

立法會
Legislative Council

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Panel on Welfare Services

Subcommittee on Elderly Services

Minutes of the 5th meeting
held on Friday, 11 April 2008, at 3:00 pm
in Conference Room A of the Legislative Council Building

Members present : Hon Frederick FUNG Kin-kee, SBS, JP (Chairman)
Hon LEE Cheuk-yan
Hon CHAN Yuen-han, SBS, JP
Hon TAM Yiu-chung, GBS, JP
Hon LI Fung-ying, BBS, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Dr Hon Fernando CHEUNG Chiu-hung

Member absent : Hon Albert HO Chun-yan

Public Officers attending : Item I

Mr Matthew CHEUNG Kin-chung, GBS, JP
Secretary for Labour and Welfare

Ms Carol YIP
Deputy Secretary for Labour & Welfare (Welfare) 2

Ms Betty HO
Principal Assistant Secretary for Labour & Welfare (Welfare) 3

Miss Joyce CHAN
Assistant Secretary for Labour & Welfare (Welfare) 3A

Mrs Kathy NG
Assistant Director of Social Welfare (Elderly)

**Deputations
by invitation**

: Item I

The Elderly Services Association of Hong Kong

Ms Grace LI
Chairman

Mr Kenneth CHAN
First Vice Chairman

Home of the Elderly Consultancy Ltd

Ms HO Lai-yan
Business Development Manager

The Against Elderly Abuse of Hong Kong

Mr FOO Wai-lok
Consultant (Elderly Services)

Ms LIANG Ka-li
Senior Health Worker

The Hong Kong Geriatrics Society

Dr CHAN Hon-wai, Felix
President

The Hong Kong Council of Social Service

Ms Grace CHAN
Chief Officer (Elderly)

Ms CHEUNG Lai-wah
Officer (Elderly)

Ms Autumn LEUNG
Officer (Elderly)

Hong Kong Association of Gerontology

Dr Edward M F LEUNG
President

SME Global Alliance - Elderly Affairs Committee

Ms YU Chun-wah
Chief Secretary

Ms MAN Kan-lai
Member

Monitoring Alliance on Elderly Policies

Mr HO Ping-chiu

Mr CHEUNG Kee

Mr LEE Lap-man

失智症照顧者聯盟

Ms CHEUNG Ka-bo

Ms LEE Pui-hak

Clerk in attendance : Miss Betty MA
Chief Council Secretary (2) 4

Staff in attendance : Ms Maisie LAM
Council Secretary (2) 2

Miss Maggie CHIU
Legislative Assistant (2) 4

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- I. Further discussion on residential care services for the elderly**
[LC Paper Nos. CB(2)835/07-08(01), CB(2)1038/07-08(01), CB(2)1324/07-08(01), CB(2)1493/07-08(01) to (03), CB(2)1528/07-08(01) and CB(2)1620/07-08(01)]

The Subcommittee deliberated (Index of proceedings attached at **Annex**).

Long-term planning of residential care services

2. Members noted that the Elderly Commission (EC) had decided to conduct a

study on residential care services for the elderly to explore the following aspects –

- (a) how to target subsidized residential care services at elders most in need; and
- (b) how to promote further development of quality self-financing/private residential care services and encourage shared responsibilities among individuals, their families and the society in meeting the long-term care (LTC) needs of the elderly.

3. Members were of the view that EC should also take into account the following in its study –

- (a) categorization of residential care homes for the elderly (RCHEs) in accordance with their quality and fees, and adoption of pledges for the waiting time for and the provision of additional subsidised residential care places;
- (b) introduction of a means-tested mechanism for the allocation of subsidized residential care places. Reference could be made to the mechanism for allocation of public rental housing units and Home Ownership Scheme flats;
- (c) at present, the LTC needs of elders applying for subsidized LTC services were assessed by the Standardised Care Need Assessment Mechanism. To target subsidized residential care services at elders most in need, the Administration should spell out the specific impairment level under which elders would be considered as having imminent LTC needs for admission to subsidized RCHEs;
- (d) the existing arrangement of deducting the monthly Comprehensive Social Security Assistance (CSSA) payments from those elders staying in private RCHEs if they received financial support from their family members to meet part of the monthly fees; and
- (e) the pricing policy of most private RCHEs by charging a fee equivalent to the CSSA payments of the elderly residents.

Deputations attending the meeting shared members' views.

