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Panel on Welfare Services

Background brief prepared by Legislative Council Secretariat for the meeting on 11 June 2007

Licensing of residential care homes for people with disabilities

Purpose

This paper provides background information and gives an account of the discussions of the Panel on Welfare Services (the Panel) on the proposal to introduce a licensing system for residential care homes for people with disabilities (PWDs).

Provision of residential care homes for PWDs

Government subvented residential care services for PWDs

2. According to the Administration, there are some 230 subvented homes and self-financing homes for PWDs run by non-governmental organisations (NGOs) offering residential care services for handicapped adults, discharged mental patients, and chronic mental patients.

3. In order to identify PWDs with genuine need for residential services and to match them with appropriate types of services, a Standardized Assessment Tool for Residential Services for People with Disabilities was implemented with effect from 1 January 2005. All applicants for subvented residential services for PWDs must be assessed by the Tool to ascertain their residential services needs before they are put on the central waiting list/admitted to their required service units.

Private homes for PWDs

4. As of September 2006, there were 33 private homes known to the Social Welfare Department (SWD) taking care of around 1 000 PWDs. A majority of

them are set up in village houses in the New Territories, while a few are located in Kowloon. These private homes admit a mixture of disability types including mentally handicapped, mentally ill, physically handicapped and stroke patients with a wide range in age group. Most of the residents are adults and there are a few teenagers attending special schools.

Monitoring of private homes for PWDs

5. While the operation of private homes for PWDs is not subject to a licensing scheme or monitoring mechanism, the Administration has put in place measures to provide advice and guidance for the operation of private homes, with a view to improving their operation and quality of services.

Code of Practice

6. In 2002, SWD issued a Code of Practice for Residential Care Homes for Persons with Disabilities (Code of Practice) which served as a guide to the operators on the minimum standard of service as well as the basis for SWD to provide advice and guidance to the private homes.

Regular visits

7. District staff of SWD have been paying regular liaison visits to the private homes for PWDs to give advice on drug administration, use of physical constraints on residents, meals, hygiene and infection control, compliance with the Code of Practice, etc.

Other support for private homes

8. Apart from regular liaison visits, SWD provides other forms of support for private homes for PWDs. This includes financial support from the Lotteries Fund for the installation of cohorting facilities for combating infectious diseases, provision of influenza vaccination for the residents and staff, and provision of staff training places.

Motion passed by the Subcommittee to Study Issues Relating to the Provision of Boarding Places, Senior Secondary Education and Employment Opportunities for Children with Special Educational Needs

9. At the meeting on 20 January 2006, the Subcommittee to Study Issues Relating to the Provision of Boarding Places, Senior Secondary Education and Employment Opportunities for Children with Special Educational Needs discussed the transitional arrangements for children with special educational needs in respect of residential services. Expressing grave concern about the

operation of and quality of services in the private homes for PWDs, members passed a motion urging the Government to legislate expeditiously on the regulation of these private homes and, in the interim, to make various feasible administrative efforts to curb the provision of unreasonable residential services in private homes for PWDs, and to step up inspections, and increase the number of subsidised homes to shorten the waiting time.

Discussions by the Panel on Welfare Services

10. Following the passage of the above motion, the Administration briefed the Panel on 21 March 2006 on the proposed measures to strengthen the monitoring of quality of services in private homes for PWDs. The deliberations of the Panel are summarised below.

Licensing scheme for homes for PWDs

11. Members were concerned about the quality of services in private homes for PWDs, in particular the maltreatment of residents by unqualified staff in private homes. They strongly urged the Administration to consider introducing legislation and setting up a licensing system to regulate the operation of private homes.

12. The Administration advised that the quality of services in private homes for PWDs had been an issue of concern to the Government. To this end, the Administration had agreed in principle to introduce in the long run a licensing scheme for homes for PWDs. However, as the licensing scheme would apply to all the subvented homes, self-financing homes operated by NGOs as well as private homes, the Administration would need to consider the appropriate licensing requirements, taking into account the special circumstances of these homes. The Administration would conduct a detailed survey on the situation of all homes for PWDs. In consideration of the need to map out the detailed implementation plan particularly with regard to manpower requirements and renovation works, the Administration envisaged that it would take at least two years before a bill could be introduced into the Legislative Council (LegCo).

13. Members considered that a licensing scheme for homes for PWDs had been long overdue and it was unacceptable for the Administration to require two years to introduce the bill into LegCo. They questioned the need for conducting a detailed survey on the situation of homes for PWDs, given that the services provided by all subvented homes and self-financing homes were monitored by SWD. Members suggested that to expedite the process of introducing a licensing scheme, the Administration could make reference to the licensing exercise for elderly homes.

14. The Administration explained that the aim of the survey was to find out the extent of renovation or improvement works that needed to be carried out in private homes to comply with the latest building and/or fire safety requirements. The Administration added that the licensing regime for elderly homes took six years to set up. Hence, two years was the minimum time required for introducing a bill on the licensing scheme. The Administration would strive to expedite the regulation of homes for PWDs.

