

立法會
Legislative Council

LC Paper No. ESC75/16-17
(These minutes have been
seen by the Administration)

Ref : CB1/F/3/2

Establishment Subcommittee of the Finance Committee

**Minutes of the 9th meeting
held in Conference Room 1 of Legislative Council Complex
on Wednesday, 1 March 2017, at 8:30 am**

Members present:

Hon Alvin YEUNG (Deputy Chairman)
Hon James TO Kun-sun
Hon Abraham SHEK Lai-him, GBS, JP
Hon WONG Ting-kwong, SBS, JP
Hon Starry LEE Wai-king, SBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon WONG Kwok-kin, SBS, JP
Hon Paul TSE Wai-chun, JP
Hon LEUNG Kwok-hung
Hon Steven HO Chun-yin, BBS
Hon WU Chi-wai, MH
Hon YIU Si-wing, BBS
Hon MA Fung-kwok, SBS, JP
Hon Charles Peter MOK, JP
Hon CHAN Chi-chuen
Hon Alice MAK Mei-kuen, BBS, JP
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Helena WONG Pik-wan
Hon IP Kin-yuen
Hon Martin LIAO Cheung-kong, SBS, JP
Hon POON Siu-ping, BBS, MH
Dr Hon CHIANG Lai-wan, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP

Hon CHUNG Kwok-pan
Hon CHU Hoi-dick
Hon Jimmy NG Wing-ka, JP
Hon LAM Cheuk-ting
Hon Holden CHOW Ho-ding
Hon SHIU Ka-fai
Hon SHIU Ka-chun
Hon Wilson OR Chong-shing, MH
Hon YUNG Hoi-yan
Hon CHAN Chun-ying
Hon Tanya CHAN
Hon LUK Chung-hung
Hon LAU Kwok-fan, MH
Hon KWONG Chun-yu
Hon Jeremy TAM Man-ho
Dr Hon YIU Chung-yim

Members absent:

Hon Mrs Regina IP LAU Suk-yee, GBS, JP (Chairman)
Hon HO Kai-ming
Hon Nathan LAW Kwun-chung

[According to the Judgment of the Court of First Instance of the High Court on 14 July 2017, LEUNG Kwok-hung, Nathan LAW Kwun-chung, YIU Chung-yim and LAU Siu-lai have been disqualified from assuming the office of a member of the Legislative Council, and have vacated the same since 12 October 2016, and are not entitled to act as a member of the Legislative Council.]

Public Officers attending:

Ms Carol YUEN Siu-wai, JP	Deputy Secretary for Financial Services and the Treasury (Treasury) 1
Mr Eddie MAK Tak-wai, JP	Deputy Secretary for the Civil Service 1
Miss Annie TAM, GBS, JP	Permanent Secretary for Labour and Welfare
Ms Carol YIP, JP	Director of Social Welfare
Mr LAM Ka-tai, JP	Deputy Director of Social Welfare (Services)
Ms PANG Kit-ling	Assistant Director of Social Welfare (Elderly)

Mr FONG Kai-leung

Assistant Director of Social Welfare
(Rehabilitation and Medical Social
Services)

Clerk in attendance:

Ms Connie SZETO

Chief Council Secretary (1)4

Staff in attendance:

Mr Keith WONG

Council Secretary (1)4

Ms Alice CHEUNG

Senior Legislative Assistant (1)1

Miss Yannes HO

Legislative Assistant (1)6

Ms Haley CHEUNG

Legislative Assistant (1)9

Action

The Deputy Chairman drew members' attention to the information paper ECI(2016-17)13, which set out the latest changes in the directorate establishment approved since 2002 and the changes to the directorate establishment in relation to the seven items on the agenda. He then reminded members that in accordance with Rule 83A of the Rules of Procedure ("RoP"), they should disclose the nature of any direct or indirect pecuniary interest relating to the funding proposal under discussion at the meeting before they spoke on the item. He also drew members' attention to RoP 84 on voting in case of direct pecuniary interest.

EC(2016-17)22 Proposed creation of one supernumerary post of Assistant Director of Social Welfare (D2) in the Social Welfare Department up to 31 March 2021 upon approval of the Finance Committee to head a new Licensing and Regulation Branch

2. The Deputy Chairman remarked that the staffing proposal was to create one supernumerary post of Assistant Director of Social Welfare (D2) in the Social Welfare Department ("SWD") up to 31 March 2021 upon approval of the Finance Committee ("FC") to head a new Licensing and Regulation ("LR") Branch. He pointed out that discussion of the item was carried over from the meeting on 21 February 2017.

Action

Work of the proposed post

3. Ms Tanya CHAN enquired how the work of the proposed post would be affected by the new welfare policies and initiatives mentioned in the Policy Address and the Budget just released by the Government. Mr SHIU Ka-chun also enquired whether the increased estimated expenditure in the Budget in relation to services for the elderly and persons with disabilities would include the resources for creating the proposed post.

4. Permanent Secretary for Labour and Welfare ("PS(LW)") replied that the scope of work of the proposed post would not be affected by the content of the Policy Address and the Budget. Expenditure for creating the proposed post had been included in SWD's estimated expenditure for the current year. She added that the Establishment Subcommittee had endorsed the staffing proposal during the last term of the Legislative Council ("LegCo"). As FC could not consider the item before the end of the term, the Government had to resubmit the item to the Subcommittee for consideration. The Government had engaged with a number of members and stakeholders over the past few months and had adopted their further views to the proposal to update the scope of work of the proposed post. She expected that upon the creation of the proposed post, the new Assistant Director could lead the work of reviewing the Residential Care Homes (Elderly Persons) Ordinance (Cap. 459), the Residential Care Homes (Persons with Disabilities) Ordinance (Cap. 613) as well as the Codes of Practice for residential care homes for the elderly ("RCHEs") and for residential care homes for persons with disabilities ("RCHDs"), and conduct a review on the current monitoring system for such homes.

5. Mr CHAN Chun-ying noted from Enclosure 5 of the Government's paper that under SWD's existing organization structure, each of the District Social Welfare Offices was supervised by Deputy Director (Services). Although the proposed post would report to Deputy Director (Administration) and was dedicated to take up licensing work for residential care homes for the elderly and for persons with disabilities ("homes"), its work would also include supervising the District Social Welfare Office (Kowloon City and Yau Tsim Mong). He enquired about the reasons for such work arrangement and expressed worries that the proposed post's work of leading the LR Branch would be affected by the arrangement. He enquired whether such arrangement would be reviewed in the future.

6. Director of Social Welfare ("DSW") explained that as each of the welfare-related areas would involve work at the district level, existing Assistant Directors of Social Welfare of the social work officer grade

Action

would be required to supervise the work of District Social Welfare Offices in addition to their own scope of service. The proposed post would report to Deputy Director (Administration) and would be held by an officer of the social work officer grade. It was an appropriate arrangement for the proposed post to supervise the District Social Welfare Office (Kowloon City and Yau Tsim Mong) concurrently, considering that there was a need for the proposed post to understand the views from districts as part of its work. She supplemented that it was also appropriate for the proposed post to report to Deputy Director (Administration), considering that its work would include regulatory duties such as the management of human resources, finance and information systems.

7. Mr WU Chi-wai said that he did not object to the creation of the proposed post. He enquired whether the Government would consider turning the proposed post permanent in the long run. In addition, he requested the Administration to provide details on the follow-up work and target of the proposed post for tackling the prolonged problem associated with quality of homes.

[Post-meeting note: The supplementary information provided by the Administration was circulated to members on 31 March 2017 vide LC Paper No. ESC74/16-17(01).]

8. PS(LW) replied that the Government would keep in view the work of the proposed post, and would submit an interim review report to LegCo two years after creation of the post and a final report shortly before the expiry of its term of office. The Government would then consider whether the post should be made permanent in the light of the actual work situation.

9. Mr KWOK Wai-keung pointed out that creating the proposed post coupled with the establishment of the LR Branch was part of the Government's overall work of improving the services of private homes. He supported the creation of the proposed post to expeditiously implement the relevant work.

Work of the Licensing and Regulation Branch

10. Mr SHIU Ka-chun said that he supported the staffing proposal in principle, but commented that improvement to the quality of homes should not be held up until the creation of the proposed post. Mr WU Chi-wai also requested the Government to give an account of its current measures to improve the quality of homes, and how SWD would combat the problem where homes coped with inspection through borrowing staff from other

Action

homes. In addition, Mr WU enquired about the establishment of the LR Branch and details of work for all ranks of staff.

11. PS(LW) replied that SWD had all along put in place various initiatives to improve the service quality and monitoring of homes through a multi-pronged approach, including conducting inspections at private homes and investigation into complaints, to combat irregularities. The proposed post would be responsible for leading the newly established LR Branch, which would comprise the 81 staff currently under the Licensing Office of Residential Care Homes for the Elderly and the Licensing Office of Residential Care Homes for Persons with Disabilities and 39 new time-limited non-directorate staff, with a view to enhancing inspection and regulation. On combating the problem of homes coping with inspection through borrowing staff, SWD would request homes to provide a staff list to check whether there was duplication among the staff of different homes. SWD was carrying out the relevant work and would continue to review initiatives for further improvement. She agreed to provide the Establishment Subcommittee with the information on the establishment of the LR Branch in due course.

[Post-meeting note: The supplementary information provided by the Administration was circulated to members on 31 March 2017 vide LC Paper No. ESC74/16-17(01).]

12. Ms Tanya CHAN enquired whether the Government would consider the suggestion raised by Panel on Welfare Services for the Administration to set up a committee to reform the relevant legislation and codes as well as to study and implement legislative amendments within three years, as set out in paragraph 16 of the Government's paper. She also enquired whether the said reform committee was a statutory body. Mr SHIU Ka-chun considered the progress of the study, which would take three years, too slow.

13. PS(LW) said that in response to the Panel on Welfare Services' motion passed at the meeting on 12 December 2016 calling on the Government to set up a committee to reform the relevant legislation and codes so as to study and implement the legislative amendments within three years in tandem with the creation of the proposed post, the Government had replied to the call of the Panel on Welfare Services in paragraph 17 of the Government's paper. She advised that currently the Government did not have any plans to set up the reform committee, but it would endeavour to complete the review of the legislation and consultation with various sectors of the community within three years.

Action

14. Mr LUK Chung-hung enquired about the number of inspections at homes conducted by SWD-appointed representatives at present, and requested the Government to undertake to increase the number of inspections at homes upon the establishment of the LR Branch.

15. DSW replied that over the past five years, the Licensing Office conducted around 5 300 inspections a year on average. The LR Branch would carry out strategic inspections through a small group approach. Subject to the past records of homes, it was estimated that about seven inspections would be arranged for each private homes per year. The Government would review the frequency of inspections at homes and would enhance audit inspections.

16. Dr Fernando CHEUNG expressed support for the creation of the proposed post. He pointed out that the Administration had revoked the licences of homes of poor service quality in the past, but due to the lack of home places in the market, it was difficult to transfer the affected residents to other homes, so they could only be transferred to homes operated by the same private operator with virtually no improvement to their living conditions. He requested the Government to give an account of how it would rehouse the affected residents in the future if the licence of a home was revoked due to poor service quality, and whether it would consider taking over the management of the home concerned before identifying a new operator to take over the home so as to minimize the impact on the residents and their families. Mr LEUNG Kwok-hung and Mr LAM Cheuk-ting commented that the Government had to increase the number of places at subsidized homes, otherwise enhancing inspection and regulation of private homes alone would not help bring about any improvement.

17. PS(LW) said that in past cases where the licences of home were revoked, the Government had accorded priority to rehousing residents. She stressed that the Government was committed to increasing the number of subsidized homes and homes operated by non-profit-making organizations. In addition, the Elderly Commission ("EC") was drawing up the Elderly Services Programme Plan to enhance the medium to long-term planning for elderly services. One of the preliminary proposals of EC was to incorporate a planning ratio in respect of subsidized residential care services based on population size in the Hong Kong Planning Standards and Guidelines in order to reserve land for developing homes.

Action

Strategy on inspecting homes

18. Ms Tanya CHAN and Dr Fernando CHEUNG enquired about the justifications for the Administration to engage retired disciplined service officers to join SWD's inspection teams. They were of the view that it would be more effective to strengthen support for the social workers and other relevant professionals in the inspection teams. Cases involving criminal elements should also be referred to the Police for follow-up. Mr SHIU Ka-chun and Mr Jeremy TAM enquired whether SWD would consider engaging other retired disciplined service officers apart from police officers to join the inspection teams.

19. PS(LW) advised that SWD would arrange visits to homes by the Service Quality Group which comprised stakeholders, concern groups and local communities. SWD inspectors would also inspect homes in accordance with the law to ensure their compliance with the relevant requirements. DSW supplemented that SWD's inspectorate team comprised social workers, nurses, building safety inspectors and fire safety inspectors etc. Newly engaged retired disciplined service officers would assist the professional inspectorate team in inspecting homes. If issues with criminal elements were found at homes, the cases would be referred to the Police immediately. She pointed out that eight retired police officers had currently been engaged to join the inspectorate team under a one-year contract. This arrangement was a pilot in nature, and the newly engaged retired disciplined service officers would not replace the existing professional inspectors.

20. Mr SHIU Ka-chun and Mr Jeremy TAM requested the Administration to provide details on the engagement of retired disciplined service officers, including the estimated number of officers engaged, remuneration packages and the work they were responsible for. Assistant Director of Social Welfare (Elderly) replied that the eight retired police officers engaged had undergone professional training on detection and evidence collection and possessed relevant working experience. DSW added that the Government would provide the Subcommittee with information on the engagement of retired disciplined service officers in due course.