4. Secretary for Labour and Welfare (SLW) said that the Administration did not have an established position on the subject matter. EC would consider carefully the issues involved in its study. The study was expected to be completed by the first quarter of 2009. Deputy Secretary for Labour and Welfare (Welfare)² supplemented that the comprehensive study to be undertaken by EC would look into the LTC needs of elders and the soon-to-be-old, i.e. those aged 45 or above, and project the future demand for RCHE places.

5. Taking into consideration the lead time required to implement changes to the present arrangements on the provision and allocation of residential care places for the elderly, members urged the Administration to put in place interim measures to shorten the waiting time of the elderly currently on the Central Waiting List for Subsidized Long Term Care Services for the Elderly (CWL) waiting for various types of subsidized residential care places. Mr LEE Cheuk-yan said that consideration could be given to increasing the number of purchased places in private RCHEs under the Enhanced Bought Place Scheme (EBPS).

6. SLW responded that taking into account the non-subsidized residential care places for the elderly, there were some 74 500 places in Hong Kong. At present, about 57 000 elders were staying in subsidized or non-subsidized places in RCHEs. Notwithstanding the surplus of some 20 000 places in private RCHEs, some elders preferred to wait for subsidized places. In the light of this, the study of EC would, inter alia, explore how to promote further development of quality self-financing/private residential care services in meeting the LTC needs of elderly.

7. SLW further said that in 2008-2009, an additional 107 subsidized residential care places would be provided in the new contract homes. Furthermore, the 2008-2009 Budget had earmarked \$29.8 million for the provision of an additional 278 subsidized residential care places. Another \$40 million would be deployed to upgrade 760 infirmary places in 19 RCHEs to provide infirmary care to medically stable elders. He took note of members' concern about the long waiting time for subsidized residential care services and would endeavour to secure additional funding in future to increase the number of subsidised residential care places.

8. Dr Fernando CHEUNG said that measures should also be taken to enhance the service capacity of the community care services in supporting elders with LTC needs to stay in the community while waiting for subsidized residential care places.

9. To keep members abreast of the study to be conducted by EC, Miss CHAN Yuen-han requested the Administration to provide members with a list of the issues to be considered in EC's study for reference.

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Quality and monitoring of subsidized and private residential care homes for the elderly

10. Members expressed grave concern about the media reports that some private RCHEs had free access to the bank deposits of some of their elderly residents who paid the home fees with their CSSA payments. It was reported that some 40 private RCHEs intended to deduct the additional one month's CSSA payments and the one-off grant of Old Age Allowance to be provided in the current financial year for subsidising home fees before obtaining the consent of the

residents concerned. Members strongly urged the Administration to monitor the alleged malpractice of private RCHEs.

11. SLW and Assistant Director of Social Welfare (Elderly) (AD/SW(E)) made the following responses -

- (a) the Social Welfare Department (SWD) had provided clear guidelines in paragraphs 8.2.3 and 8.5.2 of the Code of Practice for Residential Care Homes (Elderly Persons) in relation to holding or storing possessions or property on behalf of every resident by the home. These included -
 - (i) written consent and authorization should be sought from the resident and his/her guardian/guarantor/family members/relatives either on admission or as it became necessary;
 - (ii) home staff should refrain from withdrawing and using the bank account of residents for the purpose of payment of home fees and other charges unless a proper checking mechanism was established and maintained to prevent financial abuse or dispute; and
 - (iii) the home manager of a RCHE was required to establish and maintain a comprehensive system of updated records and make them readily available for inspection by SWD's Licensing Office of Residential Care Homes for the Elderly (LORCHE). Such records, by virtue of Section 16 of the Residential Care Homes (Elderly Persons) Regulation (Cap. 459A) and as a matter of good practice, were required to include, among others, the possessions or property stored or held on behalf of every resident by the home;
- (b) the Guardianship Board established under the Mental Health Ordinance (Cap. 136) was empowered to grant an order that a mentally incapacitated person be received into the guardianship of a suitable person, such as a registered social worker, or the Director of Social Welfare. The guardian so appointed could control and manage the property of the mentally incapacitated elderly on his/her behalf;
- (c) SWD had issued a letter, together with some sample forms, to all RCHEs on 8 April 2008 to remind home operators of the need to observe the above guidelines. To the Administration's understanding, the Elderly Services Association of Hong Kong had also issued a letter to all its members, who were private RCHE operators, and appealed to them to exercise self-discipline in this respect; and

- (d) SWD staff from LORCHE would make regular and unannounced inspections to each RCHE no less than seven times annually. During inspection or on receipt of complaints, the inspectors would examine the records stated in paragraph 11(a)(iii) above and might interview some residents. If problems or irregularities were detected, advisory or warning letters would be issued to require the RCHEs concerned to make necessary rectifications and prosecution actions would be taken as appropriate. Since 1997, 50 RCHEs were convicted of offences under the Residential Care Homes (Elderly Persons) Ordinance (Cap. 459) and its subsidiary legislation.

