

立法會
Legislative Council

LC Paper No. CB(2)1536/12-13
(These minutes have been seen
by the Administration)

Ref : CB2/SS/6/12

**Subcommittee on
Residential Care Homes (Persons with Disabilities) Ordinance
(Commencement) Notice 2013**

**Minutes of meeting
held on Saturday, 4 May 2013, at 10:00 am
in Conference Room 1 of the Legislative Council Complex**

Members present : Hon CHEUNG Kwok-che (Chairman)
Hon TAM Yiu-chung, GBS, JP
Hon Alan LEONG Kah-kit, SC
Dr Hon Fernando CHEUNG Chiu-hung
Hon POON Siu-ping, BBS, MH
Hon TANG Ka-piu
Ir Dr Hon LO Wai-kwok, BBS, MH, JP

Member attending : Dr Hon Joseph LEE Kok-long, SBS, JP

Members absent : Hon LEUNG Yiu-chung
Dr Hon Helena WONG Pik-wan

Public Officers attending : Item I
Mr Stephen SUI Wai-keung
Commissioner for Rehabilitation
Labour and Welfare Bureau

Mr LAM Ka-tai
Assistant Director
(Rehabilitation and Medical Social Services)
Social Welfare Department

Ms Maggie LEUNG Yee-lee
Senior Social Work Officer
Social Welfare Department

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

Attendance : Item I
by invitation

Association of Hong Kong Nursing Staff

Mr LIU Yu-hang
Executive Officer

The Association of Parents of The Severely Mentally Handicapped

Mr LEE Chi-yung
Chairman

Hong Kong Private Hostel for Rehabilitation Association

Mr LI Wing-yiu
Chairman

The Hong Kong Council of Social Service

Mr KUO Chun-chuen
Chief Officer (Rehabilitation Service)

香港區私營院舍聯會

Ms NG Yuet-yee
Vice Chairman

Tung Hoi Association For The Gifted Child Limited

Mr LEE Pak-ying
Chief Executive Officer

The Forthright Caucus

Ms HO Bo-ching
Representative

培澤弱智協進會

龐國本先生

扶康之家

劉謀計先生

沐恩之家

張健華先生

益豐護理中心

許水林女士

樂悠居復康中心

Ms Michelle KWOK

Clerk in attendance : Miss Betty MA
Chief Council Secretary (2) 1

Staff in attendance : Mr Bonny LOO
Assistant Legal Adviser 3

Ms Rita LAI
Senior Council Secretary (2) 1

Ms Kiwi NG
Legislative Assistant (2) 1

Action

I. Meeting with deputations and the Administration

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

2. The Subcommittee received oral representations from 12 deputations on the Residential Care Homes (Persons with Disabilities) Ordinance (Commencement) Notice 2013 ("the Commencement Notice").

3. In the light of members' concern about the progress of the licensing scheme for residential care homes for persons with disabilities ("RCHDs") and the implementation of complementary measures to alleviate the impact of the licensing scheme on the RCHD sector, members considered that the Administration should report to the Panel on Welfare Services and/or the Joint Subcommittee on Long-term Care Policy on these issues at suitable juncture.

4. The Chairman said that the Subcommittee had completed the scrutiny of the Commencement Notice, and he would report the deliberations of the Subcommittee to the House Committee on 10 May 2013.

II. Any other business

5. There being no other business, the meeting ended at 1:00 pm.

Council Business Division 2
Legislative Council Secretariat
4 July 2013

**Proceedings of meeting of the Subcommittee on
Residential Care Homes (Persons with Disabilities) Ordinance
(Commencement) Notice 2013
held on Saturday, 4 May 2013, at 10:00 am
in Conference Room 1 of the Legislative Council Complex**

Time marker	Speaker(s)	Subject(s)	Action Required
<i>Agenda item I - Meeting with deputations and the Administration</i>			
000000 - 000319	Chairman	Opening remarks	
000320 - 000454	Chairman Admin	Briefing by the Administration on the Residential Care Homes (Persons with Disabilities) Ordinance (Commencement) Notice 2013 ("the Commencement Notice")	
000455 - 000859	Chairman Association of Hong Kong Nursing Staff ("AHKNS")	Presentation of views as detailed in the submission (LC Paper No. CB(2)1081/12-13(01))	
000900 - 001207	Chairman The Association of Parents of the Severely Mentally Handicapped	Presentation of views as detailed in the submission (LC Paper No. CB(2)1081/12-13(02))	
001208 - 001525	Chairman Hong Kong Private Hostel for Rehabilitation Association	Presentation of views as detailed in the submission (LC Paper No. CB(2)1081/12-13(03))	
001526 - 001829	Chairman The Hong Kong Council of Social Service	Presentation of views - (a) the introduction of the licensing scheme for residential care homes for persons with disabilities ("RCHDs") had enhanced the overall service quality; and (b) the Social Welfare Department ("SWD") should strengthen support to the RCHD sector in complying with the licensing requirements on building and fire safety.	
001830 - 001928	Chairman 香港區私營院舍聯會	Presentation of views - Health workers in residential care homes for the elderly ("RCHEs") should possess the same qualifications as those working in RCHDs if the former were required to take care of elderly residents with disabilities.	

