

**LEGISLATIVE COUNCIL
PANEL ON WELFARE SERVICES**

**Progress on the Licensing Scheme for
Residential Care Homes for Persons with Disabilities**

Purpose

This paper reports the progress of the implementation of the licensing scheme to regulate residential care homes for persons with disabilities (RCHDs) by the Social Welfare Department (SWD) and the related complementary measures.

Background

2. The Residential Care Homes (Persons with Disabilities) Ordinance (the Ordinance) (Cap. 613) has come into operation since 18 November 2011, except Part 2 on sanctions for operating a residential care home without a licence/certificate of exemption (CoE). The Ordinance provides for the control of RCHDs through a licensing system administered by the Director of Social Welfare (DSW) to ensure that RCHDs reach an acceptable service standard. In tandem, the Secretary for Labour and Welfare has made the Residential Care Homes (Persons with Disabilities) Regulation (the Regulation), stipulating the statutory requirements for the operation, management and supervision of RCHDs. Moreover, by virtue of the powers conferred by the Ordinance, DSW issued the Code of Practice for Residential Care Homes (Persons with Disabilities) (Code of Practice), setting out the principles, procedures, guidelines and standards for the operation, management and other control of RCHDs. For background information of the Ordinance and the Regulation, please refer to the Legislative Council (LegCo) Briefs issued on 15 June 2010 and 28 June 2011 respectively.

3. To allow sufficient time for individual RCHDs to put in place suitable arrangements for application for a licence/CoE, there is a grace period of 18 months starting from the commencement of the Ordinance during which SWD would process the applications for licence/CoE. 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. RCHDs which are established and commence operation on or after that date are required to hold a valid licence so as to ensure that the services of RCHDs comply with the statutory standards.

4. On 18 November 2011, there were 315 RCHDs in the territory, including 81 private RCHDs, 213 subvented and 21 self-financing RCHDs operated by non-governmental organisations (NGOs).

Licensing Office of Residential Care Homes for Persons with Disabilities

5. To carry out the statutory duties in relation to the licensing scheme, SWD has established the Licensing Office of Residential Care Homes for Persons with Disabilities (LORCHD) upon the commencement of the Ordinance. LORCHD is responsible for enforcing the licensing requirements stipulated in the Ordinance, the Regulation and the Code of Practice. The inspectorate teams of LORCHD conduct regular inspections in respect of building safety, fire safety, health care and home management to ensure that RCHDs comply with the statutory requirements in staffing, space and layout, building structure, precautionary measures and quality of care, etc. The daily routine of LORCHD includes processing applications for the issue and renewal of licence/CoE, inspection and monitoring after issue of licences/CoEs, handling non-compliant operators, handling public enquiries and complaints, and handling matters relating to the registration of health workers (please refer to Annex 1 for details).

6. Apart from the aforementioned scope of work, LORCHD also strives to enhance the service quality of RCHDs through various measures, such as implementing the Financial Assistance Scheme (FAS) for Private RCHDs (see paragraph 13 below) and the Pilot Bought Place Scheme (BPS) for Private RCHDs (see paragraphs 14 to 16 below), handling matters relating to RCHDs in collaboration with relevant departments (such as co-ordination with the Hospital Authority and the Department of Health in implementing infection control measures and obtaining professional advice on health care issues), organising training programmes and seminars for the staff of RCHDs, disseminating relevant information to RCHDs and the public, etc.

Briefing Sessions on the Ordinance

7. To enable operators of RCHDs to have a clear understanding on the operational details of the licensing system and the procedures of applying for licences/CoEs, SWD organised several briefing sessions for NGOs and private operators of RCHDs on 28 November, 30 November and 7 December 2011 respectively with a total attendance of about 500 participants. Apart from explaining the statutory requirements and operational details in the briefing sessions, SWD also distributed information folders enclosing the Code of Practice, Procedural Guide on Application for a Licence/CoE, Guidance Notes on Submission of Floor Plans for RCHDs, samples of the floor plans, and application forms for licence/CoE, etc.