[*Post-meeting note:* The supplementary information provided by the Administration was circulated to members on 31 March 2017 vide LC Paper No. ESC74/16-17(01).]

Action

Quality of residential care homes for persons with disabilities and for the elderly

21. Dr Fernando CHEUNG criticized the Government's current lax requirements in respect of staff quality of homes, under which there was no requirement for homes to engage professionals such as nurses, physiotherapists and speech therapists to take care of residents. He urged the Government to amend the legislation to require the provision of services by professionals at homes.

22. Dr KWOK Ka-ki said that he did not object to the creation of the proposed post. He criticized that the current regulatory regime for homes lacked deterrent effect, and urged the Government to enhance regulation of homes. Otherwise increasing manpower and strengthening inspection could not solve the problem.

23. PS(LW) reiterated that the Government had implemented various measures to upgrade the service standards of homes over the past few years. SWD had also revoked the licences of homes of persistently poor service quality. Establishing the new LR Branch could specifically address the fundamental issues to strengthen monitoring and further enhance the service quality of homes. She stressed that upon the establishment of the LR Branch, the number of registered nurses and social workers would increase and homes would be encouraged to participate in various training programmes to help enhance the service and technical levels of private homes. DSW concurred that enhancing inspection and regulation alone could not completely resolve the existing problems at homes. A Risk Management and Complaints Section, a Quality Service Section and a Target Monitoring and Prosecution Section would be set up under the newly established LR Branch to help enhance the quality of management and the skills of staff of private homes in a holistic manner in the hope that operation of homes and qualifications of managers could have fundamental improvement. The Government was also exploring with the Qualifications Framework Secretariat to provide management courses with professional recognition for managers of homes.

24. Dr Helena WONG said that she had put forward a suggestion to the Government to sponsor teams organized by community groups comprising physiotherapists and music therapists to provide services and activities at private homes, to look into the actual situation of homes through visits, and help enhance the service quality of homes. However, the Administration instead only suggested the organizations to apply for sponsorship through the Partnership Fund for the Disadvantaged. Dr Fernando CHEUNG supported Dr WONG's proposal. They urged the Government to

Action

reconsider the proposal.

25. PS(LW) noted their views and said that the Government would explore the feasibility of the proposal again.

26. Mr WU Chi-wai pointed out that RCHDs could accommodate moderately and severely disabled residents at present. Such arrangement had seriously affected the service quality as the service needs of residents with different degrees of disabilities varied. Mr WU, Mr KWOK Wai-keung and Dr Fernando CHEUNG requested the Government to consider demarcating homes by degrees of disabilities.

27. DSW advised that the percentages of residents with different degrees of disabilities at RCHDs had been stipulated in the current Code of Practice for RCHDs. The Government would take into account members' views when reviewing the Code in due course.

28. Mr LUK Chung-hung noted that the Government would develop a dedicated website on long-term care services for the elderly, and enquired how the website could help the elderly and their families look for suitable homes.

29. DSW replied that the Government had just launched the Elderly Information Website providing information on fees, facilities, licensing, records of prosecutions and so on of over 700 RCHEs in the whole territory. Records of warning letters SWD issued to homes would also be uploading onto the website in due course for public reference.

30. Expressing concern about the abuse of restraining devices at homes to restrict residents' activities, Dr Fernando CHEUNG requested the Administration to pay special attention to this matter during inspection of homes. PS(LW) noted Dr CHEUNG's views.

31. Dr CHIANG Lai-wan opined that elders normally were reluctant to reside at RCHEs. It was necessary for the Government to step up promotion of ageing in place, including the introduction of measures to encourage people to live with their elderly parents. PS(LW) advised that it was all along the Government's policy to accord priority to ageing in place, and it would strive to enhance public understanding on the matter.

(At 10:28 am, the Deputy Chairman enquired if members agreed to extend the meeting by 15 minutes to conclude the discussion and put this item to vote. No members expressed objection.)

Action

Voting on the item

32. The Deputy Chairman put the item to vote. No members requested a division. The Deputy Chairman advised that as he considered the majority of the members voting being in favour of the item, he declared that the Subcommittee agreed to recommend the item to FC for approval. Dr Fernando CHEUNG requested that the item be voted on separately at the relevant FC meeting.

[Post-meeting note: Dr Fernando CHEUNG informed the LegCo Secretariat on 28 March 2017 that he withdrew the request for separate voting on the item at the FC meeting.]

33. The Deputy Chairman informed members that at the request of the Government, the Subcommittee would arrange additional meetings. The Secretariat would announce the date and time of the next meeting in due course.

34. The meeting ended at 10:32 am.