

**For information
on 10 December 2010**

**LEGISLATIVE COUNCIL
PANEL ON WELFARE SERVICES**

**Subcommittee on Residential and Community Care Services
for Persons with Disabilities and the Elderly**

Regulation of Residential Care Homes for the Elderly

Purpose

This paper sets out, for Members' information, the regulation mechanism for residential care homes for the elderly (RCHEs) in Hong Kong and other measures undertaken by the Government to enhance the quality of RCHEs.

Overview of RCHEs in Hong Kong

2. As of 31 October 2010, there were 755 RCHEs in Hong Kong, including 579 private RCHEs, 37 self-financing RCHEs and 139 subvented or contract RCHEs^{Note}. These RCHEs offered 72 502 places in total, serving about 57 200 elders in the territory.

Regulation of RCHEs

3. The Government attaches great importance to the proper care of elders residing in RCHEs. We have put in place a licensing system to regulate RCHEs under the Residential Care Homes (Elderly Persons) Ordinance (Cap. 459) (the RCHE Ordinance), complemented by the Code of Practice for Residential Care Homes (Elderly Persons) issued by the Director of Social Welfare under Section 22(1) of the RCHE Ordinance, as well as other supporting measures as set out in the ensuing paragraphs, to upkeep the quality of RCHEs in Hong Kong.

(a) The RCHE Ordinance and its subsidiary legislation

4. The RCHE Ordinance came into operation on 1 June 1996. The objective of the Ordinance and its subsidiary legislation, namely, the

^{Note} Since 2001, the Government has been allocating purpose-built RCHEs to operators through open tender, and entering into service contracts with the operators. "Contract RCHEs" refer to RCHEs operating in this mode.

Residential Care Homes (Elderly Persons) Regulation (Cap. 459A) and Residential Care Homes (Elderly Persons) (Appeal Board) Regulation (Cap. 459B), is to ensure that residents in RCHEs will receive services of acceptable standards that are of benefit to them physically, emotionally and socially. The Ordinance and its subsidiary legislation govern the operation of RCHEs through a licensing system administered by the Social Welfare Department (SWD).

5. Under the RCHE Ordinance, all RCHEs operating in Hong Kong must be licensed to legitimise their operations. They have to comply with the licensing requirements relating to the RCHE's management and staffing, facilities and equipment; the location, structure and design of the premises; building safety, fire precautions, health and sanitation, etc.

6. The RCHE Ordinance and its subsidiary legislation also empowers SWD to supervise RCHEs by inspecting them, directing remedial measures and ordering them to cease operation in case of danger/perceived danger or unfulfilled requirements.

(b) *The Code of Practice for Residential Care Homes (Elderly Persons)*

7. The Code of Practice sets out the principles, procedures, guidelines and standards for the operation, keeping, management or other control of RCHEs. It also sets out detailed requirements in relation to the licence, building and accommodation, safety and fire precautions, floor space, furniture and equipment, management, staffing, health and care services, infection control, nutrition and diet, cleanliness and sanitation, social care, etc. SWD reviews and updates the Code of Practice from time to time to cater for the needs of RCHE residents. The latest Code of Practice is promulgated on SWD's webpage for the public's reference.

(c) *Monitoring of RCHEs*

8. To ensure that RCHEs comply with the licensing requirements, the Licensing Office of Residential Care Homes for the Elderly (LORCHE) of SWD inspects RCHEs pursuant to section 18 of the RCHE Ordinance. The inspections are very comprehensive, covering aspects such as drug management, personal care services, infection control, handling of accidents, environmental hygiene, meals and staffing, etc. At present, LORCHE conducts on average seven surprise inspections on each private RCHE per year, and will adjust the frequency of inspections based on the risk level of individual RCHEs.

9. RCHEs are required to rectify irregularities detected during inspections. Advisory or warning letters will be issued to non-compliant RCHEs, and prosecution actions will be taken if needed. Operational experience shows that most RCHEs are receptive to LORCHE's advice and will rectify irregularities promptly. From 1997 to mid-November 2010, 64 RCHEs were successfully prosecuted, involving 108 offences.

