

立法會
Legislative Council

LC Paper No. CB(2)1401/16-17
(These minutes have been
seen by the Administration)

Ref : CB2/PL/WS

Panel on Welfare Services

Minutes of meeting
held on Monday, 12 December 2016, at 10:30 am
in Conference Room 3 of the Legislative Council Complex

Members present : Hon SHIU Ka-chun (Chairman)
Hon KWONG Chun-yu (Deputy Chairman)
Hon LEUNG Yiu-chung
Hon LEUNG Kwok-hung
Hon WU Chi-wai, MH
Hon CHAN Chi-chuen
Hon LEUNG Che-cheung, BBS, MH, JP
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Helena WONG Pik-wan
Hon POON Siu-ping, BBS, MH
Hon Alvin YEUNG
Hon Andrew WAN Siu-kin
Hon CHU Hoi-dick
Dr Hon Junius HO Kwan-yiu, JP
Hon YUNG Hoi-yan
Dr Hon Pierre CHAN
Hon Nathan LAW Kwun-chung
Dr Hon LAU Siu-lai

Members absent : Hon James TO Kun-sun
Hon CHAN Hak-kan, BBS, JP
Hon HUI Chi-fung

Public Officers attending : Items III & IV

Mr Matthew CHEUNG, GBS, JP
Secretary for Labour and Welfare
Labour and Welfare Bureau

Items III & V

Miss Annie TAM, GBS, JP
Permanent Secretary for Labour and Welfare
Labour and Welfare Bureau

Item III

Mr Kenneth CHENG
Principal Assistant Secretary for Labour and Welfare
(Welfare) 1
Labour and Welfare Bureau

Mr KOK Che-leung
Assistant Director (Subventions)
Social Welfare Department

Item IV

Mr David LEUNG, JP
Commissioner for Rehabilitation
Labour and Welfare Bureau

Mr FONG Kai-leung
Assistant Director (Rehabilitation and Medical Social
Services)
Social Welfare Department

Prof Alfred CHAN, SBS, JP
Chairperson
Equal Opportunities Commission

Items III, IV & V

Mr LAM Ka-tai, JP
Deputy Director of Social Welfare (Services)
Social Welfare Department

Items IV & V

Ms Carol YIP, JP
Director of Social Welfare
Social Welfare Department

Item V

Mr Donald CHEN, JP
Deputy Secretary for Labour and Welfare (Welfare) 2
Labour and Welfare Bureau

Ms PANG Kit-ling
Assistant Director (Elderly)
Social Welfare Department

Clerk in attendance : Mr Colin CHUI
Chief Council Secretary (2) 4

Staff in attendance : Ms Catherina YU
Senior Council Secretary (2) 4

Miss Alison HUI
Legislative Assistant (2) 4

Action

- I. Information paper(s) issued since the last meeting**
[LC Paper Nos. CB(2)195/16-17(01), CB(2)253/16-17(01) and CB(2)361/16-17(01)]

Members noted that the following papers had been issued since the last meeting:

- (a) Referral from the Public Complaints Office on issues relating to

minimum wage, retirement protection and Old Age Living Allowance [LC Paper No. CB(2)195/16-17(01)];

- (b) Letter dated 21 November 2016 from Hon YUNG Hoi-yan requesting the Panel to discuss the support for autistic adults [LC Paper No. CB(2)253/16-17(01)]; and
- (c) Referral from the Public Complaints Office on policies relating to support for street sleepers [LC Paper No. CB(2)361/16-17(01)].

2. The Chairman said that the Elderly Services Association of Hong Kong had invited members to visit private residential care homes for the elderly ("RCHEs") on the afternoon of 27 December 2016. Subject to members' views, the visit would be conducted and would be postponed if the visiting party consists of less than three members. Members agreed.

II. Items for discussion at the next meeting

[LC Paper Nos. CB(2)350/16-17(01) to (02)]

3. Members noted that the Administration had proposed to discuss at the next meeting scheduled for 9 January 2017 the following items:

- (a) Provision of elderly and rehabilitation service facilities in Sai Kung, Sha Tin, Wong Chuk Hang and Lei Yue Mun; and
- (b) Support measures for low-income households not living in public housing and not receiving Comprehensive Social Security Assistance.

4. Dr Fernando CHEUNG suggested inviting representative(s) from the Community Care Fund Task Force ("CCF Task Force") under the Commission on Poverty to join the discussion of item (b) above. The Chairman said that the Panel on Home Affairs ("HA Panel") would discuss the subject "Community Care Fund" at its meeting on 21 December 2016 and had invited members of the Panel on Welfare Services to join the discussion. Dr Fernando CHEUNG said that as the discussion of the HA Panel might not focus on welfare-related issues, representative(s) from CCF Task Force should be invited to join the discussion of item (b) above.

III. Progress of implementation of the Special Scheme on Privately Owned Sites for Welfare Uses

[LC Paper Nos. CB(2)350/16-17(03) to (04)]

5. At the invitation of the Chairman, Secretary for Labour and Welfare ("SLW") and Permanent Secretary for Labour and Welfare ("PS(LW)") briefed members on the latest development of implementing the Special Scheme on Privately Owned Sites for Welfare Uses ("Special Scheme").

Provision of day care services and community care services for the elderly

6. Dr LAU Siu-lai said that to enable elderly persons to age in place, the Administration should not focus on the provision of residential care places but overlook the demand of elderly persons for day care services ("DCS") and community care services ("CCS"). Noting that only around 2 000 additional DCS places for elderly persons would be provided under the Special Scheme, she called on the Administration to increase the provision of DCS and CCS for elderly persons under the Special Scheme.

7. SLW responded that there was a need to increase the supply of residential care services to address the great demand. The initial recommendations of the Elderly Services Programme Plan ("ESPP") included, inter alia, the strengthening of CCS. The provision of DCS would also be planned and provided under projects outside the Special Scheme to facilitate elderly persons to age in place.

8. Dr LAU Siu-lai said that both ESPP and the Special Scheme had put emphasis on the provision of residential care services for elderly persons. While recognizing the demand for residential care services, she took the view that CCS should be enhanced so as to prevent premature institutionalization of elderly persons. She urged the Administration to take concrete measures to enable elderly persons to age in place.

Distribution of service places under the Special Scheme

9. Mr CHU Hoi-dick enquired about the number of subvented and self-financing service places to be provided under the Special Scheme and how the ratio of subvented places to self-financing places ("the ratio") was set. SLW said that the majority of service places under the Special Scheme would be subvented places. In considering the subvented and self-financing services proposed for the projects under the Special Scheme, the Administration would take into account factors such as the need for different types of services in the

community. PS(LW) supplemented that the ratio of 6:4 would be adopted for planning purposes. The Administration would discuss the proportion of subvented and self-financing services with individual applicant organizations and adjust the ratio to suit individual circumstances if necessary.

10. Given that the provision of additional service places for the elderly and/or persons with disabilities under the Special Scheme varied among districts, Mr POON Siu-ping said that the Administration should provide more comprehensive information for comparing the demand for services for elderly persons and persons with disabilities in different districts. SLW responded that the distribution of service places under the Special Scheme was subject to the locations of the sites owned by the non-governmental organizations ("NGOs"). In planning for the provision of services for the elderly and persons with disabilities, the Administration would look into the demand for and supply of services and plan for the provision of services according to the demand. PS(LW) supplemented that the Administration would have regard to the distribution of the service places under the Special Scheme when it identified sites/premises for the setting up of welfare facilities outside the Special Scheme.

Manpower planning for services under the Special Scheme

11. Mr POON Siu-ping asked whether the Administration had projected the manpower required for the provision of additional services under the Special Scheme. SLW responded that the Administration launched the Navigation Scheme for Young Persons in Care Services ("Navigation Scheme") in July 2015. The Navigation Scheme offered employment and training opportunities to young persons who were interested in providing care services in the welfare sector and around 400 trainees had joined the elderly or rehabilitation service sector. With the support of some tertiary institutions, the student intakes of degree programmes of occupational therapy and physiotherapy had been increased. A high-level steering committee, chaired by the Secretary for Food and Health, was tasked to formulate recommendations on how to cope with anticipated demand for healthcare manpower, strengthen professional training and facilitate professional development. PS(LW) supplemented that applicant NGOs had started manpower planning when participating in the Special Scheme and they should be able to make suitable manpower arrangement for the projects under the Special Scheme.

Arrangements for welfare services affected by the Special Scheme

12. In response to the Chairman's enquiry about whether all NGOs which had owned land had already participated in the Special Scheme, PS(LW) said that most of the eligible NGOs had joined the Special Scheme. Mr WU Chi-wai said that existing service users might be affected by the in-situ expansion and redevelopment projects under the Special Scheme and some eligible NGOs might not wish to participate in the Special Scheme if they had difficulties in relocating these service users. He enquired whether there were any policies to support applicant NGOs in making transitional arrangements for service users who were affected by the projects.

13. Dr Fernando CHEUNG said that in-situ expansion and redevelopment projects under the Special Scheme would inevitably affect the services currently provided by applicant NGOs. Some of these services might be discontinued following the redevelopments. He worried that the Factory for the Blind ("the Factory") would be replaced by a sheltered workshop after its redevelopment. If it was the case, the visually impaired and disabled persons who were now working in the Factory as employees would become trainees, which would be a retrogression. He called on the Administration to plan ahead and make suitable arrangements to avoid disruption to existing services. The Administration should also be careful about making relocation arrangements for users of residential care services or day care services affected by the projects. SLW responded that relocation of welfare facilities had been carried out in the past without problems. The Administration would discuss the decanting arrangements for affected service users with applicant NGOs with a view to minimizing the inconvenience caused to service users during the works stage.

14. Mr WU Chi-wai said that some organizations, e.g. Christian Action, which used government premises to provide community services and paid a nominal rent, had to relocate their service centres when the Government resumed the concerned premises for redevelopment. He sought information on the support provided by the Administration for these organizations. SLW responded that the Administration would assist these organizations in finding suitable premises, e.g. vacant government premises. Mr WU Chi-wai said that Christian Action was applying for vacant school premises for relocating one of its service centres but the progress was very slow. He requested the Administration to follow up the case of Christian Action.

Implementation progress of the Special Scheme

15. The Deputy Chairman and Mr LEUNG Che-cheung said that since the launch of the Special Scheme in 2013, only a few projects had entered the construction stage. They opined that the progress of the Special Scheme was too slow. The Deputy Chairman enquired about the progress of the remaining projects and Mr LEUNG Che-cheung asked whether a review had been conducted on the implementation progress. PS(LW) responded that some procedures such as submission of building plans to the Buildings Department ("BD"), lease modifications, etc. were necessary for some projects and these procedures required considerable time to complete. The Labour and Welfare Bureau had coordinated relevant government departments, including the Policy and Project Coordination Unit under the Chief Secretary for Administration's Office, the Lands Department ("LandsD"), the Planning Department ("PlanD") and BD, to facilitate applicant NGOs to go through these procedures. The time taken for completing these procedures varied from one project to another depending on their individual circumstances, and some projects had progressed faster than others. As regards the remaining projects, she said that they were at different planning stages. It was expected that some more projects might receive grants under the Lotteries Fund ("LF") in 2016-2017 for conducting technical feasibility studies.

16. Mr LEUNG Che-cheung said that there were objections to the new development of an RCHE on a site at Ma Tin Road, Yuen Long by local residents. He asked whether the Administration had assisted the applicant NGO in solving this problem. PS(LW) responded that the Administration had briefed the Chairman and Vice Chairman of Yuen Long District Council on the project and they expressed support of the project. The relevant District Officer, District Social Welfare Officer, District Planning Officer and District Lands Officer would assist the applicant NGO concerned in addressing local residents' concerns about the project as far as practicable.

17. In response to Mr LEUNG Che-cheung's enquiry about whether the clarifications on and refinement to the various arrangements under the Special Scheme had addressed concerns of applicant NGOs, PS(LW) said that applicant NGOs generally welcomed the arrangements set out in paragraph 12 (a) to (h) of the Administration's paper (LC Paper No. CB(2)350/16-16(03)). In addition to conducting information exchange sessions with applicant NGOs and the Hong Kong Council of Social Service, she and the Deputy Director of Social Welfare (Services) had visited some project sites to understand applicant NGOs' difficulties so that assistance could be provided for them, if necessary.

Fostering a homely environment for residential care homes for the elderly

18. The Deputy Chairman and Dr Fernando CHEUNG said that it was important for RCHEs to provide elderly persons a homely environment. Dr Fernando CHEUNG took the view that the Administration should construct more small RCHEs and avoid building large RCHEs. Noting that a large RCHE would be built under the project proposed by Pok Oi Hospital ("POH"), he called on the Administration to put efforts in making the operation of the RCHE concerned as homely as practicable and a dedicated team should be set up for this purpose.

19. The Deputy Chairman said that to enable residents of an RCHE to feel like home, the hardware of an RCHE should be complemented by suitable software which should be planned before the construction of the RCHE was completed. SLW responded that provision of more open space and greenery areas would be incorporated in the design of the RCHE concerned so that the residents would have a pleasant living environment. The Administration would discuss with POH the fostering of a homely environment for residents of the RCHE concerned.

Engagement of the business sector in provision of welfare services

20. Mr Nathan LAW said that under the Special Scheme, no additional service places would be provided for the elderly and/or persons with disabilities in some districts (e.g. Central and Western) and only a small number of such service places would be provided in Sha Tin which had a large elderly population. As such, the supply of services for elderly persons and persons with disabilities in these districts would still be inadequate. In his view, the Administration should promote provision of these services by the business sector. He said that he supported Dr Fernando CHEUNG's proposal made in May 2016 that the Administration should specify in the land sale conditions that developers should allocate not less than 10% of the construction area of residential development projects and development projects along the Mass Transit Railway ("MTR") stations for provision of long-term care ("LTC") services and welfare facilities.

21. Mr Nathan LAW further said that according to the initial recommendations of ESPP, more proactive actions should be taken by the Social Welfare Department ("SWD") in identifying potential sites for welfare premises. A more forward-looking approach to public expenditure on elderly services should also be adopted and a more equitable sharing of financing LTC in the current population and across generations should be promoted. Being

the largest shareholder of the MTR Corporation Limited, he asked why the Administration did not take forward Dr CHEUNG's aforesaid proposal. He also sought information on the Administration's support provided for applicant NGOs in order to ensure the provision of quality and sustainable services for users.

22. SLW responded that the Administration had all along been encouraging the business sector to use its sites owned for welfare uses. For example, the site for the redevelopment of the RCHE by POH was donated by a developer and welfare facilities would be constructed under another project near the Long Ping West Rail Station. PS(LW) supplemented that in drawing up development plans, the relevant government departments would seek SWD's views on the requirements for welfare facilities. LandsD would by modifying lease conditions or land sale conditions, if necessary, require developers to provide the welfare facilities in need. The initial recommendations of ESPP included, inter alia, the suggestion to reinstate population-based planning ratios for elderly facilities in the Hong Kong Planning Standards and Guidelines. The Administration did not object to the direction of Dr Fernando CHEUNG's proposal but considered that imposing a fixed percentage of the construction area of a development project would result in less flexibility in planning. SWD would continue to work with the relevant government departments to incorporate welfare facilities in private developments as far as possible.

23. In response to Mr CHU Hoi-dick's enquiry on the number of additional welfare service places to be provided by the business sector arising from modification of lease conditions, PS(LW) said that the required information was not available on hand.

Provision of residential care services and rehabilitation services for persons with disabilities

24. Mr CHU Hoi-dick said that there was a great demand for rehabilitation services for mildly mentally handicapped persons but such services were not listed on Annex 1 to the Administration paper. He asked whether such services would be part of the additional services to be provided under the Special Scheme. SLW responded that the types of services listed on Annex 1 were those considered by the Administration as being in acute demand. Given that the demand for rehabilitation services for severely or moderately mentally handicapped persons was greater than that for mildly mentally handicapped persons, the Administration hoped to accord priority to addressing the needs of persons with severe or moderate mentally handicapped. PS(LW) supplemented that applicant NGOs were allowed to include in their proposals

the rehabilitation services for mildly mentally handicapped persons which were being provided.

