

Sha Tin District Council
Minutes of the 1st Meeting of
the Education and Welfare Committee in 2017

Date : 3 January 2017 (Tuesday)
Time : 2:30 pm
Venue : Sha Tin District Council Conference Room
 4/F, Sha Tin Government Offices

<u>Present</u>	<u>Title</u>	<u>Time of joining the meeting</u>	<u>Time of leaving the meeting</u>
Ms LAM Chung-yan (Chairman)	DC Member	2:30 pm	3:31 pm
Mr MAK Yun-pui (Vice-Chairman)	”	2:33 pm	3:31 pm
Mr HO Hau-cheung, BBS, MH	DC Chairman	2:30 pm	3:31 pm
Mr PANG Cheung-wai, Thomas, SBS, JP	DC Vice-Chairman	2:30 pm	3:31 pm
Mr CHAN Billy Shiu-yeung	DC Member	2:35 pm	3:31 pm
Mr CHAN Kwok-keung, James	”	2:41 pm	3:20 pm
Ms CHAN Man-kuen	”	2:30 pm	3:31 pm
Mr CHAN Nok-hang	”	2:35 pm	3:31 pm
Mr CHING Cheung-ying, MH	”	2:33 pm	3:31 pm
Mr CHIU Chu-pong, Sunny	”	2:30 pm	3:31 pm
Mr CHIU Man-leong	”	2:30 pm	3:31 pm
Mr HUI Yui-yu, Rick	”	2:30 pm	3:31 pm
Mr LAI Tsz-yan	”	2:43 pm	3:31 pm
Mr LEE Chi-wing, Alvin	”	2:30 pm	3:31 pm
Mr LEUNG Ka-fai, Victor	”	2:30 pm	3:31 pm
Mr LI Sai-hung	”	2:30 pm	3:31 pm
Mr LI Sai-wing	”	2:30 pm	3:31 pm
Mr LI Wing-shing, Wilson	”	2:41 pm	3:31 pm
Mr MOK Kam-kwai, BBS	”	2:30 pm	3:31 pm
Mr NG Kam-hung	”	2:40 pm	3:31 pm
Ms PONG Scarlett Oi-lan, BBS, JP	”	2:30 pm	3:31 pm
Mr PUN Kwok-shan, MH	”	2:30 pm	3:31 pm
Mr SIU Hin-hong	”	2:30 pm	3:31 pm
Mr TING Tsz-yuen	”	2:30 pm	3:31 pm
Mr TONG Hok-leung	”	2:30 pm	3:31 pm
Ms TSANG So-lai	”	2:30 pm	3:31 pm
Ms TUNG Kin-lei	”	2:30 pm	3:31 pm
Mr WAI Hing-cheung	”	2:30 pm	3:31 pm
Mr WONG Fu-sang, Tiger	”	2:30 pm	3:31 pm
Mr WONG Ka-wing, MH	”	2:30 pm	3:31 pm
Mr WONG Yue-hon	”	2:30 pm	3:31 pm
Mr YAU Man-chun	”	2:30 pm	3:31 pm
Mr YIP Wing	”	2:30 pm	3:31 pm
Mr YIU Ka-chun	”	2:30 pm	3:31 pm
Ms YUE Shin-man	”	2:30 pm	3:31 pm
Mr YUNG Ming-chau, Michael	”	2:30 pm	3:31 pm
Mr MOK Man-lok, Mannix (Secretary)	Executive Officer (District Council)1 / Sha Tin District Office		

<u>Present</u>	<u>Title</u>	<u>Time of joining the meeting</u>	<u>Time of leaving the meeting</u>
<u>In Attendance</u>			
Mr CHAN Ping-ching, Roy	Assistant District Social Welfare Officer (Sha Tin) 1 / Social Welfare Department		
Mrs Yu CHOW Kai-ching, Alice	Senior School Development Officer (Sha Tin) 4 / Education Bureau		
Ms LAU Yuk-yee, Lydia	Housing Manager (Sha Tin 1) / Housing Department		
Ms CHENG Yuk-kam, Brenda	Senior Liaison Officer (East) / Sha Tin District Office		
Mr YUEN Chun-kit, Derek	Senior Executive Officer (District Council) / Sha Tin District Office		
<u>In Attendance by Invitation</u>			
Ms LAM Bun-ngee	Senior Social Work Officer (Licensing Office of Residential Care Homes for the Elderly)1 / Social Welfare Department		
<u>Absent</u>			
Ms WONG Ping-fan, Iris	DC Member	(Application for leave of absence received)	
Mr WONG Hok-lai	”	(No application for leave of absence received)	

