

**LEGISLATIVE COUNCIL
PANEL ON WELFARE SERVICES MEETING ON 9 APRIL 2001**

**Regulation of
Private Residential Care Homes for the Elderly**

Purpose

This paper updates Members on the regulation of private residential care homes for the elderly (RCHEs) and briefs Members on further initiatives to improve service standards of these homes.

Background

2. With the growth of the elderly population in Hong Kong in recent decades, the demand for RCHEs is increasing. This growing demand is only partially met by the provision of subvented places by the Non-governmental Organizations. As a result, there has been a considerable expansion in recent years in the number of private RCHEs. In October 1986, the Social Welfare Advisory Committee (SWAC) endorsed the introduction of a Code of Practice (the Code) for private RCHEs as a voluntary guide to help them maintain a satisfactory level of service. The Code set out the accommodation and space requirements, safety and fire precautions, and staffing ratio.

3. In late 1987, a review was conducted which indicated that most of the private RCHEs did not comply with the Code. The review proposed the introduction of a Voluntary Registration Scheme in the short term, to be followed by appropriate legislation in the longer term since voluntary compliance could not be guaranteed. These proposals were endorsed by SWAC and the then OMELCO Standing Panel on Welfare Services in 1988. In 1988, the Voluntary Registration Scheme was introduced.

4. In September 1989, SWAC endorsed the extension of the scope of the proposed legislation to cover non-profit-making and subvented RCHEs, to ensure fairness to all home operators and to better safeguard the interest of elderly residents. SWAC also agreed that the proposed legislation should include the following major provisions :

- (A) a licensing system;
- (B) an appeal system;
- (C) Proper inspection;
- (D) Minimum standards of care;
- (E) Offences and penalties; and
- (F) Regulations.

5. In March 1992, SWAC further advised that the proposed legislative scheme of control should be implemented as follows :

- (A) there should be only one set of licensing standards;
- (B) upon the enactment of the legislation, all applications for licences or certificates of exemption should first be inspected for fire and building safety;
- (C) Licences should only be granted to homes complying fully with requirements in the legislation;
- (D) Certificates of exemption could be granted to existing homes which are unable to comply fully with requirements in the legislation. The period of exemption could vary according to the degree of compliance with various requirements;
- (E) the Director of Social Welfare could impose such conditions as he deems appropriate on the certificates of exemption which could be revoked if the conditions are not fulfilled; and
- (F) the Director of Social Welfare could compel operators of substandard homes to take improvement measures by refusing to renew their certificates of exemption.

6. The Residential Care Homes (Elderly Persons) Ordinance (the Ordinance) was enacted in October 1994. The Ordinance came into effect in April 1995 and was fully implemented in June 1996. The Licensing Office of Residential Care Homes for the Elderly (LORCHE), a multi-

disciplinary office staffed by four inspectorate teams, i.e. building safety, fire safety, health and social work, was set up by the Social Welfare Department (SWD) in 1995 for the regulation of RCHEs through enforcement of the legislation.

Regulation of RCHEs

7. Under the Ordinance, RCHEs are regulated either by licence or certificate of exemption (CoE). Licence is issued to a RCHE which fully complies with the requirements in accordance with the Ordinance. It is the policy of SWD that all RCHEs which come into existence and commence operation after the Ordinance came into effect in April 1995 would be subject to regulation by issue of licence. Those RCHEs which have existed before that date but have not fully satisfied the licensing requirements, have been permitted to operate under CoE in order to allow time for the operators to upgrade the services and carry out the requisite improvement works for compliance with licensing requirements.

8. When the Ordinance was fully implemented in June 1996, only a small number of RCHEs were qualified to obtain a licence while the majority of the RCHEs, particularly those in the private sector, were not up to the required licensing standards. As a result, many were permitted to operate under CoE as shown in the following statistics as at June 1996 :

| Operation Status | Licence | CoE | Total |
|----------------------------------|-------------------|--------------------|-------------------|
| Type of RCHE | | | |
| Subvented | 64 (57.7%) | 47 (42.3%) | 111 (100%) |
| Non-profit making self-financing | 3 (11.1%) | 24 (88.9%) | 27 (100%) |
| Private | 3 (0.7%) | 431 (99.3%) | 434 (100%) |
| Total | 70 (12.2%) | 502 (87.8%) | 572 (100%) |

9. Having regard to the substantial percentage of substandard RCHEs, the Administration has taken a more tolerant stand and allowed these RCHEs to be operated under CoE so as to avoid a massive displacement of the elderly people in the absence of appropriate and sufficient alternative services and accommodation. At the same time, the Administration has introduced a number of measures to assist the RCHEs to make the necessary improvements to meet the licensing requirements.

Assistance to RCHEs

10. To encourage RCHEs operating under CoE to comply with the safety, design, structural and manpower standards, the Administration has been offering assistance in the following aspects :

(A) Financial Assistance

The capital costs of improvement works including fire services, electrical & gas installation and building works for licensing compliance can be covered by grants from the Lotteries Fund (LF) and Financial Assistance Scheme (FAS). Subject to vetting by the designated authority, subvented homes are eligible for 100% financial support from the LF while private homes are qualified for a maximum of 60% support of the approved project costs from the FAS. For details of the FAS, please refer to an Information Paper at Appendix I.

As at March 2001, a total of \$19 million has been approved under the FAS.

(B) Staffing Training Assistance

The Ordinance and its subsidiary Regulation stipulate, among others, the requirement to employ nurse(s) or health worker(s) to provide nursing and health care for the elderly residents. To assist the RCHEs in meeting this requirement, the Administration with funding from the LF, provided 1,330 health worker training places between 1995 and 1998. As of to date, an additional 1,152 health worker training places have been provided under the revamped training curriculum that started in July 1999. Further details of the Health Worker

Training are set out at Appendix II.

(C) Incentive for Service Upgrading

To give incentive to private home operators to upgrade the service quality and to complement the supply of subsidized RCHE places, particularly since 1997 under the Care for the Elderly Policy Objective, the Bought Place Scheme (BPS) and Enhanced Bought Place Scheme (EBPS) were introduced in 1989 and 1998 respectively. Under both schemes, places are bought from private RCHEs¹ with space and manpower standards higher than those of the licensing requirements. Details of the BPS/EBPS are at Appendix III.

As at end of March 2001, a total of 4,303 places were bought from private RCHEs. They comprise 579 place from 28 private homes under BPS and 3,724 places from 68 private homes under EBPS. The Department plans to provide a total of 5,680 places by end of 2001-2002 under both schemes. In recent years, we have a plan to upgrade BPS places to EBPS standards.

Phasing out of CoE homes

11. The progress of the licensing of RCHEs was first reported to the Elderly Commission (EC) in its Meeting on 22 September 1999, followed by progress report in each subsequent EC meeting. Given the fact that more than three years have lapsed since implementation of the Ordinance, the increasing expectation of the community on the quality of services of the RCHE, the wide range of assistance and incentives available to RCHEs to upgrade their services and facilities, and the recent growth in the number of licensed private RCHEs that enabled the market to have the spare capacity to accommodate any displacement of elderly people arising from the phasing out of the CoE homes, the Administration considers that the time is ripe to enforce the licensing scheme more vigorously. Thus in the report to EC, a target was set to phase out CoE homes and to have all RCHEs licensed by March 2001. Thereafter, the Administration would initiate prosecution action against any operator who operates a RCHE without a valid licence, unless the Director of Social Welfare can be satisfied that the concerned

¹ For BPS/EBPS, self-financing RCHEs run by non-profit making NGOs are excluded. Places are only bought from the commercial homes.

RCHE has genuine difficulties in effecting improvements to meet the licensing requirements in time.

Latest Position

12. With a range of assistance mentioned in paragraph 10 above, and close liaison with relevant departments to help expedite granting of approvals needed to meet licensing standards, a substantial number of CoE homes have upgraded their quality of service and a good number of new private RCHEs of higher standard have opened for business. Of all subvented, self-financing and private RCHEs in operation as at end of March 2001, 677 are licensed and 7 are operating under valid CoE. Details are as follows :

| Operation Status Type of RCHE | Licence | CoE | Total |
|--|------------------|---------------|-------------------|
| Subvented | 130 (96.3%) | 5 (3.7%) | 135 (100%) |
| Self-financing | 27 (93.1%) | 2 (6.9%) | 29 (100%) |
| Private | 520 (100%) | 0 | 520 (100%) |
| Total | 677 (99%) | 7 (1%) | 684 (100%) |

13. While all private CoE homes have completed all the requisite improvement works to meet licensing requirements within March 2001, five subvented and two self-financing CoE homes, due to extensive improvement works involved, would only be able to complete improvement works under progress within the coming three to nine months. These seven subvented and self-financing homes are generally providing satisfactory service and thus in the interests of the elders living in these homes, the Director of Social Welfare considers it appropriate for them to remain on CoE after March 2001, instead of contemplating prosecution action.

Way Forward

14. Compliance with licensing requirements ensures that these homes are operating properly and safely. The 520 private homes are now operating with varying standards; we recognize that there is room for improvement. The Administration plans to undertake the following initiatives to further strengthen the regulation of private RCHEs to improve their management, operation and service provision.

(A) Enhanced training for staff of RCHEs

15. SWD has developed and would introduce a multi-skilled training course to provide enhanced training to care staff for frail elders. The pledge is to provide 400 training places in 2001-2002 and a total of 2,160 by 2004-2005. SWD would also promote the training course to other training institutes.

16. To strengthen staff's knowledge on first aid, SWD would provide a total of 1,080 first aid certificate course training places from 2000-2001 to 2002-2003. We will continue to consider measures to enhance the care capability of staff in both the community and residential care settings.

(B) Provide sufficient information to the elders to facilitate choice of RCHEs

17. A list of all licensed RCHEs, including BPS/EBPS homes, has been put on SWD's homepage and an enquiry hotline is manned by LORCHE to provide basic information on RCHEs to elders and their families.

18. SWD has pledged to provide more information on BPS/EBPS homes to the users of the Scheme through various channels. The target is to co-ordinate all BPS/EBPS homes to provide a brief on their services and facilities for the information of elders, their families and social workers, and to enhance SWD's homepage to provide more information on BPS/EBPS homes. We also aim to produce a directory of RCHEs with "guidance notes" on how to choose a RCHE for elders' and their carers' reference. In the longer term, we will consider some form of "accreditation" system aiming to encourage higher service standards. As "accreditation" should best be undertaken by an independent non-government body on a fee-paying basis, SWD will explore this idea with interested and competent

organisations.

(C) Service Quality Standards

19. To further improve service quality, 19 Service Quality Standards (SQSs) covering four major areas namely Provision of Information, Service Management, Service to Clients and Respect for Clients' Right were introduced by phases to all subvented welfare services since April 1999. We will complete the final phase within 2001-02. The 19 SQSs were also modestly applied in all EBPS homes. With all RCHEs meeting licensing requirements, SWD targets to align SQSs with licensing standards in terms of management, health and care provision and where possible, to further enhance service quality.

(D) Prosecution

20. SWD had successfully prosecuted a total of 16 non-compliant homes since 1997. Another four cases of allegedly operating without there being in force a valid licence are pending legal advice/court hearing. A list of prosecution actions taken in the past is available at Appendix IV for Members' reference.

21. Members will however notice that all the prosecution actions initiated are violations under Section 6(1) of the Ordinance for operating and managing a home without a valid licence/CoE. In practice, where there are substantiated complaints on service quality or breaches of licensing conditions (including those in the Code of Practice), LORCHE will issue warning letters to the home operators and follow up to ensure compliance. All the care homes concerned have managed to make rectifications after the issue of warnings so far and hence no licenses or certificates of exemption have been revoked. SWD will consider, in consultation with legal experts, ways and means to step up prosecution actions against non-compliant homes breaching licensing conditions in order to deter any malpractices that are detrimental to the welfare of the elders.

Health and Welfare Bureau/Social Welfare Department
April 2001

**A Brief Description of
the Financial Assistance Scheme
to help private RCHEs meet licensing requirements**

1. Background

The Residential Care Homes (Elderly Persons) Ordinance provides for the control of residential care homes for the elderly (homes) through a licensing system administered by the Director of Social Welfare. It aims to ensure that residents in these homes receive services of acceptable standards that are of benefit to them physically, emotionally and socially. The Residential Care Homes (Elderly Persons) Regulation specifies among other things, design and structural requirements as well as fire services requirements for these homes. In order to continue operation, most private homes for the elderly need to carry out improvement works for meeting the legislative standards. A Financial Assistance Scheme with a one-off injection of \$50 million from the Lotteries Fund was introduced with an aim to assist these homes to comply with the **safety precaution, design and structural requirements** of the Regulations.

2. Level of Support

Application for grants from the Scheme should be made to the Director of Social Welfare. The **maximum grant** allocated to each home can be **up to 60% of the approved costs** of the improvement works.

3. Coverage of the Scheme

Grants from the Financial Assistance Scheme are to be used to carry out the following improvements works :

- (a) Fire Services Installation for compliance with the “Code of Practice for Minimum Fire Service Installations and Equipment and Inspection and Testing of installations and Equipment” issued by the Fire Services Department. Examples include installation of smoke detection system, automatic sprinkler system, hose reel system, etc. All installations should be carried out by registered fire service installation contractors.

- (b) Electrical Installation for compliance with the Electricity Ordinance, Cap. 406. All fixed electrical installations should be installed, inspected, tested and certified by registered electrical workers or contractors.
- (c) Gas Installation for compliance with the Gas Safety Ordinance, Cap. 51. All installations should be undertaken by registered gas contractors.
- (d) Rectification of Unauthorized Building Works for compliance with the Buildings Ordinance, Cap. 123 and its subsidiary Regulations.
- (e) Improvement works to all fire exists and exit routes for compliance with the “Code of Practice of Means of Escape” issued by the Buildings Authority.
- (f) Installation of non-slippery tiles and railings to places like bathrooms, toilets and corridors and protective barriers to windows and staircases, etc. for compliance with the Residential Care Homes (Elderly Persons) Regulation and the Code of Practice for Residential Care Homes (Elderly Persons).
- (g) Any other improvement works considered necessary by the Director of Social Welfare for compliance with the Residential Care Homes (Elderly Persons) Regulation.

4. Eligibility

Homes should meet the following eligibility criteria before their applications for the Financial Assistance Scheme will be considered :

- (a) These homes should have come into existence and commenced operation at the existing premises before 1 April 1995.
- (b) Operators of the homes should have an intention to improve their homes for meeting the licensing standards and should continue operation for at least two more years.
- (c) The premises where the homes are situated must be self-owned properties or have a valid tenancy agreement of not less than 12

months at the time of application, or there is an option in the tenancy agreement for a further renewal of tenancy for 24 months or the landlord has undertaken to renew the agreement.

- (d) There should be no indication of objection from the Owner Corporation of the building concerned or the home is issued with a licence or a certificate of exemption.
- (e) The fee charged by the homes should be at a rate not more than the current cost recognized by the Bought Place Scheme for Private Homes for the Elderly and the Enhanced Bought Place Scheme after its introduction in 1998.
- (f) The services provided by the homes should be to the satisfaction of the Director of Social Welfare.

Social Welfare Department

**Training of Health Workers
in Residential Care Homes for the Elderly**

Purpose

To meet the staffing requirement as stipulated in the Residential Care Homes (Elderly Persons) Regulation, as well as with an aim to improve the health care service and meet the demand for health care staff in residential care homes for the elderly, the Social Welfare Department, in conjunction with professional health care training institutes, have organized a series of health worker training courses. Persons who have intention to join the residential care service for the elderly are invited to apply. Graduates of these training courses are qualified to be registered as health workers in accordance with the Residential Care Homes (Elderly Persons) Regulation.

Training Institutes

In order to provide training of quality standard, the Social Welfare Department has invited four training institutes from the health care profession in Hong Kong to organize the health worker training courses. They include the College of Nursing, Hong Kong, the Hong Kong Red Cross, the Hong Kong St. John Ambulance and the Management Society for Healthcare Professionals.

Course Content

In July 1999, the training course has been revamped to cover a total of 162 training hours. It is designed to equip trainees with the necessary knowledge and skills for a comprehensive understanding of health care for elderly persons. The training will be conducted through various medium of teaching to achieve this aim. The content of the training course includes :

- (1) Theory : including lectures on basic nursing skills for elderly persons, physiological and psychological development and common medical conditions of elderly, basic skills in interpersonal relationship, communication and management of residential care homes for the elderly etc.

- (2) Class demonstration and practice : to enhance the trainees' understanding on the skills of caring for the elderly persons.
- (3) Observational visits : to enable the trainees' understanding on the operations and service provision of residential care homes for the elderly.
- (4) Placement : a 40-hours placement in private residential care homes for the elderly will be arranged for all trainees to enhance their understanding on the operation and jobs of health workers in residential care homes for the elderly.

Social Welfare Department

[G29/G1460/gt]

**Bought Place Scheme (BPS) and
Enhanced Bought Place Scheme (EBPS)**

Bought Place Scheme (BPS)

- BPS was introduced in 1989 for buying places from private residential care homes for the elderly (RCHEs) to complement the supply of subvented residential care places and to give operators the financial incentives to raise the service standard.
- Bought places are categorized into A1, A2 and B according to their standards. The per capita space requirements are 9.5m², 8m², and 7m² respectively for A1, A2 and B category. In 1998-99, there were 1,200 places under BPS. With a view to providing a better level of care service to BPS residents, SWD has pledged to upgrade 950 BPS places to EBPS standard by 2001-02. As at 31.3.2001, 621 existing BPS places have been upgraded to EBPS standard and the total number of places under BPS was reduced to 579 provided by 28 private RCHEs. At present, there were no BPS participating homes under category A1 because all those homes have already been upgraded to EBPS standard.

Enhanced Bought Place Scheme (EBPS)

- In his 1997 Policy Address, CE announced “Care for the Elderly” as one of the strategic policy objectives. It has been the policy intention since 1997 and, with resources secured to provide 4,480 new places under EBPS by 2001-02.
- Under EBPS, places are purchased under EA1 and EA2 category. The per capita space requirements for EBPS are 9.5m² and 8m² respectively for EA1 and EA2 (which are above the licensing standard of 6.5m² per capita) is the same as the existing BPS. EBPS requires better staffing provision than BPS, the ratio of nursing and care staff is aligned with those of subvented homes. The main nursing and care staff in private homes are registered/enrolled nurses, health workers and care workers. A comparison of various aspects between BPS and EBPS is at the Annex.
- EBPS has been introduced in November 1998. As at 31.3.2001, there are 68 private RCHEs participating in EBPS, providing 3,724 places including 621 places upgraded from BPS to EBPS.

- We plan to provide a total of 5,680 places under both Schemes (i.e. 5,430 and 250 places under the EBPS and BPS respectively) by end of 2001-02.

