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Panel on Welfare Services

**Background brief prepared by Legislative Council Secretariat
for the meeting on 8 May 2008**

Licensing of residential care homes for the disabled

Purpose

This paper provides background information and gives an account of the discussions of the Panel on Welfare Services (the Panel) on the proposal to introduce a licensing scheme for residential care homes for the disabled (RCHDs).

Provision of RCHDs

Government subvented residential care services for the disabled

2. According to the Administration, there are 206 subvented RCHDs and 16 self-financing RCHDs operated by non-governmental organizations (NGOs) offering residential care services for physically impaired, mentally impaired, ex-mentally ill and blind persons.

3. In order to identify people with disabilities (PWDs) with genuine need for residential services and to match them with appropriate types of services, a Standardized Assessment Tool for Residential Services for People with Disabilities was implemented with effect from 1 January 2005. All applicants for subvented residential services for PWDs must be assessed by the Tool to ascertain their residential services needs before they are put on the central waiting list/admitted to their required service units.

Private RCHDs

4. As of June 2007, there were 37 private RCHDs known to the Social Welfare Department (SWD) providing around 2 175 residential places with a utilization rate of 69%. The majority of them are set up in village houses in the

New Territories, while a few are located in Kowloon. These private homes admit a mixture of disability types including mentally handicapped, mentally ill, physically handicapped and stroke patients with a wide range in age group. Most of the residents are adults and there are a few teenagers attending special schools.

Monitoring of RCHDs

5. At present, there is no licensing scheme for RCHDs. The operation of private RCHDs is not subject to a licensing scheme or monitoring mechanism. According to the Administration, it has put in place measures to provide advice and guidance for the operation of RCHDs, including private homes, with a view to improving their operation and quality of services.

Code of Practice

6. In 2002, SWD issued a Code of Practice for Residential Care Homes for Persons with Disabilities (the Code of Practice) which serves as a guide to the operators on the minimum standard of service as well as the basis for SWD to provide advice and guidance to RCHDs.

Regular visits

7. District staff of SWD have been paying regular liaison visits to RCHDs to give advice on drug administration, use of physical constraints on residents, meals, hygiene and infection control, compliance with the Code of Practice, etc.

Other support for private homes

8. Apart from regular liaison visits, SWD also provides other forms of support for private RCHDs. This includes financial support from the Lotteries Fund for the installation of cohorting facilities for combating infectious diseases, provision of influenza vaccination for the residents and staff, and provision of staff training places.

Discussions by the Panel on Welfare Services

9. The Panel held two meetings on 21 March 2006 and 11 June 2007 to discuss the progress of introducing a licensing scheme for RCHDs. The Panel also received views from deputations on the matter.

Licensing scheme for RCHDs

10. The Panel has been following up closely on the quality of services in

private RCHDs, in particular the maltreatment of residents by unqualified staff in private homes. To enhance the service quality, members strongly urged the Administration to consider introducing legislation and setting up a licensing system to regulate the operation of private homes.

11. The Administration advised that the quality of services in private RCHDs had been an issue of concern to the Government. At the meeting on 21 March 2006, the Administration agreed that a licensing scheme for RCHDs should be introduced in the long run. However, as the licensing scheme would apply to all subvented homes, self-financing homes operated by NGOs as well as private homes, the Administration would need to consider the appropriate licensing requirements, taking into account the special circumstances of these homes. As it took time to prepare for the licensing legislation, the Administration suggested introducing a Voluntary Registration Scheme (VRS) as an interim measure to enhance their service quality (see paragraphs 18 to 21 below).

12. The Panel was briefed on the progress of introduction of the licensing scheme on 11 June 2007. Members were advised that the Registration Office of Private Residential Care Homes for the Disabled (the Registration Office), which was set up in September 2006, was conducting a detailed survey on the conditions of all RCHDs. As of June 2007, 107 (41%) RCHDs including 55 subvented RCHDs, 15 self-financing RCHDs and 37 private RCHDs were inspected.

13. Members were also advised that the Code of Practice would serve as a blueprint for the future licensing scheme. Three consultation sessions for the parents' groups, subvented NGOs and operators of private RCHDs had been held since April 2007 to collect views on the Code of Practice and the future licensing standards. A working group comprising representatives from all the stakeholders would be formed to examine the views gathered and further consult the stakeholders. The Administration would then proceed with the legislative work of the licensing scheme after consulting the Panel and the rehabilitation sector on the licensing standards and legislative proposal in early 2008, and would report the progress to the Panel in early 2008. The Administration envisaged that the relevant bill could be introduced into the Legislative Council (LegCo) in 2008.

14. Members took the view that a licensing scheme for RCHDs had been long overdue and it was unacceptable for the Administration to introduce the bill into LegCo in as late as 2008. They questioned the need for a detailed survey on the situation of RCHDs, given that the services provided by all subvented RCHDs and self-financing RCHDs were monitored by SWD. To expedite the process of introducing a licensing scheme, members considered that the Administration should shorten the time taken for the survey and the review of the Code of Practice.