(d) The Complaint Mechanism

10. An effective monitoring mechanism cannot rely solely on the inspections conducted by the licensing authority. In fact, the residents, their families and carers, concern groups and other stakeholders also play a pivotal role in monitoring the performance of RCHEs. The public can contact LORCHE directly or call SWD's hotline to make enquires, give suggestions or lodge complaints against the services of RCHEs. About 260 complaints against RCHEs per annum were received in recent years. Upon receiving a complaint, SWD will not only take follow-up action such as inspecting the RCHE concerned, issuing to it advisory or warning letters and monitoring its remedial measures, but will also issue relevant guidelines where appropriate to help the entire sector improve service quality.

(e) Dissemination of Information

11. Easy access to information is the linchpin of an effective monitoring mechanism. For this reason, SWD publicizes the following information on its website to enhance transparency -

- particulars of all licensed RCHEs, including names, addresses, types and numbers of residential care places, the expiry date of the licences and the conditions of issuing the licence;
- list of private RCHEs participating in the Enhanced Bought Place Scheme (EBPS) (details of EBPS are set out in paragraphs 12-13 below);
- the Code of Practice for Residential Care Homes (Elderly Persons);
- circulars, letters and guidelines issued by SWD on work practice for RCHEs;
- names, addresses and offences of RCHEs which had been

successfully prosecuted for breaching the RCHE Ordinance and /or its subsidiary legislation; and

- guidance notes for elders and their families on the selection of RCHEs, etc.

(f) EBPS

12. SWD introduced EBPS in 1998 with a view to upgrading the service quality of private RCHEs through enhanced service requirements in terms of staffing and space standards. In addition to statutory requirements under the RCHE Ordinance, RCHEs participating in EBPS are required to fulfil requirements in respect of its management as stipulated in the Service Quality Standards and Criteria drawn up by SWD, which covers aspects such as service quality, protection of the rights of service users, keeping and provision of service information, as well as human resources and financial management in the operation of RCHEs.

13. A major characteristic of EBPS is that once a private RCHE participates in the scheme, the same enhanced standards (e.g. staffing and bed spacing requirements) will apply to the entire home (including non-subsidised places), hence making it an effective means of encouraging private RCHEs to enhance their service quality. At present, there are 141 private RCHEs participating in the scheme, providing a total of 7 229 subsidised places.

(g) Other Measures

14. The Government also seeks to enhance the caring capabilities of RCHEs through the following measures -

- introduction of the Pilot Scheme on Visiting Pharmacist Services for RCHEs in mid-2010. The scheme provides RCHEs with visiting pharmacist services, so as to enhance the drug management knowledge and capability of RCHEs and their staff. Earlier this year, we selected 26 RCHEs to participate in the first phase of the scheme, and will be providing visiting pharmacist service for these RCHEs until mid-2011. We plan to invite 25 more RCHEs a year to participate in the scheme in the next two years. The pilot scheme seeks to support about 70 to 80 RCHEs in three years' time;
- promulgation of guidelines for RCHEs on care-related topics

including drug safety, use of physical restraints, special care under extreme weather, food hygiene and vaccination programmes, etc. SWD also issues circulars to RCHEs concerning licensing issues/policies, topical issues and good practices to ensure that the residents receive proper care;

- provision of training for RCHE staff to enhance their knowledge and skills in taking care of elderly residents. Starting from 2009, LORCHE and the Department of Health (DH) have been providing training workshops for RCHE staff. Training topics include drug safety, dementia care, prevention of elderly abuse, psychosocial activities, staff supervision, emotional management, etc. So far, about 4 400 RCHE staff have attended the training workshops; and
- collaboration with the Hospital Authority and DH to improve the quality of care of RCHEs through mutual referrals and liaison platforms like the Working Group on Drug Safety of RCHEs and Task Group on Health Care Services of RCHEs.

Advice Sought

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

**Labour and Welfare Bureau
Social Welfare Department
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