

For information
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**LEGISLATIVE COUNCIL
PANEL ON WELFARE SERVICES
PANEL ON HEALTH SERVICES**

Joint Subcommittee on Long-term Care Policy

**Regulation of Private Residential Care Homes for
the Elderly and for Persons with Disabilities and Relevant Measures**

Purpose

This paper sets out, for Members' information, the mechanism and measures for regulating private residential care homes for the elderly (RCHEs) and residential care homes for persons with disabilities (RCHDs).

Overview

2. As at end-March 2014, there were 748 RCHEs in Hong Kong, including 559 private RCHEs, 40 self-financing RCHEs, 127 subvented RCHEs and 22 contract RCHEs. These RCHEs offered 75 780 places in total, serving about 61 200 elderly persons.

3. As at end-March 2014, there were 306 RCHDs in Hong Kong, including 68 private RCHDs, 18 self-financing RCHDs and 220 subvented RCHDs. These RCHDs provided 16 339 places in total, serving about 15 200 persons with disabilities.

Licensing system

Residential Care Homes (Elderly Persons) Ordinance

4. The Residential Care Homes (Elderly Persons) Ordinance (RCHE Ordinance) (Cap. 459) came into full operation in June 1996. The objective of the RCHE Ordinance and Residential Care Homes (Elderly Persons) Regulation (RCHE Regulation) (Cap. 459A) is to ensure that residents in the RCHEs will receive services of acceptable standards that are of benefit to them physically, emotionally and socially. RCHE Ordinance and RCHE Regulation govern the operation of RCHEs through a licensing system administered by the Social Welfare Department (SWD).

5. Under 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, location, structure and design of the premises, building safety, fire precautions, health and sanitation, etc. RCHE Ordinance and its subsidiary legislation also empower 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.

6. The Code of Practice for Residential Care Homes (Elderly Persons) (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 meals, 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 version of the Code of Practice, updated in March 2013, is released on SWD's website for public reference.

Residential Care Homes (Persons with Disabilities) Ordinance

7. The Residential Care Homes (Persons with Disabilities) Ordinance (RCHD Ordinance) (Cap. 613) came into operation on 18 November 2011 (except Part 2 on sanctions for operating a residential care home without a licence/certificate of exemption (CoE)), and came into full implementation on 10 June 2013 with the commencement of Part 2. RCHD Ordinance provides for the control of RCHDs through a licensing system to ensure that RCHDs reach an acceptable service standard.

8. The Residential Care Homes (Persons with Disabilities) Regulation (RCHD Regulation) under RCHD Ordinance stipulates the statutory requirements for the operation, management and supervision of RCHDs. Furthermore, by virtue of the powers conferred by RCHD Ordinance, the Director of Social Welfare (DSW) issued the Code of Practice for Residential Care Homes (Persons with Disabilities), setting out the principles, procedures, guidelines and standards for the operation, management and other control of RCHDs.

9. RCHDs established and commenced operation on or after the commencement date of RCHD Ordinance (i.e. 18 November 2011) are required to hold a valid licence to ensure that their services comply with the statutory standards. For RCHDs that existed before the commencement date of the Ordinance but are unable to comply fully with the licensing requirements, CoEs might be issued to allow reasonable time for these RCHDs to carry out improvement works for meeting the licensing requirements and standards. Nevertheless, operators of RCHDs issued with the CoEs must comply with the licensing requirements relating to health care and home management, such as staffing arrangement, per capita floor space, record system, care procedures, drug management, infection control and social activities etc., for the protection of residents' interests. At present, all RCHDs in the territory have been issued with licences or CoEs under RCHD Ordinance.

Supervisory arrangement

RCHEs

10. 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 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. At present, LORCHE conducts on average seven surprise inspections of each private RCHE per year, and will adjust the frequency of inspection based on the risk level of individual RCHEs.

11. RCHEs are required by LORCHE 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 2009-10 to 2013-14, 35 RCHEs were successfully prosecuted, involving 46 offences.