25. The Deputy Chairman said that many parents of persons with disabilities expressed concern about the long lead time for building an RCHD and hence the long waiting time for residential care places. He asked whether the Administration would consider converting vacant school premises into RCHDs and reserving space for the construction of RCHDs in new public rental housing development at the planning stage. SLW responded that the integrated rehabilitation services complex ("IRSC") to be set up at the site of the ex-Siu Lam Hospital in Tuen Mun would provide an additional 1 150 subvented residential care places for persons with disabilities and an additional 300 such places would be provided at the IRSC to be set up at the site of ex-Kai Nang Sheltered Workshop and Hostel in Kwun Tong. Apart from these two IRSCs, an integrated welfare service complex comprising facilities for elderly services, rehabilitation services and day care centres would be set up in the vacant school premises in Tuen Mun, Tai Po and Sai Kung respectively.

Financial arrangements for projects under the Special Scheme

26. In response to Mr WU Chi-wai's enquiry about whether funds would be earmarked for recurrent expenditures of the additional services to be provided under the Special Scheme, SLW said that funds would be made available for providing subvented service places under the Special Scheme to meet recurrent expenditures.

27. Dr Junius HO enquired about how the projects under the Special Scheme would supplement the welfare services provided by the Administration and the financial commitment of applicant NGOs for the provision of the service places under the Special Scheme. SLW responded that applicant NGOs were required to provide on a site under its ownership a net increase in the provision of one or more than one service on welfare facilities listed on Annex 1 to the Administration paper. Applicant NGOs might apply for grants under LF to fund the technical feasibility studies for their projects, and to pay for the construction costs and fitting-out costs. The Administration would provide funding for recurrent expenditures incurred by the subvented service places under the Special Scheme. Applicant NGOs were required to bear the expenditures for their self-financing service places.

IV. Looking into the quality problem of private residential care homes for persons with disabilities in light of the "Bridge of Rehabilitation Company" incident

[LC Paper Nos. CB(2)350/16-17(05) to (06)]

28. At the invitation of the Chairman, SLW briefed members on the measures taken or to be taken by the Administration to step up monitoring of private residential care homes for persons with disabilities ("RCHDs").

Service quality of residential care homes for persons with disabilities

29. Ms YUNG Hoi-yan said that in addition to submitting proof or declaration of no sexual conviction record of their staff, RCHD operators should also conduct criminal conviction (e.g. violence and assault cases) record check of their staff. Director of Social Welfare ("DSW") responded that the Sexual Conviction Record Scheme already covered some 30 sexual offences. The Administration would seek the advice of the Department of Justice ("DoJ") on the contents of the integrity check of RCHD staff.

30. In response to Dr LAU Siu-lai's view on inclusion of issues concerning sexual harassment in the guidelines for RCHD operators, DSW responded that there were detailed guidelines on sexual offences and abuse cases for both RCHDs and RCHEs. The Administration was exploring strengthening RCHD staff's understanding on sexual offences and the Code of Practice on related aspects in collaboration with the Equal Opportunities Commission ("EOC").

31. Prof Alfred CHAN, Chairperson of EOC, said that provisions concerning harassment were mainly covered by the Sex Discrimination Ordinance ("SDO") (Cap. 480) and the Disability Discrimination Ordinance ("DDO") (Cap. 487). As elderly persons and persons with intellectual disabilities might not know their rights, they might not lodge a complaint or take legal actions when they were harassed. EOC had discretion under SDO and DDO whether to accede to a complainant's request for assistance in instituting civil proceedings in relation to a harassment case. In civil proceedings involving harassment of an RCHD resident by RCHD staff, the operator of the RCHD concerned was vicariously liable for the acts of harassment if the case was substantiated. It would be best for RCHD residents and their family members to understand more about the relevant legislation. To this end, EOC and SWD had been discussing provision of training for service providers, RCHD staff, RCHD residents and their family members. Subject to the allocation of funds by SWD, the relevant training programmes would be launched as early as possible. Dr LAU Siu-lai called on the Administration to implement concrete measures to improve the service quality of RCHDs and RCHEs for the well-being of the

residents.

32. Expressing concern that some intellectually disabled residents of RCHDs might not be able to tell that they had been sexually assaulted or did not know how to seek help, the Deputy Chairman asked whether the Administration would assign a team to station in RCHDs to assist intellectually disabled residents when necessary. DSW responded that a surprise inspection would be conducted upon receipt of a complaint about an RCHD. During the inspection, the inspectorate team would check whether there were residents who required special care. Feedback from family members of residents and RCHD staff would also be obtained. Subject to the Guidance on Closed-circuit Televisions ("CCTV") Surveillance and Use of Drones issued by the Office of Privacy Commissioner for Personal Data being observed, SWD would advise RCHDs to install CCTV systems in public areas designated for residents' daily activities, interview/meeting rooms, etc. so that the management staff could step up supervision of the daily operation of RCHDs. To enhance the quality and skills of home managers, SWD was proactively planning and exploring ways to introduce professional qualification requirements (e.g. registered social workers, nurses, doctors, therapists, etc.) for newly recruited home managers of RCHDs. SWD was closely liaising with relevant Qualification Framework industry committees to expedite the introduction of designated training programme on home management courses.

33. Mr LEUNG Kwok-hung took the view that installing CCTVs in RCHDs would be of little help in strengthening monitoring of RCHDs. SLW responded that the Administration had discussed the proposed arrangements with representatives from subvented RCHDs and private RCHDs and they welcomed the proposal. DSW supplemented that some of these representatives considered that CCTV systems would be helpful in the management and supervision of the operation of RCHDs.

34. Mr LEUNG Yiu-chung said that the Administration might not step up the enforcement actions against non-compliant RCHDs in view of the difficulties in providing alternative accommodation for affected residents if these RCHDs ceased operation. As such, some operators of RCHDs with poor quality did not bother to improve their services. He took the view that the Administration should take necessary actions against non-compliant RCHDs so that the operators of these RCHDs would rectify the irregularities.

