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LABOUR AND WELFARE BUREAU
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Legislative Council Secretariat
Legislative Council Building
8, Jackson Road
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(Attn: Miss Betty Ma)

Dear Miss Ma,

Height Restriction on Residential Care Homes for the Elderly

At the meeting of the LegCo Subcommittee on Poverty Alleviation held on 6 April 2009, Members shared views on the height restriction on residential care homes for the elderly (RCHEs), and suggested the Administration to consider relaxing the concerned restriction so that more premises could be used for operating RCHEs and that RCHEs located in stand-alone buildings could expand their capacity by constructing additional storeys. We (the Labour and Welfare Bureau and the Social Welfare Department (SWD)) have consulted the Fire Services Department (FSD) on the issue. Our reply is as follows:

Justifications for imposing a height restriction on RCHEs

Section 20 of the Residential Care Homes (Elderly Persons) Regulation (Cap 459 sub. leg. A) (the Regulation) stipulates that no part of a residential care home shall be situated at a height more than 24 metres (equivalent to the height of seven to eight storeys) above the ground, measuring vertically from the ground of the building to the floor of the premises in which the residential care home is to be situated. The main purpose of restricting the height of RCHEs to no more than 24 metres above ground is to ensure the safety of elders in case of fire or other emergencies.

The residents of RCHEs are all frail elders. Many of them are wheelchair-bound or even bed-ridden. They need intensive assistance to escape in case of fire or other emergencies. At present, most RCHEs, particularly the private ones, are located in multi-storey domestic or composite buildings which do not usually provide designated lifts and fire escapes for RCHEs. Despite the advances in firefighting facilities, it remains an arduous task to assist and escort large groups of elders with mobility problems to the ground during emergencies. The evacuation operation may also pose safety risks to other users of the building. Therefore, the shorter the vertical distance of an RCHE is from the ground, the safer it is for elderly residents and other users of the building in case of emergencies.

As at end-April 2009, there were 757 RCHEs in Hong Kong and 572 of them were private RCHEs. In fact, over 90% of these private RCHEs are situated at a vertical distance of about 15 metres or less from the ground. This shows that the RCHE operators also understand that running RCHEs at higher floors may entail greater safety risks.

Relaxing the height restriction on individual RCHEs

As hospitals are not subject to any statutory height restriction at present, this Bureau and SWD have also consulted FSD on the operation experience of hospitals. It is worth noting that hospitals are usually located in stand-alone and purpose-built premises. All the facilities within the premises are under a single management. In addition, the structure, design, fire escape, fire resistance of the construction materials, and fire service installations and equipment of the premises must comply with very stringent requirements. This will facilitate the rescue teams to conduct rescue and evacuation operations expeditiously in case of fire or other emergencies. At the same time, the building designs can slow down the spread of fire. For instance, hospitals provide appropriate areas to shelter patients from fire. Depending on the circumstances, hospitals will have larger fireman's lift(s) to help evacuate patients.


Since the facilities requirements for RCHEs are not comparable to that of hospitals, there is a need to impose a height restriction on RCHEs. Nevertheless, we appreciate that individual RCHEs may have a genuine need for height relaxation to maximise the use of the premises. In this regard, the Regulation already allows the Director of Social Welfare (DSW) to relax the height restriction of individual RCHEs. Subject to the professional advice of FSD, DSW will consider and approve applications for relaxation of height restriction if the applicants can demonstrate the need for accommodating the RCHEs at a height higher than 24 metres above ground and that the safety issues can be properly addressed.

Having taken into account the advice of FSD, DSW will first look into the safety issue when considering applications for relaxation of height restriction. Therefore, DSW will only consider relaxing the height restriction of an RCHE that fulfills the following additional requirements:

- (i) those parts of the RCHE that are higher than 24 metres from the ground are only used for non-dormitory purposes (e.g. kitchens, laundry rooms, general offices and auxiliary facilities for elderly residents, etc.);
- (ii) the entire building is purpose-built and the facilities therein (including the RCHE) are under a single management;
- (iii) the facilities for evacuation and rescue must be provided to the satisfaction of DSW; and
- (iv) there should be appropriate evacuation, contingency and fire drill plans to the satisfaction of DSW.

At the same time, SWD will continue to identify suitable sites throughout the territory for construction of new RCHEs with a view to increasing the supply of subsidised residential care places.

We thank Members for their attention on the issue.


(Ms Betty Ho)
for Secretary for Labour and Welfare

c.c.

Director of Social Welfare (Attn: Mrs Kathy NG)
Director of Fire Services (Attn: Mr LAI Man-hin)