Social Welfare Department

Comparison of BPS and EBPS
(position as at 31.3.2001)

Annex I

| Category | Licensing requirement | Bought Place Scheme (BPS) | | | Enhanced Bought Place Scheme (EBPS) | | |
|--|-----------------------------|---------------------------|-------------------------------------|-------------------------------------|-------------------------------------|------------------|---|
| | | A1 | A2 | B | EA1 | EA2 | |
| Space standard per resident | 6.5m ² | 9.5m ² | 8 m ² | 7 m ² | 9.5 m ² | 8 m ² | |
| <u>Manpower requirement for a Home with 40 places</u> | | | | | | | |
| Home Manager | 1 | 1 | 1 | 1 | 1 | 1 | |
| Registered/Enrolled Nurse | Note 1 | 1 | 8 (based on ratio of 1:5 residents) | 6 (based on ratio of 1:7 residents) | 2 | 0 | |
| Health Worker | 3 | 7 | | | 6 (based on ratio of 1:7 residents) | 2 | 4 |
| Care Worker | 4 | | | | | 8 | 8 |
| Ancillary Worker | 3 | 4 | 4 | 4 | 8 | 6 | |
| TOTAL : | 11 ^{Note 2} | 13 | 11 | 11 | 21 | 19 | |

Note 1 the home can employ a nurse or two health workers

Note 2 the staffing requirement is calculated based on 8 working hours per staff. For details, please refer to the Schedule 1 to the Residential Care Homes (Elderly Persons) Regulation

| Category | A1 | A2 | | B | | EA1 | | EA2 | |
|--|-----------|-----------|-------|----------|-------|------------|-------|------------|-------|
| | NA | Urban \$ | NT\$ | Urban \$ | NT\$ | Urban \$ | NT\$ | Urban \$ | NT \$ |
| Cost to government per place per month at 2000-01 prices after 1% EPP cut (net of fees paid by the elder) | | 5,147 | 4,674 | 5,065 | 4,651 | 7,005 | 6,346 | 5,921 | 5,366 |

Social Welfare Department
Record of Tariff on Offences in Contravention of
Residential Care Homes (Elderly Persons) Ordinance, Cap. 459 ^(Note)
(position as at 31.3.2001)

| Serial No. | Court | Offence | Name & Address of the residential care home for the elderly | Date of Hearing | Court Disposal |
|------------|--------------------------|---|--|-----------------|--|
| 1. | Fanling Magistracy | Section 6(1) Operating a residential care home for the elderly without being in force a Certificate of Exemption/Licence | Wan Luen Home for Elderly M/F., No. 158-160 Jockey Club Road, Sheung Shui, New Territories | 11.11.1997 | <ul style="list-style-type: none"> ● plead guilty ● fined \$3,000 |
| 2. | Shatin Magistracy | Section 6(1) Operating a residential care home for the elderly without being in force a Certificate of Exemption/Licence | Cambridge Nursing Home (Shatin Branch) Shops Nos. 2, 3 & 4, Level 2, Shatin Park Stage II, 1-3 Kong Pui Street, Shatin, New Territories | 8.7.1999 | <ul style="list-style-type: none"> ● plead guilty ● fined \$10,000 |
| 3. | North Kowloon Magistracy | Section 6(1) Operating a residential care home for the elderly without being in force a Certificate of Exemption/Licence | Shun Fuk Home for Aged (Pei Ho Street Branch) 1/F, Lung On Building, 173-179 Pei Ho Street & 45 Un Chau Street, Shamshuipo, Kowloon | 21.7.1999 | <ul style="list-style-type: none"> ● plead guilty ● each defendent fined \$5,000 |