35. SLW responded that the Administration had all along attached great importance to quality of RCHDs. There was absolutely no question of SWD condoning or tolerating any RCHDs found to have irregularities and the revocation of the certificate of exemption ("CoE") where Bridge of

Rehabilitation Company was a case in point. Although it was difficult to locate suitable homes for affected residents, the Administration was determined to step up monitoring of RCHDs for the protection of residents' interests. In addition to stepping up monitoring of RCHDs, the Administration would encourage RCHDs to develop a people-oriented service culture. The Administration would assist RCHDs in improving service quality by providing them with the necessary support.

Manpower supply for the care service sector

36. Mr KWOK Wai-keung said that the severe manpower shortage in the care service sector had exerted great pressure on care workers and had affected their service quality. To improve service quality of RCHDs, staffing provision in RCHDs should be increased and training for RCHD staff should be strengthened. To attract new entrants to join the sector, the remuneration and career prospect for care workers should be improved. The Administration should make reference to the construction industry and establish a pay scale as well as provide professional training for care workers. He sought information on the number of local labour and imported labour in the care service sector.

37. SLW responded that measures had been adopted to attract local labour to work in the elderly or rehabilitation service sector in order to address the manpower shortage problem in the long run. For example, the Administration had launched the Navigation Scheme and around 400 trainees of the Navigation Scheme had joined the elderly or rehabilitation service sector. Similar to the construction industry, the Navigation Scheme adopted the "first-hire-then-train" approach. Arrangements would be made for participants of the Navigation Scheme to attend training programmes before taking up care work in elderly or rehabilitation service units. After taking up employment, the participants would attend a two-year part-time course at a qualified training institute. The course fee would be reimbursed to the trainees upon their successful completion of the course. At the completion of the two-year part-time study, young recruits would attain recognized qualification. Those who were interested in developing their career in care service and met relevant eligibility criteria might, on the basis of their multi-skill qualification, pursue other training courses, such as nursing or management courses, on their own initiative and move further up their career ladder in the social welfare sector.

38. Mr KWOK Wai-keung said that young people would not be interested in joining the care service sector if they did not see a career prospect. SLW said that since July 2015, a total of 555 trainees had been recruited and nearly 80% of them had joined the elderly or rehabilitation service sector. The

Administration had approached some of the young recruits and their feedbacks were positive. The Navigation Scheme would provide another 600-odd training places in the coming two years. Given the difficulties in recruiting care workers, Mr KWOK Wai-keung said that RCHD operators should endeavor to improve the manpower provision and working conditions of RCHDs so as to retain care workers.

39. Mr LEUNG Kwok-hung said that the Administration should set indicators in terms of the number of trainees remaining in the elderly or rehabilitation sector and the duration of their stay for measuring the effectiveness of the Navigation Scheme.

Residential care homes for persons with disabilities issued with certificate of exemption

40. Noting that the Administration aimed to have all RCHDs issued with CoEs to fully comply with the licensing requirements within three years, Mr POON Siu-ping asked by when these CoEs would be fully replaced by licences. He also sought the timing for implementing the new Code of Practice for RCHDs ("RCHD Code").

41. SLW responded that CoEs were issued to allow reasonable time for RCHDs which were unable to comply fully with the licensing requirements to carry out improvement works for meeting the licensing requirements and standards. These RCHDs were required to meet the licensing requirements by end-2019. DSW supplemented that RCHDs issued with CoEs must still meet the required standards with respect to service and management quality. These standards were also applicable to licensed RCHDs. At present, 15% of subsidized RCHDs and 31% of private RCHDs had been issued with licences. It was estimated that over 100 RCHDs would be able to meet the licensing requirements in 2018. She would provide members with the target timing by which individual RCHDs which were issued with CoEs would fully comply with the licensing requirements.

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42. Dr Junius HO said that residents of RCHDs, which were unable to obtain a licence by the Administration's deadline, should be given priority in admitting to service places to be provided under the Special Scheme. DSW responded that an assessment of the number of subsidized and self-financing places to be provided under the Special Scheme had to be made. As at 8 December 2016, there were 249 RCHDs operating with CoEs. Of them, 190 were subsidized RCHDs, 13 were operating on a self-financing basis and 46 were private RCHDs. She clarified that RCHDs which were issued with CoEs were required to meet the same service quality requirements. SLW supplemented

that although some residents of private RCHDs might want to be admitted to subsidized RCHDs, they might not be eligible. That said, the Administration would study how the affected residents, if any, could be better accommodated.

43. The Chairman said that he had discussed issues relating to application for CoEs with representatives of 13 organizations. These representatives said that they had encountered difficulties in applying for CoEs. According to them, the guidelines and standards in respect of building safety, fire safety, health care and home management set out in the RCHD Code were unclear and different staff of the Licensing Office of Residential Care Homes for Persons with Disabilities ("LORCHD") had different requirements in processing CoE applications. They had great worries about not being able to obtain CoEs by the deadline and had to close down their RCHDs. He called on the Administration to provide the RCHD operators with clear guidelines and establish an inter-departmental platform to better coordinate the processing of CoE applications.

44. Dr LAU Siu-lai said that many RCHDs issued with CoEs had not been able to meet the licensing requirements since the Residential Care Homes (Persons with Disabilities) Ordinance (Cap. 613) ("RCHD Ordinance") came into operation in 2011. She asked how the Administration would help these RCHDs meet the licensing requirements by end-2019 and the actions the Administration would take to help affected residents if some of these RCHDs had to cease operation.