Action

The Chairman welcomed all members and representatives of government departments to the 1st meeting of the Education and Welfare Committee (EWC) this year.

Application for Leave of Absence

2. The Chairman said that the Secretariat had received the application for leave of absence in writing from the following member:

Ms Iris WONG	Official commitment
--------------	---------------------

3. Members unanimously endorsed the application for leave of absence submitted by the member above.

Confirmation of the Minutes of the Meeting Held on 1 November 2016 (EWC Minutes 6/2016)

4. Mr Michael YUNG suggested revising Paragraphs 48(b), 48(c) and 48(d) and Paragraphs 58-59 as:

- (a) paragraph 48 (b) that “the EDB ... had no other choice.” was revised as “EDB only discussed with the school about the arrangement of temporary lending of temporary school premises without consulting the DC, and it was not possible to see the internal conditions of buildings through Google Maps.”;
- (b) paragraph 48 (c) that “traffic accidents had happened in this place” was revised as “there had been traffic accidents because of this”;
- (c) paragraph 48 (d) that “after building of Shui Chuen O Estate... many problems would be caused to Pok Hong Estate.” was revised as “After the completion of

Shui Chuen O Estate, the pick-up/drop-off points of all public transportation to/from Shui Chuen O Estate would be set on Yat Tai Street; he asked whether the school bus could stop there to pick up and drop off students. Vehicles passing behind Christ College needed to stop at the traffic lights at Pok Hong Estate crossroads; since the traffic signal cycle was very short, and given the operation of the gate machine at the entrance of the estate, it would cause traffic congestion in Pok Hong Estate.”;

- (d) paragraph 58 that “Mr Michael YUNG inquired... and asked for members’ opinions.” was revised as “Mr Michael YUNG inquired whether the letter was to be sent in the name of the Chairman of the Committee or in the name of the Committee as a whole.”; and
- (e) paragraph 59 that “Members unanimously endorsed the above proposal.” was revised as “The Chairman said the letter was to be sent in the name of the Committee and asked for members’ opinions. The Chairman said she received no opposition from members; so a letter would be sent in the name of the Committee as proposed above.”.

5. Ms Scarlett PONG suggested revising Paragraphs 12(a), 12(b) and 12(c) as:

- (a) paragraph 12(a) that “promoting the Age-friendly Programme... After that, more than half of the members provided opinions on their constituency areas... the long-term and short-term strategic suggestions” was revised as “promoting the Age-friendly Community Programme... After that, more than half of the members provided written opinions in regard to their constituencies... the short-term and long-term strategic suggestions”;
- (b) paragraph 12(b) that “the Elderly Commission would also allocate funds to 11 elderly centres for conducting activities and studies” was revised as “This year, funding from the Elderly Commission would also be allocated to 11 elderly centres for conducting studies”; and
- (c) paragraph 12(c) that “the working group was mainly responsible for accreditation” was revised as “the working group was responsible for the overall works for the age-friendly community and primarily WHO accreditation”.

6. EWC accepted the above proposed amendments and endorsed the revised minutes.

Matters Arising

Response of the Relevant Government Department to Matters Arising from the Previous Meeting

(Paper No. EW 1/2017)

7. Mr Michael YUNG said after the previous meeting, members had directly communicated with the Education Bureau (EDB) and English Schools Foundation (ESF). He asked whether the EDB and ESF had submitted a progress report after that and wanted to know about the progress of the matter that Mr Thomas PANG had earlier suggested sending a

letter to the Chief Executive's Office (CEO) to condemn the EDB.

8. Mr Thomas PANG said no specific information was provided in the EDB's response. At the previous meeting, members said they had many opinions on the use of the vacant school premises all the time, but the EDB paid no attention. Regarding lending of the two school premises to ESF, it was gratifying that ESF had shown a positive attitude after that. But, he hoped the EDB could pay attention to the dissatisfaction expressed by Sha Tin District Council, including proposing to send a letter to the CEO, which resulted from the EDB's long-standing neglect of the opinions of Sha Tin District Council.

9. Mr Mannix MOK, Executive Officer (District Council)1 of Sha Tin District Office responded that the Secretariat would submit the letter and the minutes of the previous meeting to the CEO later and no further information had been received from the EDB for the moment.

10. Mrs Alice YU CHOW, Senior School Development Officer (Sha Tin)4 of EDB responded that after members' opinions were collected, the EDB had actively followed up with ESF, and urged ESF to fully consider members' opinions, appropriately improve the traffic arrangements during the period when the school premises were temporarily used, and properly deal with the effect of its existing schools in Sha Tin District on the traffic in surrounding areas.

11. Members noted the above paper.

Discussion Items

Updated Member Lists of Working Groups under the Committee
(Paper No. EW 2/2017)

12. Members endorsed the above paper unanimously.

Questions

Question to be Raised by Mr TING Tsz-yuen on the Closure of Care and Attention Homes for the Elderly
(Paper No. EW 3/2017)

13. The views of Mr TING Tsz-yuen were summarised below:

- (a) were it not for the fact that members raised concerned questions, the Social Welfare Department (SWD) would not proactively explain the arrangements of the Residential Care Homes for the Elderly (RCHEs). He was dissatisfied at this;
- (b) SWD mentioned in its response that there were about 90 elderly residents in the RCHEs. He asked whether all the elders had been accommodated, and if not, what was the progress; and
- (c) SWD mentioned it had set up a working group to have meetings with the affected RCHEs and the residents' families. If another meeting was held in the future, he hoped the SWD could inform members of the relevant district or chairman and

vice-chairman of the EWC, so that Sha Tin District Council could participate.

14. The views of Mr Michael YUNG were summarised below:

- (a) he asked the SWD when it learned that RCHE was denied tenancy renewal, how it informed the affected residents after it learned about that, and whether it had told the applicants about the lease term of the RCHEs;
- (b) the SWD said there were over 220 vacant places in Sha Tin District, which were sufficient to accommodate the affected 90 elderly residents. He asked about the charges of the vacant places and the existing places of the affected residents. The 220 vacant places were distributed in different places and the charges might be different. If the affected residents could not afford the charges of the new places, how the SWD would help them;
- (c) he asked whether the licences of RCHEs approved by the SWD had expiry dates. He enquired if the RCHEs were privately-owned properties, whether the assignment, title deed or deed of mutual covenant would be checked at the time of license renewal to see whether the RCHEs were allowed to be operated in the properties. Also, he asked if they were leased premises, how long the lease period would be and whether the SWD would provide relevant information for residents' reference; and
- (d) he asked the SWD whether it could organise its website. Although the website had shown the licences of the RCHEs, the public needed to browse the pages one by one if they wanted to know about the validity period of the licences. Moreover, the general table had shown information about all the RCHEs in the 18 areas, but no classification was made. The SWD mentioned that Shui On Nursing Centre (Sha Tin) Company Limited had been renamed as Refine Home Company Limited. He did not understand why such information had not been included in the paper. Besides, the licence of Shui On Nursing Centre (Sha Tin) shown on the website had expired.

15. The views of Mr MAK Yun-pui were summarised below:

- (a) he doubted whether the SWD had the ability to deal with the problem of private RCHEs. For example, the SWD only refused the licence renewal of Tai Po Cambridge Nursing Home, but did not revoke its licence. Although there were established criteria for examining and approving licences, he did not believe the SWD had properly dealt with this matter; and
- (b) the SWD said it would consider the performances of private RCHEs when it dealt with their applications for licence renewal. He asked whether there was any problem with the RCHEs in Sha Tin District, and whether the SWD would renew the licences or extend the validity period of the licences. He hoped the SWD could make a response after the meeting.

