

立法會
Legislative Council

LC Paper No. CB(2)326/11-12
(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 fifth meeting
held on Tuesday, 18 October 2011, at 10:45 am
in Conference Room 3 of the Legislative Council Complex

Members present : Hon WONG Sing-chi (Chairman)
Hon LI Fung-ying, SBS, JP
Hon Ronny TONG Ka-wah, SC
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon Cyd HO Sau-lan
Hon CHEUNG Kwok-che

Members absent : Hon LEE Cheuk-yan
Hon LEUNG Yiu-chung
Dr Hon PAN Pey-chyou
Hon Alan LEONG Kah-kit, SC

Public Officers attending : Item I

Mr Stephen SUI Wai-keung
Commissioner for Rehabilitation
Labour and Welfare Bureau

Miss Neve LEUNG Man-shan
Assistant Secretary for Labour and Welfare Bureau
(Rehabilitation)

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

Ms Lonnie NG Wah-chi
Senior Government Counsel
Department of Justice

Miss Elaine NG Pui-kei
Acting 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 Candice LAM
Senior Council Secretary (2) 4

Miss Maggie CHIU
Legislative Assistant (2) 4

Action

I. 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)2374/10-11(02), CB(2)2500/10-11(01) and CB(2)83/11-12(01) to (02)]

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

2. The Chairman drew members' attention to the Administration's paper on the Small and Medium Enterprises Loan Guarantee Scheme ("SGS").

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The Administration affirmed that eligible operators of residential care homes for persons with disabilities ("RCHDs") could apply for SGS. Members called on the Social Welfare Department ("SWD") to invite representatives of the Trade and Industry Department to join the briefing sessions for the private RCHD operators on the licensing scheme and explain to the RCHD sector the eligibility criteria for SGS such that the operators might consider applying for the loan to meet the compliance costs.

Continuation of the scrutiny of the Residential Care Homes (Persons with Disabilities) Regulation ("the Regulation")

Section 24 - Accessibility

3. Responding to the legal adviser to the Subcommittee's enquiry, the Administration advised that accessibility under section 24 refers to the accessibility by emergency services. The provision of accessible lifts was not a mandatory requirement for the purpose thereof.

Section 25 - Heating, lighting and ventilation

4. In response to the Chairman, the Administration explained that there was no specific requirement of a fixed room temperature so as to allow flexibility in operation.

Section 36 – Discharge of residents by operators

5. Ms LI Fung-ying was concerned that the requirement of operators to serve written notice 30 days prior to discharging residents was inadequate for the affected residents to find an alternative RCHD place. The Administration assured members that SWD would continue to provide appropriate assistance for individual affected residents to ensure the well-being of the residents. The 30-day notice requirement was considered appropriate.

Review of the implementation of the licensing scheme

6. Ms Cyd HO was concerned about the possible impact of the licensing scheme on the private RCHD sector and residents. She urged the Administration to closely monitor the implementation of the licensing scheme and report the progress on the implementation of the scheme and related complementary measures in about six months after the

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Admin

commencement of the licensing scheme. The Administration agreed. The Chairman added that the Administration had previously agreed to report to the Panel on Welfare Services on the implementation progress.

The Administration's proposed amendment

7. Members agreed to the Administration's proposed amendment to section 5(4)(d) of the Regulation to allow a person who initiated a cancellation of registration under the Residential Care Homes (Elderly Persons) Regulation (Cap.459 sub. leg. A) to have a choice to retain his or her registration under the Regulation as a RCHD health worker.

Residential Care Homes (Persons with Disabilities) Ordinance (Commencement) Notice 2011 ("the Commencement Notice")

8. Members noted that the Commencement Notice appointed 18 November 2011 as the date on which the Residential Care Homes (Persons with Disabilities) Ordinance ("the Ordinance") (except Part 2) would come into operation. The Administration stressed that there would be a grace period of 18 months starting from the commencement of the Ordinance. During the grace period, no sanction would be imposed on the operation of RCHD without a licence or certificate of exemption ("COE"). The Secretary for Labour and Welfare would issue another commencement notice to the effect that Part 2 of the Ordinance which would create an offence for the operation without a licence/COE would come into operation upon the expiry of the 18-month grace period.