8. SWD also conducted a briefing session on FAS for operators of private RCHDs on 29 December 2011. Having regard to the suggestion made by LegCo Members in the course of vetting the Regulation, SWD invited a representative of the Trade and Industry Department to provide information on the Small and Medium Enterprises Loan Guarantee Scheme at the briefing session to facilitate consideration by the operators for applying for the loans to meet the related financial needs.

9. To maintain communication with the sector and further elaborate on the licensing requirements, SWD organised a seminar and a sharing session again in June 2012 to assist the operators of private RCHDs and NGO representatives to properly follow up the application logistics in meeting the relevant requirements.

Progress of the Licensing Scheme

10. Subsequent to a series of briefing sessions as mentioned above, the sector has gained a better understanding of the licensing requirements and the related procedures. In this regard, some RCHDs have already applied for licences or CoEs under the Ordinance, while others are actively preparing for the applications. As at 1 January 2013, there were 312 RCHDs in the territory, including 78 private RCHDs, 213 subvented RCHDs and 21 self-financing RCHDs operated by NGOs. LORCHD has received applications in respect of 244 RCHDs, of which 10 RCHDs have been issued with licences and 147 RCHDs have been issued with CoEs. The remaining applications are being processed by LORCHD.

Complementary Measures of the Licensing Scheme

11. In tandem with the implementation of the licensing scheme, SWD has launched various schemes to provide subsidies for private, subvented and self-financing RCHDs to carry out improvement works for compliance with the related statutory requirements.

Subsidies for Subvented and Self-financing RCHDs to Undertake Improvement Works

12. For subvented and self-financing RCHDs, SWD is processing the Lotteries Fund applications submitted by NGOs for carrying out improvement works in building and fire safety. As at 1 January 2013, SWD has received 159 applications, of which 58 applications have been approved and the related improvement works have commenced. Where redevelopment or major renovation works are involved, some RCHDs would need a longer lead time to prepare their funding applications and improvement proposals. SWD will continue to process the remaining funding applications.

Subsidies for Private RCHDs to Undertake Improvement Works

13. For private RCHDs, the Lotteries Fund Advisory Committee has given funding support for a grant of HK\$39 million to SWD to implement the FAS for Private RCHDs (please refer to Paper No. CB(2)1977/10-11(05) of the Panel on Welfare Services for background information). The scheme aims to provide subsidies for eligible private RCHDs to carry out improvement works for compliance with the licensing requirements on building and fire safety. A maximum grant up to 60% of the recognised cost of the improvement works may be allocated to each RCHD (please refer to Annex 2 for details). In this regard, SWD extended invitation to operators of private RCHDs in December 2011 to apply for the subsidies under the scheme. SWD has received two applications as at 1 January 2013. Most of the private RCHDs are preparing the CoE applications and have indicated interest in applying for subsidies under the scheme having regard to the conditions and items for improvement specified by LORCHD.

Pilot Bought Place Scheme for Private RCHDs

14. SWD launched a four-year Pilot BPS for Private RCHDs in October 2010 to purchase about 300 places by phases (please refer to Paper No. CB(2)845/09-10(03) of Panel on Welfare Services for background information). This scheme aims to encourage private RCHDs to upgrade their service standards; to increase the supply of subsidised residential care places, thereby

shortening the waiting time for subsidised residential service; and to help the market develop more service options. As at 1 January 2013, six private RCHDs had successfully joined the BPS, providing a total of 245 BPS places. SWD will continue to keep in view the market situation of the private sector and purchase additional places.

15. BPS homes are required to comply with a set of spatial and staffing requirements beyond the licensing standards, and to comply with the Service Quality Standards which are also applicable to subvented service units (please refer to [Annex 3](#) for details). In tandem, SWD has set up a Service Quality Group, which comprises persons with disabilities, family members/carers and local stakeholders. Through visits to the BPS homes, group members will give suggestions on any service improvement.

16. A mid-term review is being conducted by SWD to keep track of the progress of implementation of the scheme and to refine the operational details as appropriate. SWD will conduct an overall review before the end of the pilot scheme to assess its long-term feasibility in terms of contract prices, home fees, the amount of government subsidies, the number of places to be bought etc, and examine the overall service quality and performance of private RCHDs.