| Serial No. | Court | Offence | Name & Address of the residential care home for the elderly | Date of Hearing | Court Disposal |
|------------|-----------------------------|---|---|-----------------|---|
| 4. | North Kowloon Magistracy | Section 6(1) Controlling a residential care home for the elderly without being in force a Certificate of Exemption/Licence | Tai Yang Gerocomy Centre 1/F Tai Yau Building, Cosmopolitan Estate, No. 12, Tai Ching Street, Tai Kok Tsui, Kowloon. Also known as No. 56-58, 1/F Ivy Street, Tai Kok Tsui, Kowloon | 13.10.1999 | <ul style="list-style-type: none"> ● plead guilty ● each defendent fined \$5,000 |
| 5. | San Po Kong Magistracy | Section 6(1) Managing a residential care home for the elderly without being in force a Certificate of Exemption/Licence | Tse Wan Shan Cambridge Nursing Home Limited Shop No. 2 and 7 of G/F, 1/F-2/F, 68-72 Yuk Wah Street, Tse Wan Shan, Kowloon | 20.10.1999 | <ul style="list-style-type: none"> ● plead guilty ● fined \$15,000 |
| 6. | Tuen Mun Magistracy | Section 6(1) Operating a residential care home for the elderly without being in force a Certificate of Exemption/Licence Section 6(1) Managing a residential care home for the elderly without being in force a Certificate of Exemption/Licence | Hong Pak Elderly Centre Shop 9 of G/F, 2, 4, 6 & 8, Wo Ping Path, 7-11, 15-25, 29, 33-35 Yan Ching Street, 1/F to 3/F, 27 Yan Ching Street, Tuen Mun Centre, Tuen Mun, New Territories | 10.12.1999 | <ul style="list-style-type: none"> ● plead guilty ● fined \$20,000 ● plead guilty ● fined \$6,000 |

| Serial No. | Court | Offence | Name & Address of the residential care home for the elderly | Date of Hearing | Court Disposal |
|------------|--------------------|--|--|-----------------|---|
| 7. | Eastern Magistracy | <p>Section 6(1) Managing a residential care home for the elderly without being in force a Certificate of Exemption/Licence</p> <p>Section 6(1) Operating a residential care home for the elderly without being in force a Certificate of Exemption/Licence</p> <p>Section 6(1) Operating a residential care home for the elderly without being in force a Certificate of Exemption/Licence</p> | Siu Sin Nursing Centre Flat A & B, 2/F, Top View Mansion, 10 Canal Road West, Wanchai, Hong Kong | 29.2.2000 | <ul style="list-style-type: none"> ● plead guilty ● fined \$5,000 ● plead guilty ● fined \$15,000 ● plead guilty ● fined \$10,000 |

| Serial No. | Court | Offence | Name & Address of the residential care home for the elderly | Date of Hearing | Court Disposal |
|------------|---------------------------|--|--|-------------------------------------|--|
| 8. | Tsuen Wan Magistracy | <p>Section 6(1) Controlling a residential care home for the elderly without being in force a Certificate of Exemption/Licence</p> <p>Section 6(1) Managing a residential care home for the elderly without being in force a Certificate of Exemption/Licence</p> | <p>Cambridge Medicare Nursing Home Limited Shop G, G/F, 10 Shek Yi Road and 1/F to 3/F, 21 Shek Yam Road, Kam Wah Building, Kwai Chung, N.T.</p> | <p>1.3.2000 & 12.4.2000</p> | <ul style="list-style-type: none"> ● plead guilty ● fined \$8,000 ● plead guilty ● fined \$8,000 |
| 9. | San Po Kong Magistracy | <p>Section 6(1) Operating a residential care home for the elderly without being in force a Certificate of Exemption/Licence</p> | <p>Healford (International) Nursing Home G/F, No. 9 Suffolk Road, Kowloon Tong, Kowloon</p> | <p>3.3.2000</p> | <ul style="list-style-type: none"> ● plead guilty ● fined \$10,000 |