16. The views of Mr SIU Hin-hong were summarised below:

- (a) there had been increasing demand for RCHEs. He asked the SWD whether there were any data showing the difference between the demand for and supply of the RCHEs. He worried the increase of the RCHE places could not catch up with the increase of demand;
- (b) SWD, which was a supervisor and responsible for examining and approving licences, should urge RCHEs to improve their performances, so as to let the elderly live happily in their twilight years;
- (c) when examining and approving licences, the SWD would consider the performances of RCHEs. He asked what criteria it had based on for evaluating their performances, for example, whether they had acquired international certification;
- (d) the building inspectorate team was responsible for checking whether the RCHEs complied with the terms in the deed of mutual covenant, which should be done by professionals. Once, an RCHE was granted a licence and planned to operate in Jubilee Garden Shopping Arcade. However, the plan eventually fell through as the shopping arcade did not allow the setup of residential home. He hoped the SWD could pay attention to the procedures; and
- (e) he asked the SWD whether it had set up a scoring system to supervise the performances of the RCHEs, and make the scores of various RCHEs public to the citizens, and if not, whether it would consider setting up one.

17. The responses of Ms LAM Bun-gee, Senior Social Work Officer (Licensing Office of Residential Care Homes for the Elderly)¹ of SWD were summarised below:

- (a) as the affected homes were private RCHEs, the homes enjoyed autonomy in operation. For example, they might, according to the wills of the residents and their guarantors/families, discuss with the residents on whether they could move to other homes under the same group or other homes in the area;
- (b) there were over 100 residents in the affected RCHEs earlier. Some residents knew the lease agreement would expire soon and moved to other homes by themselves;
- (c) relatives of the residents had formed a concern group and the SWD had kept contact with the residents and their families as well as operators of the RCHEs. Some residents hoped the Hospital Authority and the Government Property Agency (GPA) could continue to discuss the possibility of lease renewal, so they had not moved out yet. The SWD met the residents' families in October and December and conveyed their opinions to relevant departments;
- (d) in 2014, the GPA informed the RCHE involved that its lease renewal application was not approved and the SWD, after learning about that, discussed with the RCHE on how to resettle the residents;

- (e) Shui On Nursing Centre (Sha Tin) Company Limited was renamed as Refine Home Company Limited on 1 January 2017, and the charges ranged from several thousand to over ten thousand HK dollars. The charges for the vacant places in other RCHEs in the same district were almost the same. Moreover, the charges varied according to different needs of residents;
- (f) regarding examination and approval of licences, each licence should be valid for 36 months at most pursuant to the Residential Care Homes (Elderly Persons) Ordinance. The performances of the RCHEs and the expiry date of the lease agreement given by the owners would be taken into account at the time of contract renewal. If the owners did not set a limit on the duration of lease period for RCHEs, the licences of private RCHEs should generally be valid for 24 months at most;
- (g) in examination and approval of licences, whether operating the RCHEs at the relevant premises complied with the terms of the title deed would also be considered. Regarding the deed of mutual covenant, the SWD had once sought legal advice. The deed of mutual covenant was a private agreement between owners and the government was not a party thereto. Moreover, the Residential Care Homes (Elderly Persons) Ordinance did not confer power on SWD to execute the terms of the deed of mutual covenant. If any RCHE violated the deed of mutual covenant, the owners should discuss how to deal with that among themselves;
- (h) before a licence was examined and approved, the Licensing Office of Residential Care Homes for the Elderly of SWD (hereinafter referred to as “the Licensing Office”) would dispatch its four inspectorate teams to make an inspection. The building inspectorate team was responsible for checking whether operation of the RCHEs at the premises in which they were located complied with the requirements for building safety; the fire inspectorate team was responsible for checking whether the RCHEs complied with fire safety requirements; the health care inspectorate team was responsible for checking the health care services provided by the RCHEs; and the social work inspectorate team was responsible for checking the management system of the RCHEs. RCHEs should pass the above checks before obtaining a licence. Before licence renewal, various inspectorate teams would conduct a surprise inspection from time to time. If any irregularities were found, the Licensing Office would require the RCHEs to make corrections and would consider the performances of the RCHEs before approving their applications for licence renewal;
- (i) the Licensing Office would make ongoing assessment throughout the the licence period, so at present stage it was not in a position to tell which RCHEs could have their licences renewed. If an individual RCHE’s performance did not conform to the requirements for licensing, the SWD would study the matters on licence renewal. The current service performance of Refine Home Company Limited complied with the statutory requirements;