12. Members generally considered that the existing measures lacked deterrent effect against non-compliant RCHEs. In a bid to promote quality assurance and further enhance the monitoring of RCHEs, the Chairman and Dr Fernando CHEUNG said that the Administration should adopt an independent accreditation system for all RCHEs. Consideration could be given to providing incentives for RCHEs to participate in the voluntary accreditation scheme developed by the Hong Kong Association of Gerontology since 2005. For instance, the Administration should give more weights to the accredited RCHEs when considering bidding for contract homes or EBPS. Dr Edward LEUNG from the Hong Kong Association of Gerontology echoed the need to enhance the participation of RCHEs in the accreditation scheme with a view to encouraging RCHEs to raise their service quality above the licensing requirements.

13. AD/SW(E) advised that when the issue was discussed by the Panel on Welfare Services in 2004, members agreed that the participation of RCHEs in the accreditation system would be voluntary and a non-statutory institution would serve as the accreditation body. To her understanding, there were some 30 RCHEs participating in the accreditation scheme developed by the Hong Kong Association of Gerontology. The Association would publicize on its website information about accredited RCHEs.

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14. At the request of Dr Fernando CHEUNG, AD/SW(E) agreed to examine the feasibility of collecting information on the number of subvented/contract/private homes keeping the bank passbooks and name seals on behalf of the residents during inspections to RCHEs and provide members with such information, if available.

II. Any other business

15. Members agreed that the Subcommittee should discuss the provision of community care and support services at the next meeting.

16. There being no other business, the meeting ended at 6:13 pm.

Council Business Division 2
Legislative Council Secretariat
4 June 2008

**Proceedings of the 5th meeting of the
Subcommittee on Elderly Services
on Friday, 11 April 2008, at 3:00 pm
in Conference Room A of the Legislative Council Building**

Time marker	Speaker(s)	Subject(s)	Action required
000000 - 000413	Chairman	Opening Remarks	
<i>Long-term planning of residential care services</i>			
000414 - 001322	Administration	Briefing by the Administration on the Government's policy on elderly care; the various long-term care (LTC) services for the elderly; and the Elderly Commission (EC)'s study on residential care services for the elderly [LC Paper No. CB(2)1493/07-08(01)]	
001323 - 001410	Chairman	Letters from Dr Fernando CHEUNG and Miss CHAN Yuen-han requesting to discuss issues relating to the quality of private residential care homes for the elderly (RCHEs) [LC Paper Nos. CB(2)1324/07-08(01) and 1493/07-08(02)]	
001411 - 002248	Dr Fernando CHEUNG Chairman Administration	Concerns raised by Dr Fernando CHEUNG about the inadequacy of the centre-based and home-based community care services in supporting elders to age in the community while waiting for the subsidized residential care places The Administration's response that a wide range of services had been put in place to meet the multifarious LTC needs of elders and enhance the support for carers so as to facilitate ageing in the community	
002249 - 002948	Mr LEE Cheuk-yan Administration	Views of Mr LEE Cheuk-yan that pending the outcome of EC's study on residential care services for the elderly, the Administration should increase supply and adopt pledges for the allocation of the various subsidized residential care places for elders currently on the Central Waiting List for Subsidized Long Term Care Services for the Elderly (CWL) The Administration's response that at present, there was no means-test for the allocation of subsidized residential care places. Some waitlisted elders might have financial means to afford quality non-subsidized residential care places. EC had decided to look into the related issues in its study	
002949 - 003632	Chairman Administration	Concerns raised by the Chairman about the supply of different types of subsidized residential care places in the year ahead. Suggestions of the Chairman that the Administration should make reference to the mechanism for allocation of public housing units and adopt pledges for the allocation of subsidized residential care places The Administration's response that \$29.8 million had been earmarked in the 2008-2009 Budget to provide an additional 278 subsidized residential care places. In addition, more care-and-attention (C&A) places with continuum of care up to nursing level would be provided under the conversion programme to better meet the LTC needs of elders	
003633 - 004222	Mr Alan LEONG Chairman	The Administration's explanation to enquiry raised by Mr Alan LEONG about the provision of additional subsidized	

