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Panel on Welfare Services and Panel on Health Services

Joint Subcommittee on Long-term Care Policy

**Background brief prepared by the Legislative Council Secretariat
for the meeting on 26 May 2014**

**Quality and monitoring of private residential care homes for the elderly
and for persons with disabilities**

Purpose

This paper gives a brief account of past discussions at meetings of the Panel on Welfare Services and the Joint Subcommittee on Long-term Care Policy regarding the quality and monitoring of private residential care homes for the elderly ("RCHEs") and for persons with disabilities ("RCHDs").

Background

Regulation of RCHEs

2. According to the Administration, the Residential Care Homes (Elderly Persons) Ordinance (Cap. 459) ("the RCHE Ordinance"), which came into full operation in June 1996, provides for the regulation of RCHEs through a licencing system administered by the Director of Social Welfare ("DSW"). The licencing requirements cover aspects such as health, sanitation, staffing, safety, location, design, structure, equipment, fire precautions and space. All RCHEs are now under licencing control. Private RCHEs participating in the Enhanced Bought Place Scheme ("EBPS") are required to meet staffing and spacing requirements which are higher than the licencing standards.

Regulation of RCHDs

3. In line with the strategic directions enshrined in the Hong Kong

Rehabilitation Programme Plan, the Administration has introduced a licencing scheme under the Residential Care Homes (Persons with Disabilities) Ordinance (Cap. 613) ("the RCHD Ordinance") to regulate the standards and operation of RCHDs since 18 November 2011. To allow sufficient time for individual RCHDs to put in place suitable arrangements for application for a licence or Certificate of Exemption ("CoE"), there was a grace period of 18 months (starting from the aforesaid date) before Part 2 of the RCHD Ordinance, which concerns penalty for non-compliance, came into operation. An RCHD must fully comply with all the licencing 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 RCHD Ordinance but are unable to comply fully with the licencing requirements, CoEs may be issued in order to allow reasonable time for them to carry out improvement works for meeting the licencing requirements and standards. Part 2 of the RCHD 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.

4. According to the Administration, as a complementary measure, the Government has also launched a four-year pilot Bought Place Scheme ("BPS") for private RCHDs since October 2010 to, inter alia, encourage private RCHDs to upgrade the service standard and help the market develop more service options.

Members' deliberations

Quality and monitoring of private RCHEs

5. The service standards and quality of private RCHEs had been a subject of concern of Members. Noting from the sporadic media reports about elder abuse cases in private RCHEs, Members expressed grave concern about the service quality of private homes. Some Members suggested that the Administration should purchase more places from private RCHEs with a view to improving the service quality of these homes.

6. Members pointed out that notwithstanding the long waiting time for residential care services, some elders preferred waiting for subvented RCHE places to admission to private RCHEs because of the substandard quality of some private RCHEs. Members considered that in addition to purchasing more places for private RCHEs, the Administration should help upgrade the living environment and service quality of private RCHEs. Some Members noted with concern that some private RCHEs were alleged to improperly use the Comprehensive Social Security Assistance ("CSSA") payments of the elderly

residents and enquired about the mechanism for monitoring the service quality of private RCHEs.

7. The Administration advised that of some 50 000 private RCHE places, about 7 300 were subsidized places under EBPS. A statutory licencing system was in place to regulate RCHEs. DSW had also issued a Code of Practice for RCHEs under section 22(1) of that Ordinance to ensure that the premises, design, staffing, operation, management, etc. of the licenced RCHEs complied with the licencing requirements. RCHEs were also required under the Code to have the necessary resources to attend to the care needs of their residents and provide them with a safe hygienic living environment. Moreover, various measures were implemented to encourage RCHEs to enhance their service quality. For instance, the Social Welfare Department ("SWD") had introduced the Pilot Scheme on Visiting Pharmacist Services for RCHEs since 2010 to enhance the drug management capabilities of RCHEs and their staff. Training was provided for RCHE staff on a regular basis to enhance their knowledge and skills in elderly care. SWD had also worked closely with the Department of Health and Hospital Authority in devising service guidelines and making case referral.

8. On the monitoring of private RCHEs, the Administration explained that SWD had conducted at least seven inspections, most of them unannounced, to private RCHEs per year, and would follow up on complaint cases of embezzlement of CSSA payments of the elderly residents and rectify irregularities promptly. Names of RCHEs being successfully prosecuted would be made public on the SWD website. The Administration advised that to provide high quality EBPS places, additional resources had been earmarked for purchasing about 600 additional EA1 places (i.e. places with higher standard of staffing and space provision) and upgrading more than 600 EA2 places to EA1 level in 2012-2013.

