

For information
on 8 June 2015

**LEGISLATIVE COUNCIL
PANEL ON WELFARE SERVICES**

**Inspection and Licensing System for
Monitoring Residential Care Homes for the Elderly**

Purpose

This paper sets out the inspection and licensing system for monitoring residential care homes for the elderly (RCHEs).

Overview

2. As at end-March 2015, there were 737 RCHEs in Hong Kong, including 127 subvented RCHEs, 24 contract RCHEs, 39 self-financing RCHEs and 547 private RCHEs. These RCHEs offered 73 782 places in total, serving about 61 200 elderly persons.

Licensing system

3. The Residential Care Homes (Elderly Persons) Ordinance (RCHE Ordinance) (Cap. 459) came into full operation in June 1996 to regulate homes established for the residential care of elderly persons. The RCHE Ordinance and the Residential Care Homes (Elderly Persons) Regulation (RCHE Regulation) (Cap. 459A) govern the operation of RCHEs through a licensing system administered by the Social Welfare Department (SWD).

4. Under the RCHE Ordinance, all RCHEs operating in Hong Kong must be licensed by SWD. 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. The RCHE Ordinance and its subsidiary legislation also empower SWD to supervise RCHEs by inspections, issuing directions for remedial measures and ordering them to cease operation in case of danger/perceived danger or unfulfilled requirements.

5. Under section 22 of the RCHE Ordinance, the Director of Social Welfare has issued the Code of Practice for Residential Care Homes (Elderly Persons) (Code of Practice) to set out the principles, procedures, guidelines and standards for the operation, keeping, management or other control of RCHEs. The Code of Practice 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. The latest version of the Code of Practice is available on SWD's website for public reference.

Monitoring arrangement

6. 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. LORCHE comprises four professional inspectorate teams with 36 staff, including social work and nursing staff as well as officers seconded from the Buildings Department and the Fire Services Department. They conduct surprise inspections to RCHEs, 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 at each private RCHE per year. In addition to the inspections conducted by these four teams, six officers of the Social Work Officer Grade conduct audit checks through surprise inspections at the RCHEs randomly assigned to them by LORCHE's computer system to ensure the quality of inspections.

7. LORCHE adopts a risk-based approach in conducting inspections and accords priority to complaints handling. After conducting inspection of an RCHE, LORCHE classifies the risk level of the RCHE as high, medium or normal, having regard to the number and nature of non-compliant items identified during the inspection. The frequency of inspections will then be adjusted, based on the risk level of individual RCHEs so that more inspections will be made to RCHE with higher risk to ensure that the non-compliant items are rectified in a timely manner. Examples of severe non-compliant items leading to a classification of high-risk level include staff employment not complying with the licensing requirements, unsatisfactory specialised nursing procedures, etc.

8. RCHEs are required by LORCHE to rectify irregularities detected during inspections. Depending on the severