

**Study on the Challenges Encountered in the Siting of
Integrated Community Centres for Mental Wellness
and other Social Welfare Facilities in Hong Kong**



Equal Opportunities Commission

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Executive Summary

Background

Mental health is not someone else's problem. Every one of us needs to face the issue. The first territory-wide psychiatric epidemiological study, The Hong Kong Mental Morbidity Survey 2010 (the Survey) was conducted from 2010 to 2013, which examined 5,719 Chinese aged 16 to 75. According to the Survey, the prevalence rate of Common Mental Disorders (CMD) (i.e. depressive disorder, generalised anxiety disorder, mixed anxiety and depressive disorder, and other anxiety disorders) and psychotic disorders are 13.3% and 2.5% respectively. The Survey findings show that our family, friends, colleagues or even we ourselves may suffer from mental illness at some point of our life. Persons with mental illness and ex-mental patients are among us and they are living in the same community with us.

2. It is the international trend to gradually shift the focus from institutionalisation to community and ambulatory services in the treatment of mental illness. In March 2009, the Social Welfare Department (SWD) set up the first Integrated Community Centre for Mental Wellness (ICCMW) in Tin Shui Wai to provide community mental health support service in an integrated service mode. Following a number of casualties in related to persons with mental illness, in the 2009-2010 Policy Address, the then Chief Executive announced that community support services would be revamped and ICCMWs would be set up in all 18 districts in Hong Kong to provide one-stop, district-based and convenient support services and rehabilitation services to all discharged mental patients, persons with mental illness, their families and carers, persons with suspected mental health problems, and other residents living in the community. As a result, the persons in need, instead of travelling to various locations far away from home, are able to access different support in the ICCMWs in their neighbourhood. The Government can also rely on the ICCMWs to promote mental health in different districts, with a view to preventing mental illness.

3. When the Government and the service operators try to identify permanent sites for the ICCMWs, they have repeatedly faced opposition. Even though the community leaders and residents may recognise the importance of the services of ICCMWs, they still came to the conclusion of “not (opening an ICCMW) in my backyard”, the reasons being that they believed these mental

health facilities were locally unwanted and would threaten the safety of residents in the neighbourhood. Due to the stigma attached to mental illness, persons with mental illness and discharged mental patients do not dare to fight for their own rights. Other service facilities for the disadvantaged face similar problems. In view of this, the Equal Opportunities Commission (EOC) decided to conduct a study to examine the difficulties in securing permanent accommodation for ICCMWs and, through the study, to eliminate the misunderstanding of the nature of ICCMWs and the discrimination against persons with mental illness.

4. This Study was conducted by the Policy, Research and Training Division of the EOC. In the Study, the persons-in-charge or representatives of all 24 ICCMWs (a total of 28 persons) were interviewed to understand the issues about providing services at temporary sites, the difficulties in securing permanent sites for the ICCMWs, in particular, the challenges faced by ICCMWs during public consultation about proposed sites. We also wrote to the Government departments to enquire about the relevant details. In respect of the strong community opposition against setting up an ICCMW in Wu King Estate, Tuen Mun, we also made enquiries to relevant District Council (DC) Members about the case. The relevant court judgment, DC and Legislative Council documents and records were also studied, including documents/Hansard/minutes of meetings of the Legislative Council and its Panel on Welfare Services from 2011 to 2014, the documents, minutes/records of meetings of the Tuen Mun DC and its committees from 2009 to 2012, and the documents and minutes of meetings of the Island DC in 2014-2015. Further, we examined the case of resident opposition to the first proposed site of Tung Chung Special School, in order to understand the problem of community resistance to other service facilities for the disadvantaged.

Main Findings

5. The findings of the Study are mainly three-fold: (1) firstly, the challenges faced by the ICCMWs in securing a permanent site, including the issues arise from public consultation and the misunderstanding of and discrimination against ICCMWs and mental health service users by local residents; (2) secondly, how the opposition of local communities affected the siting and services of the ICCMWs, including the unsatisfactory size and quality of both temporary and permanent sites, which in turn adversely affect the quality and quantity of services; and (3) Examples of community resistance against other social welfare facilities.

(1) Challenges in the siting of ICCMWs and the reasons behind

Major difficulties in searching for a permanent site perceived by persons-in-charge of ICCMWs

6. Consolidating the views of the persons-in-charge in 18 districts, it is found that the major difficulties in searching for a permanent site for the ICCMWs are as follows:

- Insufficient support of community leaders;
- The Government's position in public consultation was not firm enough;
- Residents' misunderstanding of the nature of ICCMWs and persons with mental illness / ex-mental patients;
- Insufficient supply of premises that are suitable for providing permanent accommodation; and
- Lacking long-term planning of social welfare policy;

Community leaders play an important role

7. Community leaders play an important role in the public consultation. DC Members, Members of Estate Management Advisory Committee (EMAC) / Owners' Corporation of the public housing estates and the Members of Mutual Aid Committee (MAC) are the major targets of public consultation. They even have the "final say" on the siting of ICCMWs. A public consultation exercise will be conducted when the Social Work Department (SWD) has identified a permanent site for an ICCMW. Related DC or its Committees will be consulted. If the proposed site is located in a public housing estate, the Housing Department (HD) also requires the service operator to consult the EMAC concerned, which mainly comprises the Chairperson or elected representatives of each block and the DC Member(s) of the constituency concerned. Generally speaking, the tenancy will only be offered by the HD when the plan is approved or a "no-objection motion" is passed by the EMAC.

8. Meanwhile, the community leaders act as a bridge between the SWD and the residents. In a public consultation exercise, the consultation activities targeting the residents in the community carried out by the SWD and service

operators are, in fact, mainly public education. Except for a few districts, the SWD generally does not directly disclose the details of the proposed permanent site to the residents. The information is often passed to the residents through community leaders. If the community leaders do not support the siting, it will be very difficult for the SWD to obtain the residents' support in the public consultation.

Long duration of community public consultation

9. The intensity of the opposition of the local community may be reflected from the time spent in the public consultation exercise. According to the persons-in-charge or representatives of the 15 ICCMWs who provide information on duration of public consultation, 6 ICCMWs took less than one year to consult with the local communities (one of them is still conducting its public consultation); 4 ICCMWs took one to two years; 5 ICCMWs took more than two years, and one of which is still ongoing. The remaining ICCMWs have not yet conducted any public consultation exercise because permanent sites have not yet been identified, or their permanent accommodation are located in other mental health facilities of the same service operators so that no consultation is required, or the service operator has not participated in the public consultation exercise so that no information can be provided.

10. The longest duration of consultation was two years and seven months, from the commencement of the public consultation to the confirmation (which means endorsement or veto given by the Estate Management Advisory Committee (EMAC) / Owners' Corporation of the public housing estate / DC). However, this "record" may be broken. The proposed permanent site of one ICCMW has been endorsed twice by the EMAC concerned, but was opposed by the residents living in the same block of the proposed site. The procedure of that public consultation exercise was theoretically completed, but in reality, the tenancy has not yet been offered by the Housing Department (HD). The SWD said that they would keep on communicating with the relevant persons about the proposed site. The community public consultation, which was started in late 2012 until now, has taken more than 3 years.

Insufficient support from community leaders

11. Many ICCMWs are still providing services in the temporary sites, the reason being that in addition to the shortage of land for social welfare use, the

insufficient support of community leaders lead to the veto of permanent site proposals or the delay of siting ICCMWs in permanent accommodation.

12. Nine ICCMWs took more than one year to conclude the public consultation. Seven of which took that long because community leaders were reluctant to support, and some even expressly voiced their opposition. The community leaders in this context are (1) DC Members and (2) EMAC Members, in particular, the members of Mutual Aid Committee (MAC) of the block that the proposed site is located.

13. DC Members play an important role in the public consultation. Among the 9 ICCMWs that had their public consultation exercise taken for more than one year, 3 of which had suspended the consultation for half-a-year in 2011 because of the DC Election. According to the persons-in-charge of ICCMWs, the SWD feared that the DC Members might take an opposition stance against the proposed site for the ICCMW because of the election. They preferred to suspend the consultation rather than taking any political risk. One ICCMW suspended the public consultation because the then DC Member of the relevant constituency was unfriendly. The siting problem was smoothly solved only after a new DC Member, who was more liberal towards mental health issues, was elected. The consultation with DC Members was also suspended in another district because two political forces were competing with each other during the DC Election.

DC Members' open opposition turns into subtle rejection

14. Among the 9 ICCMWs that took more than one year for public consultation, 5 were rejected by the DC Members in the constituencies that the ICCMWs would be located. However, the mode of expression changed from open opposition into subtle rejection by emphasising the residents' concern.

15. The public consultation in Wu King Estate, Tuen Mun was an example of community leaders explicitly voiced their opposition. Following the establishment of The Wellness Centre (Tin Shui Wai), the ICCMW in Wu Tsui House of Wu King Estate was the first centre that identified a permanent site in a local community and started public consultation.

16. Some Members of Tuen Mun DC were strongly against setting up two ICCMWs in the public housing estates in the district (the other ICCMW will be

set up in a vacant school premises in Leung King Estate. A DC Member from Wu King Constituency believed, “The SWD should place the safety of local community as top priority. They should avoid setting up the unnecessary or unwanted facilities...” Residents in the community, headed by the DC Member from Wu King Constituency, put up banners and slogans in the housing estate, stating: “Keep the ICCMW far away from Wu King residents”, “Strongly dissatisfied with the SWD neglecting the safety of Wu King residents” and “Concerns about an ICCMW in residential area throwing residents into panic”, etc. Later an ex-mental patient, living outside Tuen Mun, brought the case before the court against the DC Member, who was eventually held liable for vilification, violating section 46 of Disability Discrimination Ordinance (DDO).

17. The plaintiff won the case. There were no more discriminatory banners and slogans in the community. Following the diminution of violent opposition remarks, some other Tuen Mun DC Members tried to reject the ICCMW in Wu King more tactfully, for example, they pointed out that the service operator had been doing very well in the temporary site so that it was not necessary for the service operator to acquire another site, etc.

18. In addition to Wu King Estate, after the court judgment above, the DC Members in 4 other districts tried to reject the ICCMWs to secure the permanent sites in their constituencies in a more subtle way. The persons-in-charge of ICCMWs in two districts said, after the Tuen Mun DC Member was held unlawful under DDO, the community leaders in their districts no longer expressly indicated their objections against the permanent sites of ICCMWs. Instead, they would claim that they were just reflecting the views of the residents. On the other hand, even though the DC Member himself/herself did not oppose the ICCMW, he/she might not be willing to support the ICCMW. The person-in-charge of an ICCMW said that some DC Members supported the ICCMW privately, but avoided giving support publicly.

Opposition and concerns of resident representatives

19. Among the 9 ICCMWs that took more than one year to conduct the public consultation, 5 of them faced opposition by residents and/or resident representatives.

20. In one of the districts, the person-in-charge of an ICCMW believed that some of the resident representatives were not really opposing the setting up of

an ICCMW; they just thought that the responsibility is too heavy for them to bear if they were asked to make the decision to endorse the permanent site for the ICCMW all by themselves. In that district, the EMAC of a public housing estate had rejected twice the application for a tenancy in the housing estate for setting up an ICCMW. At that time, a resident representative plainly said that the responsibility would be too much for them if they were asked to approve the application and had to ensure there would not be any trouble in the future.

21. An EMAC of another public housing estate had passed the “no-objection motion” twice (please see paragraph 10), but the proposed site was opposed by the residents and MAC of the block where the proposed site was located. As a result, the ICCMW was not offered the tenancy. Currently the SWD and the service operator are conducting public education in the community. This community also has the problem of some resident representatives being reluctant to bear the responsibility of letting the ICCMW being set up in their housing estate. According to the person-in-charge of the ICCMW concerned, the then chairperson of the MAC (later resigned) of the block that the proposed site would be located had tried to avoid meeting with the representative of service operator. He said that he was afraid that he had to bear the responsibility if any incidents happened in future.

Public consultation approaches varied in different districts

22. The activities conducted during the public consultation exercises for ICCMW permanent sites were more or less the same. However, there are no standard rules as to how the public consultation should be conducted or how long the consultation should take, in particular, regarding the issues of dealing with opposition, the transparency of siting and the targets of consultation, etc.

Ways of handling the opposition varied in different districts

23. According to the interviews with the persons-in-charge of ICCMWs in different districts, the public consultation in a number of districts reflected that the Government officials in different districts would handle the opposition in different ways. When facing opposing opinions, some officials would retreat but some would stand firm. Different ways of handling the challenges would lead to different endings.

24. In one district, Government officials consulted the DC Chairperson and the neighbouring private housing estate about a proposed permanent site. After learning that both of them opposed the proposed site, the official withdrew the proposal in order to appease the community. The ICCMW concerned is still providing service in a temporary site in a commercial building.

25. In addition, the proposed permanent site of one ICCMW was in a public housing estate. However, the ICCMW, after the proposed site was rejected twice by the EMAC, is now operating in a commercial building. The SWD said that since the service operator withdrew the original application for renting the unit, they were trying to identify a permanent site in other appropriate premises for the ICCMW concerned.

26. The proposed permanent site of another ICCMW mentioned in paragraph 21 got the green light from the EMAC twice in the form of a no objection motion. However, the MAC and residents of the block with the proposed site opposed the proposal. They signed a petition and held a residents' meeting to voice their opposition. The tenancy has not yet been offered by the HD, but the SWD has not given up the site. The SWD said that they would continue communicating with relevant parties in respect of the proposed site because of the necessity of setting up an ICCMW and there were no other places suitable to be the permanent site in the district. The service operator would also continue conducting public education in the district. The SWD has not yet given up the proposed site. However, it may take a relatively long period of time before the proposed site is accepted by the residents. The prospect of the proposed site is still uncertain.

27. In respect of the aforementioned public consultation of permanent site in Wu King Estate, Tuen Mun, a compromise was put forward which successfully gained the agreement of the resident representatives. First, the violent oppositional remarks subsided because an ex-mental patient, who lived outside Tuen Mun, sued a DC Member under the DDO for his acts of hanging protesting banners. Meanwhile, the SWD made a compromise by dividing the original site into two parts: one for the ICCMW and the other for elderly service. Eventually the "no-objection motion" was passed by the EMAC of Wu King Estate. However, since the permanent site was cut in size, the ICCMW needs to keep the temporary site in On Ting Estate as well and provides services at two service points without additional manpower.

28. In some districts, the SWD officials stood firm even when they faced opposition. They tried to appease the dissatisfaction on the one hand, and continued its work for moving the ICCMW into the proposed permanent sites on the other hand. The proposed permanent site for one of the ICCMWs was in a public housing estate. In a DC meeting, two DC Members proposed to conduct another round of public consultation on the proposed site. Instead of asking whether the stakeholders would support the project or not, the SWD official then pointed out the urgency of the service. As a result, the project carried on, even though some DC Members were against it. Meanwhile, the SWD proactively addressed the residents' concern by setting up hotlines to listen to the views of the residents. They also organised a number of activities jointly with the service operator to introduce the work of ICCMW. When a DC Member pointed out that the parents of a kindergarten nearby opposed the project, the SWD representatives and officers of service operator explained the service of ICCMW to the two neighbouring kindergartens. The SWD also organised a consultation meeting for the residents with a concern group in the district.

29. A person-in-charge of an ICCMW believed that some Government officials were very conservative and would like to conduct public consultation quietly. However, he thought they should categorically make it clear that the service is essential, and try to get the supporters to become the mainstream in the public consultation.

Transparency of siting information varied in districts

30. The transparency of siting information varied in different districts. The majority of public consultation exercises did not directly inform the residents in which block the ICCMW would be located, but only the DC Members and/or MAC Members of different blocks were told the detailed address. Therefore, how much information the residents received mainly depends on the communication between the DC Members and MAC Members on one side, and the residents on the other side.

31. In response to the EOC enquiry on how the information of the proposed site was communicated to the residents in Wu Tsui House of Wu King Estate, the SWD replied, "After the plan of setting up an ICCMW in the district was introduced in a meeting of Social Service Committee (of the DC) in May 2010, the SWD has kept communicating with the DC Members in various ways in order to understand the concerns of the residents and provide them with the

information of the ICCMW and its services. In addition, the SWD started contact with all MACs and EMAC by written correspondence, telephone conversation and meetings from September 2010 to let the residents know about the information of the service and the proposed site. Jointly with the service operator, the SWD has continuously carried out the promotion and education work about the ICCMW to the residents.”

32. Yet the Government officials in some district raised the transparency of the information about proposed sites so that the residents would not blame the officials for keeping them in the dark. For example, the housing managers of two districts asked the service operators to post the information of the proposed permanent sites in the lobbies of the blocks in which the proposed sites would be located. One district further required the information of proposed site to be posted in the lobby of every block of the public housing estate concerned and other notice boards in the housing estate so that the residents, in particular the residents of the block in which the proposed site would be located, knew that a unit of the block would house an ICCMW. In addition, the housing manager required the service operator to discuss with the MAC Members only after the information had been posted for seven to 10 days so that the representatives of residents could make an informed choice. Furthermore, the minutes of the meeting between service operator and individual MAC should be posted in the lobbies of all blocks for one to two weeks. Only when the HD did not receive any objection views, the proposal would be regarded as passed.

Consulting the public through community leaders seems to be ineffective

33. The Government officials and service operators often solely relied on the community leaders to relay the information about the proposed site and the nature of service to the residents, rather than directly consulting them. Although the residents in the neighbourhood of the proposed site would take part in the activities during the public consultation, for example, road-show, mental health carnival and visit to the Wellness Centre in Tin Shui Wai, etc., these activities tended to be public education work rather than public consultation.

34. The public consultation of ICCMW mentioned in paragraph 21 is an example that community leaders failed to effectively consult with the residents. Analysing the reasons of residents’ opposition, the person-in-charge of the ICCMW thought that it was mainly because of a communication breakdown in

the block of the proposed site. The then MAC Chairperson of the block had held the office for more than 20 years. Not any MAC meeting had been held for two to three years. The then MAC Chairperson tried to avoid discussion with the service operator on the proposed site.

35. According to the person-in-charge, the information circulated in the estate was chaotic and incorrect. Many residents thought that a home for persons with mental illness would be set up. Therefore, many residents signed the opposition petition. Later in a general meeting of residents, some residents became very emotional and refused to listen to the explanation of Government officials and representatives of service operator. They questioned whether the Government wanted to turn the public housing estate into a lunatic asylum. They also queried the Government had not consulted with the residents and they knew nothing about an ICCMW would be setting up in their housing estate.

36. Many persons-in-charge had the same feeling that even though the SWD officials had tried very hard to persuade the community leaders, it was beyond their control as to how the information was conveyed to the residents by the community leaders. Once the community leaders are biased against the ICCMW and persons with mental illness, or they did not want to bear the responsibilities of being a channel of communication between the Government and the residents, the residents would not listen to any rational analysis that made by Government officials, or the service operator when they suddenly found that the proposed permanent site of ICCMW was at their door-step. Therefore, in the case of the ICCMW mentioned in paragraphs 21 and 34, when the residents suddenly learnt that the ICCMW would be set up right on the ground floor of the same block they were living, they pointed their fingers at the Government officials in the residents' meeting, blaming them for not consulting them.

Insufficient understanding, misunderstanding and discrimination

37. Among the 24 ICCMWs, 19 had conducted public consultation. Among them, the persons-in-charge of 6 ICCMWs said that there was no objection during the process. The service operator / interviewees of 4 ICCMWs did not take part in public consultation exercise. The persons-in-charge of the remaining 9 ICCMWs said that there was opposition during public consultation and the most frequently raised reasons as follows:

- “Persons with mental illness/ex-mental patients have a propensity for violence”;
- “Service users of ICCMW will cause disturbance to the residents”;
- “The setting up of an ICCMW will attract persons with mental illness to congregate in the neighbourhood”; and
- “The setting up of an ICCMW will have a negative impact on the law and order of the neighbourhood”.

38. A representative of Wu King ICCMW told the EOC in the interview that in the early stage of the public consultation, some residents said that there was no urgency to set up an ICCMW in Wu King Estate because no one residing in their housing estate had mental illness and hence the residents did not need such services. In a DC Meeting, the DC Member from Wu King Constituency said that the ICCMW was “an unwanted and unwelcome facility” to the residents.

39. The reasons for objection abovementioned reflect that the persons who opposed the proposed permanent site did not fully understand and even misunderstand mental illness. Persons with mental illness and ex-mental patients are often stigmatised by being equated with a propensity for violence. Once such stigmatised label repeat often enough, people will believe it.

40. The lack of understanding, myths and discrimination are closely related to each other. In 8 out of 19 ICCMWs that had conducted public consultation, their persons-in-charge thought that, during the public consultation process, the residents and/or community leaders demonstrated discrimination. In particular, the discrimination in 3 districts was described as very serious. In 7 out of these 8 districts, the persons opposed the proposed permanent site believed that “persons with mental illness/ex-mental patients have a propensity for violence”.

41. In addition, residents in the community do not have sufficient understanding of the service nature of ICCMWs. According to the representatives of ICCMWs interviewed in this Study, some residents wrongly believed that an ICCMW was a mental hospital or a hospital out-patient clinic serving persons with mental illness, or a hostel for them.

Understanding services and users of ICCMWs helps eliminate discrimination

42. In order to eliminate discrimination, it is important to understand mental health service and have contacts with service users. The person-in-charge of an ICCMW said that before the service operator set up an ICCMW, they had set up a home for discharged mental patients. At that time, the residents worried that the community would become unsafe if more and more persons with mental illness gathered in the district. However, after the residents had some contacts with the service users, some of them have become supportive for setting up an ICCMW in the estate.

43. One of the ICCMWs had its permanent site proposal supported by the DC Member in the constituency of the proposed site. However, the violent opposition of the residents (some residents even shouted at staff of ICCMW at street exhibition) led to the suspension of public consultation for one year. After having conducted public education and public consultation for 2 years (including the period of suspension), the EMAC approved the use of the proposed site. Since the ICCMW has gained a good reputation after moving into the permanent site, the public consultation on a proposed site for an additional service point in the same housing estate only took a few months before the siting was approved.

44. It is clear that public consultation is a process of educating the community. The Wu King ICCMW had been strongly rejected by the DC Member and residents. The representative said that after the ICCMW moved in, the residents changed their minds about the Centre after using their service. A resident told a staff of the ICCMW, "It is good to provide the service of your kind. Previously they wanted to provide whatsoever service. It's terrible!" In fact, it has been the same ICCMW from day one.

Public consultation or public veto?

45. In a written response to the EOC, the SWD said that the Department would not shelve any welfare facilities which were urgently needed in society due to the opposition of local community, unless reasonable arguments were given, for example, the environment of the proposed site was not suitable for providing the service. However, it was not the case in individual districts.

46. The experiences of the interviewed the persons-in-charge / representatives of ICCMWs show that the Government would give up the proposed site as a permanent site for an ICCMW in several situations. First, when the Government officials preliminarily discussed the proposed permanent site with local community leaders, strong opposition was expressed by the community leaders. Some Government officials would therefore not to conduct any formal public consultation but look for another site instead. Second, the Government officials assessed the proposed permanent site suggested by the service operator and assumed that there would be strong unmanageable opposition, for example, a public housing unit under the Tenants Purchase Scheme. The public consultation would not to be conducted then.

47. Third, the proposed permanent site was not supported by the residents' groups during public consultation, and the Government was not able to change the representatives' views within a short period of time. It was admitted by the SWD that the proposed site of one of the ICCMWs was rejected by the EMAC concerned in 2012 and 2013 respectively. The service operator then decided to withdraw the application of renting the unit. The SWD is still trying to find other appropriate premises for the ICCMW as permanent accommodation. The person-in-charge of that ICCMW explained to the EOC that since another organisation was interested in renting the same unit, they could not delay for long and had to give up the application. In fact, the EMAC would not be easily convinced in a short period of time given their strong opposition. After discussion with the SWD, the service operator decided to give up the application.

48. The persons-in-charge / representatives of 20 out of 24 ICCMWs told the EOC their views on the purpose of public consultation on proposed permanent site of ICCMW. About half of respondents (11 respondents) believed that the purpose of public consultation was to explain the services of ICCMW and to clear up the misunderstanding and worries of the residents, in order to strive for their support for setting up an ICCMW in their community. Although it was hoped that residents would support the ICCMW through public consultation, 5 respondents clearly said that the proposal of securing a permanent site would not be shelved because of residents' opposition.

49. However, another 7 respondents said that the nature of public consultation was deviated from its original intention. It is changed from explaining the service and striving for support to getting residents' approval.

Sometimes, the ICCMW could only move into the proposed permanent site when no one raised any objection to the plan.

50. Among the 15 ICCMWs that had participated in public consultation exercise, the persons-in-charge of 13 ICCMWs said that the public consultation could be concluded only when the proposed permanent site was approved or got the “no-objection motion” passed by the EMAC/Owners’ Corporation, and/or the DC concerned. Further, the persons-in-charge of 2 ICCMWs said that the public consultation was concluded only when no one opposed the plan.

51. In fact, what the HD requires of consultation, in some cases, has in effect required a public consultation exercise to achieve a result of “zero opposition”. The proposed site mentioned in paragraph 21 of this Summary twice got a “no objection” endorsement by the EMAC concerned, so in theory, its related public consultation was completed. However, due to the subsequent opposition of the representatives of MAC and the residents living in the same block where the proposed site was located, the HD has not yet offered the tenancy. The HD specifies that service operators, as prospective tenants, have to consult residents of the community, EMAC and Owners’ Corporation about the use of the vacant unit they intend to rent. The EOC asked whether the HD would offer the tenancy or not if a minority of the EMAC opposed to or express their concern over the use of the unit. In response to the question put forward by the EOC, the HD said that when there was still questions or diverse views after the EMAC has made a decision, the EMAC may arrange that service operator to explain and lobby again and the members of the EMAC can then decide again.

52. In Chapter 3 of this report, it was pointed out that mental health facilities such as ICCMW serve the society as a whole, but are generally perceived to impose negative externalities on the local neighbourhood. For example, they are perceived to pose threats to their surroundings in the form of negative impacts on environment, health, safety, and even property prices. This kind of public facilities or land uses are referred to as “locally unwanted land uses” or “LULUs” in short form. Even the residents in the community may recognise that the related facilities are necessary, they oppose its siting in their locality and results in what we call the “Not In My Backyard” Syndrome.

53. Civil participation is an important part in a democratic society. A thorough and appropriate public consultation exercise is a substantive tool to

realise civil participation. However, when the public consultation relates to the so called “LULUs”, and the service users are the disadvantaged who dare not to fight for their own rights, the leaders of our society must keep the right values and defend for the interests of the disadvantaged. If the community leaders and Government officials do not stand firm, the views of the majority will override the rights of the minority in the public consultation. Under such circumstances, public consultation will turn into a public veto.

Limitation of the power of the EOC

54. About 20 years ago, the Government planned to build the Kowloon Bay Health Centre (KBHC) and was then opposed by residents of Richland Gardens in the neighbourhood as it included an integrated treatment centre for persons with AIDS and persons with HIV. Some residents in Richland Gardens put up vilifying banners saying “Spread of Virus is Deadly” and “The Elderly and Children are Vulnerable – AIDS and Sexually Transmitted Diseases Stay Far Away”. The KBHC staff and service users were verbally insulted, followed, physically stopped and interrogated by the residents. At that time, the EOC was aware of the hesitation of service users, who did not dare to formally lodge complaints under the DDO because they were worried about their relationship with the community could be further deteriorated and the disclosure of identity could make them more vulnerable. Given the limitation of the anti-discrimination legislation, and no one stepped forward to file a complaint, the EOC did not have any power to bring proceedings to the court under the DDO to stop such discriminatory acts.

55. When the SWD intended to set up an ICCMW at Wu King Estate, Tuen Mun, they also faced strong opposition from the residents and community leaders. Residents in Wu King Estate put up a number of banners such as “Keep the ICCMW far away from the Wu King residents”, “Strongly dissatisfied with the SWD neglecting the safety of Wu King residents” and “Siting ICCMW in residential area throws residents into a panic”, etc. Meanwhile, the then person-in-charge of the provisional ICCMW said more 10 cases calling for help were received. The callers felt unhappy because they were discriminated against. Some suspected patients refused to seek medical help because they feared that their conditions would be discovered. However, similar to the KBHC case, the service users who were genuinely affected did not lodge any complaint. Subsequently, an ex-mental patient, who did not reside in Tuen Mun, brought the case before the court against Mr. Leung Kin Man, DC

Member of Wu King Constituency. The District Court held that Leung's acts were vilification, which was unlawful under the DDO.

Insufficient supply of premises suitable for social welfare uses

56. The persons-in-charge of a number of ICCMWs thought that a lack of suitable premises is another difficulty encountered in finding permanent accommodation for ICCMWs and this is closely related to the absence of long term planning of social welfare policy. In addition, ICCMWs are district-based services and have to seek for permanent sites with the district. Some districts have few public housing estates, and therefore, the supply of vacant units for welfare lettings is very limited. Different Departments of the Government have to internally compete for these precious land resources.

57. In addition, a large number of shopping centres of public housing estates have been under the Link Real Estate Investment Trust (Link REIT) since 2004. The Link REIT has allocated 8% of its total floor areas for renting to charity and non-profit-making organisations at a concessionary rent. However, before the listing of the Link REIT, Non-Government Organisations (NGOs) have already rented those shop space in public housing estates for the provision of social welfare services. Therefore, apart from these existing social welfare services, it is difficult for NGOs to find vacant shop space under the Link REIT to rent for providing new social welfare services. The Link REIT said that apart from the shop space reserved for welfare services, it will also consider letting other shop space to the welfare organisations in need at a concessionary rent at its discretion.

58. A person-in-charge of an ICCMW commented that Government Departments work in isolation rather than as a team, for example, the person-in-charge alleged that individual officers of the HD would rather keep the unit vacant than letting the unit to a service operator of an ICCMW, so as not to get into troubles. Another person-in-charge of an ICCMW thought that the SWD did not have enough bargaining power in the negotiation with other Government Departments, and therefore, the Government should consider asking a higher ranking official to co-ordinate for the usage of the Government land and premises.

59. Furthermore, very few urban redevelopment or private development projects have been requested building social welfare facilities in the

development, in particular mental health facilities, in recent years, and that aggravates the competition among the social service organisations for units designated for social services in public housing estates.

(2) Impact of site quality on service standard

Providing service in temporary site affects service quality

60. As at February 2016, 14 out of the 24 ICCMWs are operating in their permanent sites. Another 4 ICCMWs, which have already secured permanent site, are still providing services in temporary accommodation due to various reasons, for example, application for change of land use, the building in which the permanent site located has not yet started construction, awaiting for the tenant to move out, and under renovation, etc. One is still undergoing public consultation because the proposed permanent site was opposed by the community. Another ICCMW is conducting public consultation for the proposed site it found, but the building of the housing estate in which that site will be located would only be completed in 2019-20 the earliest.