45. SLW responded that SWD had put in place a host of facilitating measures to assist RCHDs in speeding up the necessary improvement works. These measures included providing grants under the Lotteries Fund for RCHDs to carry out improvement works and streamlining the application process. DSW supplemented that SWD had been communicating with operators of RCHDs issued with CoEs. The time for all CoEs to be fully replaced by licences was agreed by these operators and improvements to the licence application procedures had been made having regard to their views. For example, simplified application procedures had been introduced and application template had been drawn up.

46. Dr LAU Siu-lai enquired how the Administration would help the RCHDs which were unable to meet certain requirements because of structural constraints. DSW responded that a special project had been implemented to provide additional technical support for RCHDs having difficulties in taking forward rectification works. RCHDs which were unable to meet the licensing requirements due to structural reasons might need to move to other places. The Administration was discussing the removal plans with the RCHD operators

concerned.

47. Mr CHAN Chi-chuen said that SWD had recently refused the renewal application for CoE in respect of Sun Flower Home Centre which was a private RCHD. According to the press release issued by the Administration on 6 December 2016, there were tenancy disputes between the operator of Sun Flower Home Centre and the property owner, and that the staff of Sun Flower Home Centre had been arranging for the residents to reside in another unit every night which was not in compliance with the RCHD Ordinance and the requirements of the RCHD Code. In his view, apart from non-compliance with hardware requirements, some RCHDs operating on CoEs also had service quality problems. He asked whether SWD would examine tenancies of RCHDs and the relevant Deeds of Mutual Covenant ("DMCs") in considering CoE applications and whether RCHD operators were required to apply for renewal of CoEs on a yearly basis.

48. DSW responded that apart from meeting the hardware requirements, RCHDs operating on CoEs were required to meet the management and service standards. The same set of licensing requirements and RCHD Code were imposed on licensed RCHDs as well as RCHDs operating on CoEs. Surprise inspections would be carried out at these RCHDs for monitoring their service quality. The Administration would not issue a CoE or a licence with a validity period longer than the term of the tenancy of the RCHD concerned. The Administration would consider imposing more requirements on tenancies of RCHDs and examine the tenancies in greater detail in processing CoE applications.

49. Mr CHAN Chi-chuen said that the Administration should ensure that RCHD operation was allowed under the tenancy and DMC of the relevant property. DSW responded that the Administration was seeking DoJ's advice with a view to stepping up the monitoring in this regard. The Chairman and Mr LEUNG Yiu-chung called on the Administration to address members' concern and make improvements.

50. Dr Fernando CHEUNG said that the "Bridge of Rehabilitation Company" incident had revealed that the living conditions and service quality of RCHDs could be very bad. As residents of most RCHDs were not provided with professional services by doctors, nurses, physiologists, occupational therapists and speech therapists, there were literally no rehabilitation element in RCHDs. At its meeting on 1 November 2016, the Panel passed a motion urging the Government, amongst others, to immediately set up an inter-departmental committee which included users, so as to comprehensively revamp the entire

system of RCHEs and RCHDs. However, the Administration had not addressed this request in its paper (LC Paper No. CB(2)350/16-17(05)). The service quality enhancement measures proposed by the Administration were fundamentals and should have been done by RCHDs. In his view, it lacked a system of residential care homes ("RCHs") which was commensurate with the level of the economy, culture and development of society. He did not see the Administration's determination to revamp the entire RCH system. SLW responded that the measures proposed by the Administration were multifarious and were initial steps for strengthening monitoring of RCHDs. The Administration was committed to rectifying service quality problems of RCHs.

51. The Chairman said that the Administration should start formulating the Rehabilitation Programme Plan ("RPP") without waiting for the completion of ESPP. He asked whether a task force or working group would be set up within this term of the Government to implement RPP. SLW responded that the task of formulating ESPP was estimated to be completed in the second quarter of 2017. The Administration would then commence work on reviewing RPP which should be taken forward by the Rehabilitation Advisory Committee ("RAC"). The service quality enhancement measures implemented in the interim would complement the review of RPP and help RAC in the preparation of the review of RPP.

52. The Deputy Chairman said that the "Bridge of Rehabilitation Company" incident was not a single incident. The former head of the Bridge of Rehabilitation Company was accused of sexually assaulting some female residents with mental disabilities in 2002. He hoped that the Administration would make its best effort to revamp the RCH system as early as possible. He further said that the service quality of some RCHDs was even worse than that of Bridge of Rehabilitation Company. Taking the view that these RCHDs should be monitored closely, he enquired whether the Administration had drawn up a list of RCHDs which required closer monitoring.

53. SLW responded that to enhance the transparency of the monitoring system and the deterrent effect against non-compliant homes, the Administration proposed to make public warning records of non-compliant RCHDs. This would facilitate monitoring of RCHDs by the public. The implementation details of the proposal would be drawn up after seeking legal advice. DSW supplemented that on average, seven inspections would be conducted on a private RCHD yearly. When RCHDs requiring more attention were identified during the inspections, LORCHD would formulate targeted strategies, e.g. strategically conducting surprise inspections in a small team approach during both office and non-office hours or by a multi-disciplinary inspectorate team. The frequency of inspection to these RCHDs would also

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be increased. In order not to affect the monitoring strategy of these RCHDs, the names of these RCHDs would not be disclosed. The Administration would closely monitor these RCHDs and adjust its monitoring strategies, if necessary. SLW undertook to consider the Chairman's request for a list of high risk RCHDs which were required to be monitored closely by the Administration and on estimating the number of residents currently receiving care in those private RCHDs with unsatisfactory service quality. The Administration would review the situations and explore possible means to provide support for these residents when needed.

54. Mr POON Siu-ping enquired about the progress of recruiting retired disciplined service officers, their roles and functions as well as the number of prosecution cases against non-compliant RCHDs. DSW responded that the recruitment exercise commenced in November 2016. It was expected the new recruits could report for duty in the first quarter of 2017.

55. The Chairman said that he and Dr Fernando CHEUNG had attempted to visit some RCHDs hoping to assist them in enhancing their service quality but they were declined by these RCHDs. The Administration should take actions to facilitate monitoring of RCHDs by the public. DSW responded that RCHs including subvented RCHs might not admit visitors due to operational reasons. Service Quality Groups ("SQG") which comprised community members and stakeholders would carry out unannounced visits to RCHs participating in the SQG Scheme to give their views on improvements to RCH services and help promote higher service standards among RCHs. In response to the Chairman's enquiry about whether members could recommend individuals to join the SQG Scheme, DSW responded that members' recommendations were welcomed.

56. In response to Ms YUNG Ho-yan's suggestion of including community members in the cross-disciplinary committee, SLW said that the Administration welcomed the participation of community members in the committee. DSW said that the Administration would consider inviting representatives from different sectors to join the committee.

57. Dr KWOK Ka-ki said that some private RCHDs did not meet the minimum staffing ratio requirements and the service quality of these RCHDs was very poor. Taking the view that the service quality enhancement measures to be adopted by the Administration were far from adequate, he asked whether the Administration had set any target to replace all substandard private RCHDs by subvented RCHDs. SLW responded that the Administration did not have any plan to eliminate all private RCHDs. There were good quality private RCHDs in the market and they had a role to play. Actions would be taken against RCHDs with poor performance according to the nature and

severity of the irregularities involved. In addition to stepping up monitoring of RCHDs, the Administration would increase the number of subsidized residential care places for persons with disabilities. As mentioned earlier, the two IRSCs to be set up at the site of the ex-Siu Lam Hospital in Tuen Mun and the site of ex-Kai Nang Sheltered Workshop and Hostel in Kwun Tong would provide a total of 1 450 additional subvented residential care places for persons with disabilities.

Review of the Residential Care Homes (Persons with Disabilities) Ordinance (Cap. 613)

58. Dr LAU Siu-lai said that a comprehensive public consultation exercise should be conducted in the review of the RCHD Ordinance. She sought information on how the public consultation exercise would be conducted and how the views collected would be incorporated into the review report. She also enquired about the legislative timetable.

59. SLW responded that the Administration's proposed service quality enhancement measures for RCHDs were some of the areas that needed to be looked into in the review of the RCHD Ordinance. The Administration would maintain a dialogue with members during the review and would seek stakeholders' views on amendments to the RCHD Ordinance. Views collected would be incorporated into the review report.

60. Noting that the issue of taking over the management of RCHDs with poor quality was not covered in the Administration's paper (LC Paper No. CB(2)350/16-17(05)), the Chairman asked whether the Administration would amend the RCHD Ordinance in order to address the issue. He said that the Administration should provide the operators who were willing to take over these RCHDs with the necessary resources. SLW responded that DSW had not been conferred with the power to take over the management of an RCHD with poor performance under the RCHD Ordinance. The Administration would seriously study the subject matter.

V. Proposed creation of a supernumerary post of Assistant Director of Social Welfare to strengthen the inspection and monitoring of residential care homes for the elderly and residential care homes for persons with disabilities

[LC Paper No. CB(2)350/16-17(07)]

61. At the invitation of the Chairman, PS(LW) briefed members on the

Administration's proposal to create a supernumerary post of Assistant Director of Social Welfare, to be designated as Assistant Director (Licensing and Regulation) ("AD(LR)"), to head a new Licensing and Regulation ("LR") Branch of SWD for strengthening the inspection and monitoring of RCHEs and RCHDs. The post would be created on a time-limited basis upon approval of the Finance Committee up to 31 March 2021.

Enhancing service quality of residential care homes

62. Dr LAU Siu-lai said that the staffing ratio of RCHEs was 1:6 which, to her, was far below the acceptable standard and the low staffing ratio was one of the causes of elderly abuse in RCHEs. In addition to enhancing the quality of RCHEs and reviewing the RCHE Ordinance, severe punishment should be imposed on RCHEs which failed to meet the required standards. To increase the deterrent effect, criminal sanction should be considered for staff of RCHEs who were involved in abusing residents. Taking the view that the creation of the AD(LR) post did not necessarily help enhance quality of RCHEs, she urged the Administration to review the staffing ratio and improve the service quality of RCHEs for the well-being of the residents.

63. Mr LEUNG Kwok-hung said that it was wrong for the Administration to regard subvented residential care services a welfare initiative rather than a right of the persons in need of such services. In his view, the Administration should take over the management of RCHs with poor quality immediately and a committee should be set up to review the relevant legislation as well as the Codes of Practice for RCHEs and RCHDs ("the Codes").

Motion

64. Dr Fernando CHEUNG said that the Administration should aim to enhance the quality of RCHs rather than eliminate RCHs with poor quality. In addition to stepping up inspection to RCHs, the Administration should adopt a multi-pronged approach to strengthen the monitoring of RCHs. While raising no objection to the creation of the AD(LR) post, he said that the Administration should implement certain measures in tandem with the creation of the AD(LR) post. In this connection, he moved the following motion:

劍橋及康橋事件顯示本港的安老院舍及殘疾人士院舍存在劣質問題，必須徹底改革。本事務委員會同意社會福利署（"社署"）應加強巡查，但增加助理署長一職的同時，應作出以下措施：