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001929 - 002246	Chairman Tung Hoi Association For The Gifted Child Limited	Presentation of views as detailed in the submission (LC Paper No. CB(2)1081/12-13(04))	
002247 - 002549	Chairman The Forthright Caucus	Presentation of views - (a) SWD should monitor the displacement arrangements for residents who were affected by the closure of RCHDs because of not meeting the licensing requirements; (b) the spatial requirement under the licensing scheme should be further increased; and (c) SWD should be prudent in considering applications for renewal of Certificates of Exemption ("CoEs").	
002550 - 002731	Chairman 培澤弱智協進會	Presentation of views - The Administration should provide support, including financial assistance, to those RCHDs issued with CoEs when they applied for licences for RCHDs.	
002732 - 003012	Chairman 扶康之家	Presentation of views - (a) around one-third of private RCHDs might have to close down eventually because of failing in meeting the licensing requirements; (b) the Administration should provide assistance to those RCHDs which had difficulties meeting the town planning requirements for setting up RCHDs; and (c) instead of providing financial support under the Finance Assistance Scheme ("FAS") to private RCHDs to carry out compliance works, the Administration should consider providing subsidies to RCHDs for relocation to another suitable location.	

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003013 - 003330	Chairman 沐恩之家	Presentation of views - (a) it was unnecessary for small private RCHDs to meet the statutory staffing requirements if their residents did not stay at the homes during daytime; and (b) the private RCHD sector faced difficulties in complying with the latest fire safety requirement for the purpose of the licensing scheme.	
003331 - 003626	Chairman 益豐護理中心	Presentation of views - (a) the Administration should consider arranging training courses for health workers inside RCHDs; and (b) it was sometimes beyond the capability of RCHD operators, who were tenants, to carry out compliance works, such as removal of unauthorised building works.	
003627 - 003947	Chairman 樂悠居復康中心	Presentation of views - (a) the private RCHD sector had difficulties meeting the licensing requirements and town planning requirements; (b) the validity period of CoEs issued to subvented RCHDs was longer than that for private RCHDs; and (c) RCHD operators faced difficulty in meeting the staffing requirement according to the highest level of care required by the residents.	
003948 - 004222	Chairman AHKNS	Presentation of further views as detailed in the submission (LC Paper No. CB(2)1081/12-13(01))	
004223 - 010315	Chairman Admin	The Administration's response to the views of deputations regarding - (a) overall policy direction for enhancing the residential care and community support services for persons with disabilities;	

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		<p>(b) three-pronged approach to encourage participation from different sectors in providing residential care services for persons with disabilities, including regulating RCHDs through a statutory licensing scheme;</p> <p>(c) floor space of 6.5 square metres required for each resident in RCHDs was the minimum standard for the purpose of the licensing scheme;</p> <p>(d) an overall review on the four-year pilot Bought Place Scheme ("BPS") for RCHDs, which was introduced from 2010-2011 with a target of purchasing 300 RCHD places by phases, would be conducted;</p> <p>(e) latest position of the implementation of the licensing scheme;</p> <p>(f) assistance to be provided by SWD to the 45 residents of five RCHDs, which had indicated their intention to cease operation and had not submitted applications for licences or CoEs;</p> <p>(g) measures taken to alleviate the manpower shortage of paramedical staff, including health workers and enrolled nurses, in the welfare sector;</p> <p>(h) classification of RCHDs in accordance with the levels of care and assistance required by their residents; and</p> <p>(i) the land lease and town planning requirements for setting up RCHDs and one-stop services provided by the Licensing Office to applicants under the licensing scheme.</p>	
010316 - 011123	Chairman Mr TANG Ka-piu Admin	Mr TANG Ka-piu's concern and the Administration's response regarding the criteria for renewal of CoEs and the overall supply of RCHD places.	

