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Panel on Welfare Services

**Updated background brief prepared by Legislative Council Secretariat
for the meeting on 25 February 2009**

Licensing of residential care homes for persons 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 scheme for residential care homes for persons with disabilities (RCHDs).

Provision of RCHDs

Government subvented residential care services for the disabled

2. According to the Administration, there are 187 subvented RCHDs and 17 self-financed RCHDs operated by non-governmental organisations (NGOs) offering residential care services for physically impaired, mentally impaired, ex-mentally ill and blind persons. As at December 2007, there were 10 700 subsidised residential care places for persons with disabilities (PWDs).

3. In order to identify PWDs with genuine need for residential services and to match them with appropriate types of services, a Standardised 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 RCHDs

4. As at 1 April 2008, there were 40 private RCHDs known to the Social Welfare Department (SWD) providing 2 293 residential places with an

occupancy rate of 69%. The majority of them are 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.

5. With the assistance of the private RCHD operators in providing data on the profile of their residents, SWD obtained the data of 1 354 residents living in 33 private RCHDs. The findings showing the position in December 2007 are as follows –

(a) Proportion of female and male residents

There were 460 (34%) female residents and 894 (66%) male residents.

(b) Distribution of residents of different age range

Thirty-three residents (2%) were aged from 15 to 18; 603 (45%) aged from 19 to 44; and 627 (46%) aged from 45 to 59. Residents aged below 15 constituted 1% (12 persons), while those aged over 60 or above constituted 6% (79 persons) of the total number of residents.

(c) Types of disabilities

50% (677 persons) of the residents were ex-mentally ill; 27% (362 persons) with intellectual disability; 3% (39 persons) with physical disability; 19% (263 persons) suffering from more than one type of disability; 0.2% (3 persons) being visually impaired; and 0.7% (10 persons) falling under the miscellaneous category including some elders.

(d) Comprehensive Social Security Assistance (CSSA) recipients

Of the 1 354 residents, 1 217 were CSSA recipients (90%).

(e) Fees charged

The monthly fees charged by the private RCHDs for each resident ranged from \$2,500 to \$7,000.

Monitoring of RCHDs

6. As there is no licensing scheme for RCHDs, the operation of private RCHDs is not subject to a licensing scheme or monitoring mechanism.

However, the Administration has put in place measures to provide advice and guidance for the operation of RCHDs, including private homes, with a view to improving their operation and quality of services.

Code of Practice

7. In 2002, SWD issued a Code of Practice for Residential Care Homes for Persons with Disabilities (the Code of Practice) which serves 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 RCHDs.

Regular visits

8. District staff of SWD have been paying regular liaison visits to RCHDs 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

9. Apart from regular liaison visits, SWD also provides other forms of support for private RCHDs. 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

10. 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

11. 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 Panel held three further meetings on 11 June 2007, 8 May 2008 and 12 January 2009 to discuss the progress of introducing a licensing scheme for RCHDs. The Panel also received views from 10 deputations on the matter.

Voluntary Registration Scheme

12. At its meeting on 21 March 2006 when the Panel was briefed on the proposed measures to strengthen the monitoring of quality of services in private homes for PWDs, the Administration agreed that a licensing scheme for RCHDs should be introduced in the long run. However, as the licensing scheme would apply to all 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. As it took time to prepare for the licensing legislation, the Administration suggested introducing a Voluntary Registration Scheme (VRS) as an interim measure to enhance their service quality.

13. Members were advised that the implementation of VRS would encourage the operators to enhance the quality of their services pending the introduction of the licensing scheme. Funding support would be considered, on a case by case basis, for individual private RCHDs to carry out improvement works. The Administration would list on the SWD's website the names of the private homes which had made improvements which met the VRS requirements so that the public could identify suitable private homes for their disabled family members. SWD had also set up a dedicated VRS Hotline. Private RCHDs which had been put on the VRS list but were later found to provide unsatisfactory services would be removed from the list.

14. At the Panel meeting on 8 May 2008, the Administration advised that 26 private RCHDs had submitted applications to join VRS. Of these 26 private RCHDs, six had successfully joined VRS after carrying out improvements works; 10 were carrying out or considering to carry out improvement works; and 10 had withdrawn their applications due to difficulties in complying with the requirements. The remaining 14 private RCHDs had not applied to join the scheme for such reasons as not being able to meet the requirements or expiry of land lease.

15. Members considered the implementation of VRS unsatisfactory. Noting that over 2 000 PWDs were currently living in private RCHDs which could not meet the requirements of VRS, members held the view that the Administration should provide assistance for private homes to comply with the service standards prior to the introduction of the licensing scheme for RCHDs.

