

For discussion on  
9 May 2016

**Legislative Council Panel on Welfare Services**

**Proposed Creation of a Supernumerary Post of  
Assistant Director of Social Welfare to  
Strengthen the Inspection and Monitoring of  
Residential Care Homes for the Elderly and  
Residential Care Homes for Persons with Disabilities**

**Purpose**

This paper presents a proposal to create a supernumerary post of Assistant Director of Social Welfare (ADSW)(D2), to be designated as Assistant Director (Licensing and Regulation)[AD(LR)], to head a new Licensing and Regulation (LR) Branch of the Social Welfare Department (SWD) for strengthening the inspection and monitoring of residential care homes for the elderly (RCHEs) and residential care homes for persons with disabilities (RCHDs). The post will be created on a time-limited basis from 1 October 2016 or upon approval of the Finance Committee (FC), whichever is the later, to 31 March 2021. The Panel is invited to support the proposal.

**Background**

2. As at end-March 2016, there were 728 RCHEs regulated under the Residential Care Homes (Elderly Persons) Ordinance (Cap. 459) (RCHE Ordinance) and 311 RCHDs regulated under the Residential Care Homes (Persons with Disabilities) Ordinance (Cap. 613) (RCHD Ordinance) offering 71 869 and 16 749 residential care places for the elderly and persons with disabilities respectively. All along, SWD has been regulating and monitoring RCHEs and RCHDs respectively through two separate offices, namely the Licensing Office of Residential Care Homes for the Elderly (LORCHE) and the Licensing Office of Residential Care Homes for Persons with Disabilities (LORCHD).

**Strengthening the Inspection and Monitoring of RCHEs and RCHDs**

3. The Chief Executive has announced, in the 2016 Policy Address, that the Government would comprehensively strengthen the monitoring of RCHEs and RCHDs, with measures including enhancing inspection and supervision, improving the regulatory mechanism and promoting

staff training, etc. In order to take forward the initiatives, SWD plans to

- (a) set up a dedicated multi-disciplinary inspectorate team to formulate strategies and action plans for monitoring RCHEs with serious irregularities or poor track records. This dedicated team will, in accordance with the strategies and action plans formulated, step up surprise inspections to closely monitor whether these homes have complied with existing regulations. Where circumstances warrant, the dedicated team will take sanctions and prosecution actions against the RCHEs and RCHDs that contravene the licensing requirements;
- (b) set up another designated team to handle complaints against RCHEs and follow up on substantiated complaint cases, including the imposition of appropriate sanctions against the RCHEs concerned according to the nature and severity of the irregularities involved, etc.;
- (c) draw up guidelines on care-related subjects to facilitate the provision of proper care by RCHEs and RCHDs for residents, and disseminate to RCHEs and RCHDs the improvement measures and good practices gathered from inspections or complaint investigations for continuous enhancement of service quality;
- (d) increase the number of audit inspections to be conducted by supervisory officers to ensure the quality and standards of inspections at RCHEs and RCHDs;
- (e) devise and promote the implementation of tailor-made training programmes for the sector, and formulate long-term strategies for enhancing the capability of RCHE and RCHD staff for the provision of quality services for residents. A 15-month project, funded by the Lotteries Fund, will be launched in the third quarter of 2016 to, inter alia, enhance the management skills of operators or managers and promote better management practices in RCHDs. SWD is also drawing up a relevant training package with thematic management workshops and tailor-made on-site coaching for RCHE staff to facilitate the day-to-day home operation and enhance management quality;
- (f) develop a dedicated website on all licensed RCHEs with search

functions to facilitate the public's access to information of individual RCHEs. For better transparency on the performance of individual homes, the website will contain information about their convictions of offences or warning records under the RCHE Ordinance and its subsidiary regulation. The new website will facilitate the public to compare different RCHEs and make informed choices. After the launch of this website, SWD will develop a similar dedicated website for RCHDs at the next stage to facilitate the public's access to information of individual RCHDs;

- (g) thoroughly review the Code of Practice for RCHEs and identify improvement areas with a view to enhancing the home staff's awareness of work ethics and providing concrete guidelines on care-related subjects. Upon completion of the aforementioned review, SWD will start reviewing the Code of Practice for RCHDs at the next stage to achieve the same objectives;
- (h) implement various facilitating measures to encourage and assist RCHDs operating with certificates of exemption to expedite the carrying out of necessary rectification works. Such measures include providing these RCHDs with subsidy under the Lotteries Fund to carry out improvement works, streamlining the workflow of application and vetting of rectification works, etc., so that the homes could fully comply with the licensing requirements as soon as possible; and
- (i) extend, starting from April 2016, the Service Quality Group Scheme<sup>1</sup> to the whole territory with all types of RCHEs and all licensed RCHDs covered, joining forces with the community to monitor RCHEs and RCHDs through wider participation of community stakeholders in the scheme.

