

**For information
on 1 November 2016**

**LEGISLATIVE COUNCIL
PANEL ON WELFARE SERVICES**

**Service Quality and Monitoring of
Private Residential Care Homes for Persons with Disabilities**

Purpose

This paper sets out the measures taken and being planned by the Government to monitor the service quality of private residential care homes for persons with disabilities (RCHDs).

Overview

2. As at 1 October 2016, there were 310 RCHDs in Hong Kong, including 223 subvented RCHDs, 18 self-financing RCHDs and 69 private RCHDs, which together provided some 17 000 residential places serving about 15 800 persons with disabilities.

Licensing System

3. The Residential Care Homes (Persons with Disabilities) Ordinance (RCHD Ordinance) (Cap. 613) came into operation on 18 November 2011 (except Part 2 on sanctions for operating a residential care home without a licence/certificate of exemption (CoE)), and came into full implementation on 10 June 2013 with the commencement of Part 2¹. The RCHD Ordinance provides for the control of RCHDs through a licensing system to ensure that RCHDs reach an acceptable service standard.

4. The Residential Care Homes (Persons with Disabilities) Regulation (RCHD Regulation) under the RCHD Ordinance stipulates the statutory requirements for the operation, management and supervision of RCHDs. Furthermore, by virtue of the powers conferred by the RCHD Ordinance, the Director of Social Welfare (DSW) issues the Code of Practice for Residential Care Homes (Persons with Disabilities), setting out the principles, procedures,

¹ To allow sufficient time for individual RCHDs to put in place suitable arrangements for application for a licence/CoE, there was a grace period of 18 months starting from the commencement of RCHD Ordinance.

guidelines and standards for the operation, management and other control of RCHDs.

5. RCHDs which have been established since the commencement date of the RCHD Ordinance (i.e. 18 November 2011) are required to hold a valid licence for its operation to ensure that their services comply with the statutory standards. For RCHDs that had existed before the commencement date of the RCHD Ordinance but were unable to comply fully with the licensing requirements, CoEs may be issued by DSW to allow reasonable time for these RCHDs to carry out improvement works for meeting the licensing requirements and standards. Operators of RCHDs issued with CoEs must still comply with the licensing requirements relating to health care and home management, such as staffing arrangement, per capita floor space, record system, care procedures, etc., for the protection of residents' interests.

Current Licensing Position

6. As at 1 October 2016, out of a total of 310 RCHDs in Hong Kong, 59 RCHDs (including 38 RCHDs operated by non-governmental organisations (NGOs) and 21 private RCHDs) had been licensed and 251 RCHDs (including 203 RCHDs operated by NGOs and 48 private RCHDs) issued with CoEs. Among the RCHDs which have not yet been licensed, some require major improvement works and take a longer time for the details of the works to be finalised and carried out. For some private RCHDs located in rural areas, a longer time to complete the relevant procedures is also required as the RCHD operators have to apply for the necessary permission from the Town Planning Board.

7. To encourage and assist RCHDs currently operating on CoEs to speed up the necessary improvement works, the Social Welfare Department (SWD) has put in place a host of facilitating measures. These include providing grants under the Lotteries Fund for RCHDs to carry out improvement works², streamlining the process of application and approval for improvement works, and providing additional technical support. SWD has also been in discussion with individual RCHDs issued with CoEs over the options and measures to expedite their improvement works and the setting of completion dates, so as to ensure that all RCHDs will be able to meet the licensing requirements within the coming three years.

² SWD has been assisting RCHDs operated by NGOs in carrying out improvement works for compliance with the licensing requirements with an allocation from the Lotteries Fund. Under the Financial Assistance Scheme launched by SWD which provides financial assistance to eligible private RCHDs for carrying out improvement works, each private RCHD can receive a maximum grant of up to 90 per cent of the recognised cost of the improvement works.

Supervisory Arrangement

8. The Licensing Office of Residential Care Homes for Persons with Disabilities (LORCHD) under SWD is responsible for enforcing the provisions stipulated in the RCHD Ordinance, the RCHD Regulation and the Code of Practice for Residential Care Homes (Persons with Disabilities). The inspection teams of LORCHD conduct regular inspections at RCHDs in respect of building safety, fire safety, health care and home management. LORCHD teams also closely check whether the RCHDs comply with the statutory requirements of staffing, space and layout, building structure, safety measures and quality of care.

