

Legislative Council Panel on Security
Progress Report on the Implementation of the
Drug Dependent Persons Treatment and Rehabilitation Centres
(Licensing) Ordinance

Purpose

This paper updates Members on the implementation of the licensing scheme for drug treatment and rehabilitation centres (treatment centres) since the progress report to this Panel in end May 2004 (LC Paper No. CB(2)2585/03-04).

Background

2. The Drug Dependent Persons Treatment and Rehabilitation Centres (Licensing) Ordinance (Cap. 566) (the Ordinance) came into force in April 2002 and introduces a statutory licensing scheme for treatment centres providing residential treatment to drug dependent persons. The objective of the licensing scheme is to provide a regulatory framework that is in line with present day safety and management requirements for voluntary residential treatment centres. The scheme aims to protect the well-being of persons undergoing treatment in these centres and to improve drug treatment and rehabilitation services in Hong Kong.

3. The licensing scheme is administered by the Licensing Office of Drug Dependents Treatment Centres (LODTC) under the Social Welfare Department, which provides a one-stop service to coordinate efforts with the concerned Government departments. The scheme requires that all treatment centres that provide voluntary residential care for four or more drug dependent persons must obtain a licence. For treatment centres already in operation before the commencement of the Ordinance and are unable to comply with all the licensing requirements, the Ordinance provides that the Director of Social Welfare (DSW) may grant them Certificates of Exemption (CoEs) which provisionally exempt them from licensing whilst they continue with their operation. After consulting the service sector, grace periods of four years and eight years are allowed for existing subvented treatment centres and non-subvented

treatment centres respectively to meet all the licensing requirements* . The granting of grace period is an administrative arrangement and is not expressly stipulated in the Ordinance to allow more flexibility to the Administration and the affected centres in taking the exercise forward, having regard to the special circumstances of individual centres and the progress made in their applications for licence.

Progress of Implementation of the Licensing Scheme

4. Since we last reported the progress of the licensing scheme in end May 2004, seven more treatment centres have obtained their licences. As at 1 May 2006, out of a total of 39 treatment centres which are covered by the scheme, nine subvented centres and one non-subvented centre have been licensed. The licensing position is at Annex A.

5. The LODTC and concerned Government departments have been rendering assistance to the treatment centres in every possible way to enable them to comply with the licensing requirements. These include technical advice on building and fire safety issues related to licensing, land use issues (e.g. planning permission and short term tenancy), identification of re-provisioning sites/ premises and funding support for upgrading/ re-provisioning works. In the course of implementing the scheme, a number of issues have surfaced and most have been successfully resolved. These issues can be broadly categorised in three types - building issues, planning and land issues and funding issues. The following paragraphs explain the challenges faced and the solutions identified.

(A) Building Issues

6. As some treatment centres are located in New Territories Exempted Houses (NTEHs), these centres have difficulties in complying fully with the current design standards. We therefore adopt a pragmatic

* Centres already in operation before the commencement of the Ordinance and are unable to comply with all the licensing requirements should make an application to DSW for a CoE before 30 June 2002. The “grace period” starts to count from the date when the first CoE was issued.

approach in enforcing building safety requirements which include the following -

- (a) Fire Safety - for existing treatment centres in NTEHs not meeting the current fire safety construction standards, the departments concerned are prepared to consider their Authorised Person (AP)'s proposal on upgrading the fire service installations, fire separation and fire safety management measures of the centres, so that an equivalent level of fire safety can be achieved.
- (b) Structural Safety - for licensing purpose, treatment centres with structures that do not have design records need to engage an AP or Registered Structural Engineer to carry out an assessment on the structural safety of the structures/buildings concerned.

(B) Planning and Land Issues

7. As many treatment centres were set up using existing structures then available to them, in some cases statutory planning requirements have not been met and in-situ upgrading works alone would not be possible to meet the licensing requirements. Under these circumstances, the operators would need to register to re-provision the centres to a new site for continuous operation. Concerned Government departments have endeavoured to look for possible sites to accommodate the centres or explore other alternatives. These include possible re-location to vacant Government accommodation/ identification of Government land suitable for development of treatment centres and processing land grant, short term tenancy or planning permission applications where necessary.

8. Re-provisioning involves not only the identification of vacant Government accommodation/ land suitable for development of treatment centres but also consultation among the local communities. The Administration and the related agencies have taken steps to address the concerns of the locals by explaining to them the background of the implementation of the licensing scheme and the operation of the centres

in local consultation exercise when planning or land use applications are processed. Representatives from Government departments and the agencies concerned also meet local representatives such as District Council members, rural committee members and village representatives etc to exchange views on the proposed setting up of treatment centres as appropriate. Active liaison has been maintained so that local concerns can be addressed when the treatment centres draw up their re-location proposals. In the past years, enhanced communication between the locals and the centres has proven to be fruitful and effective in clarifying misunderstanding, which in turn contributes to the smooth processing of a number of re-provisioning requests.

(C) Funding Issues

9. To assist the treatment centres in securing funds for the upgrading or construction works to comply with the licensing requirements, the Administration has provided policy support to treatment centres to apply for charitable funds.

10. For some treatment centres that are religious in nature and do not accept gambling-related donations, they can apply for grants from charitable funds with no gambling elements or the special funding scheme set up under the Beat Drugs Fund (BDF) to cater for their needs. The Administration assists the applicants either by giving policy support, or by facilitating the applications, or by processing the applications in a flexible way.

11. Since the coming into effect of the Ordinance, over \$17 million from five funds (i.e. the Chief Executive's Community Project List, the Board of Management of the Chinese Permanent Cemeteries Charity Donations, the Sir Robert Ho Tung Charitable Fund, the Lotteries Fund and the Beat Drugs Fund) have been granted to ten agencies to meet the licensing requirements. Another three applications for \$15.8 million are being processed.

Challenges Ahead

12. Despite the concerted efforts made by concerned

Government departments and the treatment centres, we envisage that some subvented centres will not be able to meet all the licensing requirements before the expiry of the grace period set by the Administration. The reasons are as follows -

(A) Planning and Land Issues

13. One of the major challenges encountered by the treatment centres in meeting the licensing requirements is difficulty in identifying suitable sites/ premises for re-provisioning. In spite of the efforts taken by concerned Government departments in looking for sites/ premises, not many sites/ premises identified match the needs of the centres either because of the problems presented by the sites (e.g. slopes) or the poor conditions of some existing vacant premises and other technical obstacles (e.g. unavailability of utilities and lack of vehicular access).

14. In addition, given the very scarce land resources in Hong Kong, identification of suitable sites often involves a balancing act between different interests and competing demands. Locals may not welcome the setting up of treatment centres in their vicinity. As a result consultation exercises in relation to potential sites for relocation are much protracted. These potential sites may not be granted to treatment centres if local objections persist and cannot be resolved. Even if there are no local objections, centres also have to take into account the possible impact the establishment of a centre may have on the natural landscape or the ecology if the preferred sites fall within green belt zones. Under these circumstances, before re-provisioning/ re-locating to an identified site is possible, centres need to go through necessary planning approval process, which are in some cases difficult and time-consuming.

15. We are well aware that re-provisioning is a long process, but will continue with our efforts to assist the centres in every way possible, including the identification of suitable sites or re-location to Government accommodation, processing their planning permission applications, and stepping up liaison efforts in enhancing communications between the locals and the centre management.

(B) Funding Issues

16. As regards funding support, agencies with centres of large capacity need to solicit more funds to finance their projects. The situation is even more pressing for those who have difficulty in accepting funding originated from gambling proceeds. The Administration will continue to provide policy support to the agencies to apply for charitable funds and work closely with them to identify practical ways to fund their projects. We will also consider reviewing the BDF guidelines so that flexibility could be exercised whenever necessary to facilitate the processing of applications of funds from agencies to cover the upgrading costs for some centres.

Extension of Grace Period

17. As noted above, the Administration has granted administrative grace periods of four and eight years to subvented and non-subvented treatment centres respectively so as to give them time to carry out improvement works in order to meet the licensing requirements. The counting of grace period is from the issue date of the first CoE to individual treatment centre. The expiry dates of the grace period of those treatment centres operating on CoEs are summarised as follows -

- (a) for the 11 subvented treatment centres - ranging from 29 September 2006 to 21 July 2007; and
- (b) for the 18 non-subvented treatment centres - ranging from 29 September 2010 to 28 May 2011.

(A) Subvented Treatment Centres

18. Considering the imminent expiry of the grace period for the subvented treatment centres and the challenges ahead, extension of the grace period will be necessary for some of them. Although treatment centres operating on CoEs are unable to meet all the licensing requirements at the moment, improvement measures have been stepped up since the commencement of the Ordinance to ensure that no imminent danger is posed to the residents at their premises through site inspection

by technical departments and rectification of any identified irregularities by the centres. The Administration is satisfied that every effort has been made by the centres to ensure speedy and timely resolution of the issues concerned. We are therefore prepared to exercise discretion to extend the grace period for subvented centres.

19. Centres can apply for extension of their grace period if they have proven to have -

- (a) encountered difficulties in rectifying the conditions of existing premises or identifying suitable site/ premises for re-provisioning of existing centre which cannot be upgraded to meet licensing requirements; or
- (b) tried their best to secure financial resources through various ways to fund the proposed project; or
- (c) started the works for upgrading/ re-provisioning/ redevelopment but such works are unlikely to be completed prior to the expiry of the grace period.

Application for extension will be considered on a case-by-case basis. We do not propose to impose a uniform extension period. Centres with their grace period extended will be requested to submit regular progress reports so that both the Administration and the centres can review progress. Individual consultation meetings will be convened as appropriate to resolve expeditiously any issues that may hinder progress. The existing arrangement of applying for renewals of CoE on an annual basis will continue such that DSW can monitor and ensure that the conditions of the premises would pose no imminent health and safety risk to the staff and residents.

20. Based on the information available, we estimate that two subvented centres will be in a position to secure a licence before the expiry of the existing grace period, four are expected to secure a licence within 12 months after the expiry of the existing grace period and five are expected to take around two to three years to satisfy the licensing requirements due to the scale and complexity of the works involved and/

or unavailability of relocation sites/ premises. A summary of the situation is at Annex B.

21. For those centres which require extension of the grace period, the Administration will hold individual consultation meetings with their parent agencies to assess the proposed plans and works schedule. Through holding individual consultation meetings, we aim to work out a realistic timeframe having regard to the circumstances of the centres concerned and determine the duration of the extension for each individual centre.

22. As part of our on-going efforts to keep the anti-drug sector abreast of the implementation and progress of the licensing scheme, we discussed the proposed extension of grace period for the subvented treatment centres at the recent meeting of the Drug Liaison Committee, an advisory group the membership of which is made up of representatives from most subvented and non-subvented treatment centres. Members expressed unanimous support for the approach and pledged to continue to work closely with relevant Government departments to take forward the licensing scheme.

(B) Non-subvented Centres

23. As the expiry of the grace period of non-subvented treatment centres would come into play in 2010 the earliest, the current extension exercise will not cover non-subvented centres.

24. Although the expiry of the grace period of the non-subvented sector is not imminent, we believe these centres should start their preparatory work as soon as possible, having regard to the experience gained so far.

25. In order to help the non-subvented centres to gear up for the work ahead, we plan to take the following specific measures -

- (a) Hold an experience sharing session with the non-subvented centres to pass on the experience gained and impress upon these centres to start work as early as possible. This is

meant to help the non-subvented centres focus their improvement/ upgrading works and to avoid possible waste of time and resources.

- (b) Prepare a checklist of the critical steps to be taken in the licensing process and the relevant considerations and factors that have to be taken into account when drawing up their upgrading/ re-provisioning plans.
- (c) Promote cooperation between the subvented centres and non-subvented centres, such that the latter can seek advice from the former. Subvented centres have just completed their work on applying for licence and as such they are in the best position to share their experience with non-subvented centres.

The Way Forward

26. Hong Kong's drug treatment work is based on a multi-modality approach. With the growing complexity of drug abuse problem, treatment centres must improve both the physical environment and the skills and knowledge of anti-drug workers in order to render the most effective service. The Administration will continue to work together with the anti-drug agencies in fulfilling the goals of the licensing scheme.

Security Bureau
June 2006

LICENSING POSITION (AS AT 1 MAY 2006)**In Summary**

	No. of Licensed Centres	No. of Centres Operating on Certificates of Exemption	Total
Subvented	9	11	20
Non-subvented	1	18	19
Total	10	29	39

(1) Treatment Centres Operating on Licences (Total: 10)

No.	Operating Agency	Treatment Centre
<u>Subvented (Total: 9)</u>		
1	Caritas - Hong Kong	Caritas Wong Yiu Nam Centre
2	Hong Kong Christian Service	Jockey Club Lodge of Rising Sun
3	Operation Dawn Limited	Wong Tai Sin Centre (Halfway House)
4	The Society for the Aid and Rehabilitation of Drug Abusers	Au Tau Youth Centre
5		Adult Female Rehabilitation Centre
6		Bradbury Hong Ching Centre
7		Female Hostel
8		Sister Aquinas Memorial Women's Treatment Centre
9	The Finnish Evangelical Lutheran Mission	Ling Oi Centre
<u>Non-subvented (Total: 1)</u>		
1	The Society of Rehabilitation and Crime Prevention, Hong Kong	Bradbury OASIS Hostel

(2) Treatment Centres Operating on Certificates of Exemption (Total: 29)

No.	Operating Agency	Treatment Centre
<u>Subvented (Total: 11)</u>		
1	The Society of Rehabilitation and Crime Prevention, Hong Kong	Hong Kong Female Hostel
2	The Finnish Evangelical Lutheran Mission	Ling Oi Tan Ka Wan Centre
3	The Society for the Aid and Rehabilitation of Drug Abusers	Kowloon Hostel
4		Luen Ching Centre
5		Shek Kwu Chau Treatment and Rehabilitation Centre
6	Barnabas Charitable Service Association Limited	Lamma Training Centre
7		Ma On Shan Half-way House
8	The Christian New Being Fellowship Limited	Training Centre
9		Halfway House
10	Operation Dawn Limited	Dawn Island Drug Treatment and Rehabilitation Centre
11		Girl Centre
<u>Non-subvented (Total: 18)</u>		
1	Christian New Life Association Limited	Christian New Life Association Limited
2	Christian Zheng Sheng Association Limited	Cheung Chau Male Training Centre for Youth
3		Cheung Chau Female Training Centre

No.	Operating Agency	Treatment Centre
4		Ha Keng Treatment and Rehabilitation Youth Centre for Male
5		Ha Keng Treatment and Rehabilitation Female Centre
6		Mui Wo Male Training Centre for Adult
7	Dacars Limited	Enchi Lodge
8	Glorious Praise Fellowship (Hong Kong) Limited	Glorious Praise Fellowship (Hong Kong) Limited
9	Mission Ark Limited	Yuen Long Centre
10	Perfect Fellowship Limited	Koo Tung Rehabilitation Centre
11	Remar Association (Hong Kong) Limited	Remar Association (Hong Kong) Limited
12	St. Stephen's Society Limited	Shing Mun Springs Multi-purpose Rehabilitation Homes (Male/Female)
13		Tuen Mun Multi-purpose Rehabilitation Homes (Female)
14	The Society for the Aid and Rehabilitation of Drug Abusers	Bradbury Pui Ching Centre
15	Wu Oi Christian Centre	Green Island Youth Training Centre
16		Long Ke Training Centre
17		Shun Tin Half-way House
18		Tai Mei Tuk Female Training Centre

Annex B

CURRENT POSITION OF THE SUBVENTED TREATMENT CENTRES

(1) Centres that are expected to secure a licence within the existing grace period

No.	Name of Agency	Name of Centre	Expiry Date of Grace period	Position
1	The Society of Rehabilitation and Crime Prevention, Hong Kong	Hong Kong Female Hostel	24.11.2006	• Prepares to apply for a licence soon.
2	The Finnish Evangelical Lutheran Mission	Ling Oi Tan Ka Wan Centre	27.2.2007	• Construction works are in progress, which are expected to complete in December 2006.

(2) Centres that are expected to secure a licence within 12 months after expiry of the existing grace period

No.	Name of Agency	Name of Centre	Expiry Date of Grace period	Position
1	The Society for the Aid and Rehabilitation of Drug Abusers	Kowloon Hostel	29.9.2006	• Requires 15 months to secure funding from the Lotteries Fund and complete the upgrading works.
2		Luen Ching Centre	29.9.2006	

No.	Name of Agency	Name of Centre	Expiry Date of Grace period	Position
3	Barnabas Charitable Service Association Limited	Ma On Shan Half-way House	29.9.2006	<ul style="list-style-type: none"> Upgrading works are anticipated to be completed within six months.
4		Lamma Training Centre	24.11.2006	

(3) Centres that are expected to take around two to three years to meet the licensing requirements

No.	Name of Agency	Name of Centre	Expiry Date of Grace period	Position
1	The Christian New Being Fellowship Limited	Halfway House	30.12.2006	<ul style="list-style-type: none"> Applying for permission under section 16 of the Town Planning Ordinance with a view to re-locating the two centres at an identified site.
2		Training Centre	16.1.2007	
3	Operation Dawn Limited	Girl Centre	16.1.2007	<ul style="list-style-type: none"> Technical problems in relation to fire service installations at the relocated or reprovisioned sites. Needs to secure funding support.
4		Dawn Island Drug Treatment and Rehabilitation Centre	20.3.2007	

No.	Name of Agency	Name of Centre	Expiry Date of Grace period	Position
5	The Society for the Aid and Rehabilitation of Drug Abusers	Shek Kwu Chau Treatment and Rehabilitation Centre	21.7.2007	<ul style="list-style-type: none"> • Applying for funding from the Lotteries Fund. • Upgrading works involved are complex and of a large scale.