

For discussion on
8 February 2021

Legislative Council Panel on Welfare Services
Proposal of Retaining One Supernumerary Post of
Assistant Director of Social Welfare

Purpose

This paper seeks Members' views of the proposed retention of a supernumerary post of Assistant Director of Social Welfare (ADSW) (D2), with effect from 1 April 2021 or upon approval of the Legislative Council (LegCo), whichever is later, for a period of three years to continue to head the Licensing and Regulation (LR) Branch of the Social Welfare Department (SWD) and enhance the monitoring of residential care homes for the elderly (RCHEs) and residential care homes for persons with disabilities (RCHDs).

Background

2. There are altogether 764 RCHEs and 334 RCHDs in the territory at present. The Government attaches great importance to the service quality of RCHEs and RCHDs, and has adopted a multi-pronged approach to enhance their level of services, including the sustained implementation of the bought place schemes and the Pilot Scheme on Residential Care Service Voucher for the Elderly to encourage private RCHEs and RCHDs to improve their quality of services. The Government sought approval from the LegCo Finance Committee on 21 April 2017 for the creation of a time-limited supernumerary post of ADSW (D2) in SWD, with the post title of Assistant Director (Licensing and Regulation) (AD(LR)), to head the then newly established LR Branch in SWD, specifically responsible for licensing/registration and monitoring matters of RCHEs, RCHDs, child care centres and drug dependent persons treatment and rehabilitation centres. AD(LR) also supervises the work of Kowloon City and Yau

Tsim Mong District Social Welfare Office, including the planning, co-ordination and implementation of welfare services at the district level.

3. The LR Branch has a total of 157 staff of 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. Their duties include handling licensing and inspection matters, responding to complaints against residential care homes (RCHs), formulating strategies and action plans with a view to enhancing monitoring and enforcement actions, implementing initiatives for service quality improvement, as well as reviewing and enhancing the Codes of Practice for RCHs on an on-going basis. The staff of the LR Branch are headed by AD(LR).

4. The supernumerary post of ADSW is due to lapse on 1 April 2021. After a careful review, we consider it operationally necessary to retain this post for a period of three years to ensure that SWD has the necessary manpower at senior management level to take forward various initiatives, as detailed in the ensuing paragraphs.

Justification

5. Since its establishment, the LR Branch has enhanced the inspection mechanism, and having regard to the nature of non-compliance, formulated specific strategies and action plans, including conducting surprise inspections to RCHs at different times during non-office hours, issuing written advice, warnings or directions to RCHs on items of non-compliance, and instigating prosecution actions. Over the past three years, the LR Branch conducted on average about 5 500 and 2 200 inspections per year at RCHEs and RCHDs respectively, and issued a total of 359 and 22 warnings for non-compliance respectively. The number of convictions of RCHEs and RCHDs for non-compliance increased from 16 and 0 between 2014-15 and 2016-17, to 78 and 8 between 2017-18 and 2019-20 respectively.

6. The LR Branch has been implementing enhancement measures on

an on-going basis, including -

- (a) uploading warning records of non-compliant RCHs on SWD's websites;
- (b) implementing Visiting Medical Practitioner Service for RCHs;
- (c) implementing a five-year scheme to provide full subsidies for home managers, health workers and care workers of all RCHEs and RCHDs to enrol in Qualifications Framework-recognised training courses; and
- (d) implementing a five-year scheme to provide full subsidies for private RCHEs joining SWD's approved accreditation schemes under the Accredited Certification Body of Certificate of Residential Care Homes (Elderly Persons) Service Providers' Management System recognised by the Hong Kong Accreditation Service, etc.

7. To further enhance the monitoring of RCHs, SWD set up the Working Group on the Review of Ordinances and Codes of Practice for Residential Care Homes (Working Group) in June 2017. The Working Group completed the review in May 2019 and put forward 19 recommendations covering the classification of RCHs, statutory minimum staffing requirements, statutory minimum area of floor space per resident, requirements on operators, registration systems for home managers and health workers, relevant penalties, etc. Some of the recommendations involve the Code of Practice for Residential Care Homes (Elderly Persons) and the Code of Practice for Residential Care Homes (Persons with Disabilities), and SWD has amended the two Codes of Practice and implemented them since 1 January 2020. For the recommendations involving the Residential Care Homes (Elderly Persons) Ordinance (Cap. 459) and the Residential Care Homes (Persons with Disabilities) Ordinance (Cap. 613), they have to be implemented by way of legislative amendments. The Government is conducting preparatory work for the legislative amendments.

8. We briefed the LegCo Panel on Welfare Services and the LegCo Panel on Welfare Services and Panel on Health Services Joint Subcommittee on Long-term Care Policy on 15 April 2019 and 23 June 2020 respectively on the details and latest progress of the recommendations of the Working Group. In addition, the Government consulted the Elderly Commission, the Social Welfare Advisory Committee and the

Rehabilitation Advisory Committee in the second half of 2019 regarding the recommendations, and organised four engagement sessions with stakeholders in the first half of 2020.