Quality and monitoring of private RCHDs

9. Regarding implementation of the statutory licencing scheme for RCHDs, the Administration advised that as at July 2013, all RCHDs (including, inter alia, 68 private RCHDs) in the territory had been issued with licences or CoEs. Of the 68 private RCHDs, nine were issued with licences and the other 59 with CoEs. In general, the validity period of CoEs issued by SWD was between nine 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 were available on the website of SWD for public information.

10. Noting the small number of RCHDs issued with licences since the implementation of the RCHD Ordinance in November 2011, some Members

were very concerned about the slow progress of the implementation of the licencing scheme. They took the view that the Administration should, instead of issuing and renewing CoEs, enforce the RCHD Ordinance stringently after the expiry of the 18-month grace period and set a time limit within which all RCHDs were required to operate under a licence. The Administration advised that it would adopt a prudent approach in considering applications for CoEs, which would only be issued or renewed where there were full justifications for allowing a reasonable time for completion of improvement works. It was expected that RCHDs concerned would be able to carry out improvement works for meeting the licencing requirements and standards.

11. Members expressed concern about the financial and operational problems, such as high rental and shortage of manpower, faced by private RCHDs in complying with the licencing requirements. Members urged the Administration to increase the percentage of purchased places under the pilot BPS. The Administration advised that it had implemented the Financial Assistance Scheme upon commencement of the RCHD Ordinance to provide subsidies for private RCHDs to carry out improvement works on building and fire safety. A maximum grant of up to 60% of the recognized cost of the improvement works would be allocated to each eligible private RCHD. In addition, the Small and Medium Enterprises Loan Guarantee Scheme was available for operators to apply for the loan to meet the remaining compliance costs. Regarding the pilot BPS, 302 RCHD places had been purchased from six private RCHDs as at end-March 2014. The Administration has proposed, in the 2014-2015 Budget, to allocate some \$40 million for regularizing the pilot BPS for private RCHDs, with the cap of subsidized places in each home raised from 55% to 70% and the number of places to be bought increased from 300 to 450.

12. Noting that the staff to resident ratio in RCHDs which had participated in the pilot BPS was 1:8, some Members expressed grave concern about the standard and service quality of RCHDs. According to the Administration, it had solicited views from different stakeholders in drawing up BPS, with a view to encouraging private RCHDs to upgrade their service standards, increasing the supply of subsidized residential care places and helping the market develop more service options. The service standard set for RCHDs participating in BPS had exceeded the licencing requirements and these RCHDs were required to provide residents occupying non-BPS places with the same level of service as BPS residents so as to benefit more persons with disabilities. To monitor RCHDs, a Service Quality Group was set up comprising community members and residents' parents, who would conduct unannounced visits to RCHDs and offer feedback on their service.

Relevant papers

13. A list of relevant papers on the Legislative Council website is in the **Appendix**.

Council Business Division 2
Legislative Council Secretariat
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Relevant papers on quality and monitoring of private residential care homes for the elderly and for persons with disabilities

Committee	Date of meeting	Papers
Panel on Welfare Services	14 December 2009 (Item IV)	Agenda Minutes
Subcommittee on Residential and Community Care Services for Persons with Disabilities and the Elderly	-	Report (LC Paper No. CB(2)2046/10-11)
Panel on Welfare Services	14 March 2011 (Item V)	Agenda Minutes
	14 January 2013 (Item IV)	Agenda Minutes Supplementary information provided by the Administration in July 2013 LC Paper No. CB(2)1534/12-13(01)
	16 April 2013 (Item V)	Agenda Minutes Supplementary information provided by the Administration in July 2013 LC Paper No. CB(2)1534/12-13(01)
Joint Subcommittee on Long-term Care Policy	2 July 2013 (Item I)	Agenda Minutes

Committee	Date of meeting	Papers
Finance Committee	3 April 2014	Administration's replies to members' written questions in examining the Estimates of Expenditure 2014-2015 Pages 53-54
Panel on Welfare Services	14 April 2014 (Item III)	Agenda
Panel on Welfare Services	12 May 2014 (Item V)	Agenda

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