

**Legislative Council Panel on Welfare Services  
Meeting on 9 May 2016**

**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**

**Supplementary Information**

At the meeting of the Legislative Council Panel on Welfare Services (the Panel) on 9 May 2016, the proposal to create a supernumerary post of Assistant Director of Social Welfare 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) was discussed. Members requested SWD to meet with the “Alliance for Subvented Residential Care Service” after the meeting, and to provide the following supplementary information to the Panel before submitting its proposal to the Establishment Subcommittee -

- (i) its response to the submission from the “Alliance for Subvented Residential Care Service” which was tabled at the meeting on 9 May 2016;
- (ii) the number of SWD’s inspections of RCHEs and RCHDs as well as the contents, results and effectiveness of these inspections;
- (iii) SWD’s inspection plan which should include the numbers of additional inspections of RCHEs and RCHDs and additional staff to be deployed for conducting inspections of RCHEs and RCHDs after setting up the new LR Branch;
- (iv) its response to members’ suggestions of making public the names of RCHEs and RCHDs with poor track records, requiring RCHEs and RCHDs to sign “Quality Service Charter” and appointing representatives from concern groups as members of Service

Quality Group of the Service Quality Group Scheme<sup>1</sup>; and

- (v) the direction of the reviews of the Code of Practice for RCHEs and the Code of Practice for RCHDs and the timetable for these reviews.

This note provides the requested information.

### Response to the Submission from the “Alliance for Subvented Residential Care Service”

2. Having met with representatives from the “Alliance for Subvented Residential Care Service” and exchanged views with them on 13 May 2016, SWD made a written reply on 1 June 2016. A copy of the reply is at **Appendix** (only Chinese version is available).

### Inspections of RCHEs and RCHDs

3. According to section 18 of the Residential Care Homes (Elderly Persons) Ordinance (RCHE Ordinance) (Cap. 459), the inspectorate teams of the Licensing Office of Residential Care Homes for the Elderly (LORCHE) of SWD conduct inspections at RCHEs to ensure their compliance with the licensing requirements. The scope of inspections covers building safety, fire safety, home management, drug management, personal care services, infection control, handling of accidents, environmental hygiene, meals and staffing, etc.

4. According to section 16 of the Residential Care Homes (Persons with Disabilities) Ordinance (RCHD Ordinance) (Cap. 613), the inspectorate teams of the Licensing Office of Residential Care Homes for Persons with Disabilities (LORCHD) of SWD conduct inspections at RCHDs, covering the same aspects as those for inspections at RCHEs. Irrespective of whether the homes are RCHEs or RCHDs, all inspections are surprise inspections to monitor whether they have complied with the

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<sup>1</sup> Members of the Service Quality Group, comprising healthcare personnel, service users/relatives/friends, 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. As at April 2016, a total of 227 RCHEs (including 193 private RCHEs) and 26 RCHDs joined the Service Quality Group Scheme voluntarily.

statutory requirements on management, staffing, space and layout, building structure, precautionary measures and quality of care, etc.

5. To ensure the quality and standards of inspections at RCHEs and RCHDs, the supervisory officers of LORCHE and LORCHD will conduct audit checks through surprise inspections at RCHEs and RCHDs randomly selected by the computer system from those which have been inspected by the inspectors.

6. If the inspectors of LORCHE and LORCHD detect irregularities during the inspections, depending on the severity of the irregularities, advisory or warning letters will be issued to the non-compliant homes. In addition, under the RCHE Ordinance and the RCHD Ordinance, SWD may issue directions to RCHEs and RCHDs respectively to direct remedial measures. SWD may take prosecution actions if the RCHE or RCHD concerned fails to comply with the requirements specified in a direction.

7. Over the past 3 years, LORCHE of SWD has taken a total of 15 successful prosecutions. During the same period, no RCHD was prosecuted. The numbers of surprise inspections conducted and advisory/warning letters issued by LORCHE and LORCHD are provided as follows –

Year	2013-14		2014-15		2015-16	
	RCHE	RCHD	RCHE	RCHD	RCHE	RCHD
Number of surprise inspections	5 254	1 657	5 445	1 907	5 260	2 387
Number of advisory letters	3 204	318	3 028	466	2 674	481
Number of warning letters	364	0	320	1	361	5

#### Inspections after the Establishment of the New LR Branch

8. LORCHE and LORCHD under the proposed LR Branch will adopt a risk-based approach in conducting inspections and accord priority

to handling of complaints. The number of inspections at individual residential care homes will also be adjusted having regard to the number and nature of non-compliant items identified during inspections to ensure timely rectification of the non-compliant items. Moreover, SWD plans to increase the number of audit inspections to be conducted by supervisory officers in order to ensure the quality and standards of inspections at RCHEs and RCHDs. With increased manpower, there will be a significant increase in the number of audit inspections at RCHEs (from an annual average of 72 to 240) with the annual coverage of RCHEs to be increased from the present 10% to about 30%. The number of audit inspections at RCHDs will also be increased (from 12 of last year to an annual average of 24).