- (一) 立即成立"法例及守則改革委員會",研究及推行修訂法例,提升服務質素,並於 3 年內完成。成員應包括使用者、家屬、專業人士及立法會議員;
- (二) 開放監察院舍制度,支持民間成立的巡查隊,讓家屬、使用者、專業人士等持份者可協助監察工作;
- (三) 當院舍服務質素惡劣時,社署應予接管,若未能接管,也應立即為該院舍加強支援,以確保服務質素。院舍的安排應以院友的福祉為本,而非以行政方便為本;及
- (四) 增設助理署長一職兩年後,向本會提交中期檢討報告,並於 4 年後提交最後報告。

(Translation)

That, the incidents involving the Cambridge Nursing Home and the Bridge of Rehabilitation Company have revealed the problem of poor quality of residential care homes for the elderly and for persons with disabilities in Hong Kong, which requires an overhaul of the entire system, this Panel agrees that SWD should enhance its inspection and adopt, in tandem with the creation of the Assistant Director post, the following measures to:

- (a) immediately set up a committee to reform the relevant legislation and codes, which comprises users, family members, professionals and Members of the Legislative Council, so as to consider and implement the legislative amendments as well as enhance the service quality within three years;
- (b) open up the monitoring system for care homes and support the setting up of inspection teams in the community, so that stakeholders such as family members, users and professionals can assist in the monitoring work;
- (c) SWD should take over the management of a care home if the services of the latter are of poor quality; if the takeover is not possible, SWD should immediately strengthen its support to the care home concerned, so as to ensure the service quality; arrangements of care homes should be made for the well-being of their residents rather than for the purpose of administrative convenience; and

- (d) submit an interim review report to this Council after the creation of the Assistant Director post for two years, and a final report after the creation of the post for four years.

65. PS(LW) responded that the Administration would, taking into account the findings of the report of ESPP which was estimated to be completed in the second quarter of 2017, start working on a review of the relevant legislation. The Administration was willing to commence the preparatory work for legislative amendments before the completion of ESPP. Before then and in the meantime, the Codes would be thoroughly reviewed. The Administration had conducted some analysis internally and begun to collect the sector's views on amendments to the relevant legislation and the Codes. She said that the creation of AD(LR) post and the setting up of the new LR Branch would enable dedicated staff and efforts to take forward the improvement measures for strengthening the inspection and monitoring of RCHs. She appealed to members to support the creation of the AD(LR) post so that the relevant work, including the preparatory work for legislative amendments, could start earlier.

66. PS(LW) further said that community members would be invited to pay regular unannounced visits to RCHs participating in the Service Quality Group Scheme and give feedback for RCH operators on their service delivery. While there were practical difficulties in taking over the management of RCHs with poor quality, the Administration would explore ways to strengthen the support for the RCHs concerned. As requested under the motion moved by Dr Fernando CHEUNG, the Administration would submit the reports after the creation of the AD(LR) post.

67. The Chairman put the motion to vote. All members present voted for the motion. The Chairman declared that the motion was carried.

68. Dr Fernando CHEUNG said that in addition to consulting the sector, the Administration should start collecting views from users and their family members as well as professionals on the reform of the relevant legislation and the Codes. The Administration should provide information on the follow-up actions it had taken or would take in response to the carried motion when submitting its staffing proposal to the Establishment Subcommittee ("ESC").

(At 12:48 pm, the Chairman extended the meeting for 15 minutes beyond the appointed ending time to allow sufficient time for discussion.)

Strengthening inspection and monitoring of residential care homes

69. Mr CHAN Chi-chuen asked about the reasons for the Administration to seek legal advice for making public the warning records of non-compliant RCHs. DSW responded that the criteria and arrangements for issuing warnings to RCHs would be revamped with a view to making the entire monitoring mechanism open and binding. The Administration proposed to make public the warning records of non-compliant RCHs where practicable to enhance the transparency of the monitoring system and the deterrent effect against non-compliant RCHs. Given that making public warning records of non-compliant RCHs would have an impact on the reputation of the homes concerned, a mechanism would be established to allow RCHs which had received warnings to make representations. The Administration would strive to finalize the implementation details of the proposal and upload the warning records onto the website as soon as practicable. Currently, records of RCHs which had been successfully prosecuted were published on SWD's website and such information would be uploaded onto the new website on RCHs. PS(LW) supplemented that legal advice and views of the sector would be sought on the implementation of this new arrangement, and that warnings issued before the implementation of the proposal would not be made public.

70. In response to Mr CHAN Chi-chuen's enquiry about the timing for launching the dedicated websites to provide information on individual RCHs, DSW said that the new website on RCHs was expected to be launched by February 2017. In the light of tight staffing resources in SWD, the new website on RCHDs would be developed after the launch of the new website on RCHs.

(At 1:14 pm, with no dissenting voice, the Chairman extended the meeting which had been extended for 15 minutes for another 10 minutes.)

71. Mr CHAN Chi-chuen enquired how the Administration would avoid disturbance to RCH residents when surprise inspections were carried out at night time. DSW responded that a dedicated multi-disciplinary inspectorate team would be set up under the new LR Branch to formulate strategies and action plans for monitoring RCHs with serious irregularities or poor track records. The dedicated team would strategically conduct surprise inspections through a small team approach or by a multi-disciplinary inspectorate team.

72. The Chairman asked how the Administration would identify "on-the-run staff" arranged by some RCH operators to impersonate their staff members during inspections. DSW responded that under the proposed improvement measures, RCHs would be required to submit, at regular intervals, staff records

(including relief staff) with clear information on the staffing situation and duty roster to facilitate inspection and checking by SWD.

73. In response to the Chairman's invitation of views, members present supported in principle the submission of the staffing proposal to ESC for consideration.

VI. Any other business

74. There being no other business, the meeting ended at 1:23 pm.

Council Business Division 2
Legislative Council Secretariat
12 May 2017