61. Although only 4 ICCMWs have not yet found any suitable premises for permanent sites, in fact, 10 ICCMWs (42%) are still providing services in temporary accommodation. To the service users, service provided in a permanent site or a temporary site is not the paramount issue. However, the terms of tenancy, the size and location of the temporary sites will affect both the quality and quantity of service and may hinder the provision of certain services.

62. The 10 ICCMWs, which are not operating in their permanent sites, are mainly located in commercial premises. Among them, 7 ICCMWs are providing service or operating their office in commercial buildings or commercial units in residential buildings/shopping malls. The remaining 3 ICCMWs are sharing an accommodation with other welfare facilities under the same service operator, such as half-way house, sheltered workshop, and integrated services buildings that provide accommodation and rehabilitation to persons with disabilities. Some of the commercial buildings are for office use only, which means that the service operators are not allowed to meet service users there. In other words, no service is allowed to be provided in those premises. For this reason, an ICCMW may be required to provide service in one location while the staff works in office at another. It is very inconvenient to both the staff and service users.

63. Secondly, the sizes of almost all temporary sites are significantly smaller than the standard. The gross floor areas in 9 out of the 10 ICCMWs, which provide services in temporary sites, are significantly smaller than the required areas. The sizes of 70% (7 ICCMWs) ICCMWs operating in temporary sites are only 40% of or less than the required areas. Due to the space constraint in temporary sites, the work areas are very limited. Sometimes, two staff members have to share one work station.

64. More importantly, since the ICCMWs are operating in temporary sites, the services, in particular, the drop-in service, casework counselling and day training service, are significantly affected. The drop-in service allows the service users to visit the ICCMWs without making appointment in advance. They can talk to the duty officers or seek help from them or simply use the facilities. Among the 10 ICCMWs that operating in temporary sites, 4 of them are not able to provide drop-in service at all because the service operators are not allowed to meet with service users in the commercial premises, or the ICCMWs are too small or unfit to accommodate the service users. For the remaining 6 ICCMWs, although drop-in service is provided, 4 of them indicate that the quality and quantity of the service are affected by the size and environment of the temporary sites. For instance, the temporary site of an ICCMW is located at a very inaccessible area or in a half-way house, which is both inconvenient and difficult to attract service users. Because of insufficient drop-in service, the incentive for service users to visit the ICCMW is reduced. As a result, service users would have fewer opportunities to seek help from social workers. For the social workers in ICCMWs, they will get less opportunity to reach out to the service users.

65. In respect of casework counselling, some of the temporary sites do not have sufficient space or rooms to provide the service. Therefore, the fast-food restaurants such as McDonald or KFC become the temporary meeting rooms of the ICCMWs. Such provision of service is undesirable in terms of the effectiveness of the service and the protection of privacy.

66. Meanwhile, the temporary sites usually lack proper space and facilities to provide daily life training. The ICCMWs often compete with other organisations or groups to rent the town halls or other public facilities whenever a group activity or other programmes with large number of participants are organised.

Poor quality and locations of permanent sites

67. When the ICCMW was established in 2010, the Government planned that one standard-size team would serve a population of 330,000. The size of the team of an ICCMW would depend on the size of the population in the district it serves. The number of staff in a standard-size team has been increased to 26 currently. Among the existing 24 ICCMWs, 17 have only one or less than one standard-size team. In particular, 4 ICCMWs have only half a team or less than half a team. The gross floor areas of an ICCMW are also calculated in accordance with the team size. The gross floor area of a standard-size ICCMW was originally 500 m², and has been increased to 550 m² in November 2013. The gross floor areas of individual ICCMW would be increased or decreased in correspondence with the size of its team.

68. The permanent sites are not tailor-made units so that they may not fully meet the standard size. However, even though a discount of 20% is made, the sizes of 6 out of the 14 ICCMWs that are accommodated in permanent sites are less than 80% of the standard size. Two of them are even less than half of the standard size. Given the insufficient space, 4 ICCMWs have to look for a second service point or wait for a larger unit, which could be provided after the reconstruction of Government buildings, as their permanent sites. The remaining 2, which have already been operating 2 service points, will not look for new service point because of insufficient manpower to maintain service at 3 service points.

69. Although some ICCMWs are accommodated in permanent sites, the quality of sites is often not satisfactory. The persons-in-charge of some ICCMWs believed that there is hidden discrimination in the community, for example, residents would selectively support welfare service other than ICCMWs, and therefore, ICCMWs very often could only take sites which nobody showed any interests. Ten ICCMWs are operating at permanent sites in public housing estates. However, 6 of these ICCMWs are situated in the buildings 30 years old or more. Because of the building age, the quality of permanent sites in old public housing estates is normally unsatisfactory with issues such as drainage problems, falling ceiling paint, and facilities wear out. For example, one of the permanent sites is a public housing unit that has been vacated for six to seven years because of the eruption of foul sewer in the past. Although there is a risk of eruption of foul sewer, the service operator took the site in order to commence service as soon as possible.

70. In terms of the location, 7 out of 20 ICCMWs (including 6 that have not moved into permanent sites and 14 that have already been located at permanent sites) are situated at relatively remote and inconvenient locations (e.g., far away from MTR stations) that are not close to the centre of the district.

(3) Other welfare facilities face similar community resistance

Opposition against first proposed site for Tung Chung Special School

71. The proposed sites of welfare facilities, other than mental health facilities, are also often opposed by residents in the neighbourhood. For instance, in the KBHC incident in 1990s, when the residents in the neighbourhood knew that a health centre, including treating services for persons with AIDS and HIV, was to be set up, the voices of opposition broke out in the community and eventually turned into violent protest.

72. In this report, a case of setting up a special school for the children with intellectual disability in Tung Chung is also discussed. In 2008, the Government started a public consultation in Tung Chung on the first proposed site of the Special School, but the plan was opposed by the residents in the neighbourhood. The Education Bureau (EDB) pointed out that members of the community did not support to set up a special school in that site. Major reasons for the opposition are as follows:

- The noise created by the proposed school might disturb the villagers in the vicinity and the tranquility of the surrounding area;
- The proposed school might cause traffic problems in the vicinity;
- The proposal of building a special school on that site is not supported and the EDB is requested to identify an alternative site.

73. As to whether the opponents opposed the first proposed site due to their discrimination against students with intellectual disability, the EDB, in its response to the EOC enquiry, said that although the first proposed site was not supported by all parties, the EDB thought that one should not jump to the conclusion that the special school project was being discriminated against. However, in the meeting of the Island DC on 1 September 2014, when the Housing Authority introduced a housing estate project under the Home

Ownership Scheme providing 1,000 units on the same site, it was supported by DC Members in general.

74. In 2013, the EDB found another site. It is expected that the construction work can be commenced in the first quarter of 2017, and will be completed in the first-half of 2019. From the first siting to the completion of the school to the expected completion of construction of the school on the second site a few years later, a group of children with intellectual disability had already missed the opportunity to attend school in their own community.

Recommendations

75. The community resistance encountered by the ICCMWs cannot just be ascribed to the selfishness of the leaders and residents of the community. Instead, one should concern about the misunderstanding and the lack of understanding of persons with mental illness underlying such resistance. The insufficient supply of land for social welfare use cannot meet the demand. In addition, the imperfect public consultation deepens the misunderstanding of the services and service users by the local residents, which in turn, intensifies the voice of opposition against these facilities. Therefore, this Report will focus on the methods of public consultation, the mental health education of the community leaders and the public, the powers of the EOC and the supply of land for social welfare use and make the following recommendations.

Refine the Public Consultation Exercise

Recommendation (1): District Council Members should assist ICCMWs to integrate with the community

76. Community leaders play a key role in the public consultation exercise of the social welfare facilities. On top of serving the public, the Members of the District Councils (DC) should act as community leaders. They should guide the public to understand the nature and importance of the services of the ICCMWs, in order to convince the public to support ICCMWs settling in the permanent sites in their district. In the long run, DC Members should further co-operate with the ICCMWs in the promotion of activities related to mental health, with a view to reducing the misunderstanding and discrimination against persons with mental illness and helping them integrate into the community.

Recommendation (2): The SWD may consider setting up community liaison group

77. The Social Welfare Department (SWD) may consider setting up a community liaison group for the public consultation on the permanent sites of ICCMWs, in order to extend the coverage of parties to be consulted, and to give people living in the community a platform to continue monitoring the operation of the ICCMW after it has moved into the neighbourhood.

78. The consultation exercise conducted by the SWD sometimes created a polarised situation. One side is the SWD and the NGOs which are the service operators, and the other side is the residents and leaders of the community who do not want the ICCMW to move into the permanent site in their neighbourhood. Such polarised situation is not ideal from the perspective of public participation and gaining support from the public.

79. When the SWD organises the public consultation exercise, it may consider extend the coverage of parties to be consulted through the establishment of the community liaison group. It can absorb Members of the DC and Mutual Aid Committees (MAC) of public housing estates, as well as other groups of people in the community into the community liaison group, such as mental health service users and their family/carers, residents living in the neighbourhood of the selected site, principals of schools and social workers of other social service providers (e.g. centres for the elderly/young people) in the community, and health professionals serving persons with mental illness in the district, etc.

80. The main service targets of ICCMWs are the ex-mental patients and their family members. The SWD should listen to and absorb their opinions regarding the siting of ICCMWs during public consultation.

81. The establishment of the community liaison group allows the SWD and the service operators to listen to and to take the opinions of the members of the community into consideration at an early stage. This will make the siting, design and services of the ICCMW suitable for the needs of the members of the community and more acceptable to the community. Moreover, members of the community will be able to know more about the views of other stakeholders. More importantly, such initiative will strengthen the participation of members of the community in the establishment of the ICCMW. As a result, the mutual

trust between the SWD and the service operator on one side and the members and leaders of the community on the other side will be enhanced and conflict will be reduced.

82. At the same time, the community liaison group provides a platform for representatives of various parties to participate in matters related to the setting up of the ICCMW in the community. Such a platform composed of various stakeholders will alleviate the political responsibility and pressure faced by the community leaders in terms of supporting the ICCMW moving into a permanent site in the neighbourhood, in particular the members of the Mutual Aid Committees and Estate Management Advisory Committees of public housing estates.

Recommendation (3): Community liaison group may monitor operation after ICCMW moved into permanent accommodation

83. After the ICCMW starts operation in the permanent site, the community liaison group, which was originally formed for the purpose of public consultation, can change its role into a monitoring one, keeping an eye on the operation and services of the ICCMW for the residents in the neighbourhood community. When members and leaders of the community know that they have a channel to monitor the ICCMW continuously, they can rest assured that the ICCMW will be managed properly and will be more willing to have the Centre settled in their community. As a result, the ICCMW can keep a long term and good relationship with the community liaison group and the members of the community. This will help the ICCMW to promote its work in the neighbourhood.

Recommendation (4): Proactive release of information in public consultation

84. Government Departments should proactively release more information to enhance the information flow about the siting of ICCMWs. If the Government accepts our recommendation on setting up a community liaison group, it can, through the release of the group's minutes of meetings and regular newsletters about the latest development of securing permanent accommodation for the ICCMW, to allow residents of the district concerned to have a better understanding on the siting and services of the ICCMW. Then, even if the community leaders failed to effectively and comprehensively communicate information related to the siting and services of the ICCMW to the residents of

the district, the Government still has other effective channels to ensure the public will receive accurate and unbiased information.

85. The lack of information is a major cause of residents' worries. Residents living in the community suspect that the Government is not telling them the whole truth. Therefore, enhancing the transparency of siting related information will help alleviate residents' unnecessary worries about the service of ICCMWs. Even if some residents objects to the siting proposal after they receive the information, the Government can face and solve the crux of the problem if it knows well the reasons behind.

Recommendation (5): Provide direct channel for the public to express views

86. The SWD should allow the public to reflect their opinion on the siting and services of the ICCMW in their neighbourhood to the aforementioned proposed community liaison group. The SWD may also consider setting up a hotline or a designated email account for a particular period of time, in order to provide a channel for the public to express their views and to make enquiry on the siting of the ICCMW in their district.

Recommendation (6): Consider regularising public consultation process

87. The public consultation exercises on ICCMWs' permanent accommodation conducted in various districts differ on the handling of the opposition opinions, the transparency of information and the duration of the exercise. The SWD may consider regularise the consultation process and implement the effective and best practices of past consultation exercises in all districts. It may also consider setting a deadline for the consultation period to avoid some consultation to be dragged on for a long time.

Recommendation (7): Other Government Departments should give strong support to the siting of ICCMWs

88. It is not just the job of the Labour and Welfare Bureau (LWB) and the SWD to strive for siting mental health facilities in the communities. The top Government officials should request other Government Bureaux and Departments to throw their weight behind LWB and SWD on this issue and to co-operate in the siting process, including the Home Affairs Bureau and the Transport and Housing Bureau, and the departments under these bureaux. For

instance, if the HD communicates with the MACs and EMACs of public housing estates more proactively, it is believed that the public consultation can be conducted more smoothly and effectively. Also, the Home Affairs Department (HAD) should strengthen the DC Members' understanding of mental health issues and facilities.

89. The Government should send a clear and strong signal to the community leaders that the service of ICCMWs is necessary for the community. It should engage the supporters of ICCMWs to strive for ICCMWs to be set up at the proposed permanent site.

Enhance mental health education of community leaders and public

Recommendation (8): Strengthen the promotion of practical mental health information

90. Discrimination always stem from misunderstanding and the lack of understanding. In respect of public education, the EOC recommends the Government joins hands with the service operators of the ICCMWs to strengthen the promotion of mental health information that is more practical and more problem-solving oriented, in order to eliminate the misunderstanding of and discrimination against persons with mental illness and ex-mental patients. In this way, the public will learn about how to face persons with mental illness and discharged mental patients, and know where to seek help when their family members or friends have mental health problems. Apart from general public education, the Government should also start mental health education from primary and secondary school.

Recommendation (9): Consider inclusion of mental health themes in Neighbourhood Mutual Help Programme

91. The HAD may consider including the promotion of mental health and the integration of discharged mental patients into the community as project themes of the Neighbourhood Mutual Help Programme. This will allow ICCMWs to apply for funding that help reduce the misunderstanding of persons with mental illness and discharged mental patients by the members of the community, with a view to promoting community cohesion and eliminating discrimination.

Recommendation (10): Enhance community leaders' understanding of persons with mental illness and mental health facilities

92. In order to help Members of the DCs and the communities (such as members of EMACs and Owners Corporations) enhance their understanding of persons with mental illness and discharged mental patients, as well as mental health facilities, the HAD and the HD may invite service operators of various mental health services and other related professionals, e.g. psychiatrists, to give talks to Members of the DCs, representatives of the residents and other community leaders on the related topics regularly every year. The HAD can also organise DC Members to meet with mental health service users and their family/carers, so that they can learn directly from the users how useful and important the services are for the users.

Allow EOC to take legal action in its own name

Recommendation (11): Allow EOC to take legal action in its own name to stop discriminatory behaviour

93. The Government should introduce amendments to the relevant legislation to enable the EOC to take remedial action in its own name where appropriate, i.e. to apply to the court for declaratory and/or injunctive relief in its own name against discriminatory acts, in particular in respect of harassment and vilification. When the EOC released of the Report on Case Study of Kowloon Bay Health Centre in November 1999, it pointed out that the victims of discrimination were afraid that disclosing their identity will further intensify the discrimination against them. Therefore, their grievances may not be addressed through the complaint handling mechanism and the remedial actions of the EOC when they encounter discrimination. If the EOC can file a suit to the court in its own name, the situation that no legal action can be taken to stop discriminatory acts due to the lack of a complainant will be avoided.

Improve supply of social welfare land use

Recommendation (12): Improve the environment of temporary accommodation

94. The Government may consider moving the ICCMWs operating in other social welfare facilities (such as halfway house and sheltered workshop) to other

temporary accommodation with more space, such as vacant school premises and other vacant Government premises, etc. Some premises may not be suitable for use as the permanent site for ICCMWs. However, so far as it has sufficient space and its location is convenient, it can be considered to be used as a temporary accommodation for an ICCMW, with a view to improving the quality of services for ICCMWs.

Recommendation (13): Consider using vacant Government premises to alleviate the space constraint of temporary accommodation

95. The Government may also consider using vacant school premises and other vacant Government premises as temporary community halls and their usage can be co-ordinated by the SWD. These premises can be divided into certain number of rooms and halls to be booked for use by service operators of ICCMWs and other social services as counselling rooms or activities rooms. This will bring some relief to the ICCMWs from the lack of space of their temporary sites.

Recommendation (14): Improve the quality of permanent accommodation

96. On top of finding permanent accommodation for the remaining ICCMWs that have not yet secured one, the Government should plan well in advance for finding better permanent sites on newly developed land or in new public housing estate projects for those ICCMWs with permanent accommodation in less than ideal situation.

Recommendation (15): Planning for social welfare land use should consider the welfare of citizens as a whole

97. When the Government plans for social welfare land use, it should consider the welfare of the Hong Kong citizens as a whole. The Government should educate the public and let them understand that while every Hong Kong citizen has the right to enjoy the public facilities, they also have the responsibility to allow the welfare facilities to settle in their neighbourhood under reasonable circumstances.

Recommendation (16): Urban renewal and private development projects should build more social welfare facilities

98. The top officials of the HKSAR Government and those Bureaux and Departments in charge of land and housing development should request urban renewal projects and private development projects to build more community and mental rehabilitation facilities. When one has taken resources from the society, one should contribute to the society. Land is an important resource of our society. Property developers should shoulder certain degree of social responsibility besides profit-making from developing housing units. They should build and provide social welfare facilities in their development to serve the public.

Recommendation (17): Consider keeping part of premises for ICCMW before tendering government premises for sale or for rent

99. The top officials of the HKSAR Government and those Bureaux and Departments in charge of land and housing development should, before tendering government premises for sale or for rent, consider keeping some of the units in the premises for social welfare use. For instance, Yau Tsim Mong is a district with very few public housing estates. Therefore it is difficult for the ICCMW serving that district to find permanent accommodation and it is currently providing services in a temporary site. Last year, the Government Property Agency invited tenders for the purchase of the whole parcel of the government property in the Trade and Industry Department Tower in the centre of Mongkok. The total gross floor area of the property is 26,414 sq metres. If the Government allocated around 500 sq metres of that property for the use of the ICCMW serving Yau Tsim Mong, the ICCMW would only occupy less than 2% of the gross floor area of the property.

Chapter 1

Introduction

Purpose of the Study

1.1. In the 2009-2010 Policy Address, the Chief Executive announced that the Government would revamp the community mental health support services and set up Integrated Community Centres for Mental Wellness (ICCMWs) in all 18 districts across the territory. This policy not only benefits the users of mental health services and their social integration by providing one-stop service, but also facilitates the government's promotion of the importance of mental health in the community. However, in the process of securing permanent sites for the ICCMWs, the Government and service operators have faced opposition of community leaders and residents time and again.

1.2. Due to the stigma attached to mental illness by the public, persons with mental illness and other mental health service users do not dare to fight for their own rights, let alone lodge complaints against the misunderstanding and discriminatory conduct when they faced community opposition. Other service facilities for the disadvantaged also face similar community opposition. In view of this, the Equal Opportunities Commission (EOC) decided to conduct a study to collect information from various stakeholders, in order to examine the causes for difficulties encountered in securing permanent accommodation for ICCMWs and to make recommendations for removing those barriers. The EOC also hopes the public will, through the study, reduce the misunderstanding of the nature of ICCMWs and persons with mental illness.

Methodology of the Study

1.3. The Policy, Research and Training Division of the EOC conducted this Study. Methodology of the Study includes:

- (a) interviewing the persons-in-charge or representatives of all 24 ICCMWs (a total of 28 persons) to understand the issues about providing services at a temporary site, the difficulties encountered in securing permanent sites for the ICCMWs, in particular, the challenges faced by ICCMWs during public consultation;

- (b) writing to relevant government departments, including the Education Bureau (EDB), the Social Welfare Department (SWD), the Planning Department (PlanD) and the Housing Department (HD) to enquire about the public consultation procedures and relevant details;
- (c) reviewing the minutes and recording of relevant meetings of District Councils (DCs) (including minutes/records of meetings of the Tuen Mun DC and its committees from 2009 to 2012, and the documents and minutes of meetings of the Island DC in 2014-2015) to understand DC Members' views about the setting up of ICCMWs;
- (d) making enquiries to relevant DC Members on the case of strong community opposition to the setting up of an ICCMW in Wu King Estate of Tuen Mun;
- (e) interviewing relevant DC Member on the case of residents' opposition to the first proposed site for a Tung Chung special school, in order to understand the problem of community resistance to other service facilities for the disadvantaged;
- (f) studying relevant court judgment, Legislative Council and DC documents (including documents/Hansard/minutes of meetings of the Legislative Council and its Panel on Welfare Services from 2011 to 2014, the documents), public speeches of relevant government officials, and reviewing newspaper articles and relevant records; and
- (g) making reference to relevant local and overseas research reports and literature to identify similar incidents of community opposition and to understand relevant experience of other countries.

Limitations of the Study

1.4. The persons-in-charge or the representatives of the ICCMWs, based on their own experience and/or their organisations' internal records, provided valuable information for the Study during the interviews. Since some of the interviewees were only involved in part of the public consultation process, and/or due to the time lag between the public consultation and the interview, the information they recollected may not give the whole picture. We sought to

verify the information from other channels, for example, meeting minutes of the DC, but the information of this Report may still not be comprehensive.

1.5. The public consultation periods discussed in this report were not official figures. The Government had not expressly defined what would be counted as part of the public consultation exercise. The Government neither set a time frame for any public consultation, nor did it publish any starting and ending dates of the public consultations. The public consultation periods stated in this report were calculated on the basis of information provided by the persons-in-charge or representatives of the ICCMWs in the interviews: the date the service operator was informed by the SWD about the location of a proposed permanent site and was asked to start public consultation / education in that district (where the site was located) was counted as the start of the public consultation period, and the date the permanent site was endorsed by residents representatives or the DC was considered as the end of the consultation period; therefore, the public consultation period stated in this Report may be different from the Government's understanding.

1.6. In respect of the case about local residents' opposition to the setting up of an ICCMW at Wu King Estate in Tuen Mun, the EOC had written to Mr. Leung Kin Man, the DC Member of the Wu King constituency, inviting him for an interview. However, Mr. Leung said he was too busy for an interview and he only provided an email response to our questions. We were therefore unable to have a better understanding of the opinion of residents of the Wu King Estate residents at the material time.

Acknowledgment

1.7. The EOC would like to express its gratitude to the Education Bureau, the Social Welfare Department, the Housing Department, the Planning Department, the Office of the Ombudsman, the Honorable Tang Ka Piu (Member of the Legislative Council cum Islands District Council), and Mr. Leung Kin Man (Chairman of the Tuen Mun DC) for their provision of information. Special thanks go to all service operators and their representatives of ICCMWs for attending our interviews and sharing their inspiring views. Without their kind support, this Study could not be completed.

Chapter 2

Background of the introduction of Integrated Community Centre for Mental Wellness

Introduction

2.1. Over many years, the focus of psychiatric services had been on the institutionalisation of mental patients. Before 1875, no governmental institution existed for the care of persons with mental illness in Hong Kong. Persons with mental illness were then commonly called “lunatics”. Even after the temporary lunatic asylum was opened in 1875, the asylum provided custodial care of the mental ill rather than treatment.¹ Many Chinese with mental illness were transferred to Guangzhou for treatment.² In 1906, the Asylum Ordinance was passed by the Legislative Council to provide for the establishment of lunatic asylums for the detention, custody and care of persons of unsound mind. It was known as the “asylum era” in a derogatory sense.³ The Chinese lunatic asylum and the European Lunatic Asylum were united in 1906 and was renamed as Mental Hospital only in 1929.⁴ It was until 1936 that the Mental Hospital Ordinance was passed to consolidate and amend the law relating to the establishment of mental hospitals. The word “asylum” became history in law. Modern psychiatry in Hong Kong began in 1948 when a British-trained psychiatrist Dr P M Yap was appointed medical superintendent of the Mental Hospital and brought with him modern concepts and treatment for mental illness.⁵ Through his efforts, Hong Kong’s first purpose-built psychiatric hospital, the Castle Peak Hospital, was officially opened in 1961, which marked the commencement of modern psychiatric services in Hong Kong.⁶

¹ The Hong Kong College of Psychiatrists. (2016) *Background and History*. Available from: http://www.hkpsych.org.hk/index.php?option=com_content&view=article&id=13:history-and-objective&catid=140:college&Itemid=32&lang=en [Accessed 2 March 2016].

² Antiquities Advisory Board (2015) *Heritage Appraisal of Façade of the Old Mental Hospital – High Street, Sai Ying Pun, Hong Kong*. In: *Declaration of Three Historic Buildings As Monuments*. Board paper: AAB/7/2015-16. Available from: [http://www.aab.gov.hk/form/171meeting/AAB_7_2015-16%20\(Annex%20C\).pdf](http://www.aab.gov.hk/form/171meeting/AAB_7_2015-16%20(Annex%20C).pdf) [Accessed 2 March 2016].

³ See note 1.

⁴ See note 2.

⁵ See note 1.

⁶ Hong Kong Museum of History (2013) *Past Exhibition - Long Road to Our Verdant Peak: The History and Relics of Psychiatry in Hong Kong*. Available from: http://hk.history.museum/en_US/web/mh/exhibition/2013_past_07.html [Accessed 2 March 2016].

2.2. Today, the public start realising that mental illness is not a problem confined to any single group in society. Indeed, mental illness can affect anyone. The demand for mental health services, in particular community support services, has been on the rise in recent years in Hong Kong. This development led to the setting up of Integrated Community Centre for Mental Wellness across the territory.

Rising demand for mental health services

2.3. Based on overseas data, the Hospital Authority (HA) estimated that one to 1.7 million Hong Kong people had mental disorder and the number of people with severe mental illness should be between 70,000 and 200,000.⁷

2.4. The HKSAR Government funded academics to conduct the first population based, territory-wide psychiatric epidemiological study, The Hong Kong Mental Morbidity Survey 2010 (the Survey), to examine the prevalence of significant mental disorders in the population.⁸ The Survey examined 5,719 Chinese aged 16 to 75 years from 2010-2013. The findings of the Survey identified that a substantial proportion of the community-living adult population in Hong Kong suffered from Common Mental Disorders (CMD) (i.e. depressive disorder, generalised anxiety disorder, mixed anxiety and depressive disorder, and other anxiety disorders), psychotic disorders and substance use disorders. The weighted prevalence of CMD and psychotic disorders are 13.3% and 2.5% respectively. About one-third of the participants with CMD sought professional help, both medical and non-medical for their mental health problems in the past one year. About 23% had received medical attention, including seeking help from psychiatrist and general practitioner. Social worker is the most common non-medical mental health service utilised for CMD.⁹

2.5. Professor Linda Lam, former president of the Hong Kong College of Psychiatrists, was in charge of the aforementioned Survey. She believed that the provision of mental health services in Hong Kong is way below need.¹⁰

⁷ Hospital Authority. (2011) *Hospital Authority Mental Health Service Plan 2010-2015*. Hong Kong.

⁸ Lam, L. C. W. et al. (2014) The Hong Kong Mental Morbidity Survey: Background and Study Design. *East Asian Archives of Psychiatry*, 24(1), 30-36.

⁹ Ibid.

¹⁰ British Broadcasting Authority. (2011) Hong Kong conducts first mental health survey *BBC News*, June 15. Available from: <http://www.bbc.co.uk/news/health-13687793> [Accessed 12 March 2015].

2.6. Government figures indicate that the demand for psychiatric services of the HA is rising.¹¹ The number of psychiatric in-patients (i.e. those received in-patient care in the HA's psychiatric units) increased from 14,254 in 2009-10 to 15,209 in 2013-14 (as at 31 March 2014). Most inpatients suffered from severe mental illness, for example, schizophrenia; and the rest needed extended care and had special needs. The HA also has psychiatric day hospitals that patients attend for a few hours every week. In 2013-14 the number of patients at psychiatric day hospitals was 7,368.

2.7. The Food and Health Bureau statistics¹² also indicated that the number of psychiatric out-patients grows significantly from 161, 822 in 2009-10 to 203, 945 in 2013-14 (as at 31 March 2014). The median waiting time for the first appointment for priority 1 cases and priority 2 cases at psychiatric specialist out-patient clinics ("SOPCs") was around one week and four weeks respectively. With the majority of persons queuing up at SOPCs suffer CMD such as emotional distress, anxiety disorder and depression, HA has set up dedicated CMD clinics at its psychiatric SOPCs since 2010 for fast-tracking some 7 000 cases annually. Some patients with mild mental illness receive maintenance treatment at general outpatient clinics instead.¹³

Establishment of the first ICCMW and its subsequent development

2.8. It is the international trend to gradually shift the focus of treatment of mental illness from inpatient care to community and ambulatory services, in the hope that psychiatric patients have a better prospect of re-integrating into the community after rehabilitation. The Social Welfare Department has since 2001 launched a number of new initiatives to enhance community support services for persons with mental health problems as well as their families and carers, to allow more patients suitable for discharge to receive treatment in the community. However, service users needed to go to different locations to receive various community support services from different rehabilitation agencies and service units operated by non-government organisations ("NGOs").¹⁴

¹¹ Food and Health Bureau. (2014) *Administration's Reply to LCQ16: Mental health services of Hospital Authority*. Available from: http://www.fhb.gov.hk/en/legco/replies/2014/lq140625_q16.htm [Accessed 10 March 2015].

¹² Ibid.

¹³ Ibid.

¹⁴ Legislative Council Secretariat. (2011) *Integrated Community Centre for Mental Wellness*. Updated background brief for the meeting of the Panel on Welfare Services – Subcommittee on Residential and Community Care Services for Persons with Disabilities and Elderly on 28 March 2011. LC Paper No. CB(2)1307/10-11(04). Available from: http://www.legco.gov.hk/yr10-11/english/panels/ws/ws_rccs/papers/ws_rccs0328cb2-1307-4-e.pdf [Accessed 16 March 2016].

2.9. In 2009, the Social Welfare Department started a pilot scheme to provide mental health community support services through an integrated service model. In this regard, the SWD set up the first ICCMW in Tin Shui Wai in March 2009 to provide one-stop, district-based and accessible community support and social rehabilitation services for discharged psychiatric patients, persons with suspected mental health problems, their families, carers and local residents.

2.10. Following the tragedies of some persons with mental illness attacking people resulted in casualties¹⁵, the then Chief Executive announced in his 2009-10 Policy Address a series of measures to enhance community support for discharged psychiatric patients to address the public concern. These measures included, among others, the revamping of existing community mental health support services and the expansion of the pilot scheme of ICCMW to all 18 districts of Hong Kong, providing one-stop integrated services ranging from prevention to crisis management.¹⁶

2.11. Through consolidating existing resources and an additional provision, SWD allocated a total of \$135 million to revamp various mental health community support services into a one-stop and integrated mode of service – the ICCMW. Those community support and rehabilitation services revamped included the Community Mental Health Intervention Project, the Community Mental Health Link, the Community Mental Health Care Services, the Community Rehabilitation Day Services and the Training and Activity Centres for Ex-mentally Ill Persons and Aftercare Service for Dischargees of Halfway Houses.¹⁷

2.12. After the introduction of this integrated model of service provision, persons with mental illness and people with suspected mental health problems no longer need to travel to different locations to seek or receive service. Instead they can just go to the ICCMW of the district in which they reside to seek help.

¹⁵ 精神病人涉嚴重傷人案件. (2010) *Oriental Daily*, 9 May. Available from: http://orientaldaily.on.cc/cnt/news/20100509/00176_008.html [Accessed 10 March 2015].

¹⁶ Office of the Chief Executive. (2009) *The 2009-10 Policy Address*. Available from: <http://www.policyaddress.gov.hk/09-10/eng/p106.html>. [Accessed 13 March 2015].

¹⁷ Legislative Council Secretariat. (2011) *Legislative Council Secretariat's updated background brief on Integrated Community Centre for Mental Wellness*. Paper prepared for the meeting of the Panel on Welfare Services - Subcommittee on Residential and Community Care Services for Persons with Disabilities and the Elderly on 28 March 2011. Available from: http://www.legco.gov.hk/yr10-11/english/panels/ws/ws_rccs/papers/ws_rccs0328cb2-1307-4-e.pdf [Accessed 10 March 2015].

2.13. ICCMWs provide the following scope of services:

- Drop-in services;
- Outreaching services;
- Casework counseling;
- Therapeutic and supportive group work services;
- Networking services, including social and recreational activities;
- Day training
- Outreaching occupational therapy training services;
- Public education programs on mental health; and
- Referral to the Community Psychiatric Service of the HA for clinical assessment or psychiatric treatment.

2.14. The target clients of ICCMWs are those living in the district. They are:

- Discharged mental patients aged 15 or above;
- Persons with suspected mental health problems aged 15 or above;
- Family members/carers of the above persons; and
- Residents with interest in understanding and improving their mental health.

2.15. In October 2010, a total of 24 ICCMWs commenced service in all 18 districts across the territory, but only one managed to secure a permanent site while others provided services in temporary accommodation. In his 2010-11 Policy Address, the then Chief Executive of Hong Kong, Mr. Donald Tsang Yam Kuen, called on district leaders and residents to show more understanding and support so that service operators could secure permanent accommodation for ICCMWs.¹⁸ In October 2011, there were still nine ICCMWs lacking a permanent site and the then Chief Executive again called on local communities to accept ICCMWs in their neighbourhood.¹⁹

¹⁸ Office of the Chief Executive. (2010) *The 2010-11 Policy Address*. Available from: <http://www.policyaddress.gov.hk/10-11/eng/p86.html>. [Accessed 13 March 2015].

¹⁹ Office of the Chief Executive. (2011) *The 2011-12 Policy Address*. Available from: <http://www.policyaddress.gov.hk/11-12/eng/p99.html>. [Accessed 13 March 2015].

2.16. As at February 2016, 14 out of the 24 ICCMWs are now operating in their permanent sites. Five others have secured permanent sites but are still providing services in temporary accommodation, and one is undergoing public consultation regarding the proposed permanent site. The remaining four have not yet found any suitable premises for providing permanent accommodation.

Chapter 3

Not in My Backyard Syndrome and Public Attitude towards Persons with Mental Illness

Locally Unwanted Land Uses (LULUs)

3.1. During the past decades of rapid urbanisation and economic development, a full array of public facilities and land uses have been proposed by the Government of Hong Kong to cater for the needs of various services and benefits. Some of these public facilities that serve to fulfill certain functions for society as a whole, but generally impose or are perceived to impose negative externalities on the local neighbourhood. For example, they are perceived to pose threats to their surroundings in the form of negative environmental, health and safety, social and economic impacts.²⁰ This kind of public facilities or land uses are referred to as “locally unwanted land uses” or “LULUs” in short form. Examples of LULUs include landfills, incinerators, chemical waste disposal and treatment facilities.

3.2. LULUs can be classified into five types according to their functions and the benefits they provide²¹:

- (1) ***Energy facilities***: Facilities related to the generation of energy and energy-related products. Examples include nuclear power plants, coal-fired power plants and oil depots. They may be risky to health, cause pollution, or pose the risk of explosion;
- (2) ***Waste facilities***: Facilities related to the treatment and disposal of hazardous or non-hazardous wastes, examples include chemical waste treatment facilities, landfills and incinerators;
- (3) ***Transport facilities***: Facilities related to road or rail, air and water transport. Examples include airports, railways, highways and transport interchanges. They are usually noisy and may be dangerous to nearby residents (e.g. airports);

²⁰ LAI, P. W. et al. (2007) *Siting and Community Response to Locally Unwanted Land Uses: A Literature Review*. Hong Kong: The Chinese University of Hong Kong.

²¹ 曾明遜 (1995) 「鄰避」設施管理策略(一)至(四), *現代地政*, 15(9)-(12)。

- (4) ***Industry facilities***: Facilities related to manufacturing or production. Examples include chemical plants and industrial parks; and
- (5) ***Human service facilities***: Facilities related to the provision of human services, including psychiatric hospitals, HIV centres, prisons, and homeless centres. They are usually unwelcome to residents because of the possible impacts on the community such as stigmatisation effect.

Not in My Backyard (NIMBY) Syndrome

3.3. Problems of siting LULUs are worldwide. The siting problem of so-called LULUs has become intense in Hong Kong due to its growing population, fast development pace, and limited space available. Conflicts have been found in the siting of many LULU facilities, for example, in the proposed waste incinerator in Tuen Mun, the proposed Central Slaughterhouse in Sheung Shui, an integrated treatment centre for skin diseases and sexually transmitted diseases including AIDS/HIV in the Kowloon Bay Health Centre, etc.²²

3.4. The term “Not In My Backyard” (“NIMBY”) is generally used to describe the attitude of the opponents of LULUs, who may recognise that a facility is needed but oppose to its siting in their locality.²³ Researchers suggest that the NIMBY syndrome is often seen as a response out of concern for justice, selfishness, or logical comments on the poorly-planned projects.²⁴

3.5. Unlike the other kinds of LULUs, human service facilities generally have no significant environmental or health and impacts on the neighbourhoods, the negative externalities that are commonly claimed are concern of safety, decline in community attractiveness, and the impact on property prices. In the case of mental illness facilities, the core problem lies in the social stigmatisation of the service users – persons with mental illness.

²² LAI, P. W. et al. (2007) *Siting and Community Response to Locally Unwanted Land Uses: A Literature Review*. Hong Kong: The Chinese University of Hong Kong.

²³ 李永展 (1997) 台北市鄰避型公共設施更新之研究，網址：
<http://nccur.lib.nccu.edu.tw/bitstream/140.119/13157/1/921117-pdf-37922-193304.pdf> 。

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²⁴ Ibid.

Stigmatisation of persons with mental illness

3.6. "Stigmatisation" refers to the characteristics of a group of people or certain behaviour, which are considered by the society as abnormal and unacceptable so that there is an adverse impact to the relationship between the group and the society. Academics have concluded that there are three types of targets for "stigmatisation": (1) people who have external or obvious impairment, e.g., physical disability; (2) people who are impaired in personality – normally derived from the behaviour of the target, e.g., gays and lesbians, persons with mental illness; and (3) members of a specific group – members of a race, an ethnic group or a religion. The "stigmatisation" of persons with mental illness belongs to the second type.²⁵

3.7. The stigma of persons with mental illness tends to be more serious in a Chinese society due to the traditional "family" concept. A person with mental illness in family is often considered to be a shame, the wrongdoings of the parents and even the punishment by gods. This explains why Chinese with mental illness tend to conceal their illness and are reluctant to seek help.²⁶ Their acts lead to further social isolation and foster the stereotype of persons with mental illness in society.

3.8. Many decades ago, "mental illness" was narrowly construed as psychosis in Hong Kong. At that time, psychiatric treatment was dominated by asylum care, protracted physical restraint, insulin coma, unmodified electroconvulsive therapy, and major tranquilizing drugs that gave rise to disabling side effects.²⁷ Persons with mental illness were seriously stigmatised. Today, persons with a label of mental illness have been equated with lunacy, inevitable heritability, aggression, contagion, unpredictability, and non-treatability.²⁸

3.9. According to various studies cited below, persons with mental illness nowadays face disadvantages in three aspects in society:

- stereotype and stigmatisation labelled by the society;
- discrimination in employment and social life;

²⁵ GOFFMAN, Erving (1963) *Stigma: Notes on the Management of Spoiled Identity*, New York: Prentice-Hall.

²⁶ TSANG, W.H. et al. (2003) Stigmatizing Attitudes towards Individuals with Mental Illness in Hong Kong: Implications for Their Recovery, in *Journal of Community Psychology*, Vol. 31, NO. 4, 383 – 396.

²⁷ 李誠等 (2003) 本港精神健康服務使用者對歧視的看法及體會, 香港: 平等機會委員會。

²⁸ Ibid.

- mental health facilities being rejected by local community.

3.10. In 2003, a study interviewed 1,007 respondents aged 16 or above. It was found that persons with mental illness were often considered as "quick-tempered" (47%), "unpredictable" (39%), "introverted" (51%) and "having low self-esteem" (47%); while 29% respondents considered that "people who had been mentally ill are dangerous no matter what".²⁹

3.11. Having reviewed the researches and studies in Hong Kong, it was found that negative views of the public and discrimination against persons with mental illness have yet had little improvement over the years. Professor Joseph T.F. Lau of The Chinese University of Hong Kong (CUHK) conducted five³⁰ surveys on the public attitude toward persons with disabilities³¹ in Hong Kong from 1994 to 2002. He interviewed over 4,000 residents in Hong Kong. The findings of the five surveys revealed that 60% to 70% respondents agreed that persons with disabilities were being discriminated. In the findings of all the 5 surveys, the percentages of persons who agreed with the statement were about the same level, not any indication of a downward trend. In 1994, the findings showed that 53.6% respondents considered that persons with mental illness were "violent" and 54.4% respondents thought that persons with mental illness "causing disturbance". In 2002, 55.6% respondents considered that persons with mental illness were "violent" and 55.4% respondents thought that persons with mental illness "causing disturbance". In respect of mental health care centres, in 1994, 46.1% respondents considered that "the centre should be far away from residence"; in 2002, 44.8% respondents still held the same view. In 1994, 37.2% respondents opposed the centre to be set up in their own neighbourhood; in 2002, 33.7% respondents still held the same view.

²⁹ TSANG, W.H. et al. (2003) Stigmatizing Attitudes towards Individuals with Mental Illness in Hong Kong: Implications for Their Recovery, in *Journal of Community Psychology*, Vol. 31, NO. 4, 383 – 396.

³⁰ The five surveys were conducted in 1994, 1995, 1996, 1998, and 2002 respectively.

³¹ LAU, T. F. (2002) *Public Attitudes toward Disabled People in Hong Kong: 1994 to 2002*, Hong Kong: The Chinese University of Hong Kong.

3.12. The Equal Opportunities Commission (EOC) conducted two baseline surveys on public attitudes towards persons with a disability in 1998 and 2010 respectively. In 1998, only 40% respondents said that they accepted persons with mental illness or persons with AID/HIV as co-workers; more respondents said that they accepted persons with the above 2 disabilities as co-workers in 2010. Yet 35% respondents were still reluctant to work with persons with mental illness in the same company.³²

3.13. Persons with mental illness also face discrimination in social and daily life. In 2003, "A Study of Mental Health Service Users' Perception and Experience of Discrimination in Hong Kong" was conducted by the EOC and CUHK³³. A total of 757 mental health service users took part in a self-administered questionnaire survey. Quite a number of respondents said that they were discriminated against in employment. Almost half of them (45%, n=180) reported that they were not offered the employment after disclosing their health conditions in the job interview. About 34% (n=149) mental health service users said that they were dismissed after telling the employer their health conditions. The study also conducted face-to-face interviews with 50 respondents who reported to have actual experience of being discriminated. These respondents reported that, after the revelation of their mental illness, they were being feared and avoided by co-workers with whom they previously got along. Some were even being treated impolitely. They were being shunned. Their workload was unfairly increased or they were assigned to do elementary tasks by the co-workers in a patronised manner.

3.14. Persons with mental illness also reflected the stereotype and stigmatisation attached to them by the public. In 2004, another research interviewed 193 persons with mental illness by self-administered questionnaire in order to study their experience in discrimination. It was found that 67% respondents indicated that "Most people believe that someone with a previous mental illness is dangerous"; 73% respondents thought that "Most people look down on people who have a history of mental illness"; and 66% respondents considered that "Most people avoid someone who has a history of mental illness".³⁴

³² 平等機會委員會 (2010) 公眾對殘疾人士的態度基線調查2010, 香港: 平等機會委員會。

³³ 李誠等 (2003) 本港精神健康服務使用者對歧視的看法及體會, 香港: 平等機會委員會。

³⁴ CHUNG, K. F. and WONG, M. C. (2004) Experience of stigma among Chinese mental health patients in Hong Kong, in *Psychiatric Bulletin*, vol.28, 451 – 454.

3.15. However, stigmatisation not only affects the personal life of persons with mental illness, it also has an adverse impact on mental health facilities. Significant examples include half-way houses, which were administered by professionals, were strongly rejected by the local residents to be set up in the public housing estates in the 1980s;³⁵ and the Integrated Community Centres for Mental Wellness have been rejected in various districts in recent years. In 2003, a study interviewed 1,007 respondents who aged 16 or above, only 40% respondents agreed that mental health facilities were not required to be far away from residence. If a half-way house was proposed by the Government to be built in their community, 29% respondents said that they would strongly oppose the proposal.³⁶

3.16. In 2009, a report on *A Study of Local Residents' Opinions on the Integrated Community Centre for Mental Wellness*³⁷ was released by the Society for Community Organisation (SoCO). A questionnaire survey was conducted in the streets of five districts in order to understand the perception of local residents towards ex-mental patients and gauged their views on ICCMW. Almost 20% respondents considered that "persons (with mental illness) should not be placed in any rehabilitation organisations outside hospitals"; 16% respondents opposed any ICCMW to be set up in their community, in particular, the opposition among the respondents of Wu King Estate, Tuen Mun was the strongest. About 37% respondents rejected the setting up of an ICCMW in Tuen Mun. We will further examine the case of strong opposition against the setting of ICCMW at Wu King Estate in detail in Chapter 8.

3.17. We should not simply blame the selfishness of residents of individual community for the community resistance faced by the ICCMWs. However, we should concern about the "stigmatisation" of persons with mental illness that underlies the resistance. For a long time, persons with mental illness have been perceived as "dangerous", "weird", "untouchable" by the society. Such an impression adversely affects the daily life, employment and social interaction of persons with mental illness. The negative stereotype has yet had any significant improvement throughout the years. On the contrary, it deters the mental health facilities from entering local communities, which in turn affects

³⁵ TSANG, W.H. et al. (2003) Stigmatizing Attitudes towards Individuals with Mental Illness in Hong Kong: Implications for Their Recovery, in *Journal of Community Psychology*, Vol. 31, NO. 4, 383 – 396.

³⁶ Ibid.

³⁷ 香港社區組織協會 (2011) 社區人士對精神健康綜合社區中心的意見調查報告, 網址: http://webcache.googleusercontent.com/search?q=cache:vxTDbHI53KoJ:www.soco.org.hk/publication/health/research%2520report_2011_9_25.doc+&cd=1&hl=zh-TW&ct=clnk&gl=hk

[於 2015 年 3 月 16 日登入]。

the provision of support to persons with mental illness and ex-mental patients for their integration into society. In the next chapter, we are going to review two cases of community facilities which were strongly rejected by local residents. The two examples can further illustrate how misunderstanding and discrimination, in addition to inadequate public consultation, escalate the resistance of local communities.

Chapter 4

Examples of Community Resistance to Social Welfare Facilities

4.1. The proverb “history repeats itself” not only applies to the community resistance against social welfare facilities in the neighbourhood, but also to the inadequate consultation conducted by the Government on the setting up of the facilities concerned, which partly contributed or aggravated the community resistance and led to further misunderstanding of the facilities and service users of these facilities among local residents. Two examples of the Not in My Backyard Syndrome will be briefly reviewed in this section in the hope that the cases will shed some light on what would be done to alleviate the difficulties in setting up ICCMWs and other social welfare facilities in the community in the future. The first case involved the setting up of a day centre for discharged mental patients, while the second one was about an integrated treatment centre for skin diseases and sexually transmitted diseases including AIDS/HIV.

The Kwun Tong Amity Centre

4.2. In 1988, a site next to a private housing estate in Kwun Tong, Laguna City, was slated for building a Community Centre, in which a rehabilitation facility for discharged mental patients would be set up. The rehabilitation facility, later known as the Kwun Tong Amity Centre was to provide training as well as social and recreational activities during day time, in order to help improve the discharged mental patients’ physical, mental and social capabilities for re-integration into society.

4.3. According to The Office of The Ombudsman (“The Ombudsman”),³⁸ when flats of Laguna City were put up for sale in 1990, there was uncertainty within the Government over the plan to build the Kwun Tong Amity Centre (“KTAC”) and therefore homebuyers were not informed of such a plan; when the plan was later confirmed and made known to the then District Board (“DB”, currently known as District Council) and subsequently to the Estate Owners’ Committee of Laguna City (“the Committee”), the Committee felt aggrieved that Government had deliberately withheld information about the project during the planning stage. Some residents objected to the building of the KTAC because: (a) they considered that psychiatric patients would easily become

³⁸ The Office of The Ombudsman. (1993) *Annual report*. Hong Kong.

violent when provoked and would thus threaten the residents' safety; (b) the threat would be serious given the proximity of the KTAC to Laguna City and (c) the KTAC should be relocated to Central Kowloon so that it would be easily accessible by all psychiatric patients living in Kowloon.³⁹

4.4. The Committee passed a resolution against the plan and conducted an opinion poll. Over 65% of Laguna City residents and over 90% of shop tenants in Laguna City opposed to the plan, according to the polls conducted in October and November 1992 respectively. In December 1992, the Committee held a general meeting attended by over 1,200 residents, with an overwhelming majority rejected the plan of setting up the KTAC. The Committee subsequently wrote to the Social Welfare Department and met with Government officials asking for the plan to be shelved. Hundreds of residents demonstrated outside the Legislative Council Building expressing discontent towards the Government and alleging the Government for having deliberately withheld information during the planning stage and thus forcing them to accept a *fait accompli*. They also questioned the choice of the site as there were already a number of mental health facilities in Kwun Tong, namely a psychiatric centre, a hospital providing treatment to psychiatric patients, and two planned half-way houses; they believed that the addition of the KTAC would overburden Kwun Tong in serving mental health service users.⁴⁰

4.5. The Committee lodged a complaint with The Ombudsman about the Government's failure to consult local residents on the setting up of the centre. In 1993, The Ombudsman, after its investigation, concurred that the Government's consultation was inadequate, but there was no evidence that it deliberately withheld information from the residents. The Ombudsman believed that the announcement of the KTAC project could have been made before flats in Laguna City were put up for sale so that potential buyers could make an informed decision of buying or not. The Ombudsman added that the Government should have conducted a detailed assessment beforehand on the potential resistance to the plan, and ensured those individuals moving to Laguna City were adequately informed of the plan and groups that closely represented the residents' interests ought to have been properly consulted⁴¹.

³⁹ Ibid.

⁴⁰ Ibid.

⁴¹ Ibid.

4.6. The Ombudsman further recommended that the Government should work with the Committee to come up with measures that would address its concerns. The Government accepted the recommendation and proposed setting up a working group and regular management forums that included residents' representatives. Some residents feared that members of the KTAC might wander around Laguna City especially at night after the KTAC was closed and threatened the residents' safety. In view of that, the Government undertook that the admission of members to the KTAC would be phased and special transportation for members to the KTAC be arranged.⁴²

The Kowloon Bay Health Centre

4.7. In 1983, the Government zoned an area in Kwun Tong and informed the Kwun Tong District Board in 1987 that a general out-patient clinic and a neighbourhood community centre would be built there. In 1993, the Government revised the scope of planned services and decided to build a Kowloon Bay Health Centre ("KBHC"), consisting of a general out-patient clinic, a student health centre, an integrated treatment centre for skin diseases and sexually transmitted diseases including AIDS/HIV, an X-ray unit, and a nursing home.

4.8. When the revised scope of planned services of the KBHC, particularly the inclusion of the integrated treatment centre (which would treat AIDS and HIV patients) became known to the residents of the neighbourhood in 1995, objections were raised, which later turned into violent protests. Some residents of a nearby housing estate, Richland Gardens ("RG") collected 12,000 signatures in a petition, demanding the re-siting of the KBHC. The Kwun Tong District Board held similar views. In response, the Government only agreed to shift the site 25 metres further away from RG so as not to compromise the schedule of the construction.

4.9. Some residents were not satisfied with the KBHC being moved to only 25 metres away. They then launched a series of protests at RG and outside the Government Headquarters, the Planning Department and the Housing Department. Some residents tried to block the construction site, resulting in police arrest. They also built an illegal wooden shed at RG's entrance, known as the "the command post" which was used as a gathering spot for protesting RG residents.

⁴² Ibid.

4.10. A Kowloon Bay Health Centre Concern Group (“Concern Group” 麗晶花園九龍珍所關注組) was formed and lodged a complaint with The Ombudsman against the then Health and Welfare Branch for the insufficient consultation on the building of the KBHC. In determining whether the consultation was adequate, The Ombudsman set out the following yardsticks:

- a) *Was there adequate consultation with the affected individuals and groups before the project was planned, developed, modified (if necessary) and implemented?*
- b) *Was the consultation done in a proper and timely way?*
- c) *Was the way in which the final decisions were arrived at made clear from the outset to the affected persons?*

4.11. Based on the abovementioned yardsticks, The Ombudsman announced its findings in October 1996 that the consultation process had not been properly conducted and the true spirit of public consultation had not been realised; hence the complaint was substantiated⁴³. The Ombudsman found that the format of the “consultation” of the KBHC project was mainly through the Social Services Committee (“SSC”) of the District Board concerned; only brief progress on the project had been provided to the SSC among a number of works projects since 1987. Even though a brief Information Paper was tabled at the SSC meeting in March 1995 about the expansion of the scope of services, The Ombudsman pointed out that no reference was made to the exact location of the enlarged project, and it did not state clearly the options available, the pros and cons of each option and the points on which the District Board’s advice was sought.

4.12. Although a representative of the Department of Health was present at the SSC meeting in March 1995 to present the Information Paper and respond to views of the Members of the SSC on the project concerned, The Ombudsman believed that the attendance of the representative of the Department of Health could not be taken as evidence of substantive consultation since the SSC had not been specifically invited to advise or form a view on the building of the project at that particular location and on the services provided.

4.13. In addition, The Ombudsman considered that the Government had failed to exhaust every means to consult RG residents. According to the findings of The Ombudsman, the residents, who were affected by the project,

⁴³ The Office of The Ombudsman. (1997) *Annual report*. Hong Kong.

were not provided with a channel to receive the relevant information and the opportunity to voice their views at the material time. Apart from the District Board, The Ombudsman advised that other representative bodies such as the Area Committees, Mutual Aid Committees and residents' groups and even individual persons may also be consulted, particularly on matters that directly affect them. The Ombudsman concluded that the public "consultation" purportedly to have been conducted "cannot satisfy the yardstick for fair, adequate, meaningful and timely consultation which any open and responsible government should adopt".

4.14. After construction work for the KBHC started in 1996, the Concern Group's actions escalated. They demonstrated outside the Home Affairs Department, the Architectural Services Department, Police Headquarters, Government Headquarters and the Legislative Council Building. Although the Government started regular interdepartmental joint meetings with the RG residents in March 1998, Government representatives were always insulted by the attending RG residents and the resistance against the KBHC project continued.⁴⁴ In November 1998, the RG residents made a petition to the Chief Executive of the HKSAR. Since the interdepartmental joint meetings were not able to reduce residents' resistance to the KBHC, the Department of Health formed a KBHC Community Liaison Group to address residents' concerns and to promote public education in May 1999.⁴⁵

4.15. When the KBHC finally commenced operation in 1999, some residents put up vilifying banners in the RG with slogans such as: "Spread of Virus is Deadly"; "The Elderly and Children are Vulnerable — AIDS and Sexually Transmitted Diseases Stay Far Away"⁴⁶, and vented their anger on KBHC staff and service users. The KBHC staff and service users were subject to verbal insults, physically stopped, interrogated on RG premises and followed as they walked by or through RG to the bus stops, taxi stand and other ancillary facilities, resulting in staff resignation.

4.16. In light of the growing tension, harassment and intimidation against the KBHC staff and service users, the EOC took a number of actions:

⁴⁴ Chan Kin Man. (2002) *Resistance of the Neighbourhood Community to the AIDS Treatment Facilities – Case Study of Kowloon Bay Health Centre*. Hong Kong: Red Ribbon Centre.

⁴⁵ Ibid.

⁴⁶ Ibid. When the government departments started to clear the vilifying banners in RG in June 1999, some residents tried to stop the government operation. Both the "command post" and the banners were finally removed by end of September 1999.

- (a) the EOC started public education among residents of the neighbourhood by issuing about 10,000 letters to residents in RG and other neighbouring estates reiterating the concern of the EOC in respect of discriminatory acts and explaining the provisions of the Disability Discrimination Ordinance, and the EOC arranged a number of public education programmes from May to July 1999 in the neighbourhood, comprising exhibitions, talks and shows; and
- (b) The EOC encouraged complaints to be lodged by setting up a temporary office at the KBHC to assist aggrieved persons; the EOC also contacted various service providing organisations and explained to them the protection provided under the Disability Discrimination Ordinance; and printed pamphlets and posters and placed them in the Centre informing people of their rights to complain to the EOC.

4.17. The EOC recognised that the service users and their associates⁴⁷ might hesitate to lodge formal complaints pursuant to the Disability Discrimination Ordinance for fear of worsening the community relationship and being made to disclose their identities and disabilities, thus making them vulnerable to further attacks. This was particularly difficult for people with HIV. Hence, an inquiry was conducted to set the record straight and seek to avoid recurrence of the discriminatory acts. The EOC commenced its own inquiry into the matters in September 1999 and released its study report by the end of November 1999 with the following recommendations⁴⁸:

- (a) the Health and Welfare Bureau should work closely with the Planning Department and the Department of Health on a clear set of guidelines setting out the location of sensitive services and the support facilities and infrastructure requirements;
- (b) in respect of the establishment of this type of centre, the Government should adopt a planning policy of community

⁴⁷ According to Section 2 of the Disability Discrimination Ordinance, an associate, in relation to a person, includes a spouse of the person; another person who is living with the person on a genuine domestic basis; a relative of the person; a carer of the person; and another person who is in a business, sporting or recreational relationship with the person.

⁴⁸ Equal Opportunities Commission. (1999) *Report on Case Study of Kowloon Bay Health Centre*. Available from: <http://www.eoc.org.hk/eoc/graphicsfolder/inforcenter/investigation/list.aspx?itemid=1208&investigationname=2> [Accessed 13 March 2015].

integration and that maximum utilisation should be made of the community facilities and infrastructure in the neighbourhood;

- (c) once decisions have been made on the siting, the Department of Health, the various agency support groups (including the EOC) and the local District Office should come together to adopt a strategy for consultation and to garner support from the local community. The District Office concerned should take up a key coordinating role in the consultation and liaison process;
- (d) in providing planning approval for the type of centre concerned, the Government should consider the transport needs of staff, users and visitors to the centre and provide clear access to and from the centre;
- (e) having regard to the difficulties experienced in this situation, the EOC should be given the power to seek declaratory and/or injunctive relief in its own name, in respect of unlawful acts and unlawful conduct under the anti-discrimination laws, as well as in respect of discriminatory policies and practices; and
- (f) having noted that persons with disabilities are vulnerable when it comes to public disclosure of their disabilities, the courts should exercise their discretion and order that the names of such persons, particularly persons with HIV or AIDS, should not be disclosed in court actions or reported in the media.

4.18. Another study⁴⁹ conducted by the Department of Sociology of The Chinese University of Hong Kong⁵⁰ on the community resistance against the KBHC also made similar recommendations on issues regarding consultation guidelines and power of the EOC. That study agreed with the EOC inquiry that the EOC should be given the power to seek declaratory or injunctive relief in the absence of a complainant; and recommended that the consultation guidelines should be set out to ensure transparency and direct participation of the public throughout the planning stage for AIDS treatment facilities; management committees chaired by Government officials should also be set up at an early stage to solicit opinions from local residents and to ensure calm and rational discussion.

⁴⁹ Chan Kin Man. (2002) *Resistance of the Neighbourhood Community to the AIDS Treatment Facilities – Case Study of Kowloon Bay Health Centre*. Hong Kong: Red Ribbon Centre.

⁵⁰ The study was commissioned by the Community Liaison Group of the Kowloon Bay Health Centre and the Nursing Home and funded by the Department of Health.

4.19. In November 2001, the EOC granted legal assistance to five aggrieved persons associated with the KBHC to take legal action under the Disability Discrimination Ordinance against three RG residents for their acts of harassment including interfering and obstructing the plaintiffs on their way to and back from work at the KBHC. The EOC later successfully negotiated an out of court settlement on the Plaintiffs' behalf and as part of the settlement, written apologies had been obtained from two of the defendants.⁵¹

4.20. In view of the written apologies tendered by two of the defendants, the plaintiffs felt that their dignity was then respected by those residents protested against the location of the KBHC and the harmonious community relations had been restored between staff of the KBHC and the residents. As a result, the plaintiffs decided not to proceed further against the remaining defendant in February 2002.⁵²

4.21. After almost seven years, the community resistance against the KBHC came to an end and community relations have been restored.

⁵¹ Equal Opportunities Commission. (2002) *Press release: Richland Gardens Case Settled out of Court.* 25 January 2002. Available from: <http://www.eoc.org.hk/EOC/GraphicsFolder/ShowContent.aspx?ItemID=3766> [Accessed 12 March 2015].

⁵² Equal Opportunities Commission. (2002) *Press release: Final Conclusion of Richland Gardens Case.* 6 February 2002. Available from : <http://www.eoc.org.hk/EOC/GraphicsFolder/ShowContent.aspx?ItemID=3766> [Accessed 12 March 2015].

Chapter 5

Sources of Land for Social Welfare Facilities

5.1. The siting of ICCMW is closely related to the planning of social welfare land use as a whole. Given the limited land resources in Hong Kong, it is not easy for the social welfare facilities to get a share among the competing demands for housing, commerce, industry, transport, recreation and other community facilities.

Allocation of land for social welfare facilities

5.2. In providing land/space for social welfare uses, the Labour and Welfare Bureau (LWB) / Social Welfare Department (SWD) are the proponent policy bureau and department. If LWB and/or SWD request(s) the provision of land or gross floor area (GFA) for a social welfare facility, the DEVB and its departments, including Planning Department (PlanD) and Lands Department (LandsD), assume the roles of providing land and assist to identify a suitable site.⁵³

5.3. Taking policy directives from the DEVB, the PlanD is responsible for formulating, monitoring and reviewing land use at the territorial and district level, which includes assisting the Town Planning Board in drawing up the statutory Outline Zoning Plan (OZP) under the Town Planning Ordinance. The OZP specifies the land use zones and development parameters. It also sets aside certain areas for various uses in future. Areas covered by OZPs are in general zoned for uses such as residential, commercial, industrial, green belt, open space, government/institution/community uses or other specified purposes.⁵⁴

5.4. When an OZP is drafted, the PlanD will make reference to the *Hong Kong Planning Standards and Guidelines (the Guidelines)* to decide various types of land uses, and the size and location of various facilities in order to ensure, during the planning process, appropriate public facilities will be

⁵³ Government Press Release, "LCQ20: Supply of lands for social welfare uses", 16 March 2011. [Internet] Available from: <http://www.info.gov.hk/gia/general/201103/16/P201103160201.htm> [Accessed 16 March 2015]

⁵⁴ *Hong Kong: The Facts*, "Town Planning", [Internet] Available from: http://www.gov.hk/en/about/abouthk/factsheets/docs/town_planning.pdf [Accessed 16 March 2015].

provided to meet the public needs. In respect of the siting of ICCMW, it is stated in the *Guidelines*:

*“An ICCMW should be located where population is concentrated and easily accessible by public transport. For the convenience of its service users, the centre should be barrier-free and preferably be located close to other social welfare facilities. Ground floor space is preferred for an ICCMW although other floors served by lifts are also considered suitable. An ICCMW should be situated at a height no more than 24m above street level.”*⁵⁵

Sources of sites for social welfare facilities

5.5. Generally speaking, through public or private development projects, suitable GFA is allocated to social welfare facilities. These development projects, which may be located in areas designated as “government/institution/community area”, “comprehensive development area” or “residential area” in the OZP.

5.6. The Government may construct public facilities, for instance, integrated services building, may provide and then allocates appropriate GFA to different social welfare organisations for their provision of services. It can also stipulate specific terms in the Conditions of Sale of government land requiring private developers to construct/include certain social welfare facilities in their development projects. However, given that the land for social welfare use is scarce, many social service organisations, including the ICCMWs, face difficulties in looking for permanent sites.⁵⁶ In recent years, the LWB and the SWD have tried to look for alternative sites in vacant premises, new housing estates planned and designed by the Housing Authority, as well as in vacant units for welfare lettings in existing housing estates.⁵⁷

⁵⁵ Planning Department, *Hong Kong Planning Standards and Guidelines*, paragraph 10.2.42, Chapter 3. [Internet] Available from : http://www.pland.gov.hk/pland_en/tech_doc/hkpsg/full/ch3/ch3_text.htm [Accessed 16 March 2015]

⁵⁶ Hansard (2011) “Social Welfare Land Use Planning”, 16 February 2011, pp.5800-5807. [Internet] Available from: <http://www.legco.gov.hk/yr10-11/english/counmtg/hansard/cm0216-translate-e.pdf> [Accessed 16 March 2015]

⁵⁷ Government Press Release, “Concluding Remarks of Secretary for Labour and Welfare on Social Welfare Land Use Planning”, 16 February 2011. [Internet] Available from: <http://www.info.gov.hk/gia/general/201102/16/P201102160291.htm> [Accessed 16 March 2015]

Government Integrated Services Buildings

5.7. Within the “government/institution/community area” specified in the OZPs, the Government may construct community centres and integrated services buildings to provide GFA to government, recreational and social welfare facilities. According to the PlanD, the implementation of individual public facility is subject to the priority of the Government’s public works plan. Generally speaking, the Government’s considerations for the priority of projects include the population of the district, the supply and usage rate of existing facilities, and the policy and resource of individual Bureau and Department.⁵⁸ The first ICCMW was set up in an Ancillary Facilities Block in a public housing estate in Tin Shui Wai. Another ICCMW, which serves the people at Yuen Long, was also set up in a Community Health Centre Building at Tin Shui Wai.

Urban Renewal Development Projects

5.8. Whenever there is a large scale development project, including the urban renewal project in the “Comprehensive Development Area”, the PlanD will, during the planning stage, normally seek views of relevant Bureaux or Departments on providing government, institution or social facilities. When the PlanD adopts advices from the LWB and/or the SWD, it will include the required social facilities and the specifications in the OZP as guidelines for the future development of the land. Meanwhile, the Urban Renewal Authority will reserve certain GFA in the site for the provision of social welfare facilities.⁵⁹ According to the information provided by the PlanD, there was not any ICCMW in the completed urban renewal projects in for ten years from 2004 to 2014.⁶⁰

Private Development Projects

5.9. The Government may require private developers to provide specific public facilities or GFA by incorporating certain terms in the sale of land, land exchanges or lease modifications when appropriate. If a social welfare facility is considered suitable to be included in a site ready for sale, the LandsD will add

⁵⁸ A written response dated 3 March 2015 from the Planning Department to the enquiry made by the Equal Opportunities Commission.

⁵⁹ Government Press Release, “LCQ 20: Supply of lands for social welfare uses”, 16 March 2011. [Internet] Available from: <http://www.info.gov.hk/gia/general/201103/16/P201103160201.htm> [Accessed 16 March 2015]

⁶⁰ See note 58.

the relevant requirements in the Conditions of Sale. The DEVB states that, whether such requirements will be included is subject to the requirements proposed by the LWB/SWD and the suitability of the site.⁶¹ So far, no ICCMW has been set up or planned to be set up in any private development project.

5.10. A Legislative Council Member once suggested specifying certain GFA or certain percentage of GFA for social welfare uses in the Conditions of Sale. The DEVB believes that, from the perspective of fully utilising the land resources, it is not feasible to specify a percentage of GFA for social welfare facilities in each development project.⁶²

5.11. In addition, the Government may provide land to NGOs for the provision of community facilities through Private Treaty Grant.

Public Housing

5.12. Currently most of the ICCMWs are sited in public housing estates. The units they occupy are units available for welfare lettings in the existing housing estates rather than those reserved in advance for permanent accommodation of ICCMWs in housing estates under development. The LWB states that the Housing Authority (HA) will, when planning and designing new housing estates, make reference to the *Guidelines* as a baseline for the provision of social welfare and community facilities and seek views of the relevant Government Departments and organisations such as the SWD and the District Councils.⁶³ Yet, there is not any ICCMW set up in any newly completed public housing estates. A number of persons-in-charge of ICCMWs told the EOC that the units for welfare lettings in the new housing estates or estates under construction have already been designated to the use of other service organisations a few years ago, long before the announcement of setting up 24 ICCMWs in 18 districts made in October 2009. As a result, it is not possible for ICCMWs to be sited in units for welfare lettings in the new public housing estates completed in the past few years. The latest development is that a unit is reserved for an ICCMW in a housing estate project under the Home Ownership

⁶¹ Government Press Release, “LCQ 20: Supply of lands for social welfare uses”, 16 March 2011. [Internet] Available from: <http://www.info.gov.hk/gia/general/201103/16/P201103160201.htm> [Accessed 16 March 2015]

⁶² Ibid.

⁶³ Government Press Release, “Concluding Remarks of Secretary for Labour and Welfare on Social Welfare Land Use Planning”, 16 February 2011. [Internet] Available from: <http://www.info.gov.hk/gia/general/201102/16/P201102160291.htm> [Accessed 16 March 2015]

Scheme which is expected to be completed in 2019 – 2010; the proposed use of the unit is under public consultation.

5.13. In respect of the existing housing estates, the Housing Department (HD) states that the Non-domestic (Headquarters) Management Unit coordinates all information about vacant units for welfare lettings. Once the Unit is informed about a vacant unit by an estate office, it will consult with the SWD whether the unit is suitable for any social service and ask the SWD to recommend a NGO as a service operator. If the SWD considers the unit is not suitable for social welfare service, the HD will then upload the information of the vacant unit to its website for public application on a monthly basis.⁶⁴ NGOs may check the supply of vacant units from this website.⁶⁵ However, the number of such units in the existing housing estates is very limited. For instance, as at 31 December 2014, there were only two units on the list for welfare letting on the website, which were 32 sq. metres and 158 sq. metres respectively.⁶⁶ As at 1 March 2016, no vacant non-domestic unit was available for welfare letting.

5.14. Even though the SWD recommends that the vacant unit to be rented to a NGO to provide certain welfare service, the service operator (i.e., a NGO) still has to go through two more steps before successfully renting the unit. First, a technical assessment will be conducted by the HD to assess whether alteration of the unit can be made for the provision of the specific service. Then the HD will consult the residents of the housing estate concerned. Although the HD says that there is no standard consultation procedure, the person-in-charge of the service operator normally gives a brief introduction about their service to members of the Estate Management Advisory Committee or Owners Corporation. Representatives of the SWD will also attend the same meeting to explain the nature and scope of the service when necessary.⁶⁷

5.15. The HD says that the members will have a vote on the proposal concerned after the briefing. If there are outstanding doubts or disputes, under

⁶⁴ Housing Authority website: Welfare Lettings. [Internet] Available from :

<https://www.housingauthority.gov.hk/en/commercial-properties/leasing-information/welfare-lettings/index.html> [Accessed 16 March 2015]

⁶⁵ Government Press Release, “Concluding Remarks of Secretary for Labour and Welfare on Social Welfare Land Use Planning”, 16 February 2011. [Internet] Available from: <http://www.info.gov.hk/gia/general/201102/16/P201102160291.htm> [Accessed 16 March 2015]

⁶⁶ In a written response dated 16 January 2015 to the Equal Opportunities Commission, the Housing Department said that the two units available for welfare letting did not include units that would be allocated to service operators as recommended by the SWD and units that were originally on the letting list but the application deadline was expired.

⁶⁷ Ibid.

the consent of the Estate Management Advisory Committee or Owners Corporation, the service operator will be invited by the Estate Management to further explain and lobby the members before another vote is casted. The service operator can better understand the residents' opinions so that they may decide whether or not to revise the mode of service to suit the needs of the residents.⁶⁸

5.16. In other words, although without any written rules, the service operator will not be offered the tenancy if no endorsement or non-objection is given by the Estate Management Advisory Committee or the Owners Corporation. One of the ICCMWs once identified a public housing unit to be its permanent accommodation, however, due to the objection of the Estate Management Advisory Committee of the public housing estate concerned, it has to give up renting that site and to continue renting a unit in a commercial building to run its service. Another ICCMW was rejected by the Mutual Aid Committee and was not offered the tenancy by the HD.

5.17. Further, the SWD has explored the feasibility of revamping the under-utilised car parks owned by the HA for welfare facilities.⁶⁹ For the time being, there has not been any ICCMW located in a revamped car park.

Turning vacant government premises into welfare facilities

5.18. When government premises are vacant after service restructuring, the SWD will revamp or renovate the vacant premises such as former children's home, and vacant premises which are transferred to the SWD from other bureaux/departments such as school buildings into premises for welfare use. So far, only one ICCMW will be permanently sited in a vacant school building.

Redevelopment proposed by NGOs

5.19. The LWB says that the SWD welcomes the NGOs to redevelop their existing premises in order to improve the facilities, expand the existing services or launch new services. The government will provide various types of support

⁶⁸ Ibid.

⁶⁹ Government Press Release, "Concluding Remarks of Secretary for Labour and Welfare on Social Welfare Land Use Planning", 16 February 2011. [Internet] Available from: <http://www.info.gov.hk/gia/general/201102/16/P201102160291.htm> [Accessed 16 March 2015]

including funding by the Lottery Fund.⁷⁰ A service operator wished to include an ICCMW in its new service building under redevelopment. However, the plan was eventually cancelled because of the objection of residents in the neighbourhood.

Renting commercial premises as temporary sites

5.20. NGOs may, due to various reasons (such as the need to comply with the implementation progress of the new service), to provide service in temporary accommodation. If there is no suitable permanent site within the service area, the SWD will fund the NGO concerned to rent a temporary accommodation.⁷¹ As at 31 March 2016, 7 ICCMWs are renting commercial premises as their temporary sites.⁷²

Planning standards of social welfare facilities

5.21. The PlanD drew up the *Guidelines*⁷³ to ensure that there is sufficient land reserved for social and economic development and to provide proper public facilities to meet the public needs.

Sensitive community facilities

5.22. Chapter 3 of the *Guidelines*⁷⁴ have particularly set out the principles for planning and public consultation for the siting of “sensitive community facilities”. It also defines the “sensitive community facilities” as follows:

1.4.1 Sensitive community facilities are facilities which, due to the specific service(s) provided therein, may cause unease and concern to the people living in the neighbourhood.

⁷⁰ Government Press Release, “Concluding Remarks of Secretary for Labour and Welfare on Social Welfare Land Use Planning”, 16 February 2011. [Internet] Available from: <http://www.info.gov.hk/gia/general/201102/16/P201102160291.htm> [Accessed 16 March 2015]

⁷¹ Ibid.

⁷² Social Welfare Department. A written responses dated 23 December 2014 and 16 February 2016 to the enquiries made by the Equal Opportunities Commission.

⁷³ Planning Department, *Hong Kong Planning Standards and Guidelines*. [Internet] Available from : http://www.pland.gov.hk/pland_en/tech_doc/hkpsg/full/ch3/ch3_text.htm [Accessed 16 March 2015]

⁷⁴ A written response dated 3 March 2015 from the Planning Department to the enquiry made by the Equal Opportunities Commission.

5.23. ICCMWs are classified under Group B of sensitive community facilities in the *Guidelines*, stating: “Facilities of more local or district significance serving specific client users who would require frequent services of the facilities: these facilities include special medical and health clinics, education facilities and social welfare services such as hostels and day centres for discharged mental patients and severely mentally handicapped persons.”⁷⁵ In response to the enquiry made by the EOC, the PlanD further explained that, under general circumstances, the ICCMWs are classified under sensitive community facilities because they are special medical clinics in nature and are in the same category with centres for discharged mental patients.⁷⁶

5.24. The *Guidelines* points out that in siting Group B facilities, the concept in favour of integrating these facilities with the local community rather than segregation should be encouraged wherever possible. “[In order to] meet social objectives and the policy of rehabilitation, though there could be opposition from some general public members to these facilities in their neighbourhood mainly due to groundless fear. Optimum utilisation should be made of the community facilities ... to achieve community integration and joint user development should be considered for optimum site utilisation in locating Group B facilities.”⁷⁷

Siting factors of ICCMWs

5.25. Guidelines for choosing a site for ICCMW are set out in section 10 under Chapter 3, which include the factors as follows:

10.2.42 *An ICCMW should be located where population is concentrated and easily accessible by public transport. For the convenience of its service users, the centre should be barrier-free and preferably be located close to other social welfare facilities. Ground floor space is preferred for an ICCMW although other floors served by lifts are*

⁷⁵ Planning Department, *Hong Kong Planning Standards and Guidelines*, paragraph 1.4.2, Chapter 3. [Internet] Available from : http://www.pland.gov.hk/pland_en/tech_doc/hkpsg/full/ch3/ch3_text.htm [Accessed 16 March 2015]

⁷⁶ Planning Department. A written response dated 3 March 2015 to the enquiry made by the Equal Opportunities Commission.

⁷⁷ Planning Department, *Hong Kong Planning Standards and Guidelines*, paragraph 1.4.3, Chapter 3. [Internet] Available from : http://www.pland.gov.hk/pland_en/tech_doc/hkpsg/full/ch3/ch3_text.htm [Accessed 16 March 2015]

also considered suitable. An ICCMW should be situated at a height no more than 24m above street level.

- 10.2.43 *There should not be a pre-determined standard of provision for the rehabilitation services in a district. The need for these facilities should be determined taking into account not only the size of the population, but also the demographic characteristics, geographical factor, service demand, and worked out in liaison with Social Welfare Department within the context of the Rehabilitation Programme Plan.*

Guidelines for public consultation

5.26. Guidelines for conducting public consultation on sensitive community facilities are also set out in Chapter 3 of the *Guidelines*⁷⁸. The major points are as follows:

- in the planning process on reservation of specific sensitive community facilities, the project proponent should, at early stage, consult Home Affairs Department and the respective District Office to formulate a public consultation strategy to gain community support;
- the scope of consultation should be wide enough to allow all relevant parties, i.e. the District Councils, other relevant local groups and associations representing the public views to be informed of the subject matter and to have opportunities for making comments;
- the concept of community integration should be stressed during consultation of the Group B facilities;
- the consultees should be informed of the results of the consultation exercise. All comments raised during consultation should be properly responded to; and

⁷⁸ Planning Department, *Hong Kong Planning Standards and Guidelines*, paragraph 1.4.4, Chapter 3. [Internet] Available from : http://www.pland.gov.hk/pland_en/tech_doc/hkpsg/full/ch3/ch3_text.htm [Accessed 16 March 2015]

- proper records of the public consultation should be kept for record purpose as well as for undertaking any necessary follow-up actions.

5.27. Although the PlanD set out guidelines for conducting public consultation on sensitive community facilities , when it is asked how to ensure the relevant government departments comply with the *Guidelines*, its reply simply is: “The *Guidelines* only provides general guidelines in order to make sure that the government reserves sufficient land in the planning process for various social and economic development and for the provision of proper public facilities to cater for the needs of the public.”⁷⁹

⁷⁹ Planning Department. A written response dated 3 March 2015 to the enquiry of the Equal Opportunities Commission.

Chapter 6

Progress of identifying permanent sites for ICCMWs and the implication to the service

Background

6.1. The HKSAR Government sets up 24 ICCMWs in all 18 districts in Hong Kong, of which the service are provided by 11 non-government organisations (NGOs) (“service operators”). For the purpose of this study, the EOC interviewed 28 persons-in-charge / representatives of the 24 ICCMWs and made written enquiries to the Social Welfare Department (SWD), Housing Department (HD) and Planning Department (PlanD).

6.2. The interviews mainly cover the following issues:

- the progress of identifying a permanent site ;
- the implication of location, size and quality of the temporary / permanent site to the service;
- the purpose and methods of, and the time required for the public consultation on the proposed permanent site;
- Reasons for opposing the setting up of ICCMWs in the community / housing estate raised by the public and community leaders;
- methods of the Government and service operators to handle the opposition views;
- views on the nature of ICCMW and its service users of the public and community leaders;
- difficulties of identifying a permanent site for ICCMWs.

Almost half of the ICCMWs are still operating in temporary sites

6.3. The progress of finding permanent sites for ICCMWs is as follows (Table 1):

**Table 1 : Progress of siting for ICCMWs permanent sites
and the types of premises (as at 2 February 2016)**

Service Location	Progress of Siting	Type of Premises of Permanent Site	No. of ICCMW
Providing service in permanent site (14 ICCMWs)	ICCMWs have already moved into the permanent sites. #	Public housing estates	10*
		Government premises / public facilities	2
		Social services building of NGOs	2
Providing service in temporary site (10 ICCMWs)	A permanent site has already been identified. However, the ICCMW can only move into the site until the existing tenant moves out / the tenancy is offered by the HD/ the change of land use is completed/ the construction of building is finished/ the renovation of the unit is completed.	Public housing estates (it is expected some ICCMWs will be moved into permanent sites in this year and next year)	2
		Integrated services building to be constructed (the completion date is not yet known)	1
		Vacant school premises (the completion date of changing land use is not yet known)	1
	The identified permanent site is opposed by local residents. The public consultation is still underway.	Public housing estate	1
	A permanent site is earmarked. The public consultation is underway.	Home Ownership Scheme project to be developed (it is expected to be completed in 2019-20)	1
	Permanent site is not yet identified.	Not Applicable	4

One of the ICCMWs has two service points and one office. However, only one service point is providing service at the permanent site.

* One of the ICCMWs is located in an independent integrated services building in a public housing estate, while the others are located in the units on the ground floor or at the podium level of the housing estate.

6.4. The SWD has said that only 4 ICCMWs across the territories have not yet identified any permanent sites.⁸⁰ But in reality, some of the ICCMWs, which have found permanent sites, are not able to move into their permanent accommodation due to various reasons. Therefore, 10 out of the 24 ICCMWs (42%) are still providing service in temporary sites.

6.5. The progress of identifying permanent accommodation for the 10 ICCMWs operating in temporary sites is as follows:

- 4 ICCMWs have not yet found any suitable premises for the purpose of permanent accommodation;
- One of the ICCMWs has its proposed permanent site endorsed by the Estate Management Advisory Committee. But it was later opposed by the residents and has not yet been offered the tenancy by the HD. The service operator needs to continue conducting public education and consultation in the community. It is still unknown to the service operator when, or whether the identified site can become a permanent site;
- One of the ICCMWs has identified a site in a Home Ownership Scheme project to be developed. A public consultation is underway;
- 4 ICCMWs, which have already secured permanent sites and completed public consultation, are still providing services in temporary sites for various reasons such as awaiting for the offer of tenancy by the HD or awaiting for the tenant of the site to move out, applying the Lotteries Fund for renovation, application for change of land use, or the site is under renovation, etc. Among them, 2 ICCMWs are expected to move into the permanent sites this year or next. One ICCMW may have to wait for another 10 years or more for the completion of the integrated services building before moving into the permanent site.

⁸⁰ Social Welfare Department. A written response dated 2 February 2016 to the enquiry of Equal Opportunities Commission.

Providing service in temporary sites affects service quality

6.6. Most temporary sites are located in commercial buildings (Table 2):

Table 2 : State of the 10 temporary sites (as at 2 February 2016)

Progress of Siting	State of the temporary site	
Permanent site not yet identified	ICCMW 1	Renting units (4 individual small units on two different floors) in a commercial building for providing service and operating an office
	ICCMW 2	Renting a unit in a commercial building for providing service and operating an office
	ICCMW 3	<ul style="list-style-type: none"> • Renting 2 units of a commercial building for operating an office • Meeting service users in a room in a facility of the same service operator
	ICCMW 4	Renting a unit in a commercial building for providing service and operating an office
Permanent site identified but opposed by residents, public consultation underway	ICCMW 5	Providing service in a half-way house operated by the same service operator
Permanent site earmarked, public consultation underway	ICCMW 6	<ul style="list-style-type: none"> • Renting 2 units in a shopping mall of a private housing estate for operating an office • Renting a unit of 100 ft² in a Home Ownership Scheme estate as a meeting room • Using a unit borrowed from a Neighbourhood Community Centre as activity room
Permanent site identified, but still not available for moving in for some time	ICCMW 7	<ul style="list-style-type: none"> • Renting a unit in a commercial building in another district for operating an office • Meeting service users and organising activities using Government or NGO facilities
	ICCMW 8	Providing service and operating an office in a sheltered workshop operated by the same service operator
	ICCMW 9	Providing service and operating an office in an integrated services building under the same service operator
	ICCMW 10	Renting 3 units in a commercial building for providing service and operating an office

6.7. Among the 10 ICCMWs, which are operating in temporary sites, 7 ICCMWs are providing service or operating their office in commercial buildings or commercial units in residential buildings / shopping malls. The remaining 3 ICCMWs are sharing an accommodation with other welfare facilities under the same operator, such as half-way house, sheltered workshop, and the integrated services buildings that provide accommodation and rehabilitation service to persons with disabilities.

6.8. Among the ICCMWs renting units in shopping malls / commercial buildings, two are renting commercial premises which are for office use only and the service operators are not allowed to meet the service users in office. In other words, no service is allowed to be provided in those premises. For this reason, an ICCMW may be required to provide service in one location while the staff works in office at another place. It is very inconvenient to both the staff and service users. Some ICCMWs need to rent two or more units on the same floor or different floors due to the space constraint of commercial units and/or they need to provide service in other government or public facilities, or even at a corner of fast-food restaurants because of lacking in sufficient rooms.

6.9. The services of an ICCMW include:⁸¹

- Drop-in services;
- Outreaching services;
- Casework counselling;
- Therapeutic and supportive group work services;
- Networking services, including social and recreational activities;
- Day training;
- Outreaching occupational therapy training services;
- Public education programmes on mental health;
- Referral to the Community Psychiatric Service of the Hospital Authority for clinical assessment or psychiatric treatment.

⁸¹ Social Welfare Department, website:
http://www.swd.gov.hk/en/index/site_pubsvc/page_rehab/sub_listofserv/id_iccmw/
[Accessed 14 April 2016]

6.10. Services, in particular, the drop-in service, casework counselling and day training service, are significantly affected for ICCMWs operating in temporary sites. The drop-in service allows the service users to visit the ICCMWs without making appointment in advance. They can talk to the duty social workers or staff or seek help from them, or simply use the facilities in the ICCMW, such as reading newspapers and magazines and surfing the Internet. The drop-in service in some ICCMWs include interest classes which prior registration is not required. Members who come to the ICCMW during the class hours can attend the interest class.

6.11. Among the 10 ICCMWs operating in temporary sites, 4 of them are not able to provide drop-in service at all because the service operators are not allowed to meet with service users in the commercial premises, or because the ICCMWs are too small to accommodate the service users. For the remaining 6 ICCMWs, although drop-in service is provided, 4 of them indicate that the quality and quantity of the service are affected by the size and environment of the temporary sites. For instance, the location of the temporary site is not easy to reach or in a half-way house, which is both inconvenient and difficult to attract service users.

6.12. The lack of drop-in service is not a good thing for both the social workers and service users. For the service users, insufficient service not only reduces their incentive to visit the ICCMW and to seek help from social workers, but also deprive them a meeting point and make it more difficult for them to make new friends and to get support from peers. For the social workers in ICCMWs, they get less opportunity to reach out to the service users.

6.13. In respect of casework counselling, the fast-food restaurants such as McDonald or KFC become the temporary meeting rooms for the ICCMWs. A social worker of an ICCMW said, “The unit in commercial building can only be used as office but not be used to meet the members. If we need to meet our members or persons in need, we have to visit their home or to meet the person concerned in McDonald or KFC.” This is not the issue for individual ICCMW. In total, the persons-in-charge of 6 ICCMWs indicated that they needed to meet their service users in fast-food restaurants to provide services including personal counselling due to space constraint in the ICCMW.

6.14. The person-in-charge of another ICCMW considered that it was undesirable to meet the service users in fast-food restaurants. The

person-in-charge said, “The staff of ICCMW will visit the service users’ homes when necessary. Or they will meet our members in fast-food restaurants such as McDonald or in a park. Such provision of service is undesirable because we cannot have in-depth discussion. After all, it is better to conduct casework counselling in a formal meeting room.”

6.15. Although social workers may provide outreaching service by meeting the service users at their homes, the living environment in Hong Kong is generally cramped. Many grass-root people live in tiny rooms or even subdivided rooms. It may not be appropriate for social workers to provide counselling service at service users’ home.

6.16. Further, the temporary sites usually lack proper space and facilities to provide daily life training. The ICCMWs often compete with other organisations or groups to rent the town halls or other public facilities whenever a group activity or other programmes with large number of participants are organised.

6.17. According to the Funding and Service Agreement between the SWD and the service operators, the ICCMWs should provide home management skill training such as cooking and home safety, and some occupational and social skills training to the service users. Many ICCMWs, which provide services in permanent sites, are equipped with kitchens in order to provide cooking class as part of the daily life training or interest class. However, 9 out the 10 ICCMWs, which provide services in temporary sites, do not have any kitchen or cooking class because of space constraint. Some of these ICCMWs have pantries, in which interest class are organised with relatively simple facilities, such as oven.

6.18. When group activities or other programmes with large number of participants are organised, such as exercise class or talks, 6 out of the 10 ICCMWs that provide services in temporary sites have to rent activity rooms of community hall / centre or town hall, district sports centre, other social welfare facilities operated by the same service operator, school hall or playground of schools in the neighbourhood, etc. for the event. Some of these facilities have restrictions on the booking time, for example, schools can only be used on non-school days. In respect of the public facilities, such as community hall, the ICCMWs have to compete with other public members for booking.

Temporary sites make nature of ICCMWs easily be misunderstood

6.19. Providing service in temporary sites makes the ICCMWs more difficult to alleviate the misunderstanding of the residents towards ICCMWs and the service users. A person-in-charge of an ICCMW pointed out that all residents in the district are the service targets of ICCMWs. Not until the ICCMW is accommodated in a permanent site, the promotion work of mental health care was not able to be fully implemented. As a result, only persons with mental illness would visit the ICCMW to seek help. The ICCMW will, therefore, be easily misunderstood as a rehabilitation centre for persons with mental illness, instead of a community centre for integrated services.

The standard size and manpower of an ICCMW

6.20. When the Government established the ICCMWs in 2010, its plan was that one standard-size team would serve a population of 330,000. The team size of an ICCMW depends on the population of the district it serves. Among the 24 ICCMWs, 17 have only one or less than one standard-size team. In particular, 4 ICCMWs have only half a team or less than half a team. (Table 3)

Table3 : The team size of all 24 ICCMWs in Hong Kong

Service District	Team size
1. Islands District	0.4
2. Shatin District (1)	0.4
3. Eastern District (2)	0.5
4. Wanchai District	0.5
5. Southern District	0.6
6. Sai Kung District (Sai Kung & Tseung Kwan O (South))	0.6
7. Tuen Mun District (2)	0.6
8. Yuen Long District (Yuen Long)	0.7
9. Kwai Tsing District (Kwai Tsing)	0.8
10. Kwai Tsing District (Kwai Chung)	0.8
11. Sai Kung District (Sai Kung & Tseung Kwan O (North))	0.8
12. Central & Western District	0.9
13. Yau Tsim Mong District	0.9
14. Tsuen Wan District	0.9
15. Taipo District	0.9
16. Tuen Mun District (1)	0.9
17. North District	0.9
18. Yuen Long District (Tin Shui Wai)	1
19. Sham Shui Po District	1.1
20. Kowloon City District	1.1
21. Wong Tai Sin District	1.2
22. Eastern District (1)	1.3
23. Shatin District (2)	1.5
24. Kwun Tong District	2

6.21. The site size and manpower allocated to each ICCMW are subject to the team size. In terms of manpower, when the ICCMWs started to operate in October 2010, the number of staff in a standard-size team was 17.5, which included occupational therapists, nurses and social workers. In 2014/15, the number of staff in a standard-size team was increased to 24.9.

6.22. When the ICCMW was established in 2010, the size of each ICCMW was calculated by referring to the Schedule of Accommodation of the former Training and Activity Centre for discharged patients with mental illness. It had already taken into account the required service facilities such as meeting rooms, activity rooms, occupational therapy rooms, training rooms, store rooms, etc. At that time, the gross floor area of a one-team-sized ICCMW was 500 m², and was increased to 550 m² in November 2013. The gross floor area of individual ICCMWs will be adjusted in correspondence with the size of its team.⁸²

Size of sites far lower than standard

6.23. Before the Government revised the gross floor area of a standard one-team-sized ICCMW in November 2013, some ICCMWs have already moved into permanent sites or identified their permanent sites. In addition, the permanent sites are located in existing buildings, rather than purpose built units. It can be expected that the actual gross floor area of permanent sites will not meet the precise required size of the ICCMW. However, even if a discount of 20% is made to the standard size revised in November 2013 and that discounted standard size is used as the basis for comparison, 6 (42%) out of the 14 ICCMWs accommodated in permanent sites have space less than 80% of their entitled gross floor area. (Table 4) The SWD said, under individual circumstances, since the actual size of the identified site may not fully meet the required size of the ICCMW, the SWD would, according to the service and operation of the ICCMW, consider identifying appropriate premises for setting up affiliated centre or moving ICCMW to other premises.⁸³ Among the 6 ICCMWs, 4 have to look for a second service point (i.e., affiliated centre) or wait for a larger unit, which could be provided after the reconstruction of government buildings, as their permanent sites. The remaining 2 ICCMWs already have 2 service points each, will not look for another new service point because of insufficient manpower to maintain service at 3 service points.

⁸² Social Welfare Department. A written response dated 23 December 2014 to the enquiry of Equal Opportunities Commission.

⁸³ Ibid.

Table 4 : Actual and entitled gross floor area* of permanent sites of ICCMWs

ICCMWs	(a)Actual gross floor area (m²)	(b) Entitled gross floor area (m²)	Actual gross floor area as a percentage of entitled gross floor area (%) (a/b x 100%)	Remarks
1.	200	515	39%	Need to identify one more site as the second service point.
2.	195	369	53%	Same as above
3.	372	588	63%	Same as above
4.	753#	1102	68%	The existing two service points may merge into one when the ICCMW moves into a larger unit in a reconstructed government premises in four to five years later.
5.	493	632	78%	The size does not meet the standard but no new site will be looked for because of insufficient manpower to maintain service at 3 service points.
6.	195	247	79%	Same as above
7.	368	461	80%	
8.	242	304	80%	
9.	418	515	81%	
10.	325	385	84%	
11.	514	551	93%	
12.	279	304	92%	
13.	502	515	97%	
14.	818	827	99%##	

* The figures about entitled gross floor area are provided by the SWD, whereas those about actual gross floor area are provided by the persons-in-charge / representatives of ICCMWs.

The size includes 2 service points in permanent accommodation and the rented office in a commercial building.

##The permanent site of the second service point has not yet started operation.

6.24. Among the 6 ICCMWs operating in temporary sites with identified permanent sites, the size of 4 of those permanent sites are less than 80% of their entitlement. (Table 5)

Table 5 : The size of permanent sites secured / identified by ICCMWs that are still operating in temporary sites

ICCMWs	(a)Actual gross area (m ²)	(b) Permanent Site Entitled Size (m ²)	Actual Size vs Entitled Size (%) (a/b x 100%)
1.	186	247	75%
2.	279	369	76%
3.	464	588	79%
4.	359*	461	78%
5.	420	461	91%
6.	350	369	95%

* After having moved into the permanent site, it is necessary to continue renting a unit as the temporary office in a commercial building in another district.

6.25. Since it is difficult to identify a permanent site with the right size and location in some districts, some ICCMWs reluctantly accept a smaller permanent site or provide services at two service points. There are both advantages and disadvantages for such an arrangement. A person-in-charge of an ICCMW considered that it was good to have to two service points, “The population in the service district is huge. Providing services in two service points is convenient to members.” However, there are shortcomings. Since the number of staff is calculated in accordance with the population of the service district, the manpower will not adjusted even though one more service point means more workload. The person-in-charge of another ICCMW, which operates two service points, explained, “Each service point need at least 3 staff members to operate. Staff need to take care of members who visit the service point and to conduct day training. We also need manpower to deal with emergency incidents.” As a result, if an ICCMW, which is allocated less than a full standard-size team, is required to provide services at two service points, it will be short of staff and sometimes be unable to cope with both service points. Therefore, as a compromise, the ICCMW may reduce the opening sessions or use one of the service points only as an activity room or a meeting room.

6.26. As at mid-February 2016, based on the current entitled standard floor areas, the sizes of 8 out of all 24 ICCMWs are less than half of the standard size or below. Among them, the problem of insufficient space is more serious in the ICCMWs that provide services in temporary sites. (Table 4 and 6)

6.27. The floor areas of almost all ICCMWs that are providing services in temporary sites are far smaller than the standard size. Among the 10 ICCMWs that provide services in temporary sites, the size of 7 of the permanent sites are less than half of the entitled gross floor area of permanent sites.

Table 6: Size of temporary sites of ICCMWs

(a) Actual gross floor area of temporary sites* (m ²)	(b) Entitled gross floor area of permanent sites (m ²)	Actual gross floor area of temporary sites as a percentage of the entitled gross floor area (%) (a/b x 100%)
16	247	6%
46	369	12%
70	461	15%
110	461	24%
177	515	34%
149	369	40%
279	694	40%
307	515	60%
362	588	62%
483	515	94%

*The figures about the size of temporary sites are provided by persons-in-charge or representatives of the ICCMWs.

Poor quality and locations of permanent sites

6.28. Even though some ICCMWs are accommodated in permanent sites, the quality of these sites is often not satisfactory. Among the 14 ICCMWs that provide services in permanent sites, 2 of them are accommodated in the existing facilities under the same service operator, and 2 are situated in standalone integrated services buildings. The remaining 10 ICCMWs are operating at permanent sites in public housing estates; 6 of which are situated in the public housing estates 30 years old or more. (Table 7)

**Table 7: Year of intake of the public housing estates
in which the 10 ICCMWs are located**

Public Housing Estates	Year of Intake*
1. Wah Fu Estate	1967
2. Wan Tsui Estate	1979
3. Sha Kok Estate & Yiu On Estate	1980 and 1988
4. On Ting Estate & Wu King Estate	1980 and 1982
5. Lok Wah Estate	1982
6. Kwong Fuk Estate	1983
7. Cheung Hang Estate	1990
8. Tsz Lok Estate & Upper Wong Tai Sin Estate	1995 and 2001
9. Tin Chak Estate	2001
10. Yat Tung Estate	2001

* Source: Housing Authority website.

6.29. Because of the age of the buildings, the quality of permanent sites in old public housing estates is in general unsatisfactory. Among those ICCMWs, 3 of them have drainage problems. One of the permanent sites is in a public housing unit that had been vacated for 6 to 7 years. The person-in-charge of the service operator admitted frankly, “We did not want to take this unit as a permanent (site) because of the foul sewer (in the unit). Nobody wants this unit. It was previously rented to another organisation but the foul sewer erupted. It had been vacated for 6 to 7 years. It was not recommended by the architect of the SWD because of the high risk of another eruption.” Why did they accept the unit as a permanent site? The person-in-charge said, “No other choice. We wanted to secure a permanent site as soon as possible in order to commence the service.” The persons-in-charge of 2 other ICCMWs that are situated in old public housing estates also mentioned about the issues of drainage problems, falling ceiling paint, and facilities wear-out.

6.30. In terms of the location, 7 out of 20 ICCMWs (including 6 that have not moved into permanent sites and 14 that have already been located at permanent sites) are situated at relatively remote and inconvenient locations (e.g., far away from MTR stations) that are not close to the centre of the district. Among them, the ICCMW in Yuen Long is situated in Tin Shui Wai instead. Some of the members in Yuen Long have to spend more than an hour to go to the ICCMW and the travelling cost is not cheap.

6.31. One of the persons-in-charge said, “It is not easy to get such a spacious place. We do not want to wait any more, though the location is not close to the MTR station.” Because of the multiple hurdles in identifying a permanent site for ICCMW, the current permanent sites of many ICCMWs are situated at inconvenient locations far away from the district centre. The idea of integrating discharged mental illness patients into the community is therefore hard to achieve.

Chapter 7

Challenges of identifying permanent sites and the related public consultation

7.1. As mentioned in paragraph 6.1, the EOC has interviewed 28 persons-in-charge / representatives of the 24 ICCMWs and made enquiries in writing to the Social Welfare Department (SWD), Housing Department (HD) and Planning Department (PlanD). In this Chapter, the difficulties of identifying permanent sites for ICCMWs, in particular, the challenges faced in the public consultation exercise and the misunderstanding of and discrimination against persons with mental illness of the community leaders, will be further discussed.

Major difficulties in searching for a permanent site

7.2. Consolidating the views of the persons-in-charge / representatives, the major difficulties in searching for a permanent site are considered as follows:

- Insufficient support of community leaders;
- The Government's position in public consultation is not firm enough;
- Residents' misunderstanding of the nature of ICCMWs and persons with mental illness;
- Insufficient premises that are suitable to be permanent sites;
- Lacking long-term planning for social welfare policy.

Community public consultation is relatively long

7.3. According to the written response dated 23 December 2014 to the EOC,⁸⁴ the SWD would conduct public consultation exercise on all subsidised services, including the ICCMWs. The format of all public consultation exercises are more or less the same. The SWD pointed out that their District Office, subject to the nature and scope of individual service programme, would make reference to the relevant circulars, the *Hong Kong Planning Standard and*

⁸⁴ Social Welfare Department. A written response dated 23 December 2014 to the enquiry of Equal Opportunities Commission.

Guidelines published by the PlanD and the internal guidelines of the SWD before deciding on the process and scope of the consultation.

7.4. According to the information provided by the persons-in-charge of ICCMWs, the community public consultation on the siting of ICCMW often took more than one year.⁸⁵ Among all 24 ICCMWs, 19 are required to conduct public consultation on the siting of permanent sites.⁸⁶ However, only 15 ICCMWs can provide information on the duration of public consultation for this Study.⁸⁷ Among them, 9 ICCMWs took more than one year to conduct the public consultation (one is still conducting its public consultation.) (Table 8).

Table 8 : Duration of public consultation on the permanent sites of ICCMWs*

Time required	Number of ICCMW
Less than 6 months	2
6 months to less than 1 year	4#
1 year to less than 2 years	4
2 years or more	5##

* According to the interviews conducted by the EOC with the persons-in-charge / representatives, only 15 ICCMWs that were required to conduct public consultation exercise can provide the relevant information; the remaining ICCMWs are not able to provide the information because no permanent site has yet been identified or the ICCMW is located in the existing mental health facilities of the same service operators, or the service operator has not participated in any public consultation exercise.

One of the 4 ICCMWs is still conducting its public consultation exercise.

One of the 5 ICCMWs is still conducting its public consultation exercise. In addition, the proposed site of another ICCMW was rejected by the EMAC twice.

⁸⁵ The duration of public consultation discussed in this report are not official figures. The SWD has not formally stated what the public consultation exercise covers. Also, there is no time limit set for the public consultation on the permanent sites of ICCMWs, or when it starts and ends. All information related to the duration of public consultation in this report are provided by the persons-in-charge of the ICCMW concerned. Generally they take the time the SWD requests them to start conducting activities (including public education) in the neighbourhood community of the proposed site as the starting point of public consultation. When the proposed site is approved by the resident representatives, for instance, Estate Management Advisory Committee of the public housing estate / Owners' Corporation of the Tenants Purchase Scheme, and/or District Council, the consultation period is considered to come to an end. Therefore, the public consultation duration in this report may be different from the understanding of the Government.

⁸⁶ The remaining 5 ICCMWs are not required to conduct any public consultation exercise because no permanent site has yet been identified or the ICCMW is located in the existing mental health facilities or other service facilities of the same service operator.

⁸⁷ Some service operators have not participated in public consultation exercise or failed to provide the exact date. Therefore, there is no information about the duration of the public consultation exercise.

7.5. The longest period of consultation so far was two years and seven months, from the commencement of the public consultation to the confirmation or rejection.⁸⁸ However, this “record” may be broken because the proposed permanent site of one ICCMW, which is still under consultation, has been endorsed twice by the Estate Management Advisory Committee (EMAC) but opposed by the residents living in the same block of the proposed site. The public consultation exercise of this ICCMW started in late 2012. It was theoretically completed in September 2014 when the proposed site was endorsed by the EMAC. But in reality, the tenancy has not yet been offered by the HD. The SWD and the service operator keep on communicating with the relevant persons about the proposed site. The consultation, which was started in late 2012 until now, has taken more than 3 years.

7.6. Generally speaking, the public consultation exercises conducted by the Government last two to three months for the public to express their views. For example, the public consultation period for *Method for Selecting the Chief Executive by Universal Suffrage Consultation Document* was two months,⁸⁹ whereas the public consultation period for the *Voluntary Health Insurance Scheme Consultation Document* was three months.⁹⁰

7.7. Nine ICCMWs took more than one year to conclude the public consultation. Among them, 7 ICCMWs were not supported by the community leaders, and some leaders even expressly voiced their opposition. The community leaders referred here are (1) Members of the District Council (DC) and (2) EMAC Members, in particular, the members of Mutual Aid Committee (MAC) of the block that the proposed site is located.

⁸⁸ Under normal circumstances, the proposed site should be endorsed by the Estate Management Advisory Committee or Owners' Corporation.

⁸⁹ *Method for Selecting the Chief Executive by Universal Suffrage Consultation Document* was released by the HKSAR Government on 7 January 2015 for an official two-month public consultation exercise. [Internet] available at:

[http://www.2017.gov.hk/filemanager/template/en/doc/second_round_doc/Consultation_Document_\(Full\)_Eng.pdf](http://www.2017.gov.hk/filemanager/template/en/doc/second_round_doc/Consultation_Document_(Full)_Eng.pdf) [Accessed 4 February 2015]

⁹⁰ *Voluntary Health Insurance Scheme Consultation Document* was released by the HKSAR Government on 15 December 2014 for a three-month public consultation exercise. [Internet] available at: http://www.vhis.gov.hk/en/consultation_document/index.html [Accessed 4 February 2015]

Consultation suspended to keep away from District Council election

7.8. DC Members play an important role in the public consultation. Among the 9 ICCMWs that had their public consultation exercise taken for more than one year, 3 had suspended the consultation for half-a-year in 2011 because of the DC Election. According to the persons-in-charge of ICCMWs, the SWD feared that the DC Members might take an opposition stance against the proposed site for the ICCMW because of the election. They preferred to suspend the consultation rather than taking any political risk. One ICCMW suspended the public consultation because the then DC Member of that constituency was unfriendly (who did not expressly oppose the plan but often said “(he does not know what the residents think (of the ICCMW))”). The siting problem was smoothly solved only after a new DC Member, who was more liberal towards mental health issues, was elected. The consultation with DC Members was also suspended in another district because two political forces were competing with each other during the DC Election. During the period, one community leader asked the ICCMW not to “stir things up”. If the DC Member whom he supported lost the seat, the ICCMW would be held responsible for that.

DC Members’ open opposition turns into subtle rejection

7.9. Among the 9 ICCMWs that took more than one year to complete the public consultation, 5 of them were rejected by the DC Members in the constituencies that the ICCMWs would be located. However, DC Members’ way of expression changed from open opposition into subtle rejection by emphasizing the residents’ concern.

7.10. The public consultation in Wu King Estate, Tuen Mun was an example of community leaders explicitly voiced their opposition. Following the establishment of The Wellness Centre (Tin Shui Wai), the ICCMW in Wu King Estate, Tuen Mun was the first centre that identified a permanent site in a local community and started public consultation. (Another ICCMW serving Tuen Mun would be set up in a vacant school premises in Leung King Estate). Some Members of Tuen Mun DC were strongly against setting up the two ICCMWs in the district. Residents of the community, led by the DC Member from Wu King Constituency, put up banners and slogans in the housing estate, stating: “Keep the ICCMW far away from Wu King residents”, “Strongly dissatisfied with the SWD neglecting the safety of Wu King residents” and “Concerns about

an ICCMW in residential area throwing residents into panic”, etc (please refer to Chapter 8 for details). Later an ex-mental patient living outside Tuen Mun, brought the case before the court against the DC Member. The District Court held that the acts of the DC Member was vilification, violating section 46 of the Disability Discrimination Ordinance (DDO).⁹¹

7.11. In addition to Wu King Estate, the DC Members in another 4 districts rejected the setting up of ICCMWs in their constituencies in a subtler way. The persons-in-charge of two ICCMWs said, after the Tuen Mun DC Member above was held unlawful under the DDO, the community leaders of their districts no longer expressly stated their objections against the permanent sites of ICCMWs. For example, a DC Member refused to vote on whether he supported setting up an ICCMW in the housing estate in an EMAC meeting because he had reservation (he said he did not oppose the service but he thought the Government should conduct more consultations). A person-in-charge of another district said that DC Members would definitely not express their opposition of setting up ICCMWs in their districts, but would claim that they were just reflecting the views of the residents.

7.12. On the other hand, even though the DC Member himself/herself did not oppose the ICCMW, he/she might not be willing to openly support the ICCMW. The person-in-charge of an ICCMW said that a DC Member supported the ICCMW privately, but avoided giving support publicly. He wanted to have two strings to their bows. Once the majority of residents opposed the ICCMW, he could change his track in order to get the votes.

Opposition and concerns of resident representatives

7.13. Among the 9 ICCMWs that took more than one year to conduct the public consultation, 5 of them (including the one in Wu King Estate, Tuen Mun) faced opposition by residents and/or resident representatives for having a permanent site of an ICCMW in their housing estates.

7.14. A person-in-charge of an ICCMW believed that the resident representatives did not really object to the setting up of ICCMWs, but held the opinion that the responsibilities would be too heavy to bear if they made the

⁹¹ *Tung Lai Lam vs Leung Kin Man* (unrep., DCEO 1/2011, 19 April 2013)(District Court) [Internet] http://legalref.judiciary.gov.hk/lrs/common/search/search_result_detail_frame.jsp?DIS=86710&QS=%2B&TP=JU [Accessed 21 March 2015]

decision of approving the application. In that district, the EMAC of a public housing estate had rejected the application of the ICCMW for renting a unit as its permanent accommodation twice. As a result, the ICCMW has not yet secured a permanent site. The person-in-charge of the ICCMW said, “The existing advisory structure requires the resident representatives to make a decision that could bring them tremendous pressure. In the first EMAC meeting on the proposed permanent site, they (EMAC Members) frankly said that the service of ICCMW might be helpful to the residents. However, it would be too much pressure for them to bear if they were required to approve the application and to ensure that there would not be any incidents in future.” The ICCMW is currently providing service in a commercial building and the SWD is searching for other appropriate premises as its permanent site.

7.15. An EMAC of another public housing estate had passed the “no-objection motion” twice, but the proposed site was opposed by the residents and the MAC of the block where the proposed site was located. As a result, the ICCMW was not offered the tenancy. Currently the SWD and the service operator are conducting public education in the community. This community also has the problem of some resident representatives being reluctant to bear the responsibility of letting the ICCMW settling in their housing estate.

7.16. According to the person-in-charge of the ICCMW concerned, the then chairperson of the MAC (later resigned) of the block that the proposed site would be located tried to avoid meeting with the representative of service operator. He said that he was afraid that he would be blamed if any incidents happened in future. The person-in-charge pointed out, “That MAC Chairperson had not uttered any word of opposition from start to end. But he actually hindered the setting up of the ICCMW.” In the first EMAC meeting, the “no-objection motion” was passed because no objection was raised. However, since the then chairperson expressed his “doubt and worry”, the SWD expected the service operator to do more in order to alleviate the worries of the residents. The service operator then set up a street booth to conduct a questionnaire survey. Although almost 80% to 90% residents, among the more than 200 completed questionnaires, agreed or were neutral on the issue of setting up an ICCMW in the housing estate, the new Housing Manager of the estate requested the EMAC to hold another meeting to decide on the issue.

7.17. The person-in-charge said when the SWD intended to call the second EMAC meeting, the MAC chairperson who had expressed his “doubt and worry”

had already resigned. The SWD informed the deputy chairperson of the MAC of the block concerned to attend the meeting, but no response was received. The “no-objection motion” was again passed in the EMAC meeting because nobody raised any objection. When the MAC of the block concerned was informed of the decision by letter, three deputy chairpersons had very strong reaction against the decision. They organised a petition campaign and collected about 600 signatures of the residents who opposed the setting up of ICCMW in several days. They also organised an open for the residents. Because of the residents’ opposition, the tenancy has not yet been offered by the HD.

Public consultation approaches varies in different districts

7.18. According to the persons-in-charge of the ICCMWs, the public consultation exercise generally includes consulting the DC or its committees; visiting the representatives of EMAC / Owners’ Corporation⁹² and the service organisations nearby (e.g., kindergartens and elderly centres, etc.); distributing leaflets about mental health information in the housing estate concerned and other housing estates in the neighbourhood; introducing the scope of service of ICCMWs and the service operator, organising talks and carnivals to promote mental health awareness; and organising visits for various stakeholders (e.g., residents and their representatives and DC Members) to The Wellness Centre (Tin Shui Wai), the first ICCMW.

7.19. The activities conducted during the public consultation exercises for ICCMW permanent sites were more or less the same. However, there are no standard rules as to how the public consultation should be conducted or how long the consultation should take, in particular, regarding the issues of dealing with opposition, the transparency of siting and the targets of consultation, etc.

Ways of handling the opposition varies in different districts

7.20. According to the persons-in-charge of ICCMWs of different districts, Government officials in different districts handled the opposition views in different ways. When facing opposing opinions, some officials would retreat but some would stand firm.

⁹² In early 1998, the Housing Authority launched the “Tenants Purchase Scheme” (TPS) for the tenants of public housing to buy the units in which they were living. The owners of the purchased units under the TPS would form the Owners’ Corporation for the management of their properties.

7.21. In one district, Government officials consulted the DC Chairperson and the neighbouring housing estate about a proposed permanent site. After learning that both of them opposed the proposed site, the official withdrew the proposal in order to appease the community. The ICCMW concerned is still providing service in a temporary site.

7.22. In addition, the proposed permanent site of one ICCMW was in a public housing estate. However, the ICCMW, after the proposed site was rejected twice by the EMAC, is now operating in a commercial building. The SWD said, “Since the service operator has withdrawn the original application for renting the unit as a permanent site, we are trying to identify a permanent site in other appropriate premises for the ICCMW concerned.”⁹³ The person-in-charge of the ICCMW concerned explained that they could not continue fighting for the unit because other organisations wanted to rent the unit too.

7.23. The proposed permanent site of another ICCMW mentioned in paragraph 7.15. to 7.17. got the green light from the EMAC twice in the form of a “no-objection motion”. However, the MAC and residents (of the block that the proposed site was located) opposed the site. The tenancy has not yet been offered by the HD. The SWD said that they will continue communicating with relevant parties in respect of the proposed site because of the necessity of setting up an ICCMW and no other places suitable to be the permanent site can be found in the district. The service operator will also continue conducting public education to enhance the residents’ understanding of mental illness and persons with mental illness, and to eliminate their worries about the setting up of the ICCMW.⁹⁴ The SWD has not yet given up the proposed site. However, it may take a relatively long period of time before the proposal will be accepted by the residents. The prospect of the proposed site is still uncertain.

7.24. In some districts, the SWD officials stood firm even when they faced opposition. The proposed permanent site for one of the ICCMWs was in a public housing estate. The EMAC endorsed the proposed permanent site while one Member opposed and one DC Member expressed reservation and did not vote. The person-in-charge of the ICCMW pointed out that the Housing

⁹³ Social Welfare Department. A written response dated 17 March 2015 to the enquiry of Equal Opportunities Commission.

⁹⁴ Ibid.

Manager who presided the meeting played an important role. The then Housing Manager said he supported the setting up of the ICCMW. In a DC meeting, two DC Members proposed to conduct another round of public consultation on the proposed site. Instead of asking whether the stakeholders would support the project or not, the SWD official then restated the urgency of the service. As a result, the project carried on even though some DC Members were against the proposal. Therefore, handling the opposition differently could end up with different results.

7.25. However, it does not mean that the SWD officials ignored the worries and opposition of the public. The SWD proactively addressed the residents' concern by setting up hotlines to listen to the views of the residents. When a DC Member reflected that the parents of a kindergarten nearby opposed the project, the SWD representatives and officers of the service operator explained the service of ICCMW to the two neighbouring kindergartens. The SWD also organised a consultation meeting together with a concern group of the district. Over 100 residents attended the session and a psychiatrist was arranged to answer questions about mental health. The SWD officials also organised a number of activities including street booth promotion, mental health talks and carnivals jointly with the service operator.

Transparency of siting information varies among districts

7.26. Not only the ways of handling the opposition were different, the transparency of siting information also varied among different districts. The majority of public consultation exercises did not directly inform the residents in which block the ICCMW would be located, but only told the DC Members and/or MAC Members of different buildings about the detailed address. Therefore, how much information the residents received in respect of the permanent site of an ICCMW depends on the communication between the DC Members and MAC Members on one side, and the residents on the other.

7.27. In response to the EOC's enquiry on how the information of the proposed site was communicated to the residents in Wu Tsui House of Wu King Estate, the SWD replied, "After the plan of setting up an ICCMW in the district was introduced in a meeting of Social Service Committee (of the DC) in May 2010, the SWD had kept communicating with the DC Members in various ways in order to understand the concerns of the residents and provide them with the information of the ICCMW and its services. In addition, the SWD started

contact with all MACs and EMAC by written correspondence, telephone conversation and meetings from September 2010 to let the residents know about the service and the proposed site. Jointly with the service operator, the SWD has continuously carried out the promotion and education work for the ICCMW to the residents.”

7.28. In other words, the residents were informed about the project by the SWD mainly through the community leaders. Many persons-in-charge in other districts confirmed that the residents of their districts were also informed about the siting information in such an approach. Some of them even said that the SWD wanted the public consultation to be conducted quietly. A person-in-charge of an ICCMW believed that some Government officials were conservative. However, he thought they should make it clear that the service was essential and try to get the supporters to become the mainstream in the public consultation. He also stressed on the influence of the community leaders. If the service operator could get their support and understanding, it would be much easier to identify a site and provide services in the housing estate.

7.29. Yet the Government officials in some district raised the transparency of the information about proposed sites so that the residents would not blame the officials for keeping them in the dark. For example, the housing managers of two districts asked the service operators to post the information of the proposed permanent sites in the lobbies of the blocks in which the proposed sites would be located. One district further required the information of proposed site to be posted in the lobby of every block of the housing estate, banners to be hung at the bus terminus and the block in which the proposed site would be located, and posters to be posted on the notice board in the Estate Office (where the tenants pay their rents) so that the residents knew that a unit of the block would house an ICCMW. In addition, the housing manager required the service operator to discuss with the MAC Members only after the information had been posted for seven to 10 days so that the representatives of residents could make an informed choice. Furthermore, the minutes of the meeting between service operator and individual MAC should be posted in the lobbies of all blocks for one to two weeks. Only when the HD did not receive any objection views, the proposal would be regarded as passed.

7.30. Some districts chose not to directly inform the residents about the siting and still got the proposed permanent sites endorsed. For the districts that did not directly inform the residents about the details of the proposed site, they often relied on the support of the community leaders as well as their communication with the residents. Once the community leaders and resident representatives did not support the proposed permanent site, or if they were biased against and had misunderstanding about the ICCMW and persons with mental illness, the residents would get misleading messages from the leaders. The residents would not listen to any rational analysis that made by Government officials, service operator and even psychiatrists when they suddenly found that the proposed permanent site of ICCMW was at their door-step. For instance, an ICCMW faced strong resistance of the residents in the public consultation. The person-in-charge of that ICCMW said the residents had not received accurate information about the public consultation. The person-in-charge said after the ICCMW moved in, a resident told a staff, “It is good to have the service of your kind. Previously they wanted to provide whatsoever service. It’s terrible!” In fact, it has been the same ICCMW from day one. However, it reflects the deep misunderstanding of the residents on the nature of services of the ICCMW during the public consultation.

Public members are not the main targets of public consultation

7.31. Although the residents in the neighbourhood of the proposed site would take part in the activities for public consultation such as road-show, mental health carnival and visit to the Wellness Centre in Tin Shui Wai, etc., these activities tended to be public education work rather than public consultation. The activities generally relate to the promotion of awareness about mental health and services of the service operator, etc. instead of information about the siting.

7.32. As mentioned above, the Government officials and service operators often relied on the community leaders to relay the information to the residents. Many persons-in-charge had the same feeling that even though the SWD officials had tried very hard to persuade the community leaders and resident representatives, it was beyond the control of the SWD, HD and the service operator as to how the information was conveyed to the residents by the community leaders.

Consulting the public through community leaders seems to be ineffective

7.33. The proposed permanent site of an ICCMW mentioned in paragraphs 7.15 to 7.17 faced a series of obstacles because of the MAC chairperson's avoidance of responsibility and the turnover of MAC. Analysing the reasons of residents' opposition, the person-in-charge of the ICCMW thought that it was mainly because of a communication breakdown. The then MAC Chairperson of the block had held the office for more than 20 years. The MAC generally had only one member, the then Chairperson. Sometimes even the DC Members were not allowed to distribute leaflets in the block. Other MACs in the same estate normally had meetings every two months, but that block had not had any MAC meeting for two to three years.

7.34. According to the person-in-charge, the information circulated in the estate was chaotic and incorrect. Many residents thought that a hostel for persons with mental illness would be set up. Therefore, many residents signed the opposition petition. Later, a general meeting of residents was held to discuss the issue. Representatives from the service operator, SWD, HD and Home Affairs Department, a Consultant from the Hospital Authority, as well as the Members of DC attended the meeting. Although the service operator tried to explain to the residents to alleviate their worries, the residents refused to listen to the explanation. They snatched the microphone and told the Government officials and representatives of service operator to stop speaking because they would just keep on raising "objection, objection, objection!" Some residents became very emotional. They asked what the Government could do if a service user stabbed at people and queried whether it wanted to turn their housing estate into a lunatic asylum. The major reasons for opposing the setting up of the ICCMW were as follows:

- The Government had not consulted with the residents. They knew nothing about setting up of an ICCMW in their housing estate;
- They queried why their housing estate was chosen, but not other estates or the vacant school premises; and
- They stated that most of the residents living in the block of the proposed site were elderly looking after infants; therefore, the block was not fit for the purpose.