Time marker	Speaker(s)	Subject(s)	Action required
	Administration	residential care places in 2008-2009 - (a) in 2008-2009, an additional 107 subsidised places would be provided in the new contract homes; and (b) the 278 places to be provided under the additional recurrent funding of \$29.8 million in the 2008-2009 Budget were expected to come on stream in about one year's time, pending identification of operators through competitive bidding.	
004223 - 005215	Chairman Dr Fernando CHEUNG Administration	Views of Dr Fernando CHEUNG that the Administration should review the existing arrangement of deducting the monthly Comprehensive Social Security Assistance (CSSA) payments if the elderly recipients received financial support from their family members, so as to enable them to receive quality private residential care services of their choice The Administration's advice that EC would collate data in months ahead to assess the financial ability and LTC needs of the elders and the soon-to-be-old in order to project the future demand for RCHE places	
005216 - 005825	Miss CHAN Yuen-han Administration Chairman	Views of Miss CHAN Yuen-han that members of the public generally lacked confidence in the quality of private RCHEs; this explained the reasons for the huge demand for subsidized RCHEs	
005826 - 010358	Mr LEE Cheuk-yan Administration	The Administration's response to enquiry raised by Mr LEE Cheuk-yan about the policy on purchasing Enhanced Bought Place Scheme (EBPS) places from private RCHEs - (a) the existing policy was to allow a greater number of private RCHEs to participate in EBPS. In 2007-2008, around 500 places were purchased from 17 private RCHEs under EBPS, and the recurrent expenditure was about \$35 million; and (b) efforts would be made to secure additional funding in future to increase the number of EBPS places	
010359 - 010758	Chairman Administration	Views of the Chairman that community care services could not be regarded as a substitute for residential care services. Frail elders who were assessed to a certain impairment level under the Standardised Care Need Assessment Mechanism (SCNAM) should immediately be provided with subsidized residential care services	
010759 - 011150	Miss CHAN Yuen-han Chairman	Miss CHAN Yuen-han's request for the provision of a list of the issues to be considered in EC's study for reference	Admin to follow up
011151 - 011608	Dr Fernando CHEUNG Chairman Administration	The Administration's response to the concerns raised by Dr Fernando CHEUNG about the long waiting time for the community care services - (a) the demand for community care services varied in different districts. At present, there were 580 elders waiting for the Integrated Home Care Services and the average waiting time was two to four months; and	

Time marker	Speaker(s)	Subject(s)	Action required
		(b) the two pilot schemes of the Integrated Discharge Support Programme for Elderly Patients could each serve 3 000 elderly patients and 1 000 carers per annum to facilitate the rehabilitation of elders in the community	
011609 - 012000	The Elderly Services Association of Hong Kong Administration	Feasibility of introducing a means-tested mechanism for allocation of subsidized residential care places in order to shorten the waiting time	
012001 - 012306	Home of the Elderly Consultancy Ltd Administration	Subsidy arrangements for residential care services	
012307 - 012349	The Against Elderly Abuse of Hong Kong Chairman	Concerns about the quality and monitoring of subsidized and private residential care homes for the elderly	
012350 - 012649	The Hong Kong Geriatrics Society Administration	Suggestion of strengthening the geriatric assessment for all applicants for LTC services to detect undiagnosed illness and provide timely treatment for elders having health problems	
012650 - 012928	The Hong Kong Council of Social Service Administration	Suggestions of making public information on the waitlisting situation for subsidized residential care places in different districts; providing subsidy to carers; and addressing the manpower shortage problem of private RCHEs	
012929 - 013553	Hong Kong Association of Gerontology Administration	Called on the Administration to enhance the transparency of the readily available statistics of SCNAM	
013254 - 013607	SME Global Alliance - Elderly Affairs Committee Administration	Called on the Administration to expeditiously introduce a means-tested mechanism for subsidized residential care places; increase the number of EBPS places and address the manpower shortage problem of Health Workers	
013608 - 013955	Monitoring Alliance on Elderly Policies Administration	Concern about the LTC needs of elders and the supply of subsidized residential care places in the years ahead	
<i>Quality and monitoring of subsidized and private residential care homes for the elderly</i>			
013956 - 014211	Chairman Administration	Briefing by the Administration on the monitoring of RCHEs [LC Paper No. CB(2)1493/07-08(01)]	
014212 - 015214	Chairman Dr Fernando CHEUNG Administration	<p>Concerns raised by Dr Fernando CHEUNG about media reports that some 40 private RCHEs intended to withdraw and use the additional one month CSSA payment as proposed in the 2008-2009 Budget to subsidise the residential home fees without obtaining the consent of the recipients</p> <p>The Administration's advice on the relevant guidelines set out in paragraph 8.2.3(b) of the Code of Practice for Residential Care Homes (Elderly Persons) ("the Code") and that the Social Welfare Department (SWD) had issued a letter, together with the sample forms, to all RCHEs on</p>	