15. Members took the view that all stakeholders, including home operators and family members of residents, should be consulted before deciding on the licensing scheme.

16. The Administration responded that a dedicated consultative group comprising all stakeholders, including home operators and parents of PWDs, would be set up to give advice on the licensing requirements and related issues prior to the drafting of legislation on the licensing scheme.

17. To speed up the introduction of the licensing regime, Mr LEE Cheuk-yan suggested that the Administration should first set out the licensing requirements, and then grant a conditional licence to those homes which were unable to fully comply with the licensing requirements. This would allow time for these homes to upgrade their services and carry out the necessary improvement works for compliance with the licensing requirements as well as shorten the time for consulting the stakeholders on the licensing requirements.

18. The Administration explained that it would not be practical to set out the licensing requirements without first understanding the special situation of the homes. Given the many different types of disabilities, time would be required to hammer out the licensing requirements for homes for PWDs so as to ensure that the licensing regime could meet the needs of different types of PWDs.

Voluntary Registration Scheme

19. Members expressed grave concern about the interim measures taken by the Administration to strengthen the monitoring of the quality of services in private homes pending the introduction of the licensing scheme.

20. The Administration advised that a voluntary registration scheme (VRS) for private homes for PWDs would be implemented as an interim measure to encourage the operators to enhance the quality of their services. Funding support would be considered, on a case by case basis, for individual private homes to carry out improvement works. The Administration would list the names of the private homes which had made improvements up to its satisfaction on the SWD's website so that the public could identify suitable private homes for their disabled family members. Private homes which had been put on the VRS

list but were later found to provide unsatisfactory services would be removed from the list.

21. Ms LI Fung-ying considered that the Administration should provide a concrete timetable and the financial implications involved in helping private homes for PWDs to enhance the quality of their services and to meet the service standards.

22. The Administration envisaged that the VRS scheme could be implemented by the end of 2006. However, it was difficult to give an accurate estimate of the financial implications involved in helping private homes to enhance the quality of their services, as the circumstances of each private home varied. SWD would discuss with individual homes on improvements to be made and funding support might be considered on a case by case basis for individual homes to carry out improvement works.

23. Subsequent to the meeting, the Administration has provided members with the tentative work schedule of VRS and licensing of residential care homes for PWDs in October 2006. The information which has been circulated to the Panel is in the **Appendix**.

Regular visits

24. Members noted that to further enhance the monitoring of private homes for PWDs, SWD would increase the frequency of regular liaison visits to these homes from twice to four times a year. However, members considered that increasing the frequency of regular liaison visits was far from effective to deter the private homes from maltreating their residents, as most of these residents were unable to make their plight known to others. Some members suggested that the regular visits should be interspersed with unscheduled ones. Furthermore, a mechanism should be established to receive complaints from family members of residents on matters relating to the operation and services of private homes.

25. The Administration advised that SWD would maintain its original plan for conducting four regular liaison visits to each private home in a year. In addition, ad hoc and unscheduled visits would be conducted as and when necessary, for instance, in response to a complaint. However, in considering surprise visits to private homes, due regard would have to be given to maintaining a partnership with the operators in implementing a licensing scheme. The Administration was also considering setting up a hotline for the public and family members of service users to complain against the operation of homes for PWDs.

Latest development

26. The Administration will brief the Panel on the progress of VRS and the licensing of residential care homes for PWDs at its meeting on 11 June 2007.

Relevant papers

27. Members are invited to access the LegCo website at <http://www.legco.gov.hk> to view the minutes and relevant papers of the meeting of the Panel on Welfare Services on 21 March 2006.

Council Business Division 2
Legislative Council Secretariat
5 June 2007

Tentative Work schedule of the Voluntary Registration Scheme and Licensing of Residential Care Homes for People with Disabilities

<u>Time</u>	<u>Action</u>
April 2006	Data collection visits to private homes, drawing up registration standards and application procedures under the Voluntary Registration Scheme (VRS) for private homes of people with disabilities
September 2006	Establishing a multi-disciplinary Registration Office and formally launching of the VRS
October 2006	Processing applications for VRS and conducting inspections of private homes
December 2006	Completion of vetting the first batch of applications and announcing qualified private homes under the VRS
Early 2007 onwards	Conducting survey on all 240 subvented and self-financing homes for people with disabilities
	Consulting the NGOs and relevant parties in the course of a detailed review of the existing Code of Practice (CoP) for residential care homes for people with disabilities
End of 2007/early 2008 onwards	Preparing draft legislative proposals
	Consultation with Legislative Council Panel on Welfare Services regarding the specifications and requirements of the licensing system and the draft legislative proposals
	Preparing the draft Bill
2008	Aim to introduce Bill into LegCo

Social Welfare Department
October 2006