9. On the other hand, SWD plans to set up a dedicated multi-disciplinary inspectorate team under the new LR Branch to formulate strategies and action plans for monitoring RCHEs with serious irregularities or poor track records. On top of the normal inspection mechanism, the dedicated team will, having regard to the nature of non-compliant items of individual RCHEs, formulate individualised, concrete and targeted strategies and action plans to enhance the effectiveness of surprise inspections. Apart from increasing the number of surprise inspections, the dedicated team will strategically conduct surprise inspections in a small team approach or by a multi-disciplinary inspectorate team. According to the irregularities of individual RCHEs identified, the dedicated team will conduct surprise inspections flexibly at different times during office and non-office hours to closely monitor whether the homes have continuously complied with existing regulations and taken timely remedial measures, thereby ensuring that elderly persons will receive proper care. The dedicated team, staffed by more experienced inspectors and headed by a Senior Social Work Officer, will formulate and review the strategies required from time to time. The dedicated team will take sanctions and, where circumstances warrant, prosecution actions against RCHEs and RCHDs that contravene the licensing requirements.

#### Public Participation in Monitoring and "Service Charter"

10. Upon the establishment of the LR Branch, SWD will revamp the

criteria and arrangements for issuing warnings to RCHEs with a view to making the entire monitoring mechanism open, fair and legally binding. SWD also proposes making public the warning records of non-compliant RCHEs where practicable to enhance the transparency of the monitoring system and the deterrence against non-compliant homes. The implementation details of these proposals will be drawn up after legal advice has been sought.

11. SWD plans to develop a dedicated website on long-term care services for the elderly to offer one-stop service information of over 700 RCHEs in the whole territory for better transparency. The website will provide functions to search and to compare different RCHEs. The website will also provide information about RCHEs in respect of services, fees, licensing, staffing, facilities, service performance (including records of non-compliance and prosecutions), accreditation and participation in the Service Quality Group Scheme, etc. The new website is expected to be launched by end-2016. After the launch of this website, SWD will start developing a similar dedicated website for RCHDs at the next stage to facilitate the public's access to information of individual RCHDs.

12. In addition, SWD will extend in 2016-17 the Service Quality Group Scheme to the whole territory with all types of RCHEs and all the licensed RCHDs covered, joining forces with the community to monitor RCHEs and RCHDs through wider participation of community stakeholders in the scheme. SWD will make arrangements for public bodies interested in visiting homes. SWD will regularly publish statistics relating to the Service Quality Group Scheme.

13. As regards the "Quality Service Charter", SWD's Tai Po and North District Coordinating Committee on Elderly Service organised a ceremony on 17 July 2015 to launch the "Elderly Care Charter". By signing up to the "Elderly Care Charter", participating RCHEs and elderly service units jointly made a pledge to provide quality services for elderly persons. SWD plans to organise relevant activities throughout the territory in 2016-17.

## Review of Codes of Practice

14. SWD will 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 as well as improving the service quality and code of practice on care-related subjects. Upon completion of the aforementioned review, SWD will review the Code of Practice for RCHDs at the next stage to achieve the same objectives.

Labour and Welfare Bureau  
Social Welfare Department  
June 2016



電話號碼： 2892 5692

傳真號碼： 2838 0757

爭取資助院舍聯席

(電郵地址：alliancerescare@gmail.com)

### 回應「完善院舍監察制度」初步建議

就 貴聯席在 2016 年 5 月 9 日向立法會福利事務委員會書面提交的「完善院舍監察制度」初步建議，本署署長及副署長(服務)已於 2016 年 5 月 13 日與 貴聯席的代表、張國柱議員及張超雄議員會面，聆聽你們的建議並深入交流意見。有關本署對各項建議的回應，請參閱附件。

如對本回覆有任何查詢，歡迎致電 2961 7251 與安老院牌照事務處總社會工作主任葉巧瑜女士聯絡。

社會福利署署長

(彭潔玲



代行)

2016 年 6 月 1 日



## 回應爭取資助院舍聯席的「完善院舍監察制度」初步建議

社會福利署(下稱「社署」)署長及副署長(服務)於 2016 年 5 月 13 日與爭取資助院舍聯席(下稱「聯席」)的代表、張國柱議員及張超雄議員會面，聆聽聯席就「完善院舍監察制度」提出的建議並深入交流意見。社署向聯席闡釋社署需要成立新的「牌照及規管科」，以開展加強監管院舍及提升院舍服務質素的工作。聯席支持社署增加人手及增設一個社署助理署長編外職位，以儘快落實推行有關工作。

就聯席在上述會議上及在 2016 年 5 月 9 日向立法會福利事務委員會書面提交「完善院舍監察制度」初步建議，社署回應如下：

### 有關處理投訴、通報及保密機制

- 社署計劃在新的「牌照及規管科」下，設立一支專責隊伍，專責處理有關安老院的投訴。社署與衛生署及醫院管理局會維持互相通報的機制，倘若院舍／員工涉嫌觸犯其他刑事罪行，社署會轉交警方或有關政府部門調查及跟進；如警方或其他政府部門懷疑院舍有違規事件，亦會轉介予社署調查及跟進。
- 在調查投訴的過程中，除非得到投訴人／住客的同意，社署絕不會透露投訴人／住客的身份。

