

**立法會**  
**Legislative Council**

LC Paper No. CB(2)1439/19-20  
(These minutes have been  
seen by the Administration)

Ref : CB2/PS/1/16

**Panel on Welfare Services and Panel on Health Services**

**Joint Subcommittee on Long-term Care Policy**

**Minutes of the meeting**  
**held on Tuesday, 23 June 2020, at 4:30 pm**  
**in Conference Room 2 of the Legislative Council Complex**

**Members present** : Dr Hon Fernando CHEUNG Chiu-hung (Chairman)  
Prof Hon Joseph LEE Kok-long, SBS, JP  
Hon SHIU Ka-chun  
Hon LUK Chung-hung, JP  
Hon KWONG Chun-yu

**Members absent** : Hon LEUNG Yiu-chung  
Hon Tommy CHEUNG Yu-yan, GBS, JP  
Hon CHAN Han-pan, BBS, JP  
Hon Elizabeth QUAT, BBS, JP  
Hon CHU Hoi-dick

**Member attending** : Hon LEUNG Che-cheung, SBS, MH, JP

**Public Officers attending** : Mr Johann WONG Chung-yan, JP  
Deputy Secretary for Labour and Welfare (Welfare) 2  
Labour and Welfare Bureau  
  
Mr Desmond WU Chia-chun  
Assistant Secretary for Labour and Welfare (Welfare) 3A  
Labour and Welfare Bureau

Ms WONG Yin-yee  
Assistant Director of Social Welfare (Licensing &  
Regulation)  
Social Welfare Department

**Attendance by invitation** : 安老服務倡導聯盟

Mr KWONG Wing-tai  
Representative

Concerning Home Care Service Alliance

Ms LAM Chun

The Association of Parents of the Severely Mentally  
Handicapped

Ms LAI Pui-mei  
Chairperson

The Hong Kong Joint Council of Parents of the Mentally  
Handicapped

Ms MOK Lai-hing  
Committee Member

The Forthright Caucus

Mr YIP Kin-keung  
Member

St. James' Settlement Rehabilitation Service (Diversity &  
Autonomy)

Mr LEUNG Ho-yin  
Service Manager (Vocational Rehabilitation Services)

St. James' Settlement Rehabilitation Service Family Club

Ms WONG Ming-fung  
Consultant

Hong Kong Pharmaceutical Care Foundation

Ms CHIANG Sau-chu  
Director

Hong Kong Registered Dispenser Society

Mr Philip MOK Hung-kong  
Advisor

**Clerk in attendance** : Ms Wendy JAN  
Chief Council Secretary (2) 4

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

Miss Alison HUI  
Legislative Assistant (2) 4

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Action

**I. Amendments to the Residential Care Homes (Elderly Persons) Ordinance (Cap. 459) and the Residential Care Homes (Persons with Disabilities) Ordinance (Cap. 613)**  
[LC Paper Nos. CB(2)1221/19-20(01) to (02)]

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

2. The Joint Subcommittee requested the Administration to provide information on the numbers of written advice, warnings and directions issued by the Social Welfare Department to residential care homes in 2018-2019.

*(Post-meeting note: The Administration's response was issued to members vide LC Paper No. CB(2)1348/19-20(01) on 10 July 2020.)*

**II. Any other business**

Way forward of the Joint Subcommittee

3. Members agreed that this was the last meeting of the Joint Subcommittee,

and the Joint Subcommittee should conclude its work and prepare a report on its deliberations. Members noted that the draft report, once ready, would be circulated to members for consideration.