- (j) at present, the waiting time for a long-term care place was around 36 months. The waiting time for a place in a private RCHE under the “Enhanced Bought Place Scheme” was about eight months. The aforesaid time was only for reference and the actual waiting time depended on the circumstances of individual cases;
- (k) regarding the case in which an RCHE operator had applied for operating an RCHE in Jubilee Garden, she said operation of an RCHE at relevant premises did not comply with the terms of the title deed, so the SWD did not issue a licence;
- (l) SWD was now planning to create a website named “SWD Elderly Information Website” to provide one-stop information to the public and make it convenient for the public to browse the service information of all the RCHEs, including names, addresses, validity period of the licences, charges, religious backgrounds, certification schemes participated in and conviction records under the Residential Care Homes (Elderly Persons) Ordinance. Search function was available on the website, for example, RCHEs in the same district could be searched and photos of RCHEs were provided to facilitate reference. It took time to organise the website. The SWD hoped to launch this new website in this quarter; and
- (m) the SWD had just approved Shui On Nursing Centre (Sha Tin) Company Limited to be renamed as Refine Home Company Limited on 1 January 2017, and would update the information on the website in several days. Citizens could call the SWD to consult about the licence renewal of RCHEs.

18. Mr TING Tsz-yuen proposed the provisional motion below:

“The Education and Welfare Committee of Sha Tin District Council urges the relevant authority to properly resettle the elders in the RCHEs affected by the Phase Two expansion project for Prince of Wales Hospital, so as to ensure the residents can receive proper care and accommodation arrangements.”

Ms TSANG So-lai seconded the motion.

19. Mr HO Hau-cheung said the affected RCHEs were private homes. He asked whether it was suitable for the relevant authority to resettle the affected residents. Moreover, the SWD said in its written response that it would ensure the residents could get proper care before relocation. However, the concerns of members were that residents might be worried by absence of outcomes. He suggested revising the provisional motion as:

“The Education and Welfare Committee of Sha Tin District Council urges the relevant authority to supervise and assist relevant RCHEs to ensure the residents can receive proper care and accommodation arrangements as soon as possible.”

20. Mr Michael YUNG suggested that wording of the provisional motion should clearly state that the RCHEs mentioned were those affected by the Phase Two expansion project for Prince of Wales Hospital.

21. Mr TING Tsz-yuen revised his provisional motion below:

“The Education and Welfare Committee of Sha Tin District Council urges the relevant authority to supervise and assist the RCHEs affected by the Phase Two expansion project for Prince of Wales Hospital, so as to ensure the elderly residents can receive proper care and accommodation arrangements as soon as possible.”

Ms TSANG So-lai seconded the motion.

22. Members unanimously endorsed the provisional motion in paragraph 21.

Information Items

Reports of Working Groups
(Paper No. EW 4/2017)

23. Members noted the above paper.

Information Papers

Number of Newly Arrived Mainland Children Admitted to Public Sector Secondary and Primary Schools in Sha Tin District Provided by the Education Bureau
(Paper No. EW 5/2017)

24. Members noted the above paper.

Other Items

25. The Chairman said the Working Group on Education and Youth Affairs under the EWC would hold “Grassroots Think Tank - Youth Learning about the Community Sharing Session cum Award Ceremony” in Fortune City One on 21 January 2017. If any member was interested in participating in the aforesaid activity, he/she might contact the Secretariat for details.

Date of Next Meeting

26. The next meeting was scheduled to be held at 2:30 pm on 28 February 2017 (Tuesday).
27. The meeting was adjourned at 3:31 pm.

Sha Tin District Council Secretariat
STDC 13/15/35

January 2017