

**For discussion on
12 December 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 or to be taken by the Government to step up monitoring of private residential care homes for persons with disabilities (RCHDs).

Background

2. At the special meeting of the Panel on Welfare Services held on 1 November 2016, the Government briefed Members on the licensing system and monitoring arrangements of private RCHDs. Members indicated at the meeting that they would like to further discuss the matter with the Government.

Stepping up monitoring and enhancing the quality of RCHDs

3. The Government has all along been concerned about the service quality of private RCHDs. After consolidating the past experience and taking into account the views and suggestions recently put forward by stakeholders, the Government has been implementing a series of measures to enhance the monitoring of RCHDs and improve their service quality. These improvement measures are set out in ensuing (a) to (r).

I. Strengthening inspection strategy and inspection back-up

- (a) The Licensing Office of Residential Care Homes for Persons with Disabilities (LORCHD) under the Social Welfare Department (SWD) will enhance the mechanism for RCHDs to report to LORCHD. Through the enhanced mechanism, LORCHD can formulate targeted strategies and action plans, which will include strategically conducting surprise inspections in a small team

approach or by a multi-disciplinary inspectorate team(s). Having regard to the non-compliance of individual RCHDs, LORCHD will conduct surprise inspections at different times during both office and non-office hours to investigate and follow up with the RCHDs suspected of poor service or non-compliance so as to closely monitor whether they have continuously complied with existing regulations and taken timely remedial measures.

- (b) LORCHD will require RCHDs to submit at regular intervals staff employment records, including relief staff records and shift rosters, to show clearly the staffing situation and duty schedules to facilitate inspection and checking by SWD.
- (c) SWD will engage on contract terms retired disciplined service officers with rich investigation experience and skills to assist inspectorate teams in carrying out inspections at RCHDs and enforcing laws and regulations strictly. The recruitment exercise has commenced, with new recruits expected to assume duty in the first quarter of 2017.
- (d) In addition to reporting unusual death cases to LORCHD in accordance with the Code of Practice for RCHDs, RCHDs will be required to submit at regular intervals records of all death cases involving service users. The records will include information on names of the deceased residents, causes of death, etc. so that LORCHD can carry out investigation where it is warranted on the basis of the details of the death cases concerned.
- (e) Subject to the Guidance on Closed-circuit Television (CCTV) Surveillance and Use of Drones issued by the Office of Privacy Commissioner for Personal Data being observed, SWD will require RCHDs to install CCTV systems in public areas designated for residents' daily activities, interview/meeting rooms, etc., so as to facilitate the viewing of CCTV footage as and when required for collecting information, step up supervision of the daily operation of RCHDs by the management, and take follow-up action and collect evidence by LORCHD in handling complaints. SWD will further discuss detailed arrangements with the industry.

II. Enhancing monitoring and quality/ skills of home operators/managers/staff

- (f) The competence and integrity of home managers and staff are crucial to the quality of RCHDs. SWD is proactively planning and exploring ways to introduce professional qualification requirements (e.g. registered social workers, nurses, doctors, therapists, etc.) for newly recruited home managers of RCHDs through the amendment of the Code of Practice for RCHDs, requiring them to complete a designated training programme on home management on top of their own professional qualifications. SWD is closely liaising with relevant Qualification Framework (QF) industry committees to expedite the introduction of such courses.
- (g) As for existing home managers of RCHDs without relevant professional qualifications, SWD is considering the feasibility of requiring them to acquire qualifications equivalent to QF Level 4 within a specific time period before they can continue to take up the home manager posts. Meanwhile, in the coming three years, SWD will fund two certificate courses and two diploma courses offered by tertiary institutions, providing a total of 120 additional training places for staff (including home managers) who work at service units for persons with disabilities. Students graduating from the diploma courses will be conferred a qualification equivalent to QF Level 4.
- (h) On stepping up of the monitoring of the personal integrity of RCHD staff, SWD is considering the feasibility of requiring RCHD operators to conduct checks (e.g. the Sexual Conviction Record Check) in respect of newly recruited home managers and staff or those who have their employment contracts renewed in order to further safeguard the well-being of residents in RCHDs. As for existing RCHD home managers, SWD will require their proof or declaration of no sexual conviction record to be submitted by RCHD operators. Legal advice is being sought on such an arrangement.
- (i) To ensure that an applicant for home licence is a fit person to operate or take part in the management of an RCHD, SWD will consider whether an applicant has a record of his/her licence/Certificate of Exemption (CoE) being revoked or his/her application for renewal of licence or CoE turned down owing to

serious non-compliance or poor track record of performance when considering whether to issue licence. SWD is seeking legal advice on such an arrangement.

III. Enhancing specialised training and promoting a people-oriented service culture

- (j) SWD has commissioned the Hong Kong Productivity Council to launch a training and consultation programme on RCHD management in 2016-17 with an allocation from the Lotteries Fund. Under the programme, various training courses on management, staff supervision, etc., are organised for RCHD operators and home managers, while professional consultation on home management is provided to individual homes. Through further support in training and service consultation, SWD will assist RCHD operators and home managers to implement a set of modified Service Quality Standards suitable for RCHDs. To meet the standards, RCHDs are required to set out clearly their staffing structure, home management, fee charging, service details, etc., and formulate a fair, just and open mechanism for complaint handling. The objective is to strengthen the regulation of management of RCHDs, so that RCHDs will develop a framework to enhance their accountability and transparency for continuous improvement of service.
- (k) SWD has been in discussion with the Equal Opportunities Commission to explore the introduction of a range of on-site training and consultation services within the coming year. The staff of RCHDs, particularly those working in private RCHDs, will be briefed on the rights of persons with disabilities, prevention of sexual harassment, as well as the attitudes of respect, equality and acceptance towards persons with disabilities. SWD will also assist RCHDs in reviewing the existing workflow and putting in place improvement measures.