### **Setting up a New Licensing and Regulation Branch**

4. SWD proposes to adjust the existing organisation structure for the purpose of effective implementation of the above work. Administratively, LORCHE and LORCHD are at present respectively

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<sup>1</sup> As at April 2016, a total of 227 RCHEs (including 193 private RCHEs) and 26 RCHDs joined the Service Quality Group Scheme on a voluntary basis. Members of the Service Quality Group, comprising healthcare personnel, service users, local leaders, etc., will conduct unannounced visits to the RCHEs and RCHDs participating in the Scheme to assess their facilities and service provision, receive and collect views from residents, their relatives and/or home staff, and provide feedback for the home operators on their service delivery.

subsumed under the Elderly Branch headed by Assistant Director (Elderly) [AD(E)] and the Rehabilitation and Medical Social Services (RMSS) Branch headed by Assistant Director (Rehabilitation and Medical Social Services) [AD(RM)]. LORCHE and LORCHD are similar in function and nature of work, particularly in terms of the staffing complement, licensing and regulatory responsibilities, work approach and strategies, as well as day-to-day management and practice. SWD proposes putting LORCHE and LORCHD under the management of the newly established LR Branch to unleash synergy, facilitate the transfer and management of knowledge, as well as ensure consistency in the handling of licensing, inspection and monitoring matters and the imposition of sanction measures. This will also facilitate the formulation of law enforcement strategies for effective regulatory control measures in respect of institutions licensed or registered by SWD.

5. SWD will also increase the manpower. In 2016-17, SWD will create 39 time-limited non-directorate posts in the new LR Branch including the Social Work Officer grade, Social Work Assistant grade, Registered Nurse grade, professional and technical grades seconded from the Buildings Department and the Fire Services Department as well as clerical and supporting general grades for implementing the various improvement measures as set out in paragraph 3 above. This represents an increase in manpower of about 50% when compared with the existing staffing complement of the Licensing Office under the Elderly Branch<sup>2</sup> and LORCHD under RMSS Branch. Together with the existing manpower of the Licensing Office and LORCHD, the new LR Branch will have a total of 121 posts.

### **Creation of a New Supernumerary ADSW post**

6. As the newly established LR Branch will need to implement various enhancement measures as set out in paragraph 3 above and there will be a substantial increase in manpower, the Director of Social Welfare proposes to create a supernumerary ADSW post [AD(LR)] to head and steer the new branch, and to provide dedicated supervision over the planning, development and operation of matters relating to the licensing or registration systems under the purview of SWD. The work involves regulating more than 1 100 homes or centres under the respective

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<sup>2</sup> Currently, the Licensing Office under the Elderly Branch assumes a central role in co-ordinating the work of LORCHE, the Licensing Office of Drug Dependents Treatment Centres and the Child Care Centres Advisory Inspectorate. The Licensing Office is responsible for enforcing the licensing or registration, control and inspection of RCHes, drug treatment and rehabilitation centres as well as child care centres.

ordinances, and requires AD(LR) to provide comprehensive guidance and lead a large multi-disciplinary team to achieve synergy and carry out the duties effectively. The proposed AD(LR) will lead the new LR Branch to implement a number of measures for strengthening the inspection and monitoring of RCHEs and RCHDs, and to plan for and pursue the participation and collaboration of a large number of stakeholders.

7. The job description of the proposed AD(LR) post is at **Annex A**. The organisation charts of the proposed LR Branch and SWD upon the creation of the proposed AD(LR) post are at **Annexes B** and **C** respectively. Upon the establishment of LR Branch, the Licensing Office and LORCHD will be transferred from the Elderly Branch and RMSS Branch respectively to the new LR Branch. The proposed organisation charts of the Elderly Branch and RMSS Branch upon the establishment of the new LR Branch are at **Annexes D** and **E** respectively.