Time marker	Speaker(s)	Subject(s)	Action Required
011124 - 011904	Chairman Ir Dr LO Wai-kwok Hong Kong Private Hostel for Rehabilitation Association	Ir Dr LO Wai-kwok's concern about the impact of the implementation of the Commencement Notice on the private RCHD sector. Deputation's views that private RCHDs were facing increasing financial difficulties to meet the operating costs and improvement costs for compliance with the licensing requirements since the implementation of the Residential Care Homes (Persons with Disabilities) Ordinance in 2011.	
011905 - 013345	Chairman Dr Fernando CHEUNG Admin 扶康之家 Hong Kong Private Hostel for Rehabilitation Association	Views and concerns expressed by Dr Fernando CHEUNG and the Administration's response regarding - (a) the progress of the licensing scheme; and (b) discrepancy between the estimated number of private RCHDs which would cease operation as projected by the private RCHD sector and that provided by the Government. Deputations' reiteration of the operating difficulties of private RCHDs in face of the soaring rental and the licensing requirements for building and fire safety.	
013346 - 014020	Chairman Mr POON Siu-ping Admin AHKNS	Mr POON Siu-ping's enquiry and the Administration's response regarding - (a) the progress of licence application from two new private RCHDs; and (b) the use of Lump Sum Grant subvention by subvented RCHDs and the additional provision from the Lotteries Fund for these RCHDs to recruit and retain paramedical staff.	
014021 - 015752	Chairman Mr TANG Ka-piu Admin Tung Hoi Association For The Gifted Child Limited 沐恩之家 香港區私營院舍聯會	Concerns of Mr TANG Ka-piu and the Administration's response regarding - (a) applications for subsidies under FAS; (b) the need for private RCHD operators to produce a two-year tenancy agreement when submitting applications for FAS; and	

Time marker	Speaker(s)	Subject(s)	Action Required
		<p>(c) policy direction on provision of residential care services for persons with disabilities.</p> <p>Views of deputations and the Administration's response regarding application for FAS -</p> <p>(a) the need to meet the town planning requirements for setting up RCHDs; and</p> <p>(b) the difficulties of cash flow faced by private RCHDs in carrying out improvement works.</p> <p>The Chairman's request of the Administration to liaise with the Town Planning Board in drawing up meeting schedule for consideration of applications from RCHDs for the purpose of the licensing scheme.</p>	
015753 - 020756	<p>Chairman Dr Fernando CHEUNG Hong Kong Private Hostel for Rehabilitation Association Tung Hoi Association For The Gifted Child Limited</p>	<p>Dr Fernando CHEUNG's concern about the operation difficulties faced by small private RCHDs.</p> <p>Deputations' views that the Administration should provide RCHD residents with additional subsidies to help meet partly the increasing operating costs as the Comprehensive Social Security Assistance ("CSSA") payments of residents were not intended for meeting the home fees of RCHDs.</p>	
020757 - 021958	<p>Chairman Admin</p>	<p>The Chairman's suggestions that -</p> <p>(a) private RCHD operators be provided with a monthly carer allowance to help meet partly the increasing operating costs; and</p> <p>(b) procuring more places from each RCHD under the pilot BPS for RCHDs.</p> <p>The Administration's response regarding -</p> <p>(a) the adjustments to CSSA payments and supplements to help relieve CSSA recipients' financial burden in meeting the home fees; and</p>	

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		(b) the progress of the pilot BPS and the timing for an overall review of the pilot BPS.	
021959 - 022727	Chairman Dr Fernando CHEUNG Admin 益豐護理中心	Dr Fernando CHEUNG's concern that the 30-day notice of discontinuation of operation of an RCHD served to the residents or relevant personnel was too short for them to make alternative arrangement. The Administration's response that the established mechanism for discontinuation of operation of an RCHD was stipulated in the Code of Practice. The deputation's view that the 30-day notice requirement was reasonable for facilitating the smooth operation of RCHDs.	
022728 - 024355	Chairman Dr Fernando CHEUNG 樂悠居復康中心 扶康之家 Hong Kong Private Hostel for Rehabilitation Association 香港區私營院舍聯會 The Association of Parents of the Severely Mentally Handicapped Admin	Discussion on the classification of RCHDs and RCHEs as well as the respective staffing requirements.	
024356 - 025055	Chairman Dr Fernando CHEUNG Admin	Dr Fernando CHEUNG's concern and the Administration's response regarding - (a) monitoring of RCHDs in providing the appropriate levels of care and assistance to the residents; (b) provision of subvented residential care services for children with disabilities aged six to 14; and (c) the difficulties faced by subvented RCHDs in meeting the licensing requirements.	

Time marker	Speaker(s)	Subject(s)	Action Required
025056 - 025722	Chairman Mr TANG Ka-piu Admin The Forthright Caucus	Mr TANG Ka-piu's concern about the provision of appropriate levels of care and assistance required by residents of RCHDs in different types of RCHDs. The Administration's explanation on the classification of RCHDs. Issues of concern to be followed up by the Panel on Welfare Services and/or the Joint Subcommittee on Long-term Care Policy.	
025723 - 025825	Chairman	Scrutiny of the detailed provisions of the Commencement Notice.	
<i>Agenda item II - Any other business</i>			
025826 - 030100	Chairman Dr Fernando CHEUNG	Legislative timetable for the Commencement Notice. Closing remarks.	

Council Business Division 2
Legislative Council Secretariat
4 July 2013