4. There being no other business, the meeting ended at 6:45 pm.

Council Business Division 2  
Legislative Council Secretariat  
18 August 2020

## Annex

**Proceedings of the meeting of the  
Joint Subcommittee on Long-term Care Policy  
on Tuesday, 23 June 2020, at 4:30 pm  
in Conference Room 2 of the Legislative Council Complex**

Time marker	Speaker(s)	Subject(s)	Action required
<i>Agenda item I – Amendments to the Residential Care Homes (Elderly Persons) Ordinance (Cap. 459) and the Residential Care Homes (Persons with Disabilities) Ordinance (Cap. 613)</i>			
001135-001706	Chairman	Opening remarks	
001707-002010	安老服務倡導聯盟	Presentation of views LC Paper No. CB(2)1261/19-20(01)	
002011-002340	Concerning Home Care Service Alliance	Presentation of views LC Paper No. CB(2)1349/19-20(01)	
002341-002750	The Association of Parents of the Severely Mentally Handicapped	Presentation of views LC Paper No. CB(2)1249/19-20(01)	
002751-003156	The Hong Kong Joint Council of Parents of the Mentally Handicapped	Presentation of views LC Paper No. CB(2)1243/19-20(01)	
003157-003617	The Forthright Caucus	Presentation of views	
003618-003841	St. James' Settlement Rehabilitation Service (Diversity & Autonomy)	Presentation of views	
003842-004201	St. James' Settlement Rehabilitation Service Family Club	Presentation of views	
004202-004605	Hong Kong Pharmaceutical Care Foundation	Presentation of views LC Paper No. CB(2)1288/19-20(01)	
004606-005053	Hong Kong Registered Dispenser Society	Presentation of views LC Paper No. CB(2)1243/19-20(02) (Revised)	
005054-005830	Chairman Administration	Briefing by the Administration on the progress of implementing the proposed amendments to the Residential Care Homes (Elderly Persons) Ordinance (Cap. 459) ("the RCHE Ordinance") and the Residential Care Homes (Persons with Disabilities) Ordinance (Cap. 613) ("the RCHD	

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		<p>Ordinance") put forward by the Working Group on the Review of Ordinances and Codes of Practice for Residential Care Homes ("the Working Group") which was set up by the Social Welfare Department ("SWD") (LC Paper No. CB(2)1221/19-20(01)).</p> <p>The Administration's response to deputations' views on increasing the statutory minimum area of floor space per resident in residential care homes ("RCHs") and imposing more stringent requirements on RCH licensees.</p> <p>The Administration's elaboration on the Working Group's key considerations in making its recommendations on the statutory minimum area of floor space per resident in RCHs and the requirements to be imposed on RCH licensees.</p>	
005831-011549	Chairman Mr KWONG Chun-yu Administration	<p>Mr KWONG Chun-yu's views that:</p> <ul style="list-style-type: none"> <li>(a) the proposed increase in the statutory minimum area of floor space per resident in RCHs (i.e. from 6.5m<sup>2</sup> to 9.5m<sup>2</sup> in high care level RCHs and from 6.5m<sup>2</sup> to 8m<sup>2</sup> in medium and low care level RCHs) was inadequate in improving the living conditions of RCH residents. The Administration should further increase the statutory minimum area of floor space per resident in RCHs;</li> <li>(b) in the light of the long waiting time for RCHEs, the Administration should increase the supply of subsidized RCHE places;</li> <li>(c) the Administration should step up the monitoring of service quality of private RCHEs; and</li> <li>(d) the Administration should speed up the implementation of the proposed amendments to the RCHE Ordinance and the RCHD Ordinance.</li> </ul> <p>The Administration's response that:</p> <ul style="list-style-type: none"> <li>(a) the Working Group's recommendations on the statutory minimum area of floor space per resident in RCHs were made after considering the basic needs of residents, actual operation of RCHs and the impact of the increase in statutory minimum area of floor space per resident on the RCH sector and existing RCH residents;</li> <li>(b) the Administration continued to adopt multi-pronged measures to increase residential care service ("RCS") places for the elderly in need, including the commencement of construction of 19 new RCHEs, which were funded by the Lotteries Fund, in 2019-2020;</li> <li>(c) SWD had stepped up the inspection of RCHEs since the</li> </ul>	

