

立法會
Legislative Council

LC Paper No. CB(2)2391/10-11
(These minutes have been
seen by the Administration)

Ref : CB2/BC/4/09

Bills Committee on Residential Care Homes (Persons with Disabilities) Bill

Minutes of the 13th meeting
held on Friday, 29 April 2011, at 10:45 am
in Conference Room B of the Legislative Council Building

Members present : Hon WONG Sing-chi (Chairman)
Hon LEE Cheuk-yan
Hon LEUNG Yiu-chung
Hon TAM Yiu-chung, GBS, JP
Dr Hon Joseph LEE Kok-long, SBS, JP
Hon Ronny TONG Ka-wah, SC
Hon Cyd HO Sau-lan
Hon CHEUNG Kwok-che
Hon Alan LEONG Kah-kit, SC

Members absent : Hon IP Wai-ming, MH
Dr Hon PAN Pey-chyou
Hon LEUNG Kwok-hung

Public Officers attending : Item I

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

Mr Stephen SUI Wai-keung
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

Ms Lonnie NG Wah-chi
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 Yvonne YU
Senior Council Secretary (2) 4

Miss Maggie CHIU
Legislative Assistant (2) 4

Action

I. Meeting with the Administration

[The Bill, LC Paper Nos. CB(2)1472/10-11(01) and CB(2)1609/10-11(01) to (02)]

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

2. The Administration took members through the paper setting out its response to issues raised at the Bills Committee meetings held on 3, 17 December 2010 and 11 February 2011 [LC Paper No. CB(2)1609/10-11(01)].

3. In response to members' concern on whether the Administration would revise the proposed minimum spatial requirement of 6.5 m² per

Action

resident, the Administration advised that the number of residents to be accommodated in a residential care home for persons with disabilities ("RCHD") was determined by its physical size and the space standard per capita, i.e. the net floor area for the exclusive use of the home. The inclusion of outdoor space, such as garden and podium might result in a reduction in the actual residential space for each resident. Diverse views had been received from the residents and the operators on the basis for calculating the floor space. In the light of members' views, the Administration agreed to revisit the level of minimum area of floor space to be required for each resident in a RCHD and the criteria for determining the area in a RCHD for the purpose of the spatial requirement to be stipulated in the Regulation which would be tabled for negative vetting by the Legislative Council after passage of the Bill.

Admin

4. Members noted the Administration's response to the views expressed during the clause-by-clause examination of the Bill and the Administration's proposed amendments to individual clauses [LC Paper No. CB(2)1609/10-11(02)]. Concern was raised as to whether the reference to "any Deputy Director" in clause 20(4) should be amended to "a Deputy Director" who was responsible for administering the licensing scheme for RCHDs. The Administration was requested to further consider members' concern in this respect. Members considered the Administration's other proposed amendments acceptable.

Admin

5. Members noted that the Administration would provide a complete set of the draft Committee Stage amendments and the legislative timetable in due course.

II. Any other business

6. There being no other business, the meeting ended at 11:56 am.

**Proceedings of the 13th meeting of the
Bills Committee on Residential Care Homes (Persons with Disabilities) Bill
on Friday, 29 April 2011, at 10:45 am
in Conference Room B of the Legislative Council Building**

Time marker	Speaker(s)	Subject(s)	Action required
<i>Agenda item I – Meeting with the Administration</i>			
000000 - 000412	Chairman Administration	Opening remarks	
000413 - 001035	Ms Cyd HO Chairman Administration	<p>Continuation of discussion on the Administration's response to issues raised at meetings held on 4 and 20 January 2011 [LC Paper No. CB(2)1472/10-11(01)]</p> <p>Ms Cyd HO's concern about the impact of the statutory minimum wage on the manpower requirement of residential care homes for persons with disabilities ("RCHDs") and whether the Administration would issue guidelines on the calculation of work hours.</p> <p>The Administration's advice that the specified hours of work in the employment contracts of RCHD staff should include the performance of on-call and stand-by duties. Given various types of posts were involved, it was technically difficult to issue guidelines as suggested by Ms HO. Nevertheless, SWD staff would examine the employment records kept by RCHD operators, as required under the statutory licensing scheme during regular inspections.</p>	
001036 - 001911	Chairman Administration	The Administration's response to issues raised at meetings held on 3 and 17 December 2010 and 11 February 2011 [LC Paper No. CB(2)1609/10-11(01)]	
001912 - 002636	Chairman Administration	<p>The Chairman's concern on whether the Administration would consider revising the proposed minimum spatial requirement of 6.5 m² per RCHD resident. Consideration should be given to including outdoor space for the purpose of calculating the spatial requirement in order to encourage the operators to provide more spacious area for recreational activities for the RCHD residents.</p> <p>The Administration's response -</p> <p>(a) the number of residents to be accommodated in a RCHD was determined by its physical</p>	

Time marker	Speaker(s)	Subject(s)	Action required
		<p>size and the space standard per capita, i.e. the net floor area for the exclusive use of the home. The inclusion of outdoor space, such as garden and podium might result in a reduction in the actual residential space for each resident. Moreover, diverse views had been received from the residents and the operators on the basis for calculating the floor space; and</p> <p>(b) the Administration agreed to revisit the level of minimum area of floor space to be required for each resident in a RCHD and the criteria for determining the area in a RCHD for the purpose of the spatial requirement to be stipulated in the Regulation.</p>	<p>Admin</p>
002637 - 002932	Mr LEUNG Yiu-chung Chairman Administration	<p>Mr LEUNG Yiu-chung's concern about the grounds for the Education Bureau to close a boarding school pursuant to the Education Regulations (Cap. 279 sub. leg. A).</p> <p>The Administration would convey Mr LEUNG's concern to the Education Bureau.</p>	<p>Admin</p>
002933 - 003041	Mr CHEUNG Kwok-che Administration Chairman	<p>Mr CHEUNG Kwok-che's concern about the differences in the spatial requirements per RCHD resident under the statutory licensing scheme and the pilot Bought Place Scheme for private RCHDs.</p>	
003042 - 003802	Chairman Administration	<p>Briefing by the Administration on the regulatory mechanism and the respective service standards of the premises/institutions providing residential care services for persons with disabilities which were proposed to be exempted from the application of the Bill [Appendix to LC Paper No. CB(2)1609/10-11(01)]</p>	
003803 - 004719	Mr CHEUNG Kwok-che Chairman Administration	<p>Mr CHEUNG Kwok-che's concern about the comparatively lower spatial requirement and staffing requirement for each resident of those premises/institutions providing residential care services for persons with disabilities which were proposed to be exempted from the application of the Bill.</p> <p>The Administration's advice that while it agreed that licensing requirements should be kept under review in the light of prevailing circumstances, it considered that the issue was beyond the scope of the Bill.</p>	
004720 - 010749	Chairman Administration	<p>The Administration's response to the views expressed during the clause-by-clause</p>	

Time marker	Speaker(s)	Subject(s)	Action required
	ALA8	<p>examination of the Bill and the Administration's proposed amendments to individual clauses [LC Paper No. CB(2)1609/10-11(02)]</p> <p>The Administration was requested to further consider whether the reference to "any Deputy Director" in clause 20(4) should be amended to "a Deputy Director" who was responsible for administering the licensing scheme for RCHDs.</p> <p>Members considered the Administration's other proposed amendments acceptable.</p>	Admin
<i>Agenda item II – Any other business</i>			
010750 - 011108	Chairman Administration	Date and discussion items of the next meeting	

Council Business Division 2
Legislative Council Secretariat
15 July 2011