8. The new organisation structure will be put into operation for a period of time for SWD to consolidate the experience and review the effectiveness in due course, with a view to ascertaining its suitability as a long-term arrangement. It is therefore proposed that the ADSW post be created on a supernumerary basis from 1 October 2016 or upon FC's approval, whichever is the later, to 31 March 2021, while the 39 new non-directorate posts will be created from 1 October 2016 to 31 March 2021. Before the expiration of the posts, SWD will review the long-term manpower requirements having regard to the progress of work of the newly established LR Branch.

### **Alternatives Considered**

9. The Director of Social Welfare has critically examined the feasibility of arranging an existing Assistant Director (AD) within SWD to take up the duties of the proposed AD(LR) post. AD(E) and AD(RM), who are currently overseeing the Licensing Office and LORCHD respectively, have been persistently over-stretched with the increasing workload involving a wide spectrum of community and residential care services for the elderly and persons with disabilities, as well as various new initiatives coming on stream. In the face of a rapidly ageing population, apart from substantially increasing the supply of services, AD(E) has to implement a number of pilot schemes on long-term care services for the elderly; enhance the support for carers of elderly persons; provide on-going training for healthcare staff; review and enhance the infrastructure of long-term care and the Standardised Care

Need Assessment Mechanism for Elderly Services; and take forward implementation measures as recommended under the future Elderly Services Programme Plan, etc. The challenges faced by AD(RM) include implementing and reviewing on-site pre-school rehabilitation service, preparing for its regularisation and conducting overall planning for pre-school rehabilitation services; formulating strategies and concrete measures to address the ageing of users of rehabilitation services; undertaking planning for rehabilitation services and taking measures on various fronts to increase the provision of service places so as to alleviate the demand and shorten the waiting time; and closely monitoring the supply and demand of manpower in the welfare sector and devising appropriate plans and measures. Facing various challenges in elderly services and rehabilitation services, both AD(E) and AD(RM) would have no spare capacity to take up the extra duties arising from the implementation of the enhancement measures as set out in paragraph 3 above. Given the rapid expansion in different service areas of social welfare, all other existing ADs are also fully engaged in their own schedule of responsibilities. It is operationally not feasible for the existing ADs to take up the duties of AD(LR) without adversely affecting the discharge of their current duties. The major responsibilities of existing ADs of SWD are at **Annex F**.

### **Financial Implications**

10. The additional notional annual salary cost at mid-point of the proposed supernumerary ADSW (D2) post is \$1,973,400, and the full annual average staff cost, including salaries and staff on-cost, is about \$2,492,000. As for the 39 time-limited non-directorate posts, the additional notional annual salary cost at mid-point is \$23,504,700 and the full annual average staff cost is about \$36,274,000. The necessary provision has been included in the draft Estimates of 2016-17 and will be reflected in the Estimates of the relevant years to meet the cost of this proposal and the supporting staff required.

### **Advice Sought**

11. Members are invited to note and support the proposal of creating a supernumerary ADSW post [AD(LR)]. Subject to Members' views, the staffing proposal will be submitted to the Establishment Subcommittee for deliberation as soon as possible (June 2016) and FC for approval. After the approval of the proposal, SWD will take immediate action with regard to internal staff redeployment, training arrangement and provision of administrative support, with a view to implementing the

proposed establishment of the new LR Branch on 1 October 2016.

**Labour and Welfare Bureau**  
**Social Welfare Department**  
**May 2016**

**Job Description for  
Assistant Director (Licensing and Regulation)**

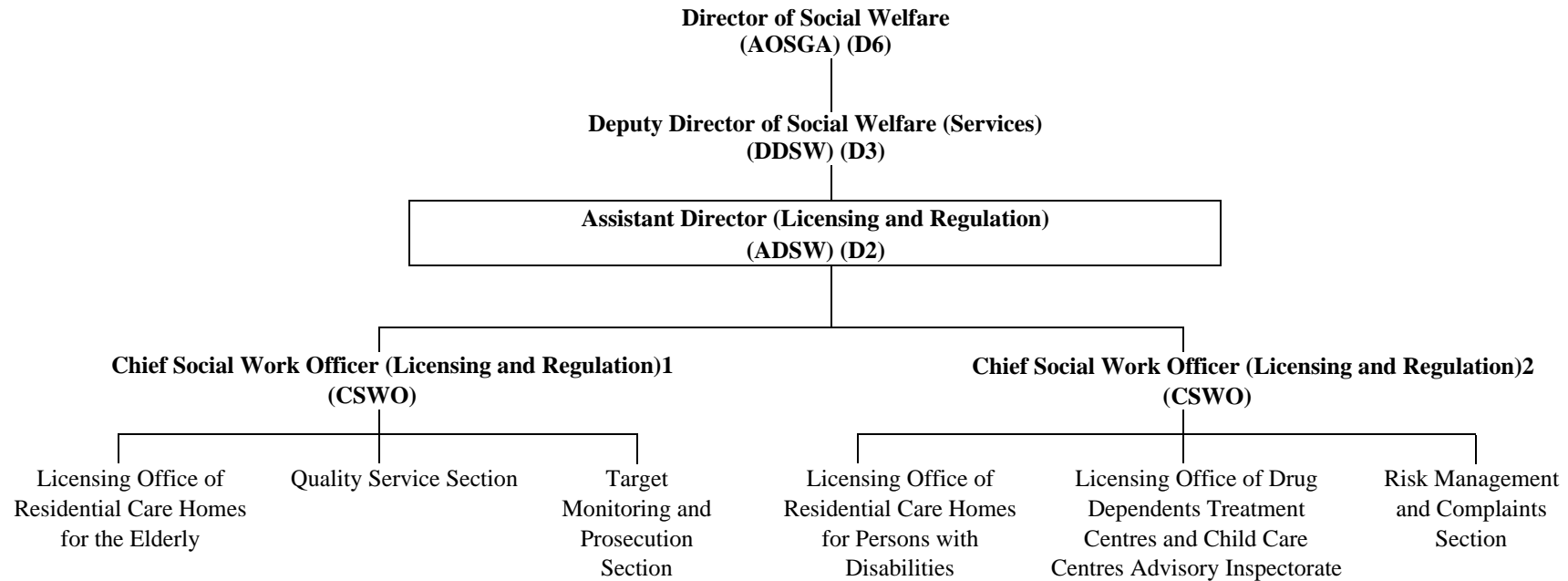
**Rank : Assistant Director of Social Welfare (D2)**  
**Responsible to : Deputy Director of Social Welfare (D3)**

**Main Duties and Responsibilities –**

1. To assist in the formulation of strategies and objectives on licensing, registration and regulatory control in respect of residential care homes for the elderly (RCHEs), residential care homes for persons with disabilities (RCHDs), residential drug treatment and rehabilitation centres and child care centres;
2. To provide comprehensive guidance and direction for the formulation, implementation and review of operational procedures, monitoring systems, law enforcement strategies and management practices, etc. on matters relating to licensing and regulatory control;
3. To formulate strategies and to plan, develop, implement and review measures for enhancing the management and service quality of RCHEs and RCHDs;
4. To oversee the collection, collation and analysis of data for continuous review of operation;
5. To administer and deploy the manpower of and other resources allocated to the Licensing and Regulation Branch and oversee the manpower planning and staff training for the Branch to meet the changing operational requirements; and
6. To provide coaching and guidance for the management and supervisory staff of the Licensing and Regulation Branch.



**Proposed Organisation Chart of the Licensing and Regulation Branch under the Social Welfare Department**



**Legend:**

AOSGA : Administrative Officer Staff Grade A

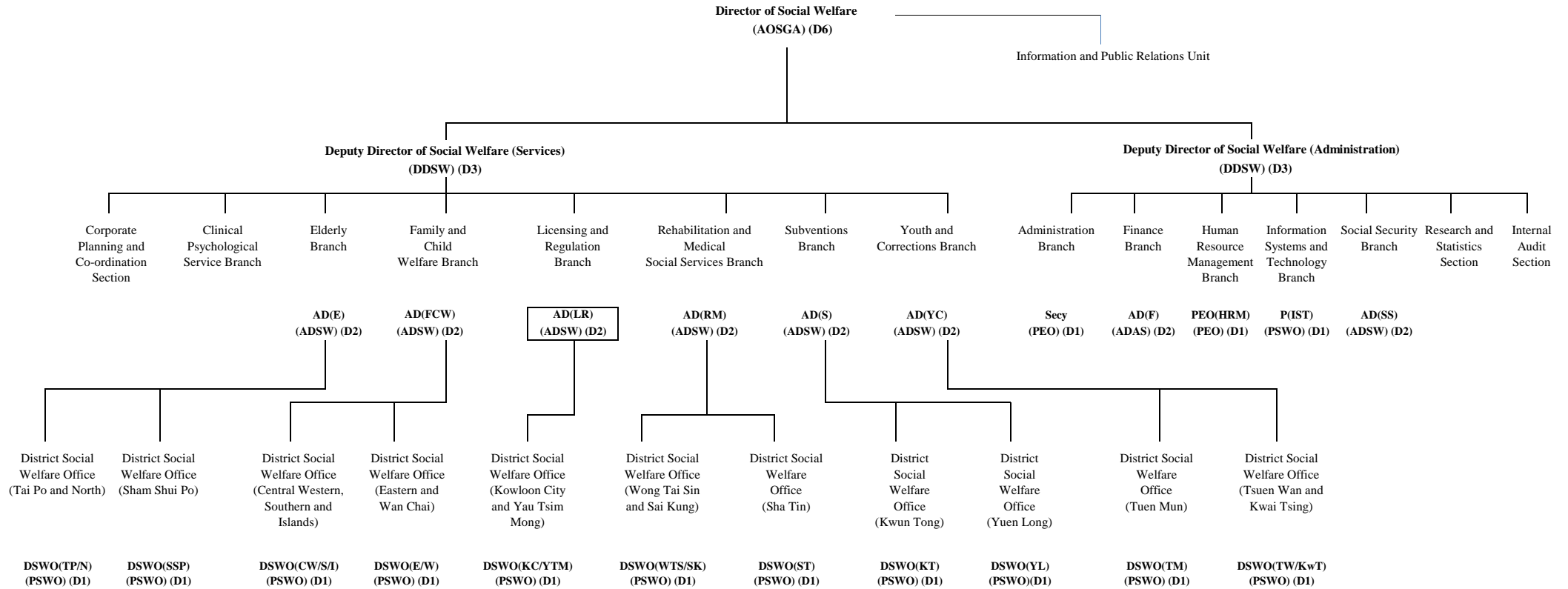
DDSW : Deputy Director of Social Welfare