9. The supernumerary post of AD(LR) is time-limited until 31 March 2021. With the rapidly ageing population, the demand for elderly and rehabilitation services will continue to increase, and the monitoring of RCHs needs to be conducted on a long-term basis. The Government proposes to retain the AD(LR) post for three years to continuously head the LR Branch in implementing various monitoring and enhancement measures as set out above, examining further initiatives to enhance the monitoring of RCHs and their service quality, reviewing the Codes of Practice for RCHs and relevant guidelines, actively facilitating the implementation of various recommendations made by the Working Group on an ongoing basis and continuing to supervise the work of Kowloon City and Yau Tsim Mong District Social Welfare Office. The job description of the post is at [Annex 1](#).

Alternatives Considered

10. We have critically examined the possibility of re-deploying existing staffing resources within SWD for the tasks as mentioned above. However, all other ADSWs are fully engaged in their respective schedules of responsibilities. In particular, the Assistant Director (Elderly) (AD(E)) and the Assistant Director (Rehabilitation and Medical Social Services) (AD(RM)), who were responsible for overseeing licensing matters prior to the creation of the supernumerary AD(LR) post in 2017, have been persistently over-stretched with the increasing workload involving the planning and development of a wide spectrum of residential and community care services for the elderly and persons with disabilities, as well as the planning and implementation of various ongoing and new

initiatives coming on stream¹. It is operationally not feasible for any serving Assistant Directors to share the duties of AD(LR) without adversely affecting the discharge of their current duties. (The organisation charts of SWD and the LR Branch are at [Annex 2](#) and [Annex 3](#) respectively.)

Financial Implications

11. The additional notional annual salary cost at mid-point of the supernumerary ADSW (D2) post proposed to be retained is \$2,283,600 and the full annual average staff cost, including salaries and staff on-cost, is about \$3,032,000. Sufficient provision will be earmarked in the estimates of the relevant years to meet the required expenditure of this proposal.

Advice Sought

12. Members are invited to give their views on the proposed retention of the supernumerary post of AD(SW) (D2). Subject to Members' comments, we will seek the necessary funding from the LegCo in accordance with the established mechanism.

¹ In the face of a rapidly ageing population, apart from being responsible for increasing the supply of services, AD(E) has to implement a number of pilot schemes on long-term care services and community care and support services for the elderly on an ongoing basis (including the Pilot Scheme on Residential Care Service Voucher for the Elderly, the Pilot Scheme on Community Care Service Voucher for the Elderly, the Pilot Scheme on Multi-disciplinary Outreaching Support Teams for the Elderly, the Pilot Scheme on Home Care and Support for Elderly Persons with Mild Impairment, the Pilot Scheme on Support for Elderly Persons Discharged from Public Hospitals after Treatment, etc); enhance the support for carers of elderly persons (including the Pilot Scheme on Living Allowance for Carers of the Elderly Persons from Low Income Families and Pilot Scheme on Training for Foreign Domestic Helpers in Elderly Care); provide on-going training for healthcare staff (including the Navigation Scheme for Young Persons in Care Services, training programmes for enrolled nurses for welfare sector, etc); review and enhance the infrastructure of long-term care and the Standardised Care Need Assessment Mechanism for Elderly Services; implementing the recommendations according to the Elderly Services Programme Plan, etc.

The challenges faced by AD(RM) are many. AD(RM) is responsible for implementing and reviewing on-site pre-school rehabilitation service 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; implementing various pilot schemes and services for pre-school children with special needs, persons in recovery, persons with autism, persons with disabilities and their carers, etc; and closely monitoring the supply and demand of manpower in rehabilitation services and devising appropriate plans and measures.