7.35. It is not difficult to understand the strong reactions of the residents in the general meeting. Since the targets of consultation were mainly the community leaders and resident representatives, the transparency of information about the proposed site was low. Once the community leaders and resident representatives did not support the proposed permanent site, or they were biased against the ICCMW and the persons with mental illness, or they did not want to bear the responsibilities of being a channel of communication between the Government and residents, the residents would not listen to any rational explanation made by Government officials and service operator when they learned of the siting decision.

Insufficient understanding, misunderstanding and discrimination

Mistakenly believe that all ex-mental illness patients have a propensity for violence

7.36. Nineteen out of the 24 ICCMWs had conducted/are conducting public consultation. Among them, the persons-in-charge of 6 ICCMWs said that there was no objection during the process. The service operator / interviewees of 4 ICCMWs did not take part in any public consultation exercise. The persons-in-charge of the remaining 9 ICCMWs said that opposition views were heard in district consultation. The four major reasons are as follows (Table 8):

Table 8 : Major reasons for opposing proposed permanent sites by the residents & community leaders

Reasons of opposition	No. of ICCMWs that faced such opposition
Persons with mental illness / ex-mental illness patients have a propensity for violence	8
Service users of ICCMW will cause disturbance to the residents	6
The setting up of an ICCMW will attract persons with mental illness to congregate in the neighbourhood	5
The setting up of an ICCMW will have a negative impact on the law and order of the neighbourhood	3

7.37. Other opposition reasons raised in the public consultation included: the appearance of persons with mental illness / ex-mental illness patients was unpleasant; more needs for other social services and facilities; many elderly and young children were living in the estate; and the residents had not been consulted on the proposed permanent site of the ICCMW.

7.38. The setting up of ICCMW in Wu King Estate was strongly opposed by the community leaders. One of the banners being put up was “Strongly dissatisfied with the SWD neglecting the safety of Wu King residents”. The banner showed that the community leaders thought the service users had a propensity for violence. A representative of Wu King ICCMW told the EOC in the interview that in the early stage of the public consultation, some residents said that there was no urgency to set up an ICCMW in Wu King Estate because no one residing in their housing estate had mental illness and hence such services were not needed. In a DC Meeting, the DC Member from Wu King Constituency said that the ICCMW was “an unwanted and unwelcome facility” to the residents.

7.39. The reasons for objection above reflect that the persons who opposed the proposed permanent site did not fully understand and even misunderstand about mental illness. Persons with mental illness and ex-mental illness patients are often stigmatised with a negative label of having a propensity for violence. Once such stigmatised labels repeat often truth, people will believe it.

7.40. In fact, according to the information of The Mental Health Association of Hong Kong, less than 5% persons with mental illness have a propensity for violence. Their violent acts are generally caused by improper treatment. Most of the persons with mental illness are relatively passive, introvert, timid and kind-hearted. It will be even safer with regular medical consultation and medication, in addition to the counselling and care of the professionals.⁹⁵ Before a mental illness patient is discharged from hospital, the patient will be assessed in accordance with the established procedures by a team of inter-disciplinary professionals arranged by the Hospital Authority, to order to ascertain the patient is fit to be discharged and re-integrated into the community.⁹⁶

⁹⁵ The Mental Health Association of Hong Kong. Website: http://www.mhahk.org.hk/chi/sub4_1_info_b1_2.htm

⁹⁶ Hospital Authority (May 2010) Kwai Ching District Council Discussion Paper No. 42h/2010.

7.41. The residents concern that the setting up of an ICCMW will led to the gathering of persons with mental illness and ex-mental illness patients living in the district and will cause nuisance. This is also a myth. The purpose of an ICCMW, as a rehabilitation facility, is mainly to help persons with mental illness and ex-mental illness to receive support and to adapt to the community. Compared with persons with mental illness who are lack of care, those under the monitor and counselling of the professionals will cause much fewer troubles to the community.⁹⁷ In addition, the service users of ICCMWs not only include persons with mental illness, but also their family and persons with suspected problems of mental health and the residents of the whole community.

7.42. The lack of understanding, myths and discrimination are interrelated. In 8 out of 19 ICCMWs that had conducted public consultation, their persons-in-charge thought that, during the public consultation process, the residents and/or community leaders discriminated against persons with mental illness/ex-mental patients. In particular, the discrimination in 3 districts was described as very serious. In 7 out of these 8 districts, those who opposed the proposed permanent site believed that “persons with mental illness/ex-mental patients have a propensity for violence”.

Insufficient understanding of the nature of ICCMWs and persons with mental illness

7.43. The persons-in-charge of 13 ICCMWs believed that the major difficulties they faced in searching for a permanent site were the insufficient understanding of the nature of services of ICCMWs and the bias towards persons with mental illness held by the residents and community leaders. The persons-in-charge of two ICCMWs said,

“They generally consider the ICCMW as a clinic of the hospital and serves the patients under psychiatric treatment. Therefore, they resist setting up an ICCMW in their community...”

“Some residents went very emotional in the residents’ meeting and asked what we could do if a service user stabbed at others and queried whether we wanted to turn their housing estate into a lunatic asylum.”

⁹⁷ See note 95.

7.44. The persons-in-charge of 9 ICCMWs believed that the residents and/or community leaders discriminated against the persons with mental illness / ex-mental illness patients. Some of them believed there was implicit discrimination in the community. For example, the residents generally support other social services rather than ICCMWs. A person-in-charge said that the ICCMW would only be offered the least-wanted-unit in the housing estate as its permanent accommodation.

7.45. A person-in-charge pointed out that, because many public education programmes have been conducted by NGOs with government funding, the misunderstanding of persons with mental illness has been reduced and strong rejection of persons with mental illness among the public happens less often. However, setting up an ICCMW in their neighbourhood is another matter. Another person-in-charge said that one to two negative news reports about persons with mental illness could ruin the results of public education. The public generally get to know persons with mental illness or discharged patients from the news reports rather than through personal contacts with them.

7.46. The persons-in-charge of several ICCMWs stated that the acceptance and tolerance in community is very important. The public should be educated that every person has the responsibility of helping persons with mental illness. A person-in-charge pointed out that, the Government should not only increase the funding to raise the public awareness through public education, but also educate the younger generation through primary and secondary education.

Understanding services of ICCMWs helps eliminate discrimination

7.47. In order to eliminate discrimination, it is important to understand and have contacts with mental health service users. The person-in-charge of an ICCMW said that they had set up a hostel for discharged mental patients in the same housing estate before establishing an ICCMW there. At that time, the residents worried that the community would become unsafe if more and more persons with mental illness gathered in the district. However, after the residents had contacts with the service users, some of them have become supportive for setting up an ICCMW in the estate.

7.48. One of the ICCMWs had its permanent site proposal supported by the DC Member in the constituency of the proposed site. However, the violent resistance of the residents led to the suspension of public consultation for one

year. After having conducted public education and public consultation for 2 years (including the period of suspension), the EMAC approved the use of the proposed site. Since the ICCMW has gained a good reputation after moving into the permanent site, the public consultation on a proposed site for an additional service point in the same housing estate only took a few months before the siting was approved.

7.49. The person-in-charge of another ICCMW shared the similar views. She pointed out that the residents in fact are worried about the eccentric behaviours and do not know how to react to and face such behaviours. Therefore, it is important to let the public know how to face and accept the behaviours through public education. Sometimes, the service users would have self-stigmatisation. They were reluctant to accept their own experience. She said the residents would have greater and greater acceptance when they found the ICCMW was safe after having moved into the community.

Public consultation or public veto?

Doubt on the twisted nature of public consultation

7.50. According to the *Hong Kong Planning Standards & Guidelines (Guidelines)* issued by the PlanD, ICCMWs belong to Sensitive Community Facilities Group B. In Chapter 3, the Guidelines for public consultation for sensitive community facilities are provided as follows⁹⁸:

“In the planning process on reservation of specific sensitive community facilities, the project proponent should, at early stage, consult Home Affairs Department and the respective District Office to formulate a public consultation strategy to gain community support.”

7.51. What does “to gain community support” mean in the *Guidelines*? Are the purposes of the public consultation for the proposed siting of ICCMW to explain the service to the public to alleviate their worries about the ICCMW and persons with mental illness? Or should the public consultation obtain approval from the public before the ICCMW can move into the proposed permanent site?

⁹⁸ Planning Department. *Hong Kong Planning Standards & Guidelines* Chapter 3 paragraphs 1.4.4(a) and (b). http://www.pland.gov.hk/pland_en/tech_doc/hkpsg/full/ch3/ch3_text.htm#1

7.52. In a written response to the EOC⁹⁹, the SWD said, “The public consultation not only aims at explaining the welfare service plans to the stakeholders in the community and collecting their views, but at the same time providing public education to the community. As a result, the service operator and community stakeholders can build up good relationship and enhance mutual communication.”

7.53. The persons-in-charge / representatives of 20 out of 24 ICCMWs told the EOC their views on the public consultation. Almost half of respondents (11 respondents) believed that the purpose of public consultation was to explain the services of ICCMW and to clear up the misunderstanding and worries of the residents, and to strive for their support for setting up an ICCMW in their community. Although it was hoped that the public consultation would gain residents’ support for ICCMWs, the 5 respondents clearly said that the proposal of securing a permanent site would not be shelved because of residents’ opposition.

7.54. However, another 7 respondents said that the nature of public consultation was deviated from its original intention; it is changed from explaining the service and striving for support to getting residents’ approval. Sometimes, the ICCMW could only move into the proposed permanent site when no person raised any objection. Some persons-in-charge had the queries below:

“The SWD requires there should be no objection (from anyone in the public consultation).”

“Other social services are not required to obtain approval from the residents. Why the ICCMW is particularly required to get the residents’ approval?”

The person-in-charge of another ICCMW enquired the SWD about the purposes of public consultation, but got no answer. She had the following question in mind:

“If a private psychiatrist wants to open a clinic somewhere, is (s)he required to conduct a public consultation?”

⁹⁹ Social Welfare Department. A written response dated 17 March 2015 to the enquiry of Equal Opportunities Commission.

7.55. In paragraphs 7.15 to 7.17 of this chapter, the lengthy duration of public consultation was discussed. So when will a public consultation be concluded? Among the 15 ICCMWs that participated in public consultation exercise¹⁰⁰, the persons-in-charge of 13 ICCMWs said that the public consultation could be concluded only when the proposed permanent site was approved or got the “no-objection motion” passed by the EMAC/Owners’ Corporation, and/or DC. Further, the persons-in-charge of 2 ICCMWs said that the public consultation was concluded only when not a single person opposed the plan.

“The SWD requires that there should be no objection (from anyone in the public consultation)... The Housing Department says that if the EMAC or any resident opposes the ICCMW, basically it (the public consultation) is considered unsuccessful.”

7.56. From the answers above, it is shown that instead of explaining the services, collecting the views of the resident and providing public education, the purpose of public consultation is to obtain the approval from the resident representatives. According to the persons-in-charge being interviewed, if the identified permanent site is located in a public housing estate, it has to obtain the approval or no-objection from the EMAC. If the proposed site is located in a public housing under the Tenant Purchase Scheme, it has to obtain the approval from the Owners’ Corporation. Sometimes, in certain districts, it also has to obtain the support from the relevant committee(s) of the DC.

Housing Department’s requirements on public consultation

7.57. Most of the permanent sites are located at the vacant premises “available for welfare letting” in public housing estates under the HD. As the landlord of these premises, the HD has required the prospective tenant (the service operator) to conduct public consultation before a tenancy is offered. In the website of the HD, it is said “Consultation with local residents, the Estate Management Advisory Committee and the Owners’ Corporation, etc, on the proposed welfare use may be required. Likewise, consent by the Independent Checking Unit for change of use may be required.”

¹⁰⁰ The remaining 9 ICCMWs did not answer the question on the criteria for completion of public consultation because the permanent sites of ICCMWs were housed in the existing mental health facilities of the same service operator, or the ICCMW had not identified a permanent site, or the service operator / the person-in-charge of ICCMW did not participate in the public consultation exercise.

7.58. In response to the enquiries of the EOC, the HD said, “The Department does not specify the mode of consultation. The person-in-charge of the service operator generally introduces the service-would-be in the meeting of EMAC or Owners’ Corporation. The SWD, subject to the nature and scope of service, would arrange representatives to attend the relevant EMAC or Owners’ Corporation Meeting.”¹⁰¹

7.59. If someone, even a minority number of members, of the EMAC opposes letting the premises for welfare letting for the proposed purpose, or expresses his/her concerns, will the HD not offer the tenancy? Will the SWD try to identify other appropriate premises for the ICCMW as a permanent site? The two Government departments gave their responses as follows:

HD: “After the presentation, the members (of EMAC) would vote on the motion of letting the unit for the proposed welfare service. If there is still doubt or dispute, with the consent of EMAC or Owners’ Corporation, the EMAC can arrange the service operator to further explain and to lobby the members again. The members can vote by then. The service operator can use the opportunity to understand the residents’ views and to decide whether they should amend the service mode in order to meet the needs of the residents.”¹⁰²

SWD: “If there is concern or opposition from the community, the SWD and the service operator concerned will keep on stepping up communication with the community leaders in a pragmatic manner and will work closely with the DC and local organisations, in order to raise the public awareness of ICCMWs and strive for the support of local community through public education, service introduction and publicity so that the siting can be implemented as soon as possible.”¹⁰³

7.60. The SWD said that sometimes local community members may express their concerns on certain welfare facilities or their opposition to the siting of certain facilities, and make the public consultation lengthier than others. But the SWD emphasised:

¹⁰¹ Housing Department. A written response dated 16 January 2015 to the enquiry of Equal Opportunities Commission.

¹⁰² Ibid.

¹⁰³ Social Welfare Department. A written response dated 23 December 2014 to the enquiry of Equal Opportunities Commission.

“Unless reasonable arguments are given, for example, the environment of the proposed site is not suitable for providing the service, the SWD will not shelve the provision of any welfare facilities urgently needed in society due to the opposition of the local community.”¹⁰⁴

Three scenarios for giving up the proposed sites

7.61. In reality, the experiences of the interviewed persons-in-charge/representatives of ICCMWs show that the Government would give up the proposed site as a permanent site for an ICCMW in three situations. First, when the Government officials preliminarily discussed the proposed permanent site with local community leaders, strong opposition was expressed by the community leaders. Some Government officials would therefore not to conduct any formal public consultation but look for another site instead. Second, when Government officials assessed the proposed permanent site suggested by the service operator and assumed that there would be strong unmanageable opposition, the public consultation would therefore not to be conducted. For example, persons-in-charge of several ICCMWs said they had identified a public housing unit that could be suitable for using as permanent site. The SWD did not recommend conducting public consultation because the unit was in a public housing estate under the Tenants Purchase Scheme. The Department believed that the Owners’ Corporation generally did not welcome the mental health facilities. In fact, a person-in-charge told the EOC that an Owners’ Corporation in the public housing estate under the Tenants Purchase Scheme prohibiting the ICCMW to promote mental health information in the housing estate concerned. Currently, only one ICCMW will be located in a housing estate under the Tenants Purchase Scheme, but the site is in a vacant school premises rather than a residential block.

7.62. Third, the proposed permanent site was not supported by the residents’ groups during public consultation, and the Government was not able to change the representatives’ views within a short period of time. The proposed site of one of the ICCMWs was rejected by the EMAC concerned in 2012 and 2013 respectively. The service operator of the ICCMW then decided to withdraw the application of renting the unit. The SWD is still trying to find other appropriate premises for the ICCMW as a permanent site. The person-in-charge of that ICCMW explained to the EOC that since another organisation was interested in renting the same unit, they could not delay for

¹⁰⁴ Ibid.

long. In fact, due to the strong opposition of the EMAC, they would not be easily convinced in a short period of time. After discussion with the SWD, the service operator decided to give up the application.

ICCMW cannot be sited in the community even a minority oppose the plan

7.63. Sometimes the EMAC endorsed or passed the no-objection motion for the proposed permanent site, but a minority of representatives of EMAC still disagreed or expressed concerns, for example, the district mentioned in paragraph 7.15 to 7.17. In its written response, the SWD said that the Department had explored other premises in the district including vacant school premises for setting up the ICCMW, however, no suitable premises was identified. In view of the necessity of setting up the ICCMW and the consultation process was completed, the SWD continued communicating with the relevant parties because no other premises can be used as permanent site. Meanwhile, the service operator continued proactively conducting community education to alleviate their worries to the ICCMW.

7.64. As such, how does the SWD decide when the public consultation period will end and the welfare facility can move into the permanent site? The reply of the SWD was, “Under what circumstances that the public consultation is regarded as completed is a professional decision made by the District Social Welfare Officer in accordance with the views collected during the consultation process and the specific conditions of the district.”

Lack of land use for social welfare and long-term social welfare policy

7.65. The persons-in-charge of 14 ICCMWs believed another major difficulty of searching for a permanent site was lacking of appropriate sites. This difficulty is closely related to the absence of long-term welfare policy. The ICCMW is a district-based facility. Its permanent site can only be located within the district. There are not many public housing estates in certain districts, for example, Tsuen Wan and Yau Tsui Mong. Therefore, the public housing units for accommodating the welfare facilities in those districts are very limited. A person-in-charge of ICCMW spoke frankly that different departments within the Government compete with each other for the scarce land resources, and officials responsible for different services within the SWD also compete for the resources. The root of the problem is the scarcity of land.

7.66. The units in existing public housing estates are generally occupied by other social service organisations. Apart from the resistance of the residents and community leaders, the sizes and locations of vacant units may not fully fit the ICCMWs. Quite a number of persons-in-charge believed that the best choice is to earmark units as permanent sites for ICCMWs in the newly developed housing estates during the planning stage. Before the residents move into the housing estates, they should be informed of the social facilities within the estate so that they can decide whether to move into the housing estate or not. Under such circumstances, the resistance to the ICCMW will be minimised. So far there is only 1 ICCMW, which has identified its permanent site in a housing estate project of Home Ownership Scheme under construction.

7.67. However, the ICCMWs are difficult to move into new housing estates. Several persons-in-charge pointed out that the Government formulated the policy of establishing 24 ICCMWs in 18 districts first before starting to look for places to provide the service. The Government had not earmarked sites for implementing the policy. The units in new housing estates, which are still under construction or newly completed, have already been earmarked for other social services seven to eight years before. A person-in-charge of an ICCMW was told by Government officials that 2023 would be the earliest year that a unit could be earmarked for their ICCMW in a newly developed public rental housing estate or a housing estate under the Home Ownership Scheme.

7.68. A person-in-charge pointed out that, before 1999, the SWD adopted a 5-year plan mechanism which drew up social service plans and estimate the welfare needs on this basis of population. After 1999, the Government no longer adopted the 5-year plan but a “more flexible” planning mode instead. The SWD will consult the social service sector annually and formulate a *District Welfare Planning Protocol*. The discussion concerned will focus on the priority areas of work to be implemented in the following year.¹⁰⁵

7.69. In addition, very few urban redevelopment or private development projects have been requested building social welfare facilities in the development, in particular mental health facilities, in recent years, and that aggravates the competition among the social service organisations for units designated for social services in public housing estates.

¹⁰⁵ Labour and Welfare Bureau. (2014) *Long-term Social Welfare Planning*. Paper prepared for the meeting of the Panel on Welfare Services on 19 February 2013. Available from: <http://www.legco.gov.hk/yr12-13/english/panels/ws/papers/ws0219cb2-620-6-e.pdf> [Accessed 21 March 2015].

7.70. A person-in-charge of an ICCMW criticised that the Government Departments work in isolation rather than as a team. The person-in-charge alleged that individual Housing Department officers did not want to let a unit to a service operator of an ICCMW and preferred to let it vacant to avoid any troubles. The person-in-charge believed that the SWD was not powerful enough in the interdepartmental negotiation. Therefore, it should involve higher-ranking official to coordinate the allocation of Government premises.

7.71. In early 2004, the Housing Authority decided to divest through public listing its commercial premises and car parks in the Hong Kong Exchanges and Clearing Limited through the newly established the Link Real Estate Investment Trust (Link REIT). The Link REIT have already allocated 8% total floor areas for renting to charity and non-profit-making organisations at a concessionary rent.¹⁰⁶ However, 4 persons-in-charge of ICCMWs said that, except for those which have been offered a tenancy before the listing of the Link REIT, it is difficult for welfare organisations to rent any shop space under the Link REIT to provide new social services. So far, none of the ICCMWs are located in the shopping centres under the Link REIT.

7.72. According to the response of the Link REIT to the enquiry of the EOC, there are two ways for welfare organisations to rent the shop space of Link REIT to provide social services. First, welfare organisations may rent those shop space which is stipulated in the land lease for renting to charity and non-profit-making organisations; if a welfare organisation intends to rent a shop space designated for social welfare use, it needs to submit the application to the Government Departments that possess the right of nomination, including the SWD, the Education Bureau, and the Cultural and Leisure Affairs Department, etc; those non-profit-making organisations also have to meet the requirements stipulated in the land lease, including dedicated premises, the location of the shop space, the specified purpose, the way of using the shop space, and the type and nature of services of the welfare organisations, etc. Second, the Link REIT will also consider letting other shop space to the welfare organisations in need at a concessionary rent at its discretion.¹⁰⁷

¹⁰⁶ Link REIT. *Discover more about Link*. Available from: <http://www.linkhk.com/EN/Pages/aboutlink.aspx> [Accessed 21 March 2016].

¹⁰⁷ Link REIT. A written response dated 10 June 2016 to the enquiry of Equal Opportunities Commission.

7.73. A person-in-charge also said that they faced difficulties to ask for permission to promote mental health in the shopping centres of the Link REIT. In response, the Link REIT said that from time to time, they sponsor the venue for relevant organisations to organise events for promoting mental health, and they also provided venue for ICCMW to organising events related to health and emotional health issues. The Link REIT further explained that they will consider various factors as a whole to balance the needs of different parties in considering leasing applications and event venues applications.¹⁰⁸

¹⁰⁸ Ibid.

Chapter 8

Case Study : ICCMW in Wu King Estate, Tuen Mun

Public consultation on siting of ICCMW in Wu King Estate

8.1. Following the Government decision to expand the integrated service model of The Wellness Centre (Tin Shui Wai) to all 18 districts across the territory¹⁰⁹, the ICCMW in Wu King Estate, Tuen Mun (“the Centre”), was the first centre that identified a permanent site in a local community and started public consultation about the proposed permanent site in the district. The whole consultation process, from the commencement of public consultation to the launch of the Centre, lasted three and a half years. Not only was the project strongly opposed by the community leaders and residents, but a lawsuit was also filed by an ex-mental patient in the District Court against a District Council (DC) Member for breaching the Disability Discrimination Ordinance. In this chapter, we will revisit the resistance of the local community to the siting of ICCMW in Wu King Estate and analyse the misunderstanding towards ex-mental patients in order to examine the difficulties faced by the Centre in securing the understanding and support of the community on siting.

8.2. The Centre initially operated in a temporary accommodation with less than 200 square meters in On Ting Estate, Tuen Mun. Since the space was not enough to meet the service demand and was far smaller than the standard area of 515 square meters required, the SWD found a vacant unit, which was originally used by a kindergarten, at the ground floor of Wu Tsui House, Wu King Estate to be suitable for permanent accommodation of the Centre. The area of the unit met the required standard. It was planned to move the Centre into the vacant unit and the temporary site at On Ting Estate would be closed. Due to the opposition of local residents and the demand of elderly services, the vacant unit was eventually divided into two -sub-units: one for the ICCMW and the other for a branch of an elderly home. Since the unit was divided into two parts, the area allocated to the ICCMW was under the required standard. The temporary site at On Ting Estate has to be kept as another service point of the Centre, providing ICCMW services.

¹⁰⁹ The Wellness Centre (Tin Shui Wai) was the first ICCMW in Hong Kong under a pilot scheme. It provides one-stop community support and social rehabilitation services to the ex-mental patients, persons with suspected mental illness and their families / carers. In the Policy Address of 2009-2010, the government announced that similar centres would be set up in all 18 districts of Hong Kong.

8.3. A summary of the public consultation of the Centre at Wu King Estate, Tuen Mun:

Timeline	Public Consultation
Nov 2009	The SWD announced, for the first time, in the Social Services Committee (SSC) under the Tuen Mun DC that the ICCMW would be expanded to all 18 districts. The council members enquired about the details of the service. ¹¹⁰
May 2010	Public consultation on the setting up of the Centre at Wu King Estate was started by the SWD. In a meeting of the SSC of Tuen Mun DC, the SWD said that there would be two ICCMWs in Tuen Mun, operated by two NGOs respectively. The services were temporarily homed in other facilities of the two service operators. It was pointed out that some members did not support setting up the Centre in previous meetings. ¹¹¹
July 2010	The SWD introduced the service of the Centre to the SSC Members and arranged the Members to visit the Wellness Centre (Tin Shui Wai) upon their request. ¹¹²
Aug 2010	Under the arrangement of the SWD, eight DC Members and two SCC Members visited the Wellness Centre (Tin Shui Wai), the first ICCMW in Hong Kong. ¹¹³ Local residents, under the lead of a DC Member, put up a banner saying “Demanding the Centre staying far away from the Wu King residents” near the selected site at the Wu King Estate. ¹¹⁴

¹¹⁰ Tuen Mun District Council. (2009) *The 12nd meeting of the Social Services Committee 2008-2009 Tuen Mun District Council*. [Recording of the meeting] Website :

http://www.districtcouncils.gov.hk/archive/tm_d/audio/SSC/09/SSC_12th_meeting/SSC_12th_meeting.htm
[Accessed 16 March 2015] °

¹¹¹ Tuen Mun District Council (2010) *The 4th meeting of Social Services Committee 2010-2011 Tuen Mun District Council*. [Recording of the meeting] Website:

http://www.districtcouncils.gov.hk/archive/tm_d/audio/SSC/10/SSC_4th_meeting/SSC_4th_meeting.htm
[Accessed 16 March 2015]

¹¹² Tuen Mun District Council (2010) *The 5th meeting of Social Services Committee 2010-2011 Tuen Mun District Council*. [Recording of the meeting] Website:

http://www.districtcouncils.gov.hk/archive/tm_d/audio/SSC/10/SSC_5th_meeting/SSC_5th_meeting.htm
[Accessed 16 March 2015]

¹¹³ Ibid.

¹¹⁴ *Tung Lai Lam vs Leung Kin Man* (unrep., DCEO 1/2011, 19 April 2013)(District Court)

http://legalref.judiciary.gov.hk/lrs/common/search/search_result_detail_frame.jsp?DIS=86710&QS=%2B&TP=J
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Timeline	Public Consultation
Sep 2010	<p>In a meeting of the SSC, some members expressed the concerns of Wu King residents and opposed the use of a vacant unit to be the site of the Centre operated by New Life Psychiatric Rehabilitation Association.</p> <p>It was pointed out that some residents were worried about the primary and secondary schools, youth centres and the growing number of seniors could be affected by ex-mental patients. They might not only disturb the local community but might also threaten their life. There were worries that the service users might mistakenly enter private residence or the property management personnel might not have sufficient knowledge to handle any emergency. Therefore, some Members of the SCC opposed to set up a Centre at Wu King Estate.^{115,116}</p> <p>A residents' group submitted a letter to the SWD on setting up the Centre at Wu King Estate.</p> <p>The SWD informed the residents about the planning of the service and the siting arrangement through direct contacts such as correspondence, phone calls and meetings with the Mutual Aid Committees of every block and the Estate Management Advisory Committee ("EMAC") of the Wu King Estate.¹¹⁷</p>
Nov 2010 – Sep 2011	<p>Representatives of the SWD and the two service operators introduced the mental health care service to SCC Members and answered their enquiries. The DC Members repeatedly opposed to siting the Centre at the Wu King Estate. They wished to keep the Centre far away from the residential facilities. In order to enhance the communication and clarify the misunderstandings, the SWD said that they would proactively hold dialogues with residents via local leaders (including the Mutual Aid Committees) and arrange the service operators and healthcare</p>

¹¹⁵ Tuen Mun District Council (2010) *The 6th meeting of Social Services Committee 2010-2011 Tuen Mun District Council*. [Recording of the meeting] Website: http://www.districtcouncils.gov.hk/archive/tm_d/audio/SSC/10/SSC_6th_meeting/SSC_6th_meeting.htm [Accessed 16 March 2015]

¹¹⁶ Tuen Mun District Council (2010) *The 2nd meeting of Rehabilitation Services Local Coordination Committee 2010-2011 Tuen Mun District Council*. [Recording of the meeting] Website: http://www.swd.gov.hk/doc/district/tm/TMDCCRS_28092010.doc [Accessed 16 March 2015]

¹¹⁷ Social Welfare Department. A response in writing dated 17 March 2015 on the enquiry of Equal Opportunities Commission.

Timeline	Public Consultation
	professionals to explain their service to the residents so that the Centre could commence its service at Wu King Estate as soon as possible. ^{118,119,120,121,122,123}
Feb 2011	An ex-mental patient took legal action against Mr. Leung Kin Man, a DC Member of the Wu King constituency, in court. He alleged that Mr. Leung, who opposed to the setting up of the Centre at Wu King Estate, breached the Disability Discrimination Ordinance by putting up a number of banners which discriminated against persons with mental illness.
Mid-year 2011	The representatives of SWD attended a meeting of the EMAC of Wu King Estate. They explained the SWD's intention of setting up a Centre at Wu King and listened to the comments of the members. ¹²⁴
Aug 2011	The SWD had a meeting with the Mutual Aid Committee of Wu Tsui House, Wu King Estate to collect the views of the residents, including the detailed arrangements of setting up a Centre on the ground floor of their block. ¹²⁵

¹¹⁸ Tuen Mun District Council (2010) *The 7th meeting of Social Services Committee 2010-2011 Tuen Mun District Council*. [Recording of the meeting] Website: http://www.districtcouncils.gov.hk/archive/tm_d/audio/SSC/10/SSC_7th_meeting/SSC_7th_meeting.htm [Accessed 16 March 2015]

¹¹⁹ Tuen Mun District Council (2011) *The 8th meeting of Social Services Committee 2010-2011 Tuen Mun District Council*. [Recording of the meeting] Website: http://www.districtcouncils.gov.hk/archive/tm_d/audio/SSC/11/SSC_8th_meeting/SSC_8th_meeting.htm [Accessed 16 March 2015]

¹²⁰ Tuen Mun District Council (2011) *The 9th meeting of Social Services Committee 2010-2011 Tuen Mun District Council*. [Recording of the meeting] Website: http://www.districtcouncils.gov.hk/archive/tm_d/audio/SSC/11/SSC_9th_meeting/SSC_9th_meeting.htm [Accessed 16 March 2015]

¹²¹ Tuen Mun District Council (2011) *The 10th meeting of Social Services Committee 2010-2011 Tuen Mun District Council*. [Recording of the meeting] Website: http://www.districtcouncils.gov.hk/archive/tm_d/audio/SSC/11/SSC_10th_meeting/SSC_10th_meeting.htm [Accessed 16 March 2015]

¹²² Tuen Mun District Council (2011) *The 11th meeting of Social Services Committee 2010-2011 Tuen Mun District Council*. [Recording of the meeting] Website: http://www.districtcouncils.gov.hk/archive/tm_d/audio/SSC/11/SSC_11st_meeting/SSC_11st_meeting.htm [Accessed 16 March 2015]

¹²³ Tuen Mun District Council (2011) *The 12th meeting of Social Services Committee 2010-2011 Tuen Mun District Council*. [Recording of the meeting] Website: http://www.districtcouncils.gov.hk/archive/tm_d/audio/SSC/11/SSC_12th_meeting/SSC_12th_meeting.htm [Accessed 16 March 2015]

¹²⁴ See note 122.