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		<p>establishment of the Licensing and Regulation Branch in 2017. Depending on the nature and severity of the non-compliance, warnings would be issued to non-compliant RCHEs and prosecution actions would be taken against non-compliant RCHEs if necessary; and</p> <p>(d) the Administration would proceed with the preparation of the amendment bill as early as possible.</p>	
011550-012631	Chairman Administration	<p>The Chairman's views and enquiry that:</p> <p>(a) according to the Code of Practice for Residential Care Homes (Persons with Disabilities) issued in 2002, the minimum area of floor space per resident was 8m<sup>2</sup> for intensive care level residential care homes for persons with disabilities ("RCHDs") and high care level RCHDs, and 6.5 m<sup>2</sup> for low to medium care level RCHDs. The requirement was reduced to 6.5m<sup>2</sup> for RCHDs of all care levels as set out in the revised Code of Practice for RCHDs in 2008. The recommendation of the Working Group to increase the statutory minimum area of floor space per resident in medium care level RCHDs from 6.5m<sup>2</sup> to 8m<sup>2</sup> was inadequate in improving the living conditions of RCHD residents;</p> <p>(b) the classification of RCHDs should be reviewed. For persons with disabilities, in addition to their care needs, their levels of mental impairment should be taken into account in considering the types of RCHDs to which they should be admitted;</p> <p>(c) rehabilitation professionals, social workers, programme assistants and dispenser/pharmacist should be included in the statutory minimum staffing requirements of RCHs;</p> <p>(d) RCHs had failed to address the rehabilitation needs of their residents. Clear policy direction for provision of rehabilitation services for RCH residents should be set; and</p> <p>(e) whether public consultation exercises would be conducted in all the 18 districts to collect views of the public on the proposed amendments to the RCHE Ordinance and the RCHD Ordinance.</p> <p>The Administration's response that:</p> <p>(a) RCHDs that existed prior to the commencement of the new statutory minimum area of floor space per resident would be given an eight-year grace period to comply with the new space requirement. The Administration would closely monitor the progress of implementing the new space requirement. On completion of the</p>	

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		<p>eight-year grace period, the Administration would explore whether the statutory minimum area of floor space per resident in medium care level RCHDs could be further improved;</p> <p>(b) the Code of Practice for RCHDs had stipulated the types of RCHDs and classification of mixed RCHDs;</p> <p>(c) in recommending the enhanced statutory staffing requirements of RCHs, the Working Group had considered the manpower situation in the elderly service and rehabilitation sectors as well as the implications of the enhanced statutory staffing requirements on RCHs; and</p> <p>(d) the Administration had conducted three stakeholder engagement sessions to collect views on the proposed amendments to the RCHE Ordinance and the RCHD Ordinance. An engagement session for members of the public would be conducted on 30 June 2020. Interested parties could still apply for the event.</p>	
012632-014142	Chairman Prof Joseph LEE Administration	<p>Prof Joseph LEE's views that:</p> <p>(a) there was a lack of clear direction in formulating policies for RCS and there was no rehabilitation element in RCS for elderly persons; and</p> <p>(b) the Administration should quantify the rehabilitation services provided by RCHEs and set out clearly the numbers and types of rehabilitation professionals required for providing such services.</p> <p>The Administration's response that:</p> <p>(a) the Elderly Services Programme Plan which was released in 2017 had set out strategic directions for the medium and long-term planning of elderly services;</p> <p>(b) the Code of Practice for Residential Care Homes (Elderly Persons) and the Code of Practice for RCHDs had stipulated the health and care services to be provided in RCHs and the minimum staffing requirements for different types of RCHs;</p> <p>(c) SWD had launched a four-year Pilot Scheme on Multi-disciplinary Outreaching Support Teams for the Elderly in the first quarter of 2019. Under this Pilot Scheme, professional teams comprising social workers, physiotherapists, speech therapists and occupational therapists would provide outreach service for residents of private RCHEs to address their social and rehabilitation needs. Visiting medical practitioner service was also provided for residents of RCHs; and</p>	



