

Questions and Answers in the Briefing Session on the Licensing Scheme for Drug Dependent Persons Treatment and Rehabilitation Centres on 10 January 2002

Question 1: Will there be any grace period for treatment centres which cannot immediately comply with the requirements of the Drug Dependent Persons Treatment and Rehabilitation Centres (Licensing) Ordinance (the Ordinance) and the Code of Practice for Drug Dependent Persons Treatment and Rehabilitation Centres (the Code of Practice)?

Answer: To ensure the residents' well-being, Social Welfare Department strongly encourages the existing treatment centres to conduct the required improvement works/measures to meet the licensing standard as soon as possible.

Nonetheless, the Administration considers it important to allow existing centres, which are unable to comply fully with the licensing requirements, grace period to carry out improvement works/measures. Social Welfare Department would adhere to the pledge of Narcotics Division, that is, up to four-year grace period for existing subvented centres and not more than eight years for non-subvented centres.

Question 2: Will unauthorized building works be tolerated as a part of an existing treatment centre during the grace period?

Answer: No part of a treatment centre shall be located in or under any structure built without the approval and consent of the Building Authority, or the Housing Authority where appropriate, unless exempted. Prior to the issue of a licence, all unauthorized building works affecting public safety should be removed.

During the grace period, unauthorized building works within an existing centre may be allowed to be part of a treatment centre subject to submission of documentary evidence that no undue hazard exists. Buildings Department will issue a Guidance Note spelling out the general requirements on the handling of unauthorized building works in existing centres.

Question 3: Can treatment centre rebuild its structures covered by squatter control survey numbers with permanent construction materials?

Answer: Structures covered by Housing Department's squatter control survey numbers are regarded as tolerated temporary structures. Despite being tolerated, they are subject to enforcement action by Housing Department. While the operator may apply to the Squatter Control Section of Housing Department for repairing such structures, materials to be used should not be permanent ones such as reinforced concrete.

For obtaining a licence under the Ordinance, the operator or landowner as appropriate should apply to the District Lands Office concerned for Short Term Tenancy (for government land) or Short Term Waiver (for private land such as agricultural land). The result of application may depend on, among others, the provisions of the relevant statutory outline zoning plans and local consultations. Upon granting of Short Term Tenancy or Short Term Waiver as appropriate, and before building or rebuilding of any structure, formal submission of plans for the proposed works to the Building Authority is required.

Question 4: How to find the appropriate personnel to conduct upgrading works in treatment centre?

Answer: Lists of Authorized Persons and Registered Structural Engineers registered under the Buildings Ordinance are available in the Buildings Department, District Offices and at the website www.info.gov.hk/bd for viewing. Authorized Person and Registered Structural Engineer interested in providing safety services in building are also asterisked with telephone contacts left in the website.

A list of all Registered Fire Service Installations Contractors is available in Fire Safety Command Headquarters, Licensing and Certificate Command Headquarters, fire stations and fire protection regional offices and at the website www.info.gov.hk/hkfsd.

Question 5: How will the Government provide technical support for non-governmental organizations (NGOs) to meet licensing requirements?

Answer: As compliance of the building and fire safety requirements is often related to complicated technical issues, treatment centres are strongly advised to seek the services of Authorized Person and Registered Structural Engineer and/or Fire Service Installations contractors as appropriate at the early stage.

Prior to any construction/rebuilding works and/or alteration/addition works involving the structure and/or means of escape of a building, formal submission of plans for the proposed works to the Building Authority, or the Housing Authority where appropriate, by an Authorized Person and/or Registered

Structural Engineer is required. For installation of fire service installations and equipment, formal submission of upgrading proposal of fire service installation to Fire Services Department is also required before commencement of any such works. Compliance with such procedures will help treatment centres to avoid unnecessary waste of time and resources.

Social Welfare Department, being the licensing authority responsible for coordinating with other concerned departments such as Buildings Department and Fire Services Department on all licensing and related matters, is most ready to provide advice as appropriate. Treatment centres, or their employed Authorized Persons/Registered Structural Engineers or Fire Service Installations contractors, are also welcome to contact the responsible officers of Buildings Department and Fire Services Department respectively for further enquiries or advice on the technical issues related to licensing requirements. For details of such contacts, please refer to the leaflet on “Contact points of relevant government departments” in the Resource Folder.

Question 6: How will the government assist treatment centres which need reprovisioning?

Answer: While an NGO may approach the Government Property Agency or the relevant District Lands Office direct for assistance (e.g. if it finds any vacant government premises or land appearing suitable for reprovisioning its existing treatment centre), it may also discuss with Narcotics Division; and for subvented NGO, also with the department responsible for subvention of its service.

In accordance with the current practice, district consultation is required for reprovisioning. Where a reprovisioning application is considered support worthy from the service point of view, the concerned District Social Welfare Officer will provide full assistance to the applicant NGO in district consultation where necessary. Nevertheless, as the result will depend on various factors, it is important and helpful that the applicant NGO should take initiative to lobby for local support strategically.

Question 7: How will the government assist NGOs to improve the service quality?

Answer: The Director of Social Welfare, as authorized by the Ordinance, may issue from time to time Codes of Practice setting out principles, procedures or guidelines for the operation, management or other control of treatment centres and providing practical guidance in respect of any one or more of the requirements of the Ordinance. The Code of Practice (December 2001), which marks the start of the licensing scheme, is issued in accordance with the prevailing standard and expectation on drug treatment and rehabilitation services. Social Welfare Department will keep in view of the service development and need, and review the Code of Practice as appropriate. Certainly, Social Welfare Department trusts that the service operators have the initiatives to make continuous improvements in the service quality.