RCHDs

12. The Licensing Office of Residential Care Homes for Persons with Disabilities (LORCHD) under SWD is responsible for enforcing the provisions stipulated in RCHD Ordinance, RCHD Regulation and the Code of Practice for RCHDs. The inspectorate teams of LORCHD conducts regular inspections of RCHDs in respect of building safety, fire safety, health care and home management, so as to ensure that all RCHDs comply with the statutory requirements of staffing, space and layout, building structure, precautionary measures and quality of care, etc.

13. Since the implementation of the licensing system in November 2011, LORCHD has conducted on average seven surprise inspections to each private RCHD per year, and has maintained communication with the sector to assist RCHDs in improving their service quality and meeting the relevant requirements.

14. If an RCHD is not in full compliance with the licensing requirements, LORCHD will issue a letter to that RCHD, advising or requesting it to make improvements on individual items within a specified period. Inspectors of LORCHD will follow up on the case and review the situation. Past records show that the operators and home managers of RCHDs would respond positively and make improvements upon request. As such, no RCHD has been prosecuted or warned since RCHD Ordinance came into effect.

Enhancing the caring skills of frontline staff

15. The Government attaches much importance to the enhancement of the caring skills of RCHEs and RCHDs staff through various initiatives, with a view to improving the service quality of these residential care homes.

Health Workers

16. RCHE Regulation and RCHD Regulation stipulate the staffing requirements for various types of residential care homes, including health workers (HWs) whose registration is approved by DSW under the said regulations. Any person who intends to register as an HW must complete a training course approved by DSW. As of end-March 2014, there were 34 training bodies, including NGOs and tertiary institutions, organising 61 approved training courses for HWs for RCHEs. More than 1 500 HWs are trained by these training bodies annually to meet the manpower demand of the RCHE sector. On the other hand, to tie in with the implementation of the licensing system for RCHDs, training institutes organise a series of HW training courses applicable to RCHDs in accordance with relevant requirements. These include the Health Worker Training Course for RCHDs, Bridging Courses for Health Workers, and the Combined Health Worker Training Course which is applicable to both RCHDs and RCHEs. Persons who are interested to work in RCHDs may enrol in these training courses. Currently, 19 training institutes have obtained the approval of DSW for organising 63 training courses applicable to RCHDs. Up till now, LORCHD has arranged registration for more than 1 400 HWs under RCHD Regulation

after their completion of the health worker training courses.

Care Workers

17. Although there is no stipulated qualification requirement for Care Workers (CWs) in law, SWD encourages CWs to receive training relevant to their duties. For example, SWD requires RCHEs participating in the Enhanced Bought Place Scheme (EBPS) (see paragraphs 22 and 23 below) or RCHDs participating in the Pilot Bought Place Scheme for Private RCHDs (BPS) (see paragraphs 24 and 25) to ensure that half or more of their CWs have received relevant training.

18. The Government, through the Employees Retraining Board (ERB), offers training course on “Diploma in Health Worker Training” and “Certificate in Care Worker Training” for in-service CWs or interested persons. In 2013-14, over 1 500 trainees attended the above ERB training courses. Apart from ERB, many training institutes such as Hong Kong Association of Gerontology, Hong Kong Red Cross and Hong Kong St. John Ambulance also provide relevant training courses on caring skills for elderly persons.

19. Apart from this, SWD and the Department of Health (DH) have been joining hands to provide training for RCHE frontline staff (including CWs). Every year, around 2 100 RCHE staff members participate in these training. Training topics include drug safety, infection control, palliative care, fall prevention, care for residents with dementia, skin care, prevention of elderly abuse, handling of accident, specialised nursing care, handling of work stress etc. Moreover, to enhance the drug management knowledge and capability of RCHEs and their staff, the Government introduced the Pilot Scheme on Visiting Pharmacist Services for RCHEs in mid-2010. So far, 79 RCHEs have participated in the Pilot Scheme.