Health Workers Training Course

17. The Regulation stipulates the staffing requirements for various types of RCHDs, including health workers whose registration is approved by DSW under the Regulation. Any person who intends to register as a health worker must complete a training course approved by DSW. In tandem with the implementation of the licensing system, SWD has invited training institutes to organise a series of health worker training courses in accordance with the relevant requirements applicable to RCHDs. These include the Health Worker Training Course for RCHDs, Bridging Courses for Health Workers of RCHDs, and Combined Health Worker Training Course which is applicable to both RCHDs and residential care homes for the elderly. Persons who are interested to work in RCHDs may enrol for these training courses (please refer to [Annex 4](#) for details).

18. Currently, DSW has approved 16 training institutes to organise health worker training courses, providing a total of 56 training courses applicable to RCHDs. In order to upgrade the health care skills of existing staff of RCHDs, the Employees Retraining Board provides training places to encourage these staff and health workers who are interested to work in RCHDs to enrol for the approved course on Module Certificate in Upgraded Caring Skills for Health

Workers in RCHDs. Participants who have successfully completed the training course may apply for registration as health workers according to the Regulation. As at 1 January 2013, more than 400 graduates of the health worker training courses have been registered as health workers under the Regulation.

19. Apart from the aforementioned training courses for health workers, SWD has also organised training programmes on infection control and management of psychotropic drugs for infection control officers and related staff of all RCHDs to enhance health protection of residents and staff of RCHDs. The programmes cover the principles and procedures of infection control, handling of psychotropic drugs and other health care matters.

Information to the Public

20. To facilitate better understanding of RCHDs by the public and persons in need of residential care, SWD has published a booklet : “Tips for Selecting a Suitable RCHD” in the course of implementing the licensing scheme. The objective is to provide basic information and guidelines for reference by persons with disabilities and their family members in selecting a suitable RCHD and preparing for admission to an RCHD.

Way Forward

21. To tie in with the full implementation of the licensing scheme for RCHDs, the Administration plans to publish a notice before the grace period expires to bring Part 2 of the Ordinance (see paragraphs 2 to 3 above) into operation. Upon the operation of Part 2, a person who operates an RCHD without a valid licence or CoE commits an offence. The Administration will later lay before LegCo a Commencement Notice to appoint the commencement date for Part 2 of the Ordinance.

Advice Sought

22. Members are invited to note the progress of the implementation of the licensing scheme for RCHDs and the related complementary measures and offer their comments.

Social Welfare Department
January 2013

Service Brief

Licensing Office of Residential Care Homes for Persons with Disabilities

The Licensing Office of Residential Care Homes for Persons with Disabilities (LORCHD) was established by SWD in November 2011 to implement the licensing requirements stipulated in the Residential Care Homes (Persons with Disabilities) Ordinance (the Ordinance), the Residential Care Homes (Persons with Disabilities) Regulation (the Regulation) and the Code of Practice for Residential Care Homes (Persons with Disabilities), ensuring that all RCHDs comply with the statutory requirements in staffing, space and layout, building structure, precautionary measures and quality of care, etc. The inspectorate teams of LORCHD are responsible for conducting inspections in respect of building safety, fire safety, health care and management of RCHDs.

Scope of Work

- Processing Applications for Issue or Renewal of Licence/Certificate of Exemption (CoE)
Upon receipt of an application for issue or renewal of licence/CoE, LORCHD will conduct investigation in respect of building and fire safety, health care, home management, etc. The RCHD applicant needs to meet the relevant requirements in order to have a licence / CoE issued or renewed.
- Inspection and Monitoring after Issue of Licence/CoE
LORCHD will conduct regular inspections of RCHDs to ensure that RCHDs comply with the requirements as stipulated in the Ordinance.
- Handling Non-compliant Operators
LORCHD will determine the frequency of surprise inspections based on the risk level of individual RCHDs. To enhance the monitoring of RCHDs, advisory or warning letters will be issued and prosecution action will be taken in case of irregularities.
- Handling Public Enquiries and Complaints
For enquiries, suggestions or complaints concerning the services of RCHDs, the public may contact LORCHD directly or call the SWD hotline (2343 2255). LORCHD will take appropriate follow up having regard to

individual circumstances.