Time marker	Speaker(s)	Subject(s)	Action required
		8 April 2008 to remind home operators of the need to observe the relevant guidelines	
015215 - 015823	Mr LEE Cheuk-yan Administration Chairman	<p>The Administration's response to enquiry raised by Mr LEE Cheuk-yan about the enforcement of the Code -</p> <p>(a) inspectors of the Licensing Office of Residential Care Homes for the Elderly (LORCHE) would examine RCHEs' records of residents and might interview some of the residents during inspections. LORCHE would also conduct inspections immediately whenever there was a complaint against a RCHE;</p> <p>(b) if problems or irregularities were detected, LORCHE would require the RCHE concerned to make necessary rectification. Advisory or warning letters would be issued and prosecution actions would be taken as appropriate; and</p> <p>(c) in 2007, there were a total of 13 cases concerning the keeping of the residents' bank passbooks</p>	
015824 - 020516	Miss CHAN Yuen-han Administration	Views of Miss CHAN Yuen-han that the existing complaint mechanism against RCHEs and the arrangement of issuing advisory and warning letters lacked deterrent effect against non-compliance	
020517 - 021157	Chairman Mr LEUNG Kwok-hung Administration	Mr LEUNG Kwok-hung's views that the Administration should step up efforts in monitoring subsidized RCHEs and explore the feasibility of forming a coalition of "grey power" to monitor the service quality of all RCHEs	
021158 - 021906	Chairman Administration Hong Kong Association of Gerontology	Suggestion of the Chairman that the Administration should provide incentive to encourage private RCHEs to participate in the accreditation system for RCHEs developed by the Hong Kong Association of Gerontology so as to promote the service quality	
021907 - 022511	Chairman Dr Fernando CHEUNG Administration	Dr Fernando CHEUNG's request for information on the number of subsidized and private RCHEs which had kept the bank passbooks and name seals on behalf of the residents	Admin to provide information
022512 - 023410	Mr LEUNG Kwok-hung Administration Miss CHAN Yuen-han Chairman	Mr LEUNG Kwok-hung's view that it was the Government's responsibility to provide the required financial resources for private RCHEs to ensure that their services would be of an acceptable standard	
023411 - 023659	Chairman Administration	Participation of the accreditation system for RCHEs developed by the Hong Kong Association of Gerontology	
023700 - 024341	The Elderly Services Association of Hong Kong Chairman Administration	Reasons why private RCHEs had to keep the bank passbooks on behalf of the residents who were CSSA recipients; and the role of private homes in taking care of the residential care needs of elders in the face of an ageing population	
024342 - 024713	Home of the Elderly Consultancy Ltd Administration	Called on the Administration to allocate additional resources to enhance the support for private RCHEs so as to relieve the operating difficulties of the industry	

Time marker	Speaker(s)	Subject(s)	Action required
024714 - 024917	The Against Elderly Abuse of Hong Kong Administration	Concerns about the monitoring of subvented and contract homes	
024918 - 025203	The Hong Kong Geriatrics Society Administration	Urging the Administration to enhance the quality of Health Workers and allocate additional resources to strengthen the outreaching services provided by the Community Geriatric Assessment Teams to elders in RCHEs	
025204 - 025724	The Hong Kong Council of Social Service Administration	Manpower shortage problem of Enrolled Nurses in the welfare sector	
025725 - 030040	Hong Kong Association of Gerontology Administration	Suggestions of introducing a mechanism to assess the level of care provided by private RCHEs; and called on the Administration to map out measures to increase the supply of nursing staff in the welfare sector	
030041 - 030455	SME Global Alliance - Elderly Affairs Committee Administration	Categorization of private RCHEs according to their quality of service; and concerns about the monitoring of private RCHEs operating without licence	
030456 - 030801	Monitoring Alliance on Elderly Policies Administration	Requesting the Administration to provide a concrete timetable to implement the various initiatives to shorten the waiting time for subsidized residential care places	
030802 - 031111	Chairman Administration	Concluding remarks and discussion item for the next meeting	
031112 - 031304	The Elderly Services Association of Hong Kong Administration Chairman	The difficulty of the trade in attracting new newcomers as carers	
031305 - 031354	Chairman	Arrangements for future meetings	

Council Business Division 2
Legislative Council Secretariat
4 June 2008