20. In collaboration with DH and relevant professionals, SWD has also organised training programmes, covering subjects such as infection control, management of psychotropic drugs and understanding the behavioural problems of persons with disabilities etc., to brief infection control officers and relevant staff of RCHDs on the principles of infection

control, psychotropic drugs handling and health care issues, with a view to enhancing the health protection for residents and staff of RCHDs.

21. LORCHE and LORCHD promulgate guidelines for RCHEs and RCHDs from time to time on care-related topics including drug safety, use of physical restrainers, special care under extreme weather, food hygiene and vaccination programmes. SWD also issues circulars to RCHEs and RCHDs concerning licensing issues/policies, topical issues and good practices to ensure that the residents receive proper care.

Other supporting measures for upgrading the quality of private residential care homes

EBPS for Private RCHEs

22. SWD introduced EBPS in 1998 to upgrade the service quality of private RCHEs by enhancing staffing ratio and per capita space standards. In addition to statutory requirements under RCHE Ordinance, private RCHEs participating in EBPS are required to fulfill requirements in respect of 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, retention and provision of service information, as well as human resources and financial management in the operation of RCHEs.

23. 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 the scheme an effective means of encouraging private RCHEs to enhance their service quality. As at end-March 2014, there were 135 private RCHEs participating in the scheme, providing a total of 7 658 subsidised places. In addition, in order to further encourage RCHEs to participate in accreditation or assessment programmes, SWD will award additional scores to RCHEs which have passed accreditation or assessment in the EBPS purchase exercise.

Pilot Bought Place Scheme for Private Residential Care Homes for Persons with Disabilities

24. SWD launched a four-year Pilot BPS in October 2010. The Pilot BPS aims at encouraging private RCHDs to upgrade their service standards, increasing the supply of subsidised residential care places to shorten the waiting time for subsidised residential service, and helping the market develop more service options. At present, seven private RCHDs have joined the Pilot BPS, providing a total of 365 bought places. Having regard to the support of stakeholders for the Pilot BPS, the Government has allocated additional resources for regularising the Pilot BPS in 2014-15, with the number of subsidised places in each home raised from 55% of its total recognised capacity to 70% and the target number of bought places increased to 450.

25. RCHDs participating in the Pilot BPS must comply with a set of floor space and staffing requirements above the licensing standards, and meet the Service Quality Standards which are applicable to subvented service units. SWD has also set up the Service Quality Groups comprising persons with disabilities, family members/carers and local stakeholders. Group members visit the BPS homes without advance notice, and give suggestions on the service. SWD is conducting a comprehensive review of the Pilot BPS to evaluate its implementation and examine the overall service quality and performance of private RCHDs.

Financial Assistance Scheme for Private Residential Care Homes for Persons with Disabilities

26. SWD has also introduced a Financial Assistance Scheme for Private RCHDs to facilitate private RCHDs in complying with the licensing requirements on building and fire safety. The scheme subsidises eligible private RCHDs to carry out improvement works. The maximum grant allocated to each private RCHD is 60% of the total recognised cost of the improvement works. SWD is processing the applications, in which some of the RCHDs have been granted approval-in-principle for the subsidies, some are preparing the required supplementary information, revising project details, or preparing the

proposed improvement plans.

Public information

27. To enhance transparency, SWD publishes on its website information of RCHEs and RCHDs including –

- (a) particulars of all residential care homes with licences / CoEs, including names, addresses, types of residential care homes and numbers of residential care places, the expiry date of the licences / CoEs and the conditions of issuing the licences / CoEs;
- (b) list of private RCHEs and RCHDs participating respectively in EBPS and Pilot BPS;
- (c) Code of Practice;
- (d) circulars, letters and guidelines on work practice issued by SWD for residential care homes;
- (e) guidance notes for elderly persons / persons with disabilities and their families on the selection of RCHEs / RCHDs; and
- (f) the record of RCHEs which have been successfully prosecuted.

Advice Sought

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

Labour and Welfare Bureau
Social Welfare Department
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