| Serial No. | Court | Offence | Name & Address of the residential care home for the elderly | Date of Hearing | Court Disposal |
|------------|--------------------|--|---|-----------------------------------|---|
| 10. | Western Magistracy | <p>Section 6(1) Operating a residential care home for the elderly without being in force a Certificate of Exemption/Licence</p> <p>Section 6(1) Operating a residential care home for the elderly without being in force a Certificate of Exemption/Licence</p> <p>Section 6(1) Operating a residential care home for the elderly without being in force a Certificate of Exemption/Licence</p> <p>Section 6(1) Managing a residential care home for the elderly without being in force a Certificate of Exemption/Licence</p> | Siu Sin Nursing Centre Flat A, G/F, East Asia Building, 43-47 Third Street, Sai Ying Poon, Hong Kong | <p>12.6.2000</p> <p>10.7.2000</p> | <ul style="list-style-type: none"> ● plead guilty ● fined \$20,000 ● plead guilty ● fined \$20,000 ● plead guilty ● fined \$30,000 ● plead guilty ● fined \$500 |

| Serial No. | Court | Offence | Name & Address of the residential care home for the elderly | Date of Hearing | Court Disposal |
|------------|---------------------|---|---|-----------------|--|
| 11. | Western Magistracy | Section 6(1) Operating a residential care home for the elderly without being in force a Certificate of Exemption/Licence | Aberdeen Cambridge Nursing Home Limited Shop A2 & Part of Shop B on Lower G/F, Shop A & B on Upper G/F, Ocean House, 64-70 Old Main Street, Aberdeen, Hong Kong. | 14.8.2000 | <ul style="list-style-type: none"> ● plead guilty ● fined \$30,000 |
| 12. | Tuen Mun Magistracy | Section 6(1) Operating a residential care home for the elderly without being in force a Certificate of Exemption/Licence | Tung Hoi Association for the Senior Citizens Limited 1 st & 2 nd floor, Kam Long Building, No. 41-59 Tai Tong Road, Yuen Long, N.T. | 25.8.2000 | <ul style="list-style-type: none"> ● plead guilty ● fined \$8,000 |
| 13. | Eastern Magistracy | Section 6(1) Operating a residential care home for the elderly without being in force a Certificate of Exemption/Licence | Hong Nga Residential Care Home 1/F, Tak On Mansion, 32-34 Morrison Hill Road, Wanchai, Hong Kong | 5.9.2000 | <ul style="list-style-type: none"> ● plead guilty ● fined \$34,000 |

| Serial No. | Court | Offence | Name & Address of the residential care home for the elderly | Date of Hearing | Court Disposal |
|------------|---------------------------|--|--|-----------------|--|
| 14. | San Po Kong Magistracy | Section 6(1) Operating a residential care home for the elderly without being in force a Certificate of Exemption/Licence | Cumberland Road Cambridge Nursing Home Limited No. 5 Cumberland Road, Kowloon Tong, Kowloon | 15.9.2000 | <ul style="list-style-type: none"> ● plead guilty ● fined \$15,000 |
| 15. | Tsuen Wan Magistracy | Section 6(1) Operating a residential care home for the elderly without being in force a Certificate of Exemption/Licence Section 6(1) Operating a residential care home for the elderly without being in force a Certificate of Exemption/Licence | Pak Lam Home for the Aged 2/F – 3/F Wanson House, 119 Castle Peak Road, Tsuen Wan, New Territories. | 14.12.2000 | <ul style="list-style-type: none"> ● plead guilty ● each defendant fined \$2,500 |

| Serial No. | Court | Offence | Name & Address of the residential care home for the elderly | Date of Hearing | Court Disposal |
|------------|---------------------|---|--|-----------------|---|
| 16. | Tuen Mun Magistracy | Section 6(1) Operating a residential care home for the elderly without being in force a Certificate of Exemption/Licence | Shun Fuk Home for Aged (Tuen Mun Branch) 1/F Man Shing Building, 7 Kai Fat Path, Tuen Man, New Territories. | 12.1.2001 | <ul style="list-style-type: none">● plead guilty● fined \$30,000 |

Note : While there are 16 successful court cases insofar, Social Welfare Department has also initiated prosecution action against 4 private homes for operating without there being in force a valid license, now pending for legal advice/court hearing.

Social Welfare Department
March 2001