

**LEGISLATIVE COUNCIL
PANEL ON WELFARE SERVICES**

**Supplementary Information on Issues Raised at the Meetings held on
14 January 2013 and 16 April 2013**

Purpose

In response to Members' requests at the meetings held on 14 January 2013 and 16 April 2013, this paper sets out the latest position on the application for licence/certificate of exemption (CoE) under the licensing scheme for residential care homes for persons with disabilities (RCHDs) following the expiry of the grace period.

Background

2. To allow sufficient time for individual RCHDs to put in place suitable arrangements for application for a licence or CoE, there was a grace period of 18 months starting from the commencement of the Residential Care Homes (Persons with Disabilities) Ordinance (the Ordinance) (Cap. 613) on 18 November 2011 (except Part 2). An RCHD must fully comply with all the licensing requirements in respect of building safety, fire safety, health care and home management in order to obtain a licence. For RCHDs that existed immediately before the commencement date of the Ordinance (i.e. 18 November 2011) but are unable to comply fully with the licensing requirements, CoEs may be issued in order to allow reasonable time for these RCHDs to carry out improvement works for meeting the licensing requirements and standards.

3. Part 2 of the Ordinance has come into operation since 10 June 2013. Any person who operates, keeps, manages or in any other way has control of an RCHD without a valid licence or CoE commits an offence. The Social Welfare Department (SWD) will take appropriate enforcement actions, including prosecuting the home operator and/or home manager. The maximum penalty on conviction is a fine at level 6 (\$100,000 at present) and imprisonment for two years. In the case of a continuing offence, a further fine of \$10,000 for each day can be imposed.

Latest Progress of the Licensing Scheme

4. At present, all RCHDs in the territory have been issued with licences or CoEs under the Ordinance, including 68 private RCHDs¹, 218 subvented RCHDs and 18 self-financing RCHDs² operated by non-governmental organisations. Out of these 304 RCHDs, 17 RCHDs have been issued with licences (including 9 private RCHDs, 5 subvented RCHDs and 3 self-financing RCHDs) and 287 RCHDs issued with CoEs (including 59 private RCHDs, 213 subvented RCHDs and 15 self-financing RCHDs). In general, the validity period of the CoEs issued by SWD under the Ordinance is between 9 and 18 months, depending on the service performance and the progress of improvements for individual RCHDs. The lists of RCHDs issued with licences or CoEs are available on the website of SWD for public information.

5. Since the commencement of the Ordinance on 18 November 2011, 13 private RCHDs have ceased operation, mainly due to commercial considerations, expiry of tenancy, business re-organisation or relocation to other premises. These include the five private RCHDs that were closed before the expiry of the grace period as mentioned by Members of the Panel on Welfare Services at the meeting held on 16 April 2013, and arrangements have been made for the 45 affected residents to receive service at other residential care homes or units. On the other hand, SWD has received two applications for operating new private RCHDs since the commencement of the Ordinance. One of them has successfully obtained a licence and started to operate, while the other application is being processed.

6. SWD will continue to closely monitor the operation of RCHDs, maintain communication with the home operators and step up inspections as necessary to ensure that the service of RCHDs comply with the relevant requirements.

**Social Welfare Department
July 2013**

¹ The above figures include two private RCHDs split from existing homes and four private RCHDs merged from existing homes.

² The above figures include a self-financing RCHD merged from two existing homes.