ADSW : Assistant Director of Social Welfare

CSWO : Chief Social Work Officer

 : Supernumerary post proposed to be created under current proposal

**Proposed Organisation Chart of the Social Welfare Department**

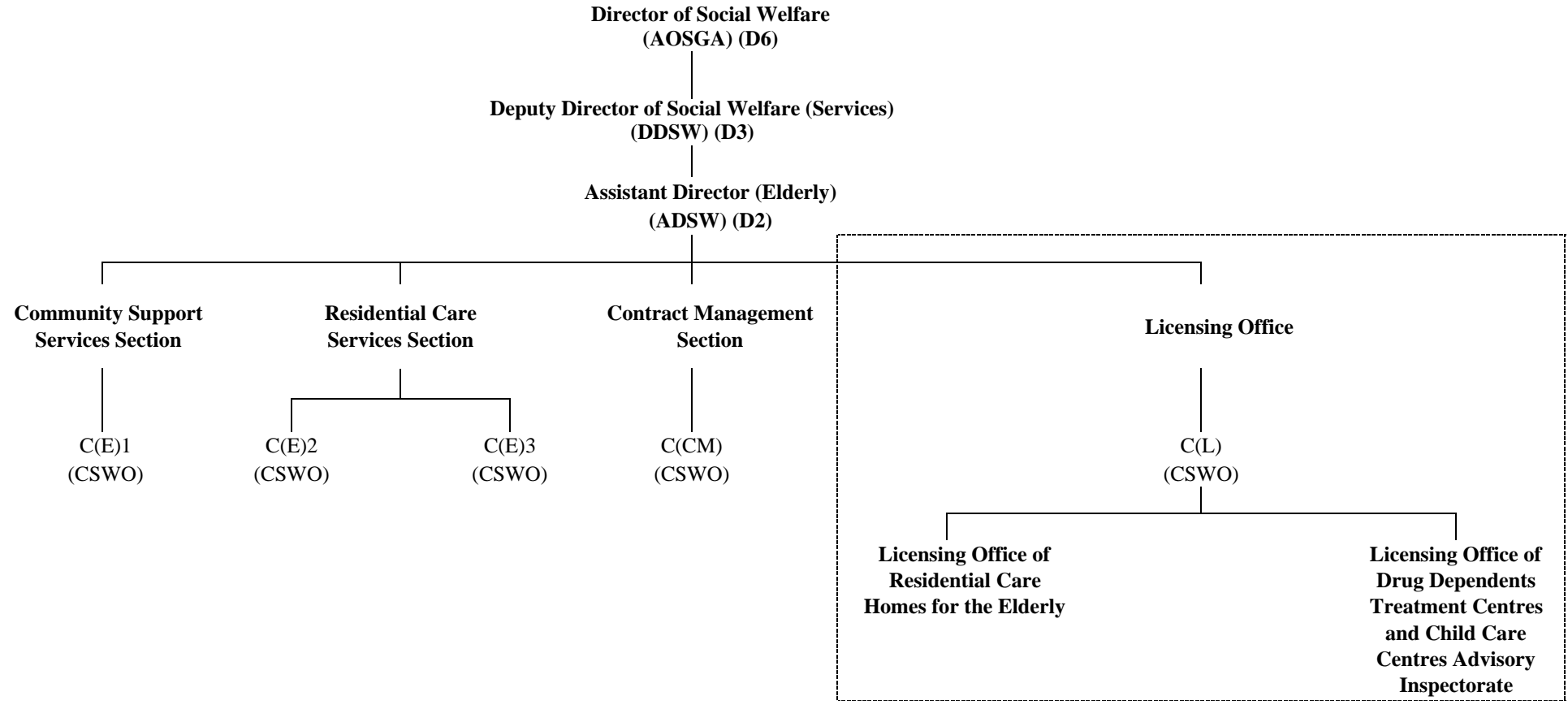


**Legend:**

- AOSGA : Administrative Officer Staff Grade A
- ADAS : Assistant Director of Accounting Services
- PSWO : Principal Social Work Officer
- PEO : Principal Executive Officer
- : Supernumerary post proposed to be created under current proposal

- DDSW : Deputy Director of Social Welfare
- ADSW : Assistant Director of Social Welfare
- DSWO : District Social Welfare Officer

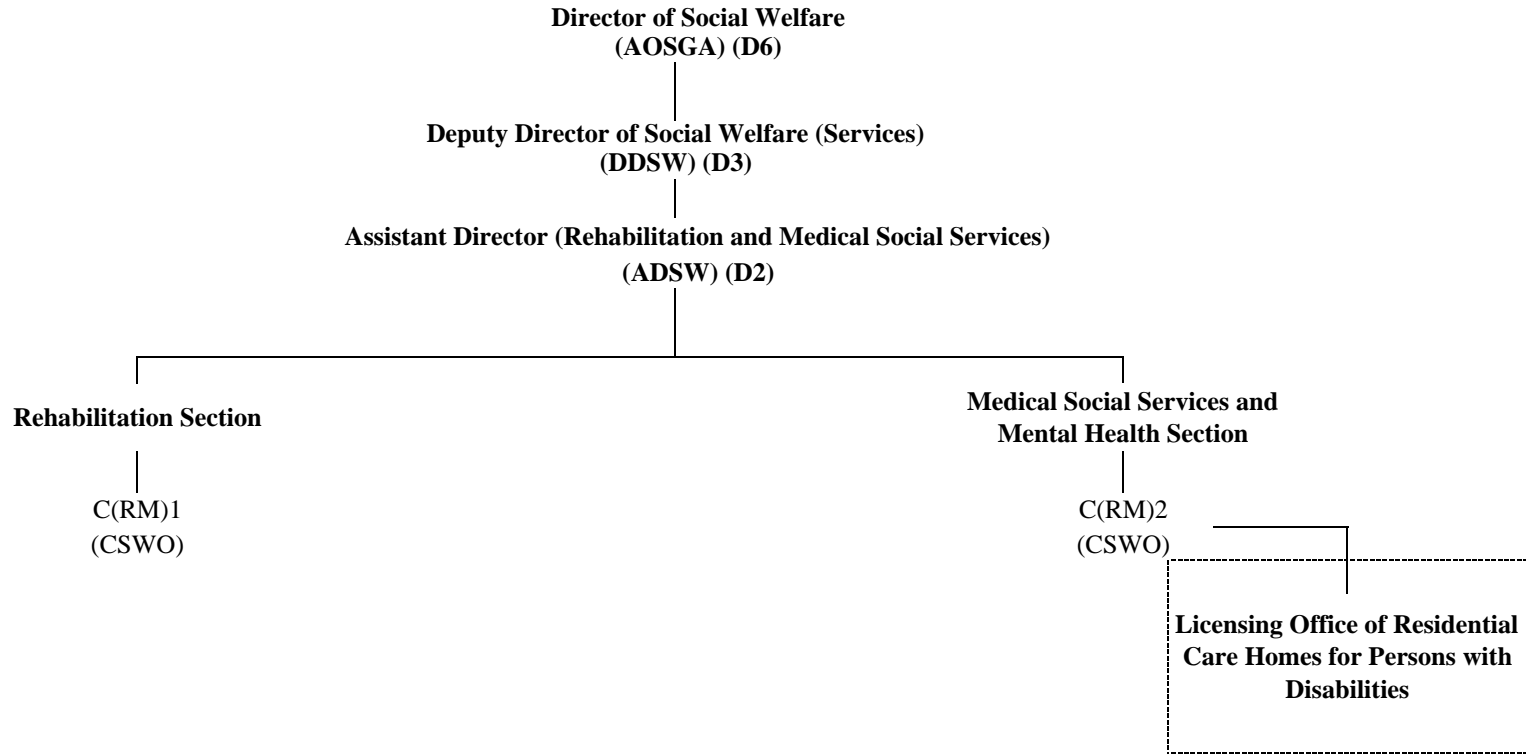
**Proposed Organisation Chart of the Elderly Branch under the Social Welfare Department**



**Legend:**

- AOSGA : Administrative Officer Staff Grade A      DDSW : Deputy Director of Social Welfare  
ADSW : Assistant Director of Social Welfare      CSWO : Chief Social Work Officer  
[ ] : The Licensing Office will be transferred to the new Licensing and Regulation Branch.

**Proposed Organisation Chart of the Rehabilitation and Medical Social Services Branch under the Social Welfare Department**



**Legend:**

- AOSGA : Administrative Officer Staff Grade A
- ADSW : Assistant Director of Social Welfare
- DDSW : Deputy Director of Social Welfare
- CSWO : Chief Social Work Officer
- : The Licensing Office of Residential Care Homes for Persons with Disabilities will be transferred to the new Licensing and Regulation Branch.

**Major Responsibilities of Existing Assistant Directors  
in the Social Welfare Department (SWD)**

<b>Post / Rank</b>	<b>Major Responsibilities</b>
Assistant Director (Elderly) / Assistant Director of Social Welfare (ADSW)	<ul style="list-style-type: none"><li>• Planning, development and implementation of residential care services for the elderly, including allocation mechanism for subsidised long-term care services, licensing and monitoring of residential care homes for the elderly (RCHEs) and implementation of the Service Quality Group on RCHEs</li><li>• Planning, development and implementation of day care services, home care services and community support services for the elderly, including the Pilot Scheme on Community Care Service Voucher for the Elderly, Improvement Programme of Elderly Centres, Pilot Project on Community Support Service for Elderly Persons with Dementia under a medical-social collaboration model, etc.</li><li>• Hire of service and contract management in respect of community care services and residential care services for the elderly including the Pilot Residential Care Services Scheme in Guangdong</li><li>• Carer support and training, including the Pilot Scheme on Living Allowance for Carers of the Elderly Persons from Low Income Families</li><li>• Manpower supply and training for care staff in elderly care services, including the Navigation Scheme for Young Persons in Care Services, Training Programme for Enrolled Nurses and Health Workers, etc.</li><li>• Providing advice, steer and support for the Opportunities for the Elderly Project, Elder Academy and Senior Citizen Card Scheme, etc.</li></ul>

<p>Assistant Director (Family and Child Welfare) / ADSW</p>	<ul style="list-style-type: none"> <li>• Planning, development and implementation of family welfare and family support services, including monitoring the implementation of integrated family service centres, family life education, departmental hotline service and services for street sleepers</li> <li>• Planning, development and implementation of child welfare and child care services, including the central referral system for residential child care services and monitoring the implementation of various day child care services, foster care and adoption service</li> <li>• Planning, development and implementation of services to combat domestic violence and support victims of sexual violence, including provision of support for the Child Fatality Review Panel</li> <li>• Planning and monitoring of the provision of humanitarian assistance services for non-refoulement claimants and the short-term food assistance service projects</li> <li>• Overseeing the implementation and review of the Community Care Fund assistance programmes under the purview of SWD</li> </ul>
<p>Assistant Director (Finance) /Assistant Director of Accounting Services</p>	<ul style="list-style-type: none"> <li>• Managing the accounting and financial management operations of SWD and trust funds under the Director of Social Welfare Incorporated (DSWI)</li> <li>• Co-ordinating the Resource Allocation Exercise, preparing and monitoring SWD's budget</li> <li>• Providing advice on financial matters</li> <li>• Managing the investments of trust funds under DSWI</li> <li>• Monitoring the Internal Audit Section on technical matters</li> </ul>