### 有關培訓及認證

- 社署計劃在 2016-17 年度推行新的院舍管理訓練及諮詢計劃，提升安老院及殘疾人士院舍主管的管理技巧，並提供實地指導。
- 社署亦會聯同衛生署定期為院舍員工舉辦培訓，包括邀請臨床心理學家提供減輕員工壓力的培訓。
- 社署會積極與業界及其他相關持份者探討一項可推動及協助院舍參與認證的質素提升計劃，以持續提升院舍質素。

### 有關檢討院舍《實務守則》及條例

- 社署會仔細檢視《安老院實務守則》及找出需要改善的範疇，以提升院舍員工的職業操守意識，並加強與照顧有關的服務質素及守則。待上述檢視完成後，社署會在下一階段檢視《殘疾人士院舍實務守則》，以達到相同的目的。
- 部份《實務守則》的內容會牽涉法例規管的範疇，該等範疇亦會包括在檢視之內。



### 有關巡查的安排(如抽樣訪問職員、服務使用者及查看閉路電視記錄等)

- 社署在經常性突擊巡查及調查投訴的突擊巡查中會實地觀察、查核院舍的管理及服務記錄，以及抽樣訪問職員、服務使用者及照顧者，從而了解院舍的運作，亦會按情況查看閉路電視記錄來搜集資料。

### 有關加強執法、增加透明度、公眾參與監察及討論等

- 社署計劃在新的「牌照及規管科」下，設立一支跨專業的專責督察隊伍，就監察嚴重違規或記錄欠佳的安老院制訂策略及行動方案。專責隊伍將會在一般的巡查機制以外，根據個別院舍的違規性質及事項，制訂個別、具體及具針對性的策略及行動方案，以加強突擊巡查的效果。除了增加突擊巡查次數外，專責隊伍亦會策略性地選擇以小隊模式或由跨專業督察隊伍進行突擊巡查，並會就個別院舍的違規情況，靈活彈性地在辦公及非辦公時間內的不同時段到院舍進行突擊巡查，以密切監察院舍有否持續遵守現行規例及適時採取糾正措施，確保長者獲得妥善照顧。該專責隊伍亦會由較資深的督察出任，並由高級社會工作主任領導，制定及不時檢討所需策略。專責隊伍會對違反發牌規定的安老院及殘疾人士院舍施以處分和按情況採取檢控行動。
- 社署正研究重整對安老院發出警告的準則及安排，有關建議將在徵詢法律意見後再作具體落實安排，務求令整套監管機制公開、公平及具法律約束力。建議包括在切實可行的情況將違規而被警告的安老院記錄發放予公眾查閱，以加強監管制度的透明度及對違規院舍的阻嚇性。聯席建議的扣分制及神秘顧客安排對於違規的院舍沒有法律約束力，社署會循各方面繼續多聽意見，檢視不同的方案。
- 社署正籌備建立一個有關長者長期護理服務的專門網頁，一站式提供全港 700 多間安老院的服務資料，從而加強院舍服務的透明度。網頁將備有搜尋及方便比較的功能，並提供安老院在服務、收費、牌照、人手、設備、服務表現(包括違規及被檢控記錄)、認證及參與「服務質素小組」計劃等多方面的資訊。預期新網頁可在 2016 年年底推出。待上述網頁完成後，社署會在下一階段着手為殘疾人士院舍設立類似的專門網頁，讓市民大眾可方便地查閱個別殘疾人士院舍的資料。
- 社署會在 2016-17 年度將「服務質素小組」計劃擴展至全港各區，涵蓋所有類別的安老院及所有已獲發牌照的殘疾人士院舍。至於有興趣參與探訪院舍的公眾團體，社署會作出安排。待「牌照及規管科」成立後，社署會定期公布有關「服務質素小組」計劃的統計數據。
- 社署亦計劃成立一個讓業界及各界持份者參與的專責小組，就監察及提升安老院及殘疾人士院舍的服務進行討論並提供意見。

### 提升殘疾人士院舍改善工程的支援

- 為鼓勵及協助現時以豁免證明書營運的殘疾人士院舍加快進行所需的糾正工程，社署會推行多項便利措施，包括透過獎券基金撥款資助院舍進行改善工程、簡化聘用認可人士提供技術支援的流程、擬備文件範本以加快申請程序、推行一項特別計劃向在開展糾正工程方面遇到困難的殘疾人士院舍提供額外技術支援等，以期儘快全面符合發牌的要求。

### 有關服務約章、優質院舍及優秀員工選舉

- 社署大埔及北區安老服務協調委員會在 2015 年 7 月 17 日舉辦「護老關愛約章齊起動」活動，透過「護老關愛約章」讓參與的安老院與安老服務單位共同承諾為長者提供優質服務。社署計劃在 2016-17 年度在全港各區推行有關活動。
- 社署會繼續鼓勵及支持業界舉辦有關提升院舍及員工質素的活動。

社會福利署

2016 年 6 月