9. Since the implementation of the licensing system in November 2011, LORCHD has conducted on average 7 surprise inspections at each private RCHD per year, with the frequency of inspections adjusted having regard to the service performance of individual RCHDs. Following receipt of complaints, LORCHD accords priority to conducting surprise inspections at the RCHDs concerned and investigates the matters raised in the complaints. All the inspections at RCHDs have been conducted on a surprise basis and no prior notices have been given to the RCHDs under inspection.

10. During the aforementioned inspections, inspectors from LORCHD monitor the service quality of RCHDs through various means, including the collection of views of staff, residents and their family members. If RCHDs are found to contravene the requirements of the law during inspections or complaint investigations, depending on the nature and severity of the irregularities, LORCHD will issue advisory letters, warning letters or written directions under the relevant legislation on the remedial measures to be taken. If the RCHDs persistently fail to make improvements, LORCHD will consider instigating prosecution action under the relevant legislation. DSW may, after seeking legal advice, consider revoking or refusing to renew the licences or CoEs in respect of the RCHDs concerned.

The “Bridge of Rehabilitation Company” Incident

11. The Labour and Welfare Bureau and SWD are very concerned about the incident involving the unsatisfactory service performance of the Bridge of Rehabilitation Company, which is a private RCHD. This RCHD could not fully meet the requirements within the specified period as directed by SWD by notice on 31 August 2016 and then on 9 September 2016 under the RCHD Ordinance and continued to contravene the requirements of the Code of Practice for RCHDs with no sustained improvements regarding management and operation. SWD, having sought legal advice and considered the matter carefully, served a notice on the RCHD on 20 October 2016 stating SWD’s intention to revoke the CoE held by this RCHD. SWD has contacted the affected residents and their family members individually and offered them appropriate assistance in finding alternative

residential care. The CoE in respect of the RCHD will remain effective until a decision to revoke is made by DSW, and SWD will continue closely monitoring the operation and service quality of the RCHD to safeguard the well-being of the residents therein.

Enhancing the Service Quality of RCHDs

12. In late October 2016, SWD met with parents, concern groups and relevant stakeholders, RCHD operators and Members of the Legislative Council to discuss the incident. A lot of views and suggestions on how to strengthen the regulation of RCHDs have also been expressed by members of the public. Considering the views and suggestions given by different sectors of the community, SWD plans to upgrade the service quality of RCHDs by taking a series of measures in the areas set out below.

Stepping up monitoring and strict law enforcement

13. There is absolutely no question of SWD condoning or tolerating any RCHDs found to have irregularities. LORCHD will enforce the law strictly. Apart from general inspections, LORCHD will promptly investigate and handle reports and complaints on non-compliance and formulate individualised, concrete and targeted strategies and action plans having regard to the nature of non-compliant items of individual RCHDs. For example, surprise inspections will be strategically conducted in a small-team approach on RCHDs with irregularities or poor track records, with a view to closely monitoring whether RCHDs have continuously complied with current regulations and taken timely remedial measures.

14. SWD requires RCHDs to submit completed and accurate staff employment records (including the details of relief staff) and shift rosters on a regular basis (once every 1 to 3 months) and requires such records to be retained for a specified period (1 to 2 years). With sufficient data on the manpower situation of various RCHDs, LORCHD may identify RCHDs with insufficient staff at an early stage and take follow-up actions promptly. Moreover, SWD will engage, on contract terms, retired disciplined service officers with rich investigation experience and skills to assist the professional team of LORCHD in carrying out inspections to RCHDs and strictly enforcing the law. SWD will also work closely with the Department of Justice so that LORCHD can take prompt and effective prosecution actions against RCHDs with irregularities and poor track records.

Increasing transparency

15. SWD will revamp the criteria and arrangements for issuing warnings to RCHDs and seek legal advice with a view to making the entire monitoring mechanism more open and transparent. This includes exploring the possibility of making public the warning records of non-compliant RCHDs.

16. SWD has extended in 2016-17 the Service Quality Group Scheme on RCHDs to the whole territory with all the licensed RCHDs covered. SWD plans to extend the Service Quality Group Scheme to cover all RCHDs issued with CoE for the public to participate in and express their views on the enhancement of RCHD services, with a view to upgrading the service quality of RCHDs.