9. The Chairman asked about the processing time for a RCHD licence application. The Administration advised that the processing time for a RCHD licence application would take eight weeks upon receipt of all valid documents, with reference to the current practice of the Licensing Office of Residential Care Homes for the Elderly.

Legislative timetable

10. The Chairman said that the Subcommittee had completed the scrutiny of the Regulation and the Commencement Notice. He would make a verbal report on the deliberations of the Subcommittee to the House Committee on 21 October 2011. The Chairman further said that he had given notice to move a motion at the Council meeting of 19 October 2011 to extend the scrutiny period of these two items of subsidiary legislation to 9 November

Action

2011. Should individual members wish to propose amendments to the Regulation and the Commencement Notice, the deadline for giving notice of amendments would be 2 November 2011.

II. Any other business

11. There being no other business, the meeting ended at 11:20 am.

Council Business Division 2
Legislative Council Secretariat
16 November 2011

**Proceedings of the fifth meeting of the
Subcommittee on Residential Care Homes (Persons with Disabilities) Regulation
and Residential Care Homes (Persons with Disabilities) Ordinance
(Commencement) Notice 2011
on Tuesday, 18 October 2011, at 10:45 am
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker(s)	Subject(s)	Action required
<i>Agenda item I – Meeting with the Administration</i>			
000317 - 000358	Chairman	Opening remarks.	
000359 - 000616	Administration Chairman	The Administration's paper on the application for the Small and Medium Enterprises Loan Guarantee Scheme ("SGS") (LC Paper No. CB(2)83/11-12(02)).	
000617 - 000904	Administration Chairman CHEUNG Kwok-che	Promotion of SGS to operators of private residential care homes for persons with disabilities ("RCHDs").	
000905 - 001051	Administration Chairman ALA8	Section 24 - Accessibility Enquiries about whether RCHDs should be accessible by lifts.	
001052 - 001148	Administration Chairman	Section 25 - Heating, lighting and ventilation	
001149 - 001327	Administration Chairman	Section 26 - Toilet facilities	
001328 - 001354	Administration Chairman	Section 27 - Water supply and ablutions Section 28 - Repair	
001355 - 001439	Chairman Administration	Section 29 - Precautions for health and safety	
001440 - 001502	Chairman Administration	Section 30 - Fire prevention equipment	
001503 - 001522	Chairman Administration	Section 31 - Fire exits	
001523 - 001558	Chairman Administration	Section 32 - Inspection of premises by members of Fire Services Department	
001559 - 001819	Chairman Administration ALA8	Section 33 - Report from Fire Services Department	

Time marker	Speaker(s)	Subject(s)	Action required
001820 - 001827	Chairman Administration	Section 34 - Storage of medicine	
001828 - 001853	Chairman Administration	Section 35 - Examination of residents	
001854 - 002428	Chairman Administration Ms LI Fung-ying	Section 36 - Discharge of residents by operators Concern about whether 30-day notice requirement to discharge residents by operators was adequate to safeguard the well-being of residents.	
002429 - 002455	Chairman Administration	Section 37 - Fee for registration as health workers	
002456 - 002555	Chairman Administration	Schedule - Employment of Staff	
002556 - 002900	Ms Cyd HO Chairman Administration	The Administration was requested to report the progress on the implementation of the licensing scheme and the related complementary measures in about six months after the commencement of the licensing scheme and report to the Panel on Welfare Services.	Admin
002901 - 003500	Chairman Administration	Members raised no question on the Residential Care Homes (Persons with Disabilities) Ordinance (Commencement) Notice 2011. The Administration's elaboration on the processing time for application for a RCHD licence and the provision of a grace period of 18 months.	
003501 - 003644	Chairman Administration	Members agreed to the Administration's proposed amendment to section 5(4)d.	
003645 - 003742	Chairman	Legislative timetable.	
<i>Agenda item II – Any other business</i>			
003743 - 003812	Chairman	Closing remarks.	