Assistant Director (Rehabilitation and Medical Social Services) / ADSW	<ul style="list-style-type: none"> <li>• Planning, development and monitoring of social rehabilitation services for persons with disabilities (PWDs), including the central referral system and allocation mechanism for rehabilitation services, licensing and monitoring of residential care homes for persons with disabilities (RCHDs) and implementation of the Service Quality Group on RCHDs</li> <li>• Management of service issues, including the ageing of service users in rehabilitation facilities as well as respite service for PWDs, and formulation of measures</li> <li>• Drawing up new service programmes to fill service gaps and meet new service demands, including implementing pilot schemes for pre-school children with special needs, peer supporters of ex-mentally ill persons, persons with autism, carers of PWDs, etc. and developing parameters for evaluation of these projects</li> <li>• Engagement of and liaison with stakeholders in the rehabilitation sector and community representatives</li> <li>• Management and monitoring of medical social services and liaison with Hospital Authority and Guardianship Board</li> <li>• Management and monitoring of the redevelopment projects on integrated rehabilitation service complexes at ex-Siu Lam Hospital and ex-Kai Nang Sheltered Workshop and Hostel</li> </ul>
Assistant Director (Social Security) / ADSW	<ul style="list-style-type: none"> <li>• Planning, developing and managing the social security system including - <ul style="list-style-type: none"> <li>• the Comprehensive Social Security Assistance Scheme; and</li> <li>• the Social Security Allowance Scheme - <ul style="list-style-type: none"> <li>- Old Age Allowance (including the Guangdong Scheme),</li> </ul> </li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>- Old Age Living Allowance,</li> <li>- Disability Allowance</li> <li>• Overseeing the administration and operation of the Traffic Accident Victims Assistance Scheme, the Criminal and Law Enforcement Injuries Compensation Scheme, and the Social Security Appeal Board</li> <li>• Overseeing the administration and operation of emergency relief service</li> </ul>
<p>Assistant Director (Subventions) / ADSW</p>	<ul style="list-style-type: none"> <li>• Executing, reviewing and interpreting social welfare subvention policies, rules and procedures, including the Lump Sum Grant (LSG) arrangements</li> <li>• Administering the LSG subvention system, formulating and evaluating the policies and procedures in relation to service performance monitoring of service providers, including non-governmental organisations (NGOs)</li> <li>• Establishing close liaison with NGOs, evaluating the effectiveness of the LSG subvention system in the provision of one-stop service to NGOs</li> <li>• Administering the Lotteries Fund</li> <li>• Reviewing the policy and monitoring of money collection activities in public places authorised by the Director of Social Welfare under section 4(17)(i) of the Summary Offences Ordinance (Cap. 228) including general fund-raising and flag day activities</li> <li>• Reviewing the principles and procedures on allocations from the Lotteries Fund, and overseeing the processing of applications for grants and loans to funding bodies</li> <li>• Planning and co-ordinating capital projects of welfare premises funded by the Lotteries Fund and Capital Works Reserve Fund Block Allocations, including planning, conducting technical feasibility studies, determining physical</li> </ul>



	<p>design standards and making funding applications</p> <ul style="list-style-type: none"> <li>• Implementing the above-mentioned capital projects and overseeing the progress</li> </ul>
<p>Assistant Director (Youth and Corrections) / ADSW</p>	<ul style="list-style-type: none"> <li>• Planning, development and implementation of youth and corrections services including probation and community service order services, integrated children and youth services centres, school social work, services for ex-offenders and discharged prisoners, outreaching social work services, and residential services for children and juveniles with behaviour problems, drug treatment and rehabilitation centres, etc.</li> <li>• Overseeing the operation of the Tuen Mun Children and Juvenile Home as a place of refuge, a remand home, a reformatory school and a detention center for juveniles and children under the respective Ordinances</li> <li>• Overseeing the operation of the Central Office for Volunteer Service</li> <li>• Overseeing and monitoring the Partnership Fund for the Disadvantaged to promote the tripartite partnership among the welfare / education sector, the business community and the Government</li> <li>• Monitoring Child Development Fund projects for children from a disadvantaged background</li> </ul>