



To: Panel on Welfare Services and Panel on Health Services, Joint Subcommittee on Long-term Care Policy

Re: Private residential care homes refuse to provide services to people living with HIV/AIDS

'AIDS Concern' was established in 1990 as the first non-government organisation committed to HIV/AIDS prevention and care in Hong Kong. There are thousands of people living with HIV in Hong Kong and making sure that they receive the right treatment and support is a priority for AIDS Concern. We want to alert the Committee to the fact that people with HIV are being denied access to care and that we believe this is in breach of the law.

Ageing is becoming more and more relevant as an issue within HIV. This is because more older people are being infected with HIV and also because more people with HIV are ageing. In the latest figures released by the Department of Health, the number of HIV infections continues to rise in Hong Kong, with men dominating new infections (For the table of age group and gender of reported HIV infection, see Appendix Graph I). In the 4th quarter of 2013, 13% of infections are of people 50 years old or older. Apart from infections among older people it is also important to recognise that there are people with HIV infected in the 1990s who are now living into later life and will be needing care.

Residential care home services are in increasing demand. However, according to our frontline experience and investigation, older people with HIV are being refused access to private care homes because of their HIV status. This is despite the fact that people living with HIV are protected by the Disability Discrimination Ordinance which states that people must not be refused goods and services because of their HIV status. The refusal by care homes to provide services to people with HIV is a serious breach of human rights principles and the law which AIDS Concern believes the committee should pay attention to.

Not only is it concerning that people with HIV are having access to care restricted – this also leads to wider questions about whether residential homes are acting within the law in relation to a wide range of legal requirements and human rights principles.

Current situation

A person living with HIV in Hong Kong told AIDS Concern that he was refused access to care by a private residential care home when he explained his HIV status. We contacted the care home on May 14, 2014 to understand the situation, and the home's staff said that AIDS is a transmittable disease and that all frontline workers are reluctant to take jobs working with people with HIV. Therefore they refuse to provide service to people with HIV.

AIDS Concern contacted an agent named 'Home of the Elderly' (a social enterprise that offers referral services, and claims to have information on 700 homes) and requested information about homes that would take someone with HIV. The agent replied that only one home located in the New Territories is willing to admit people living with HIV. Further research by AIDS Concern reveals that there are only six residential care homes in Hong Kong willing to provide services to people with HIV (see Appendix List II - only Chinese names available).

HIV/AIDS is a chronic illness which with simple treatment and precautions cannot be passed from one person to another. People with HIV are protected under the Disability Discrimination Ordinance which exists to 'render unlawful discrimination against persons on the ground of their or their associates' disability in respect of their employment, accommodation, education...sporting activities and the provision of goods, services and facilities; to make provision against harassment and vilification of persons with a disability and their associates; to extend the jurisdiction of the Equal Opportunities Commission to include discrimination against persons on the ground of their or their associates' disability, and for connected purposes'.

The disability discrimination ordinance provides some exemptions for organisations if providing a service to people with a disability creates 'unjustifiable hardship'. HIV infection itself does not need different specialist care than for other older people. Hence the homes would not be exempted from providing a service because of "unjustifiable hardship" in the ordinance because the psychological barriers and discrimination of employees.

It is a serious concern that negative stigmas and myths exist in the care home industry that cause discrimination and refusal of access to services. The refusal is in breach of the law which the care homes may not aware of.

Suggestions: Enhancing the HIV/AIDS education in the industry to ensure the equal opportunity

Hong Kong is facing an ageing population and the HIV infected population has been rising. Yet people with HIV are being denied access to care services. We strongly urge the committee to look at this issue and recommend action to create access to care for people living with HIV. AIDS Concern would like the government to remind care providers of their responsibilities under the Disability Discrimination Ordinance and also require care homes to provide education on reducing stigma and discrimination among care workers. The result of action in this area will be to improve the knowledge and confidence of frontline workers and also prevent its breach of the law. We need to make sure that all people can access the type of care that they need without unlawful discrimination.

AIDS Concern will continue to investigate and follow-up this issue.

15th May 2014

End

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About AIDS Concern

AIDS Concern was established in 1990 as the first non-government charity organization committed to the service of AIDS-care and consultation in Hong Kong. Our mission is to keep HIV prevalence low in Hong Kong through targeted prevention and care programmes for vulnerable communities; and to reduce the stigma attached to people living with HIV/AIDS (PLHIV). We are also committed in public health education programmes to improve public understanding of HIV aiming at creating a supportive environment for PLHIV in Hong Kong by eliminating the stigma attached to them by society.

Contact Us

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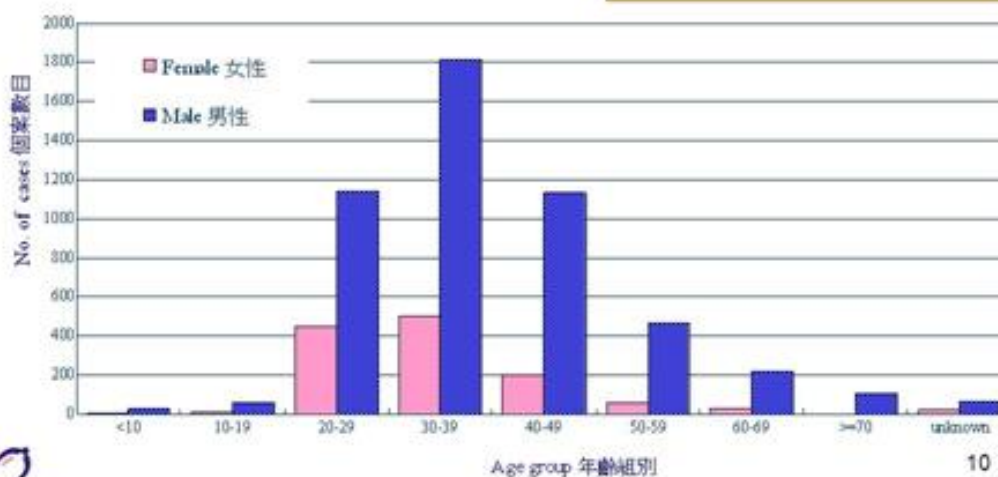
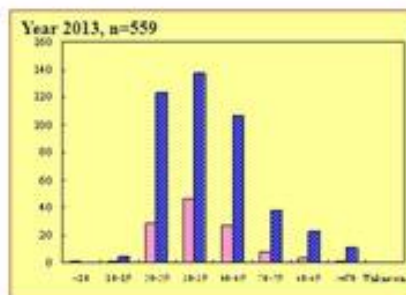
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Appendix Table 1 : Age Group and Gender of reported HIV infection

Age group and gender of reported HIV infection
感染愛滋病毒人士之年齡及性別分佈
1984 – 2013 (N=6342)



Appendix list 2: The private residential care home which are willing to offer services to PLHIV (Only Chinese available)

- 康寧之家：九龍深水埗欽長水埗欽州街 39 號 1 至 5 字樓 / 27282666
- 仁愛老人院：九龍深水埗大埔道 6 及 8 號福耀大廈 4 字樓 / 27791064
- 鶴壽堂護老院：九龍深水埗九江街 126-130 號南洋大廈 2 字樓全層
- 東明老人院：九龍大角咀,福全街 17-19 號 fook hong bldg g&1 樓 / 23192371
- 康樂園護老中心：九龍土瓜灣馬坑涌道中華商場 1 字樓
- 騰達護老中心(葵涌)：新界青山公路葵涌段 482 號及梨木道 2 號 / 和記新邨和記商場地下 5A 號舖及 1 字樓全層 / 27820099