Enhancing the quality of home managers

17. Home managers of RCHDs play an important role, as they are responsible for general administration and staff management within the RCHDs concerned. They are also held responsible for service planning and ensuring the services of RCHDs meet the specified requirements. SWD will take an active and pragmatic approach in exploring ways to upgrade the management quality of home managers, such as introducing requirements for professional qualification, setting up an assessment system, and making home managers accountable for the services provided by RCHDs, etc., with a view to safeguarding the well-being of persons with disabilities.

Enhancing training

18. To enhance the management and service quality of RCHDs, SWD has commissioned the Hong Kong Productivity Council to launch a training and consultation programme on home management since 2016-17 with an allocation from the Lotteries Fund. The programme will cover effective staff supervision and training workshops for RCHD operators and home managers, sharing of good management practices, consultation and guidance on the management of individual homes, etc. To further assist RCHDs in instructing their frontline staff responsible for providing nursing and care services to implement the care and nursing requirements as stipulated in the Code of Practice for RCHDs, SWD will actively work on and take forward different modes of training programmes.

19. To enhance the skills of RCHD staff in taking care of persons with disabilities and encourage existing RCHD staff to enrol in health worker training courses (HWTCs), SWD has invited various training institutes, including, among others, the Employees Retraining Board, to organise a series of HWTCs suitable for RCHDs in accordance with relevant requirements. In addition, to encourage staff working in rehabilitation services, including the staff of RCHDs, to enhance their skills and knowledge, SWD commissioned the School of Continuing and Professional Education of the City University of Hong Kong to run an in-service

Certificate Training Course for Rehabilitation Personnel Working for Persons with Intellectual Disability and an in-service Diploma Training Course for Rehabilitation Personnel Working for Persons with Intellectual Disability in 2011-2015. Similar courses will continue to be organised in 2016-17. LORCHD, in collaboration with the Department of Health and relevant professionals, has been organising training programmes for RCHD staff on a regular basis, covering subjects such as infection control, management of psychotropic drugs, understanding of the behavioural problems of persons with disabilities, etc.

Promoting “people-oriented” service culture

20. In addition to enhancing the training for the management of RCHDs, SWD will continue to actively promote “people-oriented” spirit and culture in the care services for persons with disabilities. SWD will continue to closely monitor the conduct of the workers and their compliance with the Code of Practice for RCHDs through a multi-pronged approach, with a view to safeguarding the well-being of persons with disabilities.

Increasing SWD manpower

21. In 2016-17, SWD has been gradually increasing the manpower of LORCHD to strengthen the comprehensive monitoring of RCHDs³. In addition, SWD has proposed to create a supernumerary post of Assistant Director of Social Welfare to provide dedicated supervision over the planning, development and operation of matters relating to the licensing (including the licensing of RCHDs) or registration systems under the purview of SWD, provide comprehensive guidance, lead a multi-disciplinary team to achieve synergy and carry out the duties effectively, and devise strategies and implement measures for enhancing home management and improving service quality.

Enhancing district support networks

22. SWD will help RCHDs build district support networks with service units in respective districts. These networks will link up residents in need (e.g. autistic residents lacking in support) with cross-sector professional support. Through these networks, more care visits and activities will be provided to residents living in RCHDs.

³ SWD will create 39 time-limited non-directorate posts in the proposed Licensing and Regulation Branch, including staff of the Social Work Officer grade, Social Work Assistant grade, Registered Nurse grade, professional and technical grades seconded from the Buildings Department and Fire Services Department as well as clerical and supporting general grades.

Reviewing the RCHD Ordinance / RCHD Regulation

23. Having regard to the views on the monitoring of RCHDs recently expressed by various stakeholders in the community, we will immediately look into and identify the inadequacies in the existing monitoring system and improve the monitoring work by putting in place the appropriate administrative measures to ensure that the well-being of residents in RCHDs is better protected as soon as possible. Regarding the recommendations which require amending the relevant ordinance or regulations before implementation, we will seek initial legal advice and consult different stakeholders in order to lay the initial groundwork for future legislative amendments.

