"), providing about 3 700 places, with an average enrolment rate of 65%. By comparing the figures of the same period in 2009 and 2011, it was noted that there was a trend of steady increase both in the number and capacity of private RCHDs (i.e. increased by 24 RCHDs and 1 250 places);</p> <p>(c) to date, no single private RCHD could meet the minimum staffing and spatial requirements (i.e. 8m²) of the non-statutory Code of Practice ("CoP") issued by SWD in 2002, of which 24 private RCHDs in urban areas might find it financially not viable if</p>	

Time marker	Speaker(s)	Subject(s)	Action required
		<p>the staffing and spatial standards under the 2002 CoP were adopted (affecting about 670 residents); and</p> <p>(d) the minimum staffing and spatial standards proposed in the CoP to be issued in tandem with the Regulation had been prepared after balancing the different views of the rehabilitation sector and the stakeholders, having regard to the practical situation of RCHDs and the needs of persons with disabilities.</p>	
001155 - 001439	Mr CHEUNG Kwok-che Administration Chairman	Invitation of public views on the Regulation and the Commencement Notice	
001440 - 001818	Ms Cyd HO Chairman ALA8 Administration	<p>Ms Cyd HO's concern about the consultation with the RCHD sector on their readiness to comply with the licensing requirements stipulated in the Regulation and the CoP.</p> <p>The Chairman's elaboration on the legislative timetable for the Regulation and the Commencement Notice.</p> <p>The Administration's advice that to allow time for individual RCHDs to put in place suitable arrangements for application for a new licence/certificate of exemption ("CoE") and for SWD to process all applications, there would be a grace period of 18 months starting from the commencement of the Residential Care Homes (Persons with Disabilities) Ordinance ("the Ordinance"). During the grace period, no sanction would be imposed on the operation of RCHD without a licence/CoE. The Secretary for Labour and Welfare would publish another notice to the effect that Part 2 of the Ordinance which created an offence for the operation without a licence/CoE would come into operation upon the expiry of the 18-month grace period.</p>	
001819 - 002543	Mr LEUNG Yiu-chung Chairman Dr PAN Pey-chyou Mr CHEUNG Kwok-che Administration	List of deputations to be invited to give views on the Regulation and the Commencement Notice.	
002544 - 002726	Chairman Administration	The Chairman's concern about the implementation of the Financial Assistance Scheme ("FAS") for private RCHDs to provide subsidies for private RCHD operators to carry out improvement works in compliance with the licensing requirements on building and fire safety.	

Time marker	Speaker(s)	Subject(s)	Action required
		<p>The Administration's advice that the Panel on Welfare Services had been briefed on the proposed framework of FAS for private RCHDs at its regular meeting on 13 June 2011. The estimated total expenditure of the proposed FAS would be around \$29 million, subject to adjustment nearer the time of implementation. SWD planned to seek funding approval from the Lotteries Fund Advisory Committee and introduced the FAS upon commencement of the Ordinance.</p> <p>At the Chairman's request, the Administration would re-circulate the Panel paper on the implementation of FAS for private RCHDs for members' reference and provide supplementary information on application criteria and monitoring mechanism .</p>	Admin
002727 - 003522	Ms LI Fung-ying Chairman Administration	<p>Ms LI Fung-ying's concern whether the grant under FAS was adequate for each private RCHD to carry out improvement works for compliance with the licensing requirements in building and fire safety. She also expressed concern about the decanting arrangements if some private RCHDs had to close down after the implementation of the licensing scheme.</p> <p>The Administration's response that SWD had maintained close contact with RCHD operators on the operation of RCHDs. Under the established mechanism as stipulated in the CoP, RCHD operators were required to inform SWD of its plan to discontinue operation as early as practicable, together with the proposed arrangements for existing residents. The Administration would provide assistance to the affected residents if necessary. At the request of the Chairman, the Administration would provide further information on decanting arrangements concerning private RCHDs and their residents.</p>	Admin
003523 - 004010	Mr LEUNG Yiu-chung Chairman Administration	<p>Concerns raised by Mr LEUNG Yiu-chung -</p> <p>(a) the impact of statutory minimum wage, rising rentals and inflation on the operation of private RCHDs; and</p> <p>(b) the impact of the licensing scheme on home fees of private RCHDs and the affordability of RCHD residents to meet the increased home fees as most of them were relied on the Comprehensive Social Security Assistance payments to meet the home fees.</p>	

Time marker	Speaker(s)	Subject(s)	Action required
		<p>The Administration's advice that at the request of members of the Bills Committee formed to study the Ordinance, the details of the assessment results of the likely impact of the Bill on the continued operation of each of the 64 private RCHDs had been provided to the Bills Committee vide LC Paper No CB(2)186/10-11(01). The Administration's further advice that notwithstanding the imminent introduction of a licensing scheme for RCHDs, there was a trend of steady increase both in the number and capacity of private RCHDs. It anticipated that the private market remained active and had the capacity to absorb decanted residents, if any, resulting from closure of private RCHDs owing to different reasons.</p>	
004011 - 004521	Mr CHEUNG Kwok-che Chairman Administration	<p>Mr CHEUNG's Kwok-che's concern about the impact of statutory minimum wage, soaring rentals and inflation on the operating cost of private RCHDs.</p> <p>The Chairman's concern about the criteria for determining the area in a RCHD for the purpose of the spatial requirement, and in particular whether outdoor space would be within the meaning of "net floor area for the exclusive use of the home".</p>	Admin
004522 - 004838	Ms LI Fung-ying Chairman Administration	<p>Ms LI Fung-ying's concern about the operating difficulties and financial viability of private RCHDs after the implementation of the licensing scheme having regard to the impact of statutory minimum wage and soaring rentals and inflation on the operating cost of private RCHDs.</p> <p>The Administration was requested to provide information on the location and the number of those private RCHDs which had closed down or joined the market after the Administration had introduced the legislative proposal on the proposed licensing scheme for RCHDs.</p>	Admin
<i>Agenda item III – Any other business</i>			
004839 - 004930	Chairman	Date of next meeting	