15. The Administration explained that the aim of the survey was to find out the extent of renovation or improvement works that needed to be carried out in private homes to comply with the latest building and/or fire safety requirements. The inspection would also help identify areas for improvements in both private and subvented RCHDs, and assess the reprovisioning need for some homes. Members were subsequently advised at the meeting on 12 November 2007 that the Administration had completed inspection visits to all RCHDs, including those privately run, and it planned to introduce the legislative proposal for the licensing scheme in the 2008-2009 session.

16. To speed up the introduction of the licensing regime, Mr LEE Cheuk-yan suggested that the Administration should first set out the licensing requirements, and then grant a conditional licence to those homes which were unable to fully comply with the licensing requirements. This would allow time for these homes to upgrade their services and carry out the necessary improvement works for compliance with the licensing requirements as well as shorten the time for consulting the stakeholders on the licensing requirements. Ms LI Fung-ying urged the Administration to make necessary arrangements for those residents who were currently residing in private homes which might not be able to meet the licensing requirements.

17. The Administration explained that it would not be practical to set out the licensing requirements without first understanding the special situation of RCHDs. Given the many different types of disabilities, time would be required to hammer out the licensing requirements for RCHDs so as to ensure that the licensing regime could meet the needs of different types of PWDs. In order to speed up the legislative process, consultation with stakeholders on the Code of Practice and the legislation work would be conducted in parallel.

Voluntary Registration Scheme

18. Members were advised that the implementation of VRS would encourage the operators to enhance the quality of their services pending the introduction of the licensing scheme. Funding support would be considered, on a case by case basis, for individual private RCHDs to carry out improvement works. The Administration would list the names of the private homes which had made improvements up to the VRS requirements on the SWD's website so that the public could identify suitable private homes for their disabled family members. Private RCHDs which had been put on the VRS list but were later found to provide unsatisfactory services would be removed from the list.

19. At the Panel meeting on 11 June 2007, the Administration advised that 23 private RCHDs had submitted applications to join VRS. Inspection visits by the Registration Office revealed that improvement works relating to fire and/or building safety were required by all applicants. As of June 2007, out of the 23 private RCHDs which had submitted applications, five (414 places) had

successfully joined VRS after carrying out improvements works; 10 (620 places) were carrying out improvement works in accordance with the advice of the Registration Office; and eight had withdrawn their applications due to difficulties in complying with the requirements. The remaining 14 private RCHDs had not applied to join the scheme for such reasons as not being able to meet the requirements or expiry of land lease.

20. Members considered the progress of VRS unsatisfactory. Noting that over 2 000 PWDs were currently living in private RCHDs which could not meet the requirements of VRS, members held the view that the Administration should provide assistance for private homes to comply with the service standards prior to the introduction of the licensing scheme for RCHDs.

21. The Administration advised that in parallel with the implementation of VRS, SWD had taken measures to assist all private RCHDs, including those which had not joined VRS, to enhance their quality of services. For example, training workshops had been organized for staff of all private RCHDs on health care, use of physical restraints and effective drug management. SWD had also invited frontline staff of private homes to join the training courses organized by SWD for staff of subvented NGOs with a view to better equipping them with the essential knowledge and skills in serving PWDs.

Regular visits

22. Members noted that to further enhance the monitoring of private RCHDs prior to the implementation of the licensing scheme, SWD would increase the frequency of regular liaison visits to these homes from twice to four times a year. However, members considered that increasing the frequency of regular liaison visits was far from effective to deter the private homes from maltreating their residents, as most of these residents were unable to make their plight known to others. Some members suggested that the regular visits should be interspersed with unscheduled ones. Furthermore, a mechanism should be established to facilitate the lodging of complaints from family members of residents on matters relating to the operation and services of private homes.

23. The Administration advised that SWD would maintain its original plan for conducting four regular liaison visits to each private RCHD in a year. In addition, ad hoc and unscheduled visits would be conducted as and when necessary, for instance, in response to complaints. The Administration was also considering setting up a hotline for the public and family members of service users to lodge complaints against the operation of RCHDs.

24. The Administration further advised that the Registration Office would pay regular and unscheduled visits to the private homes registered under VRS to monitor their compliance with the requirements of the scheme. The Registration Office and the District Social Welfare Offices concerned would also

arrange periodic visits to the private RCHDs which had not applied for VRS to keep in view their operation and provide appropriate support.

Latest development

25. The Administration will brief the Panel on the progress of the licensing scheme for RCHDs at its meeting on 8 May 2008.

Relevant papers

26. Members are invited to access the LegCo website at <http://www.legco.gov.hk> to view the Administration's papers for the meetings of the Panel on Welfare Services on 21 March 2006, 11 June and 12 November 2007, and the relevant minutes of the meetings.

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