Long-term manpower planning

24. To alleviate the problem of manpower shortage in the welfare sector, SWD will continue to collaborate with relevant organisations to provide a two-year Enrolled Nurse (General)/Enrolled Nurse (Psychiatric) Training Programme. SWD will also continue to co-operate with Polytechnic University of Hong Kong to implement the third batch of Master in Occupational Therapy and Master in Physiotherapy programmes in 2016-17 with a total capacity of 72 places, as well as implement the Training Sponsorship Scheme, under which students obtaining the sponsorship are required to work for the NGOs concerned for not less than three years. Moreover, the Government will continue to implement the Navigation Scheme for Young Persons in Care Services⁴ with a view to encouraging the younger generation to join caring work in RCHDs. The Government will closely monitor the manpower situation of the rehabilitation service sector and devise appropriate plans and measures.

Other Recommendations Raised in the Community

25. In addition to the above recommendations, SWD notes the concerns and suggestions expressed by various sectors on some cross-sectoral or non-welfare aspects. These suggestions include enhancing the provision of outreach medical

⁴ To encourage young people to join the elderly long-term care service sector, the Social Welfare Department launched a “first-hire-then-train” pilot project (the Pilot Project) in 2013 with an allocation from the Lotteries Fund whereby young persons were recruited to take up care work in residential care homes for the elderly. The Pilot Project was implemented in two phases, providing a total of 200 training places. Given the positive response to the Pilot Project, the Government has earmarked about \$147 million to launch the Navigation Scheme for Young Persons in Care Services. In the coming years starting from 2015-16, a total of 1 000 training places will be provided under the Navigation Scheme to encourage young persons aged 18 to 25 and having completed Form 5 education or possessed equivalent qualification to join the elderly and rehabilitation care service. Since the implementation of the Navigation Scheme in July 2015, a total of 555 trainees have been recruited. Among them, 397 have been matched to elderly or rehabilitation service units for services.

services for persons with intellectual disability in RCHDs, and increasing the number of boarding places in special schools, etc. SWD will relay these recommendations to relevant departments or organisations with a view to enhancing the comprehensive care for persons with disabilities.

Provision of Additional Rehabilitation Service Places

26. SWD is aware of public demand for subsidised residential care services for persons with disabilities as well as the long waiting time for such services, in particular for hostels for moderately mentally handicapped persons and hostels for severely mentally handicapped persons. All along, SWD has been making strenuous efforts to identify suitable premises for setting up RCHDs and provide more residential care service places. As at end-September 2016, the Government provided a total of 12 931 subsidised residential care service places (including 450 subsidised places provided under the Bought Place Scheme) for needy persons with disabilities, nearly double the number of RCHD places of about 6 400 places in 1997.

27. The Government has been proactively identifying sites and premises through a multi-pronged approach for the provision of additional places, including those government properties which will be made available owing to service re-engineering and suitable vacant school premises for setting up RCHDs or day centres. In two of the major projects, Integrated Rehabilitation Services Complex will be constructed at the site of ex-Siu Lam Hospital in Tuen Mun and the site of ex-Kai Nang Sheltered Workshop and Hostel in Kwun Tong, providing a total of 1 450 residential care places and 760 day training and vocational rehabilitation service places. We also plan to convert three vacant school premises (namely ex-CCC Kei Leung Primary School site in Leung King Estate, Tuen Mun; ex-CCC Kei Ching Primary School site in Fu Shin Estate, Tai Po; and ex-Sai Kung Central Primary School site in Ho Chung, Sai Kung) into integrated welfare services centres. Together with the two major projects and three vacant school conversion projects mentioned above, the Government plans to provide about 6 000 additional rehabilitation service places in the coming five years (i.e. 2016-17 to 2020-21). Of these, there will be some 2 500 residential care service places. In addition, we will provide more rehabilitation facilities through the Special Scheme on Privately Owned Sites for Welfare Uses. If the 60 or so projects under the Special Scheme are all implemented, about 8 000 more rehabilitation service places will be provided, including some 2 000 residential care service places, thus relieving the pressure on service demand and shortening the waiting time for the services.

Conclusion

28. SWD, as the licensing authority of RCHDs, has the responsibility of monitoring their quality in terms of hardware and software. SWD will adopt appropriate improvement measures in various aspects to enhance the overall service quality of RCHDs. SWD will also take serious follow-up actions vis-à-vis those RCHDs which fail to meet the requirements of the RCHD Ordinance, including taking enforcement action against non-compliant RCHDs with a view to safeguarding the well-being of persons with disabilities.

Advice Sought

29. Members are invited to note the content of this paper.

**Labour and Welfare Bureau
Social Welfare Department
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