- Handling Matters relating to Health Workers
LORCHD is responsible for vetting applications for organising health worker training courses submitted by training organisations, establishing and implementing a registration scheme for health workers under the Regulation, and monitoring the performance of health workers.

Upgrading the Service Quality of RCHDs

Besides the aforementioned scope of work, LORCHD also strives to upgrade the service quality of RCHDs through various measures. These include -

- implementing the Pilot Bought Place Scheme (BPS) for Private RCHDs to encourage private RCHDs to upgrade their service quality. The spatial and staffing requirements under the pilot BPS are beyond the standards stipulated under the Regulation;
- enhancing communication with the Hospital Authority, the Department of Health and other relevant government departments for early identification and follow-up on problems arising in RCHDs;
- organising and promoting various training programmes and workshops for staff of RCHDs so as to enhance their knowledge and skills in taking care of residents with disabilities;
- issuing guidelines to RCHDs as and when required with a view to assisting RCHDs in strengthening their management, operation and capability of risk management;
- collecting views from the residents of RCHDs and their family members with a view to assisting RCHDs in making improvements; and
- disseminating information to the public about RCHDs.

**Financial Assistance Scheme for
Private Residential Care Homes for Persons with Disabilities**

In tandem with the implementation of the licensing scheme, the Social Welfare Department (SWD) implemented the Financial Assistance Scheme (FAS) for Private Residential Care Homes for Persons with Disabilities (RCHDs) with the funding support of HK\$39 million from the Lotteries Fund (LF) in order to provide subsidies for eligible private RCHDs to carry out improvement works for meeting the licensing requirements in respect of building and fire safety.

Level of Support

A maximum grant up to 60% of the recognised cost of the improvement works may be allocated to each RCHD on application to SWD.

Scope of Improvement Works

The scope of improvements is confined to the following premises-related items that are relevant to building and fire safety –

- (a) fire service, gas and electrical installations;
- (b) minor works as defined under the Building (Minor Works) Regulation (Cap. 123N);
- (c) improvement works to all fire exits and exit routes;
- (d) installation of non-slippery tiles and railings (if any) to places such as bathrooms, toilets and corridors;
- (e) all rectification works related to fire resisting construction;
- (f) the provision of appropriate facilities for persons with disabilities (e.g. barrier-free facilities); and
- (g) any other improvement works that are considered necessary by the Director of Social Welfare (DSW) for compliance with the Residential Care Homes (Persons with Disabilities) Regulation and the Code of Practice for RCHDs.

Eligibility Criteria

To be eligible for FAS, a private RCHD should meet the following criteria –

- (a) the private RCHD should be known to SWD and in operation at the existing premises prior to the commencement of the Ordinance;
- (b) the operator of the private RCHD should demonstrate clear intention to improve the homes for meeting the licensing standards and undertake to continue operation for at least two more years after receiving the grant of FAS;
- (c) the premises of the private RCHD must be self-owned properties or secured with a valid tenancy agreement of not less than 12 months at the time of the application. For tenancy that is valid for less than 12 months, there should be an option in the tenancy agreement for a further renewal of tenancy for 24 months; or an undertaking by the landlord for renewal of the agreement;
- (d) the private RCHD has obtained the permission / waiver (if applicable) issued by the relevant authority, or has submitted the application for operating an RCHD at the subject premises;
- (e) the home fees charged by the private RCHD should be at a rate of not more than the current costs recognised for the pilot BPS [i.e. \$7,840 (Urban) or \$7,243 (New Territories) per resident per month]; and
- (f) the services provided by the private RCHD should be to the satisfaction of DSW.

Monitoring Measures

Since the FAS is funded by the LF, private RCHDs making applications under the scheme should follow the relevant payment arrangements in the LF Manual, observe the conditions of grant and ensure that the grant is spent in accordance with the approved scope and required standard of works. SWD will carry out periodic inspections to monitor the progress of the improvement works and to ensure compliance with the required standards.

**Pilot Bought Place Scheme for
Private Residential Care Homes for Persons with Disabilities**

The Social Welfare Department (SWD) launched a four-year Pilot Bought Place Scheme (BPS) for Private Residential Care Homes for Persons with Disabilities (RCHDs) in October 2010 to purchase about 300 places by phases with the funding support of about \$70 million from the Lotteries Fund. The scheme aims to encourage private RCHDs to upgrade their service standards; to increase the supply of subsidised residential care places, thereby shortening the waiting time for subsidised residential service; and to help the market develop more service options for persons with disabilities.

BPS Standards

Private RCHDs participating in the BPS have to meet the following standards –

Per Capita Net Floor Area	8 m ²
Staffing requirement with reference to a 40-place RCHD on the basis of 8 working hours per staff per day, including relief staff :	
Home Manager	1
Social Worker	0.5
Health Worker	3
Care Worker	8
Ancillary Worker	6.5
Total	19

Note: Home operators must ensure that not less than 50% of the care workers at the home have completed a personal care worker training course recognised by the Government after the service contract has taken effect for six months and onwards.

Monitoring of Service Quality

BPS homes are monitored by SWD under a service contract and the contract period will depend on the service performance of the home. Besides, BPS homes must implement and comply with the 16 Service Quality Standards (SQSs) drawn up by SWD that are applicable to subvented service units –

Principle relevant to SQSs 1-3: Provision of Information

- SQS 1 ensures that a clear description of the purpose, objectives and mode of its service delivery is available for persons in need of such information
- SQS 2 reviews and updates policies and procedures
- SQS 3 maintains accurate and current records of service operations and activities

Principle relevant to SQSs 4-9: Service Management

- SQS 4 the roles and responsibilities of all staff and the operator should be clearly defined
- SQS 5 implements effective staff recruitment, development, training, and deployment practices
- SQS 6 regularly plans, reviews and evaluates its own performance, and has an effective mechanism by which the residents, staff, SWD staff and other concerned parties can provide feedback on its performance
- SQS 7 implements policies and procedures to ensure effective financial management, showing that it can effectively manage its finances
- SQS 8 complies with all relevant legal obligations
- SQS 9 takes all reasonable steps to ensure that it provides a safe physical environment for its staff and residents

Principle relevant to SQSs 10-11: Service to Users

- SQS 10 ensures that the residents and/or family members have clear and accurate information about how to enter and leave the service
- SQS 11 has a planned approach to assessing and meeting the residents' needs

Principle relevant to SQSs 12-16: Respect for Service Users' Right

- SQS 12 respects the residents' right to make informed choices of the service they receive as far as practicable
- SQS 13 respects the residents' rights in relation to private property
- SQS 14 respects the residents' rights for privacy and confidentiality
- SQS 15 ensures that the residents have channels to express their dissatisfaction with the RCHD, and any complaint raised will be addressed
- SQS 16 takes all reasonable steps to ensure that residents are free from abuse

Health Worker Training Course

In accordance with section 4 of the Residential Care Homes (Persons with Disabilities) Regulation, a person who has completed a training course approved by the Director of Social Welfare in writing is qualified to be registered as a health worker for the purpose of employment at a residential care home for persons with disabilities (RCHD).

SWD set up a Working Group on Combined Health Worker Training Course in March 2011 to make recommendations for formulating the following health worker training courses (HWTCs) that are applicable to RCHDs –

Training Course	Training hours
Combined Health Worker Training Course [for persons who would like to work as health workers in RCHDs and Residential Care Homes for the Elderly (RCHEs)]	296
Health Worker Training Course for RCHDs [for persons who would like to work as health workers in RCHDs]	248
Bridging Course for Health Workers of RCHDs (Course A) [for health workers registered under the Residential Care Homes (Elderly Persons) Regulation who are not working in RCHDs]	72
Bridging Course for Health Workers of RCHDs (Course B) [for health workers registered under the Residential Care Homes (Elderly Persons) Regulation who are working in RCHDs]	16

Training organisations may organise HWTCs on a self-financing basis or with a subsidy from the Employees Retraining Board. A list of approved HWTCs has been uploaded onto the SWD website.