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		(d) Quality Improvement Project for RCHs had been launched with a view to enhancing the service quality of RCHs.	
014143-015001	Chairman Mr SHIU Ka-chun Administration	<p>Mr SHIU Ka-chun's enquiries regarding:</p> <p>(a) the number of prosecuted and convicted cases concerning RCHs in 2016-2017, 2017-2018 and 2018-2019 respectively;</p> <p>(b) the actions SWD had taken on cases where doctors had signed on blank forms to recommend the use of restraints on RCHE residents without proper assessments;</p> <p>(c) whether SWD had issued warnings/directions to the RCHEs concerned as mentioned in paragraph (b) above, reported such cases to the Police or taken prosecution actions on such cases; and</p> <p>(d) the basis for determining the manning ratio of care workers to residents in high care level RCHs at 1:20.</p> <p>The Administration's response that:</p> <p>(a) SWD conducted inspections on RCHs on a regular basis in order to monitor the service quality of RCHs. The numbers of convicted cases concerning RCHEs in 2016-2017, 2017-2018 and 2018-2019 were 12, 23 and 42 respectively;</p> <p>(b) the cases mentioned in paragraph (b) above were discovered by SWD during the inspections to the RCHEs concerned. SWD had referred the cases to the Department of Health for follow-up; and</p> <p>(c) the Working Group had recommended extending the number of hours when the manning ratio of care workers to residents was 1:20 from the existing eight hours a day to 10 hours a day during daytime in high care level RCHs.</p> <p>At Mr SHIU's request, the Administration undertook to provide information on the numbers of written advice, warnings and directions issued by SWD to RCHs in 2018-2019.</p>	Admin (paragraph 2 of the minutes.)
015002-015027	Chairman	Invitation of further views from deputations attending the meeting	
015028-015437	Hong Kong Pharmaceutical Care Foundation	Presentation of views	

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015438-015755	The Forthright Caucus	Presentation of views	
015756-015924	安老服務倡導聯盟	Presentation of views	
015925-015926	Chairman	Extension of meeting time	
015927-020229	Hong Kong Registered Dispenser Society	Presentation of views	
020230-020813	Chairman Administration	<p>The Administration's response to deputations' further views regarding:</p> <ul style="list-style-type: none"> <li>(a) the engagement of dispenser/pharmacists in drug management in RCHs;</li> <li>(b) provision of visiting medical practitioner service for residents of RCHs and implementation of care plans for them; and</li> <li>(c) measures implemented by the Administration to increase the manpower supply for the elderly service and rehabilitation sectors such as enhancing the Navigation Scheme for Young Persons in Care Services ("Navigation Scheme") and subsidizing training programmes for enrolled nurses in the welfare sector.</li> </ul> <p>The Chairman's enquiries regarding:</p> <ul style="list-style-type: none"> <li>(a) the effectiveness of the enhanced Navigation Scheme in addressing the manpower shortage in the provision of care services; and</li> <li>(b) the inclusion of dispenser/pharmacist in the statutory minimum staffing requirements of RCHs.</li> </ul> <p>The Administration's response that:</p> <ul style="list-style-type: none"> <li>(a) the amount of salary and subsidy for participants of the Navigation Scheme would be increased with a view to attracting more young persons to join the Scheme. The Administration would also explore other means to address the manpower shortage in the provision of care services, such as making use of gerontechnological products to assist care workers in performing their duties; and</li> <li>(b) although the relevant ordinances and Codes of Practice did not mandate employment of professionals such as medical practitioners and dispensers/pharmacists, RCHs could engage them in rendering services for their residents as they saw fit. The Working Group had not</li> </ul>	

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		recommended the inclusion of dispensers/pharmacists in the statutory minimum staffing requirements of RCHs.	
020814-021827	Chairman Administration	<p>The Chairman's expression of disappointment that many proposed amendments to the RCHE Ordinance and the RCHD Ordinance (e.g. strengthening the protection of RCH residents against sexual abuse, imposing more stringent requirements on RCH licensees, etc.) had not been accepted by the Working Group.</p> <p>The Chairman's views that:</p> <p>(a) amendments to the RCHE Ordinance and the RCHD Ordinance should premise on safeguarding the interests of RCH residents, and the legislative amendments process should be expedited; and</p> <p>(b) public consultation exercises should be conducted on the proposed amendments to the RCHE Ordinance and the RCHD Ordinance.</p>	
<i>Agenda item II - Any other business</i>			
021828-021848	Chairman	Way forward of the Joint Subcommittee.	