16. The Administration advised that private RCHDs would be advised to take

necessary measures to satisfy the stipulated requirements under the Code of Practice prior to the introduction of the licensing scheme, and a grace period would be provided for them after the statutory requirements came into force. In parallel with the implementation of VRS, SWD had taken measures to assist all private RCHDs, including those which had not joined VRS, to enhance their quality of services. For example, training workshops had been organised for staff of all private RCHDs on health care, use of physical restraints and effective drug management. SWD had also invited frontline staff of private homes to join the training courses organised by SWD for staff of subvented NGOs with a view to better equipping them with the essential knowledge and skills in serving PWDs.

Licensing scheme for RCHDs

17. On the progress of introduction of the licensing scheme, members were advised that the Registration Office of Private Residential Care Homes for the Disabled (the Registration Office), which was set up in September 2006, had conducted a detailed survey on the conditions of all 244 RCHDs known to SWD. 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 inspection would also help identify areas for improvements in both private and subvented RCHDs, and assess the reprovisioning need for some homes. RCHDs not meeting the required standards were advised to carry out improvement works and/or to take other necessary measures in order to satisfy the stipulated requirements.

18. Members were also advised that the Code of Practice would serve as a blueprint for the future licensing scheme. Four consultation sessions for groups of parents of PWDs, NGOs and operators of private RCHDs were held between April and June 2007 to collect views on the Code of Practice and the future licensing standards. A Working Group on RCHDs with representatives from parents' groups of PWDs, PWDs, subvented RCHDs, private RCHDs as well as academia and the Hong Kong Council of Social Service was formed in July 2007 to review the Code of Practice. The Working Group convened six meetings during the period from July 2007 to January 2008, and organised two consultation sessions in December 2007 to gather further views from the rehabilitation sector and stakeholders.

19. Members took the view that a licensing scheme for RCHDs had been long overdue and strongly urged the Administration to speed up the legislative timetable for the licensing regime. Members also urged the Administration to make necessary arrangements for those residents who were currently residing in private homes which would discontinue operation for not being able to meet the licensing requirements.

20. The Administration advised that SWD planned to revert to the Panel on the revised Code of Practice upon the commencement of the 2008-2009 session. To foster the preparatory work, SWD would consult the Working Group on RCHDs in the course of finalising the revised Code of Practice and on issues related to the introduction of the licensing scheme for RCHDs. The Administration stressed that it aimed to introduce a Residential Care Homes (Persons with Disabilities) Bill to the Legislative Council in the 2008-2009 session.

21. At its meeting on 12 January 2009, the Panel was updated on the progress of the preparatory work for introducing a licensing scheme for RCHDs and briefed on the draft revised Code of Practice for RCHDs which set out all the requirements for compliance by RCHDs. While welcoming the proposal to introducing a licensing regime for RCHDs, members expressed grave concern that some private RCHDs would close down after the implementation of the licensing system due to non-compliance of the requirements or would increase the home fees to meet the costs for improvement works. Given that over 6 000 PWDs were currently on the central waiting list for subsidised RCHD places and only 439 and 515 additional places would be provided in 2008-2009 and 2009-2010 respectively, members were of the view that the Administration should put in place measures to shorten the waiting time for subvented RCHD places in parallel with the introduction of a licensing scheme. Some members made the following suggestions –

- (a) providing one-off subsidy or low interest loans for private RCHDs to carry out improvement works;
- (b) making reference to the Enhanced Bought Place Scheme for residential care homes for the elderly and purchasing places from private RCHDs; and
- (c) making corresponding upward adjustment to the monthly CSSA payments to those residents of private RCHDs who were on CSSA to meet the increased home fees.

22. The Administration advised that the proposal of providing one-off subsidy to private RCHDs should be considered carefully in the light of the proper use of public money. It would consider critically the proposal of purchasing places from private RCHDs, bearing in mind that the standards under a Bought Place Scheme would be higher than the minimum requirements as stipulated in the draft Code of Practice. The Administration stressed that it would continue to bid for additional resources to increase the supply of subsidised residential care places and identify suitable sites for RCHDs.

23. Members maintained the concern about the impact of the proposed licensing regime on the operation of RCHDs and the well-being of RCHD

residents. They strongly urged the Administration to conduct an overall assessment of the impact of the proposal on the operation of existing RCHDs and residents of RCHDs, in particular the impact on the waiting time for admission to subsidised residential care places, fees of private RCHDs and service quality of RCHDs. The Panel will hold a special meeting on 25 February 2009 to receive views from deputations on the proposed licensing system.

Relevant papers

24. Members are invited to access the LegCo website at <http://www.legco.gov.hk> to view the Administration's papers for the meetings of the Panel on Welfare Services on 21 March 2006, 11 June and 12 November 2007, 8 May 2008 and 12 January 2009 as well as the relevant minutes of the meetings.

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