¹²⁵ See note 123.

Timeline	Public Consultation
Feb 2012	On 6 February and 7 February, the case filed by an ex-mental patient alleging the breaching of the DDO by Mr. Leung Kin Man, DC Member of Wu King Constituency, was heard. ¹²⁶
	In a meeting held on 23 February, the EMAC of the Wu King Estate confirmed that they would not oppose the setting up of a Centre on the ground floor of Wu Tsui House. ¹²⁷
March 2012	The SWD applied for funding for the renovation of the Centre. ¹²⁸
May 2012	The building plan of the Centre at the Wu King Estate was drafted. ¹²⁹
April 2013	The District Court found that Mr. Leung Kin Man, DC Member, was liable for disability vilification under Section 46 of the Disability Discrimination Ordinance.
Sep 2013	The Centre at Wu King Estate commenced operation. ¹³⁰

Reasons of opposing the siting

8.4. The community leaders and residents of the Wu King Estate expressed their opposition to the Centre in various ways. In addition to the various opposition views voiced out in the DC, protesting banners were put up by a DC Member, residents and community groups near the proposed site. The banners read as follows:

- “Keep the ICCMW far away from the Wu King residents”,
- “Strongly dissatisfied with the SWD neglecting the safety of Wu King residents”,

¹²⁶ *Tung Lai Lam vs Leung Kin Man* (unrep., DCEO 1/2011, 19 April 2013) (District Court) http://legalref.judiciary.gov.hk/lrs/common/search/search_result_detail_frame.jsp?DIS=86710&QS=%2B&TP=JU

¹²⁷ Tuen Mun District Council (2012) *The 2nd meeting of Social Services Committee 2012-13 Tuen Mun District Council*. [Recording of the meeting] Website: http://www.districtcouncils.gov.hk/tm/doc/2012_2015/common/committee_meetings_minutes/ssc/ssc_2nd_minutes_20120306.pdf [Accessed 16 March 2015]

¹²⁸ Ibid.

¹²⁹ Tuen Mun District Council (2012) *The 3rd meeting of Social Services Committee 2012-13 Tuen Mun District Council*. [Recording of the meeting] Website: http://www.districtcouncils.gov.hk/tm/doc/2012_2015/common/committee_meetings_minutes/ssc/ssc_3th_minutes_20120515.pdf [Accessed 16 March 2015]

¹³⁰ Social Welfare Department. A response in writing dated 23 December 2014 on the enquiry of Equal Opportunities Commission.

- “Siting ICCMW in residential area throws residents into a panic”,
- “We suggest the SWD to set up the ICCMW in a standalone building in order to provide better services to persons with mental illness”,
- “Treat residents of Wu King Estate fairly while taking good care of persons with mental illness” and
- “We call for the SWD to increase manpower to pay visits to persons with mental illness and to make sure they take medications on time and have regular follow-up consultations”¹³¹

8.5. Further, some representatives of residents submitted a petition to the SWD to express their dissatisfaction. Several meetings were held to explain the service of the Centre to the residents but could not allay the concerns of the residents.

8.6. The reasons for community opposition to the setting up of the Centre can be categorised into four aspects:

- (a) concerned about the safety of residents, which may be affected by service users;
- (b) concerned about nuisance may be caused by service users to residents;
- (c) query about the reason for siting the Centre below residential premises; and
- (d) the community’s needs other services.

Concern about the safety of residents:

8.7. Mr. Leung Kin Man, the DC Member of Wu King Constituency, voiced out the worries of himself and the residents for a number of times in the DC meetings:

¹³¹ The slogans were quoted from *Tung Lai Lam vs Leung Kin Man* (unrep., DCEO 1/2011,19 April 2013) (District Court)
http://legalref.judiciary.gov.hk/lrs/common/search/search_result_detail_frame.jsp?DIS=86710&QS=%2B&TP=J
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“I have expressed the views on behalf of the residents for many times in the past meetings,...in the hope of providing the residents with a secured and harmonious living environment, safeguarding the safety and lessening their worries ...We voice out on behalf of the residents in order to protect them from threats and let them have peace both psychologically and mentally...”¹³²

“I have interviewed more than 2000 households, and the majority of them would like to keep the Centre far away from their residence....”¹³³

“If more [persons with (mental) illness] appear or visit their community, their (the residents’) safety may be affected....”¹³⁴

“Because of the earlier accident in Kwai Shing East which resulted in casualties, the residents are very worried. They fear that they could be the next victim.”¹³⁵

Concern about nuisance may be caused by the service users:

8.8. Apart from the violent behaviour of ex-mental patients, the SWD indicated that local residents had other concerns as well, including concerns about service users causing nuisance to the community. Since the Centre would be located in a densely populated public housing estate, they also worried that services users might disturb the residents nearby, in particular, the elderly. In addition, they worried that service users might mistakenly enter the private residence because they were not familiar to the environment.¹³⁶

8.9. The remarks of Mr. Leung Kin Man, DC Member of Wu King Constituency, also reflected the above worries:

“Some residents may have neighbours who are persons with mental illness. When these neighbours disturb their living, the residents would report to the police. The (patient) would be sent to hospital for a period of time. Now a centre is to be set up below their

¹³² See note 119.

¹³³ See note 118.

¹³⁴ See note 115.

¹³⁵ See note 118.

¹³⁶ Social Welfare Department. A response in writing dated 23 December 2014 on the enquiry of Equal Opportunities Commission.

apartments. It means that patients from different districts will come, which would make the residents more upset... You should not choose a location right below the home of the residents...”¹³⁷

Query about the reason for siting the Centre below the residents’ homes:

8.10. The major objectives of ICCMW are to strengthen the support to ex-mental patients and to facilitate their re-integration into the community. These objectives were echoed by Chapter 3 of *Hong Kong Planning Standards and Guidelines*,¹³⁸ which set out the guideline for siting an ICCMW:

10.2.42 An ICCMW should be located where population is concentrated and easily accessible by public transport. For the convenience of its service users, the centre should be barrier-free and preferably be located close to other social welfare facilities. Ground floor space is preferred for an ICCMW although other floors served by lifts are also considered suitable. An ICCMW should be situated at a height no more than 24m above street level.

8.11. However, such a guideline was not recognised by local communities. Many local residents believed that the Centre should be sited in a standalone building, far away from private residence. Several Tuen Mun DC Members also brought up similar suggestions in council meetings:

“The existing ICCMW at Tin Shui Wai is also sited in a standalone building. Can (inclusion) be only achieved by setting up an ICCMW below the residents’ home? I do not think so...”¹³⁹ (Mr. Leung Kin Man);

“Residents have negative impression of persons with mental illness because of sensational reporting of the media...I support setting up an ICCMW. However, it would be better to locate it in a standalone building. If there is a lack of sites, would the government consider locating it in vacant school buildings?”¹⁴⁰ (Ms Wong Lai Sheung)

¹³⁷ See note 118.

¹³⁸ *Hong Kong Planning Standards and Guidelines*:

http://www.pland.gov.hk/pland_tc/tech_doc/hkpsf/full/ch3/ch3_text.htm

¹³⁹ See note 118.

¹⁴⁰ See note 115.

“The SWD should give top priority to the safety of local community. They should avoid setting up the unnecessary or unwanted facilities which will harm the harmony of community. ...I request the Department to set up the ICCMW in a vacant school building or a newly built community centre.”¹⁴¹ (Mr. Leung Kin Man)

The district needs other services:

8.12. In an interview with the EOC, the person-in-charge of Wu King Centre said, during the early stage of public consultation, some residents said they did not need such service because no patients with mental illness were living in their housing estate. They thought there was no urgency of setting up mental health services in the housing estate. Many residents thought that other services were needed instead, such as elderly services. Some residents opined that although Wu King Estate comprised only six blocks, there were already a number of social services including a home for persons with disabilities and an Integrated Family Service Centre. They considered that the services of ICCMW have nothing to do with them.

8.13. Facing the opposition of the members of the community, the SWD and the service operator repeatedly elaborated the services to the residents. In response to the DC Members, the SWD said they understood the worries and objections of the residents. Given that there were a number of rehabilitation services in the Wu King Estate, they believed that persons with mental illness / ex-mental patients would get along with the residents in harmony.¹⁴² The Centre, which would provide service to the whole district, would be a value-added service rather than an obnoxious facility.¹⁴³ The representative of SWD strongly disagreed with the saying that the Centre would threaten the safety of residents and promised to assist the residents to learn more about the services.¹⁴⁴ Meanwhile, the Tuen Mun District Social Welfare Office under the SWD, together with the leaders of the community and the service operator, introduced the services of the ICCMW to the residents and discussed with them the implementation of the services. They also conducted public education programmes in the community to raise the public’s understanding of mental health and ex-mental patients.¹⁴⁵

¹⁴¹ See note 119.

¹⁴² See note 115.

¹⁴³ See note 118.

¹⁴⁴ See note 119.

¹⁴⁵ Social Welfare Department. A response in writing dated 23 December 2014 on the enquiry of Equal Opportunities Commission.

Impacts of protest on service users

8.14. The abovementioned objections dragged the progress of public consultation and brought enormous pressure to the mental health service users. The then person-in-charge of the provisional Centre said she received more than 10 cases calling for help. The callers said that they were being discriminated and felt unhappy. Some suspected patients refused to seek medical help because they feared that their conditions would be discovered. She pointed out that, under such an atmosphere, the conditions of mental patients might be exacerbated.¹⁴⁶

8.15. The resistance of the local community not only affected the ICCMW service users, but also adversely affected other social service users. Mr. Yim Tin Sang, the then DC Member who supported setting up the Centre, pointed out:¹⁴⁷

“Based on my understanding, some service users of the rehabilitation organisations in the Wu King Estate are also scared”;

“Since (the resistance campaign) triggers the residents’ prejudice against persons with mental illness and persons with disabilities, the residents may think “What? Another centre?” They may also find the similar existing facilities repulsive. Under such circumstances, current similar facilities and the mental status of their users may be affected.”

“Some parents of persons (with disabilities) complained to me that they dare not wait for the school bus in the street. They would rather wait till the school bus arrived and then step out (from the sheltered place) to get on the bus, other than standing in street and being finger pointed by the residents. They do not want themselves to be an excuse of resistance (against the setting up of the Centre...”

¹⁴⁶ 周展鴻 (2011) 24 精神康復中心阻撓多僅6間落戶，明報健康網，2011年2月13日，網址：
<http://www.mingpaohealth.com/cfm/news3.cfm?File=20110213/news/gok1.txt>
[Accessed 16 March 2015]

¹⁴⁷ See note 115.

Visible discrimination

8.16. The Disability Discrimination Ordinance (Cap. 487) (DDO) was enacted in 1995 and became effective in 1996. The DDO protects persons with disabilities from discrimination, harassment and vilification on the ground of disability.

Section 46 of the DDO provides:

“(1) It is unlawful for a person, by any activity in public, to incite hatred towards, serious contempt for, or severe ridicule of, another person with a disability or members of a class of persons with a disability.

(1A) For the purposes of subsection (1), it is immaterial whether a person is actually incited, by an activity, to —

- (a) Hatred towards;*
- (b) Serious contempt for; or*
- (c) Severe ridicule of,*

Another person with a disability or members of a class of persons with a disability.”

8.17. Several banners were put up around the proposed site of the Centre by local residents of Wu King, including: “Keep the ICCMW far away from the Wu King residents”, “Strongly dissatisfied with the Social Welfare Department neglecting the safety of Wu King residents”, “ICCMW to be sited in a residential area throwing residents into a panic”, “We suggest the SWD to set up the ICCMW in a standalone building in order to provide better services to persons with mental illness”, “Treat residents of Wu King Estate fairly while taking good care of persons with mental illness” and “We call for the SWD to increase manpower to pay visits to persons with mental illness and to make sure they take medications on time and have regular follow-up consultations” etc,

8.18. An ex-mental patient, living outside the Tuen Mun District, sued Mr. Leung Kin Man, a DC Member, for disability discrimination under Section 46 of the DDO for putting up the banners. The judgment of the case clearly analysed how putting up those banners amounted to disability vilification.¹⁴⁸

8.19. His Honour Judge Poon Siu Tung, Chief District Judge, considered that the banners and slogans “imbued inappropriate ideas to passer-by about rejecting persons with mental illness to hang around in the neighbourhood”. In particular, the wordings of “far away from Wu King Estate” means “the persons with mental illness are not only unwelcome” but also expressed “a certain degree of repulsion, scare, disgust or hatred”.

8.20. Judge Poon considered that the theme of the banners was so explicit that “a reasonable person would clearly understand that they were used to incite or evoke the feeling of repulsion, scare, disgust and hatred towards persons with mental illness and to seek his/her support to oppose to the setting up of the Centre.”

8.21. The plaintiff and another person with mental illness said in their statements that, as a person with mental illness, they “felt angry, embarrassed and humiliated” when they read the banners and slogans. They pointed out that the wordings had the meaning of “keeping the persons with mental illness away from the estate”, “excluding them from the community” and “hating and feeling disgusted about persons with mental illness”.

8.22. Judge Poon concluded that the banners and slogans would evoke the residents’ strong negative emotions against persons with mental illness. “What the banners incited can be described as a kind of hatred.” Therefore, the conduct of the defendant (i.e., the DC Member of Wu King constituency) breached Section 46 of the DDO (Disability vilification).

8.23. In particular, Judge Poon pointed out that DC Members should play the proper role of community leaders. Although the defendant reiterated that he was a representative of the electors and that he faithfully reflected the residents’ views because the banners and slogans represented the thinking of the majority of residents. In response to this point, Judge Poon particularly explained, “The

¹⁴⁸ *Tung Lai Lam vs Leung Kin Man* (unrep., DCEO 1/2011, 19 April 2013) (District Court) Website : http://legalref.judiciary.gov.hk/lrs/common/search/search_result_detail_frame.jsp?DIS=86710&QS=%2B&TP=JU [Accessed 21 March 2015]

views of majority cannot override the rights of the minority. The anti-discrimination laws are enacted to protect the rights of the minority.” He also pointed out, “As a community leader, the defendant should have independent thinking and should not give up positive values to please the mass.”

Invisible barriers

8.24. The plaintiff won the case. Discriminatory banners and slogans were no longer visible in the neighbourhood. However, the law only protects people from visible discrimination. The removal of banners did not mean the Centre could be integrated into the community without a hitch. For instance, in the SCC meeting of the Tuen Mun DC, some members casted doubt on the establishment of the ICCMW in many aspects:

“The ICCMW is a new concept. It is foreign to us. What will be the effect of ICCMW if it is introduced to Hong Kong? Setting up ICCMWs in 18 districts is a direct order from the top, whether it is appropriate for Hong Kong has never been considered. ...”¹⁴⁹ (Mr. Tong Wai Keung, Co-opted Member of Social Services Committee)

“The work (of the Centre) that you have just presented are good....The activities conducted at your site (the temporary site of the Centre) are also very impressive. Then do you really need a new site?”¹⁵⁰ (Ms Ching Chi Hung, DC Member)

8.25. Similar queries were raised during public consultation in other districts. It is clear that the court judgment was not able to clear all the barriers for ICCMWs to set foot in the communities.

A result of compromise

8.26. After a long-running lobbying exercise conducted by the SWD and the service operator, and a DC Member was sued for discrimination, the Wu King Estate Management Advisory Committee finally confirmed that they would not object to the setting up of the Centre in their housing estate. Meanwhile, in response to the demand of elderly service from the residents, the SWD changed the plan by dividing the original site (planning standard: 515 sq metres) for the

¹⁴⁹ See note 115.

¹⁵⁰ See note 118.

Centre at Wu Tsui House, Wu King Estate into two parts: one for the Centre (303 sq. m.) and the other for a branch of an elderly home (200 sq. m.). The Centre provides its service at two service points (On Ting Estate: 199 sq metres and Wu King Estate: 303 sq metres) with the resources and manpower of one centre.

Improvement for public consultation required

8.27. The person-in-charge of the Wu King Centre said since the Centre commenced operation in September 2013, the residents have more opportunities to learn about the services and allay their concerns. The person-in-charge added since the Estate Management Advisory Committee (“EMAC”) endorsed the resolution of no objection, Mr. Leung Kin Man had given advices on the design and services of the Centre. For instance, there were many young couples moved to Wu King Estate in recent years. Mr. Leung suggested organising activities for these families in order to enhance the mental health of families. He also proactively participated in the community activities with recognition and support. The Centre was also funded by the Wu King EMAC to organise educational activities about mental health in the housing estate.

8.28. It is clear that public consultation is actually a process of educating the community. The residents objected to the Centre because they did not understand mental illness and the services of the Centre. The person-in-charge said that after the Centre moved into the Wu King Estate, the residents change their views about the Centre after using its services. A resident told the staff in the Centre, “It is good to provide the services of your kind. Previously they wanted to provide whatsoever service. It’s terrifying!” In fact, it has been the same Centre from day one.

8.29. In his written response to the EOC, Mr. Leung Kin Man said, as a community leader, he was required to reflect the views of different stakeholders in the public consultation. However, it was a step-by-step process to change people’s mindset. He believed that the consultation process could be better, “if there was sufficient communication, proper education and promotion instead of implementing in a rush and under pressure, the conventional thinking of residents would be changed ultimately.”

8.30. Reviewing the public consultation of Wu King Estate, the person-in-charge of Wu King Centre said the public consultation in other

districts also faced resistance, which made it difficult for ICCMWs of other districts to move into permanent sites. The person-in-charge hoped that clear guidelines for the coordination of various government departments (the Housing Department, the Home Affairs Department and the Social Welfare Department) and community groups (the District Councils and EMACs) could be provided in public consultation.

8.31. Effective public education was the key to change the residents' attitude from objection to acceptance. The person-in-charge of the Centre hoped that the Government will develop a long-term strategic plan and allocate more resources in public education, so that the public would have better understanding of mental health services and acceptance to persons with mental illness. Through the enhancement of public awareness, she hoped that the concept of an inclusive community could be put into practice.

Chapter 9

Challenges of siting other community facilities: The case of Tung Chung Special School

9.1. Not only the ICCMWs are objected by the residents in the neighbourhood, other community facilities which provide services to persons with disabilities also face similar plight. In this chapter, we will examine a case in which the government intended to build a special school for children with special educational needs in Tung Chung. Since the first proposed site was opposed by the local residents, not only the construction schedule was affected, persons with disabilities are not able to receive the service in a timely manner.

Difficulties of attending school in other districts for children with intellectual impairment in Tung Chung

9.2. There is no special school for the children with intellectual impairment in Tung Chung. For a long period of time, there is no special school offering primary class within the district for children in Tung Chung attend after they finish pre-school special education. These children have to attend special schools in Kwai Chung or Ching Yi in the New Territories West instead. Although school bus services are provided by the schools, the bus journey usually takes about an hour and the service fee is around \$600 to \$1000 a month. Some parents choose to take their children to and from school by themselves.¹⁵¹

9.3. In 2011, in a written reply made by the Secretary for Education in response to the questions raised by one of the Legislative Councillors, it was revealed that 72 students who were attending special schools lived in Tung Chung. Among them, 10 went to schools in other districts.¹⁵² However, according to the definition of the Government, only students living in Tung Chung who had to study in schools outside the New Territories West A region (i.e., Tsuen Wan, Kwai Chung, Ching Yi and Tung Chung) were classified as students attending schools in other districts.¹⁵³ Therefore, the actual number of

¹⁵¹ 離島區議員鄧家彪及一群關注在大嶼山興建特殊學校的家長，《要求離島區盡快興建一所特殊學校》，2009年7月6日，〔立法會CB(2)2122/08-09(12)號文件〕網址：

<http://www.legco.gov.hk/yr08-09/chinese/panels/ed/papers/ed0711cb2-2122-12-c.pdf>

[Accessed 13 March 2015]

¹⁵² Government Press Release, “LCQ10: Special Education” Annex 3, 4 May 2011. [Internet] Available from: <http://www.info.gov.hk/gia/general/201105/04/P201105040207.htm> [Accessed 13 March 2015]

¹⁵³ Ibid.

students living in Tung Chung but had to attend schools outside the district was far more than 10. According to Mr. Tang Ka-piu, Member of Islands District Council (Island DC), there were about 50-60 students with special educational needs in Tung Chung travelling in and out of the district to attend school every day.¹⁵⁴

9.4. For the students with intellectual impairment and their parents, there are a series of problems of attending school in other districts, including: due to the long bus journey and limited bus escorts, some students may wet their pants, fight with each other or scream on the school bus; when these students have problems at school, their parents are not able to give timely support; and the mental and financial burdens of the parents are increased by travelling between Tung Chung and another district.¹⁵⁵

First proposed site was objected by local residents

9.5. As early as 2004, the EDB proposed to build a special school in Tung Chung.^{156,157} The first proposed site was in Area 27 of Tung Chung, which is close to the villages of indigenous people. There were a number of controversies during the whole process. After the completion of years-long technical feasibility study and architectural design exercise, the first proposed site was opposed by the local residents in 2008.

9.6. In 2008, the EDB commenced a consultation on the first proposed site for a special school in Tung Chung. The EDB stated that, after consulting the residents in the neighbourhood, the community leaders, groups and Island DC, the local residents were not in favour of the siting of the special school. The main reasons were:¹⁵⁸

¹⁵⁴ The Hon. Tang Ka-piu, Member of Legislative Council and Islands District Council, made the estimation in an interview with the EOC.

¹⁵⁵ 離島區議員鄧家彪及一群關注在大嶼山興建特殊學校的家長，《要求離島區盡快興建一所特殊學校》，2009年7月6日，〔立法會CB(2)2122/08-09(12)號文件〕網址：

<http://www.legco.gov.hk/yr08-09/chinese/panels/ed/papers/ed0711cb2-2122-12-c.pdf>

[Accessed 13 March 2015]

¹⁵⁶ According to the School Allocation Exercise 2015 announced by the EDB, this is a special school with boarding facilities for children with mild, moderate and severe intellectual disability. Press Release of the Education Bureau, “School Allocation Exercise 2015 invites applications for allocation of new special school with boarding facilities”, 26 February 2015, [Internet] Available from: <http://www.info.gov.hk/gia/general/201502/26/P201502260404.htm> [Accessed 13 March 2015]

¹⁵⁷ Government Press Release, “LCQ17: Building special school in Islands District”, 9 April 2014. [Internet] Available from: <http://www.info.gov.hk/gia/general/201404/09/P201404090426.htm> [Accessed 13 March 2015]

¹⁵⁸ Ibid.

1. the noise of the proposed school would disturb the residents and the peaceful environment nearby;
2. the traffic of the neighborhood would be affected by the proposed school;
3. the residents opposed to the building of a special school on that proposed site and asked the EDB to look for alternative.

9.7. According to a news report in 2010, Ms Chau Chuen-heung, the then Deputy Chairperson of Island DC, said that the Island DC had not yet been formally consulted about the project. However, the indigenous villagers questioned why the land was not allocated to them for building the New Territories small houses. In order not to undermine their rights, they suggested the government to locate the school in other new developed areas of Tung Chung.¹⁵⁹

The first proposed site was changed to build Subsidised Sale Flats

9.8. Whether the local members opposed ANY building to be built on the site for the reason of “noise and traffic”, or they opposed just the special school due to the negative perception on children with intellectual impairment? No clues have been given, at least not on the paper. In response to the enquiry of the EOC, the EDB wrote, “Although the above project in Area 27 was not unanimously supported by all parties, after having consolidated the views expressed by various parties (including the supportive views), we should not rashly infer that the proposed special school was discriminated against. In fact, past projects of building special schools had been widely supported by different local members.”¹⁶⁰

9.9. In respect of the issue of Tung Chung Special School, the EOC enquired Mr. Tang Ka-piu, Member of the Legislative Council cum Island DC. He said, “It (the possibility) cannot be excluded that the local residents do have adverse perception of children with intellectual impairment. Yet this reason can never be found in any official documents.” However, when the Housing Authority introduced a proposed project of building 1,000 residential units under the Home Ownership Scheme on the same site (previously proposed for building

¹⁵⁹ 明報加西版(溫哥華)，《居民恐影響丁屋撥地，東涌建特殊校拖6年》，2010年03月15日。

¹⁶⁰ Education Bureau. A response in writing dated 15 April 2016 on the enquiry of Equal Opportunities Commission.

a special school) in the meeting of the Island DC on 1 September 2014, the project was “generally supported by the Members”.^{161,162}

The Second Proposed Site

9.10. In respect of the opposition raised by the local members, the EDB stated that the Government had attempted to follow up the matter, for example, a professional consultant firm was commissioned to conduct a traffic implication assessment and relocation of vehicle exits in order to address the local people’s concern on traffic conditions. In addition, regarding local people’s concern on the noise made by the vent hole of the ventilation system of the school, the Government moved the vent hole 40 meters further away from the residential homes. The Government also promised to ensure the system in compliance with the relevant environmental protection and noise control laws. Meanwhile, the EDB met with the stakeholders and collected their views through different channels.¹⁶³ However, no substantive progress had been made on the construction of the special school project.

9.11. In response to the enquiry of the EOC, the EDB stated that, while trying to address the concerns of the residents, the Government also explored the possibility of finding another suitable site in Tung Chung for the special school. However, after having consulted the relevant Department, the EDB was informed that there was not any other suitable land for the special school. Until 2010, when the development of public housing at the Area 39 of Tung Chung was planned, the EDB explored the feasibility of earmarking a site in Area 39 to replace the proposed site in Area 27 with the relevant Department.¹⁶⁴ In 2011 a Legislative Councillor asked Mr. Suen Ming-yeung Michael, the then Secretary for Education about the issue. Mr. Suen admitted that “the EDB recognised the need to build a special school in Tung Chung”. He also said that “[we are] studying the feasibility of the related land use and conducting technical studies. Once the studies are completed, we (the EDB) will work out the detailed arrangements for the special school so that the school building

¹⁶¹ Islands District Council. *The 4th meeting of 2014 of Islands District Council*. 1 September 2014. Website: http://www.districtcouncils.gov.hk/island/doc/2012_2015/common/dc_meetings_minutes/DCmin0914.pdf [Accessed 12 May 2016]

¹⁶² Islands District Council Papers. IDC102/2015 *Subsidised Sale Flats Development at Tung Chung Area 27*, Website: http://www.districtcouncils.gov.hk/island/doc/2012_2015/en/dc_meetings_doc/9476/IS_2015_102_EN.pdf [Accessed 12 May 2016]

¹⁶³ See note 160..

¹⁶⁴ Ibid.

project can be implemented as early as possible.”¹⁶⁵ It has been seven years since the first proposal of building a special school put forward by the EDB.

9.12. Mr. Tang Ka-piu, Member of the Legislative Council cum Island DC said that the project had been delayed for eight years. In 2012, he, together with the parents of students with special educational needs, had a meeting with Ms Tse Ling Kit-ching Cherry, the then Permanent Secretary (Education) to urge the government to start the construction of a special school in the Islands District as soon as possible. After the meeting, Ms Tse preliminarily promised that there would be a special school in Tung Chung by 2018.

9.13. In March 2013, the EDB was confirmed that a site at Area 108 (originally a part of Area 39) of Tung Chung would be used for building a special school. In June 2013, the EDB started conducting a technical feasibility study on the site.¹⁶⁶ In April 2014, Mr. Ng Hak-kim Eddie, Secretary for Education, told the Legislative Council that a site at Area 108 of Tung Chung was earmarked for special school and the technical feasibility study was completed.¹⁶⁷

9.14. Meanwhile, on 26 February 2015 the EDB announced that a new school premises in Tung Chung Area 108 was open for application. Eligible bodies may apply to operate a new special school with boarding facilities for children with mild, moderate and severe intellectual disability. The annex of the press release also specified that the new school premises were expected to be completed in 2018/19 school year. However, the availability date of school premises is subject to various factors including, technical feasibility study, planning approval and public consultation, etc.¹⁶⁸

¹⁶⁵ Government Press Releases. “LCQ10: Special education.” 4 May 2011. [Internet] Available from: <http://www.info.gov.hk/gia/general/201105/04/P201105040207.htm> [Accessed 13 March 2015]

¹⁶⁶ See note 160.

¹⁶⁷ Government Press Release, “LCQ17: Building special school in Islands District”, 9 April 2014. [Internet] Available from: <http://www.info.gov.hk/gia/general/201404/09/P201404090426.htm> [Accessed 13 March 2015]

¹⁶⁸ Education Bureau Press Release. *School Allocation Exercise 2015 invites applications for allocation of new special school with boarding facilities.* 26 February 2015. [Internet] Available from: <http://www.info.gov.hk/gia/general/201502/26/P201502260404.htm> [Accessed 13 March 2015]

9.15. In the written response dated 15 April 2016 to the enquiry of the EOC, the EDB pointed out that it was planning to consult the Education Panel of the Legislative Council in the fourth quarter of 2016, and submit the application for funding to the Legislative Council in early 2017. If everything goes smoothly, the construction work will be started in the first quarter of 2017 and completed in the first half of 2019.¹⁶⁹

The cost of local resistance

9.16. From the first proposal made by the EDB to build a special school in Tung Chung in 2004 to the estimated completion of the school in 2019, it will have taken 15 years altogether. When putting forward the first siting proposal, the Government spent years to complete “the feasibility study and various technical studies of the land use”, which indicate that the site was an ideal site for a special school. However, the proposed site was opposed by the local residents during the district consultation. The local people put forward reasons such as “too noisy” and “traffic implication” for proposing the site. Had the Government not taken into the account of the residents’ concerns in its feasibility study? Or did the Government voluntarily withdraw its plan once the residents voiced out their opposition? The answer of the EDB was that after efforts had been made to explain the project in an attempt to ease local residents’ worries, no consensus was reached; therefore, the EDB decided to identify another site for the special school.¹⁷⁰

9.17. Generally speaking, a school construction project usually takes six years or more, which includes planning, technical feasibility study, architectural design and submission for approval, funding application, and the completion of construction work.¹⁷¹ The change of siting in this case has taken far more than six years. In the interview, Mr. Tang Ka-piu repeatedly questioned the approach of the Government in handling the matter. “(In 2008) when they faced clear opposition (to the first proposed site) voiced by the local residents during the consultation, why did they not stand firm to carry on (the project)? If the villagers had misunderstanding of the students with special needs, why did they not address the problem? Practically speaking, since there was clear opposition, why did the Government not identify an alternative immediately (According to Mr. Tang, he had suggested the Government to consider building

¹⁶⁹ See note 160.