**Labour and Welfare Bureau
Social Welfare Department
February 2021**

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

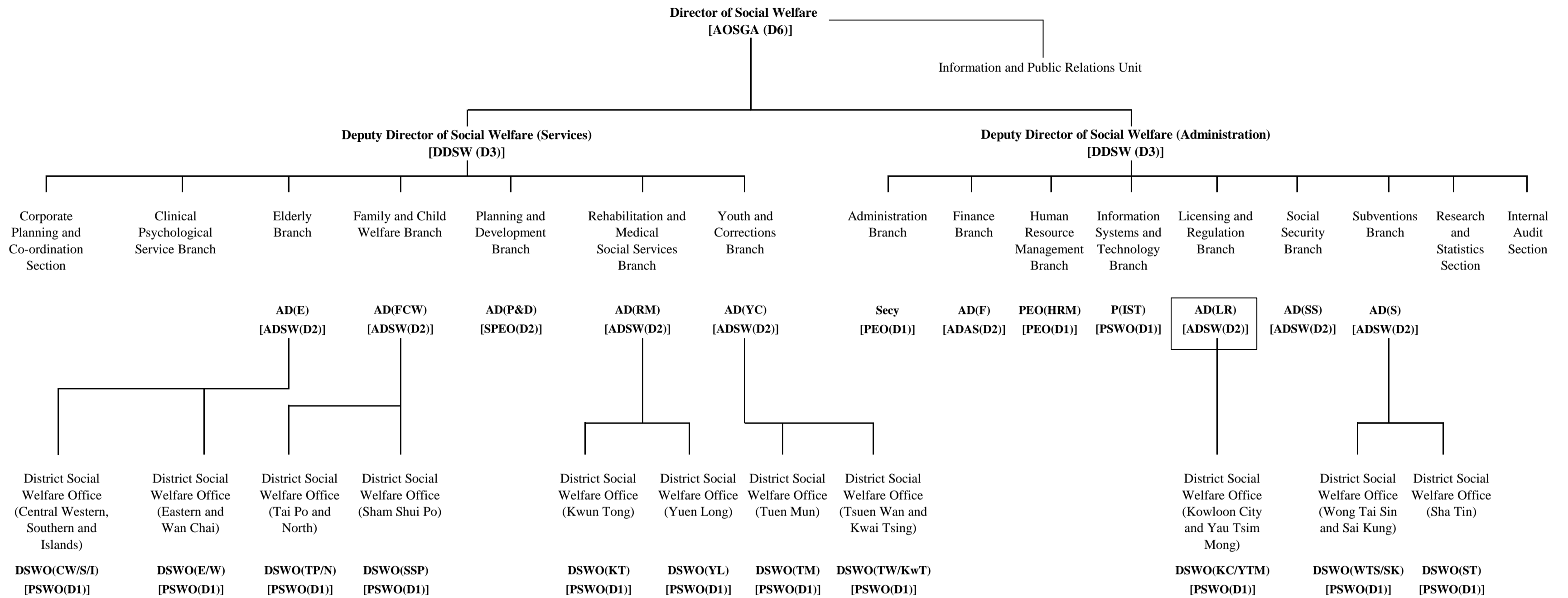
Rank : Assistant Director of Social Welfare (D2)

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, and to provide input to the review of the legislation relating to RCHEs and RCHDs including preparation work preceding the legislation review;
5. To administer and deploy the manpower of and other resources allocated to the Licensing and Regulation (LR) 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 LR Branch and Kowloon City and Yau Tsim Mong District Social Welfare Office.

Organisation Chart of the Social Welfare Department



Legend:

- ADAS - Assistant Director of Accounting Services
- ADSW - Assistant Director of Social Welfare
- AOSGA - Administrative Officer Staff Grade A
- DDSW - Deputy Director of Social Welfare
- DSWO - District Social Welfare Officer

- PEO - Principal Executive Officer
- PSWO - Principal Social Work Officer
- Secy - Departmental Secretary
- SPEO - Senior Principal Executive Officer

Supernumerary Assistant Director post proposed to be retained

Organisation Chart of Licensing and Regulation Branch under Social Welfare Department

Annex 3

Director of Social Welfare

[AOSGA (D6)]

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Deputy Director of Social Welfare (Administration)

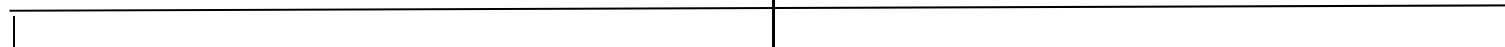
[DDSW (D3)]

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Assistant Director of Social Welfare (Licensing and Regulation)
[ADSW (D2)]

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District Social Welfare Office (Kowloon City and Yau Tsim Mong)



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Chief Social Work Officer (Licensing and Regulation) 1
[CSWO]

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Licensing Office of Residential Care Homes
for the Elderly

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Chief Social Work Officer (Licensing and Regulation) 2
[CSWO]

Licensing Office of Residential Care Homes
for Persons with Disabilities

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Chief Social Work Officer (Licensing and Regulation) 3
[CSWO]

Licensing Office of Drug Dependents Treatment
Centres and Child Care Centres Advisory Inspectorate /
Development Section

Grade	Number
Social Work	42
Registered Nurse	19
Other Professional	9
Total	70

Grade	Number
Social Work	17
Registered Nurse	4
Other Professional	6
General Supporting	4
Total	31

Grade	Number
Social Work	23
General Supporting	29
Total	52

Legends:

AOSGA : Administrative Officer Staff Grade A

DDSW : Deputy Director of Social Welfare

ADSW : Assistant Director of Social Welfare

CSWO : Chief Social Work Officer

: Supernumerary Assistant Director post proposed to be retained