IV. Stepping up law enforcement and increasing transparency

- (l) In order to enhance the transparency of the monitoring mechanism for RCHDs, SWD is currently revamping the criteria and arrangements for issuing warnings to RCHDs with a view to making the entire mechanism transparent and binding on RCHDs.

Such arrangements will include working out a timetable to make public the warning records of non-compliant RCHDs 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 seeking legal advice.

- (m) SWD will explore setting up a cross-disciplinary committee involving the participation of stakeholders and legal representatives etc. to make recommendations to the Director of Social Welfare (DSW) on the follow-up actions to be taken against non-compliant RCHDs.
- (n) SWD will further extend the Service Quality Group Scheme to cover all RCHDs issued with CoEs in early 2017 so that the public and stakeholders can also give their views on the improvement of RCHD services and help promote higher service standards among RCHDs.

V. Strengthening district support network and increasing boarding places in special schools to cater for service needs

- (o) To ensure that service users residing in private RCHDs can receive suitable support, the Government is stepping up the establishment of a district support network, which includes 16 District Support Centres for Persons with Disabilities, 24 Integrated Community Centres for Mental Wellness and 6 home care service teams for persons with severe disabilities, with a view to providing needy residents with casework support. The Government will collaborate with cross-disciplinary professional teams (including organisations and welfare units serving persons with disabilities) in offering residents with support and rehabilitation training. Caring visits and activities will also be conducted at RCHDs to give residents more opportunities for social and rehabilitation training.
- (p) Special schools provide boarding service for students with long-term boarding needs to facilitate their schooling during term time. At present, boarding service is provided in 21 special

schools of various types¹. The Education Bureau (EDB) has been closely monitoring the supply and demand of boarding places in special schools and exploring feasible ways to increase the supply with reference to the actual demand. For instance, to meet the demand from children with physical disability, EDB reprovisioned, in 2014, a school for children with physical disability in the New Territories West for provision of a boarding section with 60 places. Currently, the overall supply of boarding places for different types of special schools is sufficient to meet the demand, except schools for children with moderate intellectual disability (MoID). In this connection, EDB has made optimal use of the space available in the boarding sections of schools for children with MoID, where relevant ordinances and regulations permit, for provision of an additional 16 boarding places in recent years. EDB will continue to increase the supply of boarding places of this type of school through conversion, addition, reprovisioning and building works etc, including the proposed construction of a new school for children with intellectual disability with boarding section in Tung Chung. The proposed school will provide 60 boarding places for children with MoID and severe intellectual disability. Subject to the funding approval of the Legislative Council and the timely completion of the construction works, the number of boarding places for children with MoID is expected to increase from the current around 320 to around 400.

VI. Reviewing the RCHD Ordinance/the RCHD Regulation/Code of Practice

- (q) The Government will review the RCHD Ordinance and the RCHD Regulation in 2017. Before then and in the meantime, DSW will amend the Code of Practice for RCHDs at appropriate junctures to timely implement improvements relating to principles, procedures, guidelines and standards for the operation, keeping or management of RCHDs.

¹ These schools are schools for children with visual impairment, schools for children with hearing impairment, schools for children with physical disability, schools for children with moderate intellectual disability and schools for children with severe intellectual disability.

VII. CoEs to be fully replaced

- (r) Under the RCHD Ordinance, RCHDs which have been established and commenced operation on or after the commencement date of the Ordinance (i.e. 18 November 2011) are required to hold a valid licence. For RCHDs that were operating before that date but were unable to comply fully with the licensing requirements, CoEs might be issued by DSW to allow the RCHDs to have reasonable time for carrying out improvement works for meeting the licensing requirements and standards. SWD has been discussing with all RCHDs issued with CoEs the options to expedite their improvement work and following up on their progress regularly. Simplified application procedures have been introduced. For example, the workflow of engaging authorised persons for the provision of technical support has been streamlined; document templates have been drawn up to expedite the application process; and a special project has been implemented to provide additional technical support for RCHDs having difficulties in taking forward rectification works. Moreover, the subsidy under the Financial Assistance Scheme which provides financial assistance for private RCHDs has been increased to assist RCHDs in carrying out their improvement works as soon as possible. The aim is for all RCHDs to fully comply with the licensing requirements within three years.

Conclusion

4. In formulating the above measures for the purpose of enhancing the service quality of RCHDs and tightening up the monitoring of RCHDs, the Labour and Welfare Bureau and SWD have engaged the operators and representatives of non-governmental organisations operating RCHDs, listened to and taken on board their views. SWD will continue to conduct strategic inspections, deal with the non-compliant homes and take follow-up action in a serious manner. Meanwhile, SWD will strengthen training support and working in concert with various sectors of the community to enhance the professional standards of RCHDs.

Advice Sought

5. Members are invited to give their views on the content of this paper.

Labour and Welfare Bureau
Social Welfare Department
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