¹⁷⁰ Government Press Release, “LCQ17: Building special school in Islands District”, 9 April 2014. [Internet] Available from: <http://www.info.gov.hk/gia/general/201404/09/P201404090426.htm> [Accessed 13 March 2015]

¹⁷¹ See note 160.

the special school at Area 108) but dragged the case on until 2013, when a new site was confirmed?” He stressed if the EDB adopted his suggestion, the special school could have been completed in 2014 instead of 2019. In this respect, the EDB explained that the nature and circumstances of each school project were different and the local residents, members of various sectors, group and district council of different districts often varied.¹⁷²

9.18. The cost for the additional time required for building the special school due to the change of site in Tung Chung is enormous. The children of those parents who fought for a special school in Tung Chung have already lost the opportunity to attend school in their own neighbourhood.

¹⁷² See note 160.

Chapter 10

Existing Powers of the EOC and their limitation

Limitation of EOC's powers

10.1. The existing powers of the EOC provide that the EOC may take a number of remedial actions. However, the remedial actions have their own limitations, especially in cases related to persons with stigmatised disabilities who would not like to be identified.

10.2. Under the discrimination ordinances, the EOC may take the following remedial actions:

- (a) Formal investigation;
- (b) Civil action assisted by the EOC; and
- (c) Civil action in the EOC's name.

10.3. Formal investigations may be conducted by the EOC if it thinks fit, and must be conducted if requested by the Chief Secretary for Administration. The main requirement is that the EOC must set out terms of reference for the formal investigation and the EOC must confine itself to the matters set out therein.

10.4. Generally speaking, there are two types of formal investigation that the EOC has the power to conduct: a "belief" investigation where an unlawful act is believed to have been committed by a named respondent, or a "general" investigation where there is no person named in the terms of reference. The latter type of formal investigation usually concentrates on an area of activity, such as systemic discrimination in a particular field. Unless the EOC conducts a belief investigation, it cannot compel persons to provide information, nor can it issue enforcement notices.

10.5. Even where the EOC is able to identify a named respondent in order to conduct a belief investigation, such respondent must be given the opportunity to make representations to the EOC before the commencement of a formal investigation and also has the right to seek judicial review of the EOC's decision to conduct the investigation. Furthermore, any enforcement notice issued by the EOC thereafter can only be enforced by application to the court. This is not

an automatic procedure and the court may reconsider all the matters giving rise to the issue of the enforcement notice.

10.6. The EOC may exercise its discretion to give assistance to applicants who wish to institute civil proceedings in court, in relation to acts of discrimination, harassment or vilification. However, this power is limited to proceedings by aggrieved persons against named respondents. It requires a complainant who is prepared to come forward and be the plaintiff in a tort action and an identifiable respondent.

10.7. The EOC may take legal action in its own name, again this can only be in respect of an unlawful act committed against an aggrieved person by a named respondent. Also, the aggrieved person would need to give his/her consent to the action and would need to testify in court as to the actions committed against him/her by the respondent. Similarly, the EOC can only ask the court for a declaration that a particular act is unlawful if a tort action has been brought against a named respondent. As for the power of the EOC to seek an injunction, this applies only to limited situations including discriminatory advertisements. Hence, the existing powers enabling the EOC to bring proceedings in its own name is insufficient to tackle the kind of discriminatory or vilifying acts as identified in the Kowloon Bay Health Centre (KBHC) case and the Tuen Mun Wu King ICCMW as discussed in the previous chapters of this Study.

Fear of disclosure of disability and identity

10.8. In the Report on Case Study of Kowloon Bay Health Centre¹⁷³, the EOC found that the fear of public identification on the part of victims of discrimination seriously inhibited aggrieved persons from lodging complaints with the EOC. In that case, the residents of the neighbourhood were protesting against the setting up of that Health Centre because some of the users would be persons with HIV or AIDS. These service users would be extremely apprehensive about taking legal action which would involve him/her having to be identified as a person with a particular disability. They would also be reluctant to be named in the media. In fact, the complaints against harassment

¹⁷³ Equal Opportunities Commission. (1999) *Report on Case Study of Kowloon Bay Health Centre*. Available from: <http://www.eoc.org.hk/eoc/GraphicsFolder/inforcenter/investigation/list.aspx?itemid=1208&investigationname=2> [Accessed 13 March 2015].

received by the EOC in relation to the Kowloon Bay Health Centre were lodged by the staff of the Health Centre rather than the service users.

10.9. Similarly, when some residents and community leaders put up vilifying banners protesting against the setting up of an ICCMW in Wu King Estate, Tuen Mun, the claimant who brought a claim of disability vilification was a discharged mental patient but not a resident of the Wu King Estate.

10.10. In the KBHC case, there were complaints lodged against government departments alleging that government action in removing the vilifying banners had been slow. If the EOC had been able to apply directly to the court for an order directing the removal of the vilifying banners, this would have provided the impetus and the legal certainty for the Government departments to take prompt action to remove the banners.

EOC to take legal action in its own name

10.11. Back in the Report on Case Study of Kowloon Bay Health Centre released in November 1999, the EOC proposed to amend relevant legislation to enable the EOC to take remedial action in its own name where appropriate. Specifically, it sought the power to seek declaratory and/or injunctive relief in its own name, in respect of all unlawful acts and unlawful conduct under the discrimination laws, as well as in respect of discriminatory policies and practices.

10.12. It has been more than 15 years since the aforementioned Report was published. The amendments proposed by the EOC have not yet been introduced, while the discriminatory views held by the public towards persons with mental illness and other disabilities remain, as illustrated by the community resistance against setting up an ICCMW in Tuen Mun Wu King Estate and other districts in Chapter 8 of this Study. Given that persons with disabilities, in particular those with mental illness may prefer not to disclose their disabilities and identities, their grievances may not be addressed through the complaint handling mechanism and the remedial actions of the EOC when they encounter discrimination.

10.13. Once again, the EOC recommends amendments to be made to the relevant legislation to enable the EOC to take remedial action in its own name where appropriate. The current discrimination legislation gives similar powers

to the EOC, but the powers are limited to only a few forms of discrimination, namely discriminatory advertising, instructions to discriminate, pressure to discriminate and requests for information. For instance, under the Disability Discrimination Ordinance, the EOC may apply to the District Court for an injunction to restrain a person from publishing discriminatory advertisements and for an order imposing a financial penalty on that person.¹⁷⁴ The EOC seeks the extension of this power to apply to the court for declaratory and/or injunctive relief in its own name in other areas, in particular in respect of harassment and vilification, so that the use of legal action will not involve the disclosure of the victims' identity and intensify hostility against them.

10.14. The EOC believes that the amendments to legislation proposed above will not only help persons with disabilities to seek justice, but also provide incentives for people to change their behaviour and attitude, and the legislation process will also become an opportunity for educating the whole society.

¹⁷⁴ Sections 43 and 78, Disability Discrimination Ordinance.

Chapter 11

Conclusion & Recommendations

Conclusion

Mental health is not someone else's problem

11.1. The Hong Kong Mental Morbidity Survey (the Survey) was conducted from 2010 to 2013, which examined 5,719 Chinese aged 16 to 75. According to the Survey, the prevalence rate of Common Mental Disorders (i.e. depressive disorder, generalised anxiety disorder, mixed anxiety and depressive disorder, and other anxiety disorders) and psychotic disorders are 13.3% and 2.5% respectively. The Survey finds that only about one-third of the respondents who suffered from general mental disorders sought professional help in the previous 12 months. These respondents tried to solve their mental problems with medical and non-medical approaches, including the treatment by psychiatrists and general medical practitioners as well as seeking assistance from social workers.

11.2. The findings illustrate that mental health is not someone else's problem. Everyone needs to face the fact that our family, friends, colleagues or even we ourselves may suffer from mental illness at some point of our life. Persons with mental illness and ex-mental patients are among us and they are living in the same community with us. However, the mental health services in Hong Kong have long been lagging behind the demand.

Providing service in temporary site affects service quality

11.3. Among all 24 ICCMWs throughout the territories, only 14 of them are providing services in permanent sites. Although only 4 ICCMWs have not yet identified appropriate sites as permanent accommodation, there are still 10 ICCMWs providing services in temporary sites because of various reasons.

11.4. To the service users, whether the ICCMW is providing service in a permanent site or a temporary site is not the most important concern. The problems is that the tenancy terms, the size and location of the existing temporary sites may affect the quantity and quality of services, and may even hinder the ICCMWs from providing certain services. Even for ICCMWs operating in permanent sites, the quality of the premises is often not satisfactory.

Major difficulties in searching for a permanent site

11.5. Nevertheless, in 2010 when the Government established ICCMWs in all 18 districts in Hong Kong, there have been a series of challenges in searching for the permanent sites for the ICCMWs. Consolidating the views of the persons-in-charge/representatives in 18 districts, it is found that the major difficulties in searching for a permanent site for the ICCMWs are as follows:

- Insufficient support of community leaders;
- The Government's position in public consultation was not firm enough;
- Residents' misunderstanding of the nature of ICCMWs and persons with mental illness / ex-mental patients;
- Insufficient supply of premises that are suitable for providing permanent accommodation; and
- Lacking long-term planning of social welfare policy.

Community leaders play an important role

11.6. Community leaders play an important role in the public consultation. DC Members, Members of Estate Management Advisory Committee (EMAC) / Owners' Corporation of the public housing estates and the Members of Mutual Aid Committee (MAC) are the major targets of public consultation. They even have the "final say" on the siting of ICCMWs. A public consultation exercise will be conducted when the Social Work Department (SWD) has identified a permanent site for an ICCMW. Related DC or its Committees will be consulted. If the proposed site is located in a public housing estate, the Housing Department (HD) also requires the service operator to consult the EMAC concerned, which mainly comprises the Chairperson or elected representatives of each block and the DC Member(s) of the constituency concerned. Generally speaking, the tenancy will only be offered by the HD when the plan is approved or a "no-objection motion" is passed by the EMAC.

11.7. Meanwhile, the community leaders act as a bridge between the SWD and the residents. The SWD often consults the residents and promulgates the information of proposed permanent site through the community leaders.

Although it is called a public consultation exercise, the consultation activities targeting the residents in the community carried out by the SWD and service operators are, in fact, mainly public education. Except for a few districts, the SWD generally does not directly disclose the details of the proposed permanent site to the residents. The information is often passed to the residents through community leaders. If the community leaders do not support the siting, or they misunderstand the nature of the ICCMW or the service users, the residents often receive inaccurate and incomplete information. Under such circumstances, it is very difficult for the SWD to obtain the residents' support in the public consultation.

Insufficient support from community leaders

11.8. In a number of districts, community leaders opposed or did not support setting up ICCMW in their neighbourhood. A DC Member put up banners and slogans in a public housing estate opposing the setting of an ICCMW. His acts were ruled unlawful under the Disability Discrimination Ordinance. Since then, many DC Members no longer expressly indicated their objections against the ICCMWs. Instead, they implicitly expressed that the residents worried about the establishment of the ICCMW.

11.9. Many public consultation exercises were quite lengthy, which took more than one year, and some even took more than two years to conclude. As a result, the ICCMWs cannot be moved into the permanent site to provide service. Some proposed permanent sites were vetoed; or even though the proposed site was endorsed by the EMAC, the plan was strongly resisted by the residents because the community leaders had not properly informed the residents about the ICCMW and the siting details. When the residents eventually learned that an ICCMW would be set up in their backyard, there was confusion in the information they received which gave them a false impression that the facility was an out-patient clinic or a hostel for persons with mental illness.

11.10. Some community leaders, such as members of MAC, thought that the responsibility was too heavy for them to bear if they were asked to pass a "no-objection motion" for the ICCMW to move into the housing estate. They feared that they would be blamed by the residents if any incident occurred. Therefore, some community leaders simply opposed the siting or avoided any discussion with the SWD or service operator on the siting.

Discrimination stems from insufficient understanding and misunderstanding

11.11. The most frequently raised reasons for opposing the setting up of an ICCMW are in the following sequence:

- “Persons with mental illness / ex-mental patients have a propensity for violence”;
- “Service users of ICCMW would cause disturbance to the residents”;
- “The setting up of an ICCMW will attract persons with mental illness to congregate in the neighbourhood”; and
- “The setting up of an ICCMW will have a negative impact on the law and order of the neighbourhood”.

11.12. The reasons for objection abovementioned reflect that the persons who opposed the proposed permanent site did not fully understand and even misunderstand mental illness. Persons with mental illness and ex-mental patients are often stigmatised as having a propensity for violence. Once such stigmatised label repeat often enough, people will believe it.

11.13. Discrimination very often stems from insufficient understanding and misunderstanding of ICCMWs and their service users. The persons-in-charge/representatives of 8 ICCMWs believed that the residents and/or community leaders discriminated against persons with mental illness and ex-mental patients during the public consultation process. In 7 out of these 8 districts, the persons opposed the proposed permanent site believed that “persons with mental illness/ex-mental patients have a propensity for violence”.

11.14. In order to eliminate discrimination, it is important to have understanding and contacts of mental health service and its users. Quite a number of persons-in-charge and representatives of ICCMWs stated that the residents normally accepted the ICCMW after having contacted with the ICCMW or other mental health facilities or the service users. Therefore, it is important to raise the community leaders and residents the understanding of mental illness and the services of ICCMW.

Public consultation approaches vary in different districts

11.15. The activities conducted during the public consultation exercises for siting of ICCMWs were more or less the same. However, there are no standard rules as to how the public consultation should be conducted or how long the consultation should take, in particular, regarding the issues of dealing with opposition, the transparency of siting and the targets of consultation, etc.

11.16. When facing opposing opinions, some officials stood firm. They tried to allay the voices of concern on the one hand, and continued its work to move the ICCMW into the proposed permanent sites on the other hand. However, some officials would withdraw the proposal. Different ways of handling the challenges lead to different results.

Public consultation or public veto?

11.17. The SWD said that it would not shelve any welfare facilities which were urgently needed in society due to the opposition of local community, unless reasonable arguments were given, for example, the environment of the proposed site was not suitable for the service. However, it was not the case in some individual districts.

11.18. According to the interviews of the persons-in-charge of ICCMWs, it is found that the Government would give up the proposed site as a permanent site for an ICCMW in several situations. First, when the Government officials preliminarily discussed the proposed permanent site with local community leaders, strong opposition was expressed by the community leaders. Some Government officials would therefore not to conduct any formal public consultation, but look for another site instead. Second, the Government officials assessed the proposed permanent site suggested by the service operator and assumed that there would be strong opposition which would be difficult for them to manage, for example, is the suggested site was in a public housing unit under the Tenants Purchase Scheme, the public consultation would not to be conducted. Third, the proposed permanent site was not supported by the residents' groups during public consultation, and the Government was not able to change the representatives' views in a short period of time.

11.19. Some persons-in-charge of ICCMWs thought that the focus of public consultation had been shifted from explaining the services of ICCMW and

striving for the support of residents to obtaining the residents' consent, and in some districts, zero opposition is required for setting up an ICCMW in their community. In fact, what the HD requires of consultation, may form a de facto requirement of achieving a result of "zero opposition". Some cases showed that, due to the opposition of a small number of representatives of MAC or the opposition of residents living in the same block where the proposed site is located, the HD would not offer the tenancy.

11.20. Mental health facilities such as ICCMWs serve the society as a whole, but are very often perceived to impose negative externalities on the local neighbourhood. For example, they are perceived to pose negative impacts on environment, health, safety, and even property prices. This kind of public facilities or land uses are referred to as "locally unwanted land uses" or "LULUs" in short form. Even if the residents in the community recognise that the related facilities are necessary, they still oppose its siting in their locality, which results in the "Not In My Backyard" Syndrome.

11.21. Civil participation is an important part in a democratic society. A thorough and appropriate public consultation exercise is a substantive tool to realise civil participation. However, when the public consultation relates to the so called "LULUs", and the service users are the disadvantaged who dare not to fight for their own rights, the leaders of our society must keep the right values and defend for the interests of the disadvantaged. Otherwise, if the community leaders and Government officials do not stand firm, the views of the majority will override the rights of the minority in the public consultation. Under such circumstances, public consultation will turn into a public veto.

Other welfare facilities face resistance too

11.22. The proposed sites of welfare facilities, other than mental health facilities, are also often opposed by residents in the neighbourhood. For instance, in the Kowloon Bay Health Centre (KBHC) incident in 1990s, the residents in the neighbourhood opposed strongly against the building of a health centre which would provide treatment for persons with AIDS and HIV. Some residents of the nearby Richland Gardens (RG) protested by putting up banners. The KBHC staff and service users were subject to verbal insults, physically stopped, interrogated on the RG premises and followed as they walked by or through the RG.

11.23. In this report, a case of setting up a special school for the children with intellectual disability in Tung Chung is also discussed. In 2008, the Government started a public consultation in Tung Chung on the first proposed site of the Special School, but the plan was opposed by the residents in the neighbourhood. In the meeting of Islands DC on 1 September 2014, when the Housing Authority introduced a housing estate project under the Home Ownership Scheme providing 1,000 units on the same site, it was supported by DC Members in general.

Limitation of the power of the EOC

11.24. Even though the resistance against the setting up of social service facilities in the community may involve acts of disability vilification, for instance, the KBHC case in the 1990's and the Wu King Estate case a few years ago, the victims are often extremely apprehensive about lodging formal complaints or taking legal action which would expose their identity and make them more vulnerable to attacks. Given the limitation of the anti-discrimination legislation, if no one stepped forward to file a complaint, the EOC did not have any power to bring proceedings to the court under the DDO to stop such discriminatory acts.

Insufficient supply of premises for social welfare uses

11.25. A lack of suitable premises is another difficulty encountered in finding permanent accommodation for ICCMW. Different Departments of the Government have to compete internally for these precious land resources.

11.26. A person-in-charge of an ICCMW commented that the Government Departments work in isolation rather than as a team. The SWD did not have enough bargaining power in the negotiation with other Government Departments, and therefore, the Government should consider asking a higher ranking official to co-ordinate for the usage of Government land and premises. Furthermore, very few urban redevelopment or private development projects have been required to build social welfare facilities, in particular mental health facilities in recent years, and that aggravates the competition among the social service organisations for units designated for social services in public housing estates.

Recommendations

11.27. The community resistance encountered by the ICCMWs cannot just be ascribed to the selfishness of the leaders and residents of the community. Instead, one should concern about the misunderstanding and insufficient understanding of persons with mental illness underlining such resistance. The insufficient supply of land for social welfare use cannot meet the demand. In addition, the imperfect public consultation deepens the misunderstanding of the services and service users by the local residents, which in turn, intensifies the voice of opposition against these facilities. Therefore, this Report will focus on the methods of public consultation, the mental health education of the community leaders and the public, the powers of the EOC and the supply of land for social welfare use and make the following recommendations.

Refine the public consultation exercise

Recommendation (1): District Council Members should assist ICCMWs to integrate with the community

11.28. Community leaders play a key role in the public consultation exercise of the social welfare facilities. On top of serving the public, the Members of the District Councils (DC) should act as community leaders. They should guide the public to understand the nature and importance of the services of the ICCMWs, in order to convince the public to support ICCMWs settling in the permanent sites in their district. In the long run, Members of the DCs should further co-operate with the ICCMWs in the promotion of activities related to mental health, with a view to reducing the misunderstanding and discrimination against persons with mental illness and helping them integrate into the community.

Recommendation (2): The SWD may consider setting up community liaison group

11.29. The Social Welfare Department (SWD) may consider setting up a community liaison group for the public consultation on the permanent sites of ICCMWs, in order to extend the coverage of parties to be consulted, and to give people living in the community a platform to continue monitoring the operation of the ICCMW after it has moved into the neighbourhood.

11.30. The consultation exercise conducted by the SWD sometimes created a polarised situation. One side is the SWD and the NGOs which are the service operators, and the other side is the residents and leaders of the community who do not want the ICCMW to move into the permanent site in their neighbourhood. Such polarised situation is not ideal from the perspective of public participation and gaining support from the public.

11.31. When the SWD organises the public consultation exercise, it may consider extend the coverage of parties to be consulted through the establishment of the community liaison group. It can absorb Members of the DC and Mutual Aid Committees (MAC) of public housing estates, as well as other groups of people in the community into the community liaison group, such as mental health service users and their family/carers, residents living in the neighbourhood of the selected site, principals of schools and social workers of other social service providers (e.g. centres for the elderly/young people) in the community, and health professionals serving persons with mental illness in the district, etc.

11.32. The main service targets of ICCMWs are the ex-mental patients and their family members. The SWD should listen to and absorb their opinions regarding the siting of ICCMWs during public consultation.

11.33. The establishment of the community liaison group allows the SWD and the service operators to listen to and to take the opinions of the members of the community into consideration at an early stage. This will make the siting, design and services of the ICCMW suitable for the needs of the members of the community and more acceptable to the community. Moreover, members of the community will be able to know more about the views of other stakeholders. More importantly, such initiative will strengthen the participation of members of the community in the establishment of the ICCMW. As a result, the mutual trust between the SWD and the service operator on one side and the members and leaders of the community on the other side will be enhanced and conflict will be reduced.

11.34. At the same time, the community liaison group provides a platform for representatives of various parties to participate in matters related to the setting up of the ICCMW in the community. Such a platform composed of various stakeholders will alleviate the political responsibility and pressure faced by the community leaders in terms of supporting the ICCMW moving into a permanent

site in the neighbourhood, in particular the members of the Mutual Aid Committees and Estate Management Advisory Committees of public housing estates.

Recommendation (3): Community liaison group may monitor operation after ICCMW moved into permanent accommodation

11.35. After the ICCMW starts operation in the permanent site, the community liaison group, which was originally formed for the purpose of public consultation, can change its role into a monitoring one, keeping an eye on the operation and services of the ICCMW for the residents in the neighbourhood community. When members and leaders of the community know that they have a channel to monitor the ICCMW continuously, they can rest assured that the ICCMW will be managed properly and will be more willing to have the Centre settled in their community. As a result, the ICCMW can keep a long term and good relationship with the community liaison group and the members of the community. This will help the ICCMW to promote its work in the neighbourhood.

Recommendation (4): Proactive release of information in public consultation

11.36. Government Departments should proactively release more information to enhance the information flow about the siting of ICCMWs. If the Government accepts our recommendation on setting up a community liaison group, it can, through the release of the group's minutes of meetings and regular newsletters about the latest development of securing permanent accommodation for the ICCMW, to allow residents of the district concerned to have a better understanding on the siting and services of the ICCMW. Then, even if the community leaders failed to effectively and comprehensively communicate information related to the siting and services of the ICCMW to the residents of the district, the Government still has other effective channels to ensure the public will receive accurate and unbiased information.

11.37. Apart from misunderstanding and bias about mental illness, the lack of information is a major cause of residents' worries. Residents living in the community suspect if the Government is not telling them the whole truth. Therefore, enhancing the transparency of siting related information will help alleviate residents' unnecessary worries about the service of the ICCMW. Even if some residents object to the siting proposal after they receive the information,

the Government can face and solve the crux of the problem if it knows well the reasons behind.

Recommendation (5): Provide direct channel for the public to express views

11.38. The SWD should allow the public to reflect their opinion on the siting and services of the ICCMW in their neighbourhood to the aforementioned proposed community liaison group. The SWD may also consider setting up a hotline or a designated email account for a particular period of time, in order to provide a channel for the public to express their views and to make enquiry on the siting of the ICCMW in their district.

Recommendation (6): Consider regularising public consultation process

11.39. The public consultation exercises on ICCMWs' permanent accommodation conducted in various districts differ on the handling of the opposition opinions, the transparency of information and the duration of the exercise. The SWD may consider regularise the consultation process and implement the effective and best practices of past consultation exercises in all districts. It may also consider setting a deadline for the consultation period to avoid some consultation to be dragged on for a long time.

Recommendation (7): Other Government Departments should give strong support to the siting of ICCMWs

11.40. It is not just the job of the Labour and Welfare Bureau (LWB) and the SWD to strive for siting mental health facilities in the communities. The top Government officials should request other Government Bureaux and Departments to throw their weight behind LWB and SWD on this issue and to co-operate in the siting process, including the Home Affairs Bureau and the Transport and Housing Bureau, and the departments under these bureaux. For instance, if the HD communicates with the MACs and EMACs of public housing estates more proactively, it is believed that the public consultation can be conducted more smoothly and effectively. Also, the Home Affairs Department (HAD) should strengthen the DC Members' understanding of mental health issues and facilities.

11.41. The Government should send a clear and strong signal to the community leaders that the service of ICCMWs is necessary for the community,

and should engage the supporters of ICCMWs to strive for ICCMWs to be set up at the proposed permanent site.

Enhance mental health education of community leaders and public

Recommendation (8): Strengthen the promotion of practical mental health information

11.42. In respect of public education, the EOC recommends the Government joins hands with the service operators of the ICCMWs to strengthen the promotion of mental health information that is more practical and more problem-solving oriented, in order to eliminate the misunderstanding of and discrimination against persons with mental illness and ex-mental patients. In this way, the public will learn about how to face persons with mental illness and discharged mental patients, and know where to seek help when their family members or friends have mental health problems. Apart from general public education, the Government should also start mental health education from primary and secondary school.

Recommendation (9): Consider inclusion of mental health themes in Neighbourhood Mutual Help Programme

11.43. The HAD may consider including the promotion of mental health and the integration of discharged mental patients into the community as project themes of the Neighbourhood Mutual Help Programme. This will allow ICCMWs to apply for funding that help reduce the misunderstanding of the persons with mental illness and discharged mental patients by the members of the community, with a view to promoting community cohesion and eliminating discrimination.

Recommendation (10): Enhance community leaders' understanding of persons with mental illness and mental health facilities

11.44. In order to help Members of the DCs and the communities (such as members of EMACs and Owners Corporations) enhance their understanding of persons with mental illness and discharged mental patients, as well as mental health facilities, the HAD and the HD may invite service operators of various mental health services and other related professionals, e.g. psychiatrists, to give talks to Members of the DCs, representatives of the residents and other

community leaders on the related topics regularly every year. The HAD can also organise DC Members to meet with mental health service users and their family/carers, so that they can learn directly from the users how useful and important the services are for the users.

Allow EOC to take legal action in its own name

Recommendation (11): Allow EOC to take legal action in its own name to stop discriminatory behaviour

11.45. The Government should introduce amendments to the relevant legislation to enable the EOC to take remedial action in its own name where appropriate, i.e. to apply to the court for declaratory and/or injunctive relief in its own name against discriminatory acts, in particular in respect of harassment and vilification. When the EOC released of the Report on Case Study of Kowloon Bay Health Centre in November 1999, it pointed out that the victims of discrimination were afraid that disclosing their identity will further intensify the discrimination against them. Therefore, their grievances may not be addressed through the complaint handling mechanism and the remedial actions of the EOC when they encounter discrimination. If the EOC can file a suit to the court in its own name, the situation that no legal action can be taken to stop discriminatory acts due to the lack of a complainant will be avoided.

Improve supply of social welfare land use

Recommendation (12): Improve the environment of temporary accommodation

11.46. The Government may consider moving the ICCMWs operating in other social welfare facilities (such as halfway house and sheltered workshop) to other temporary accommodation with more space, such as vacant school premises and other vacant Government premises, etc. The premises may not be suitable for use as the permanent site for ICCMWs. However, so far as it has sufficient space and its location is convenient, it should be considered to be used as a temporary accommodation for an ICCMW, with a view to improving the quality of services for ICCMWs.

Recommendation (13): Consider using vacant Government premises to alleviate the space constraint of temporary accommodation

11.47. The Government may also consider using vacant school premises and other vacant Government premises as temporary community halls and their usage can be co-ordinated by the SWD. These premises can be divided into certain number of rooms and halls to be booked for use by service operators of ICCMWs and other social services as counselling rooms or activities rooms. This will bring some relief to the ICCMWs from the lack of space of their temporary sites.

Recommendation (14): Improve the quality of permanent accommodation

11.48. On top of finding permanent accommodation for the remaining ICCMWs that have not yet secured one, the Government should plan well in advance for finding better permanent sites on newly developed land or in new public housing estate projects for those ICCMWs with permanent accommodation in less than ideal situation.

Recommendation (15): Planning for social welfare land use should consider the welfare of citizens as a whole

11.49. When the Government plans for social welfare land use, it should consider the welfare of the Hong Kong citizens as a whole. The Government should educate the public and let them understand that while every Hong Kong citizens has to the right to enjoy the public facilities, they also have the responsibility to allow the welfare facilities to settle in their neighbourhood under reasonable circumstances.

Recommendation (16): Urban renewal and private development projects should build more social welfare facilities

11.50. The top officials of the HKSAR Government and those Bureaux and Departments in charge of land and housing development should request urban renewal projects and private development projects to build more community and mental rehabilitation facilities. When one has taken resources from the society, one should contribute to the society. Land is an important resources of our society. Property developers should shoulder certain degree of social responsibility besides profit-making from developing housing units. They

should build and provide social welfare facilities in their development to serve the public.

Recommendation (17): Consider keeping part of premises for ICCMW before tendering government premises for sale or for rent

11.51. The top officials of the HKSAR Government and those Bureaux and Departments in charge of land and housing development should, before tendering government premises for sale or for rent, consider keeping some of the units in the premises for social welfare use. For instance, Yau Tsim Mong is a district with very few public housing estates. Therefore it is difficult for the ICCMW serving that district to find permanent accommodation and it is currently providing services in a temporary site. Last year, the Government Property Agency invited tenders for the purchase of the whole parcel of the government property in the Trade and Industry Department Tower in the centre of Mongkok. The total gross floor area of the property is 26,414 sq metres. If the Government allocated around 500 sq metres of that property for the use of the ICCMW serving Yau Tsim Mong, the ICCMW would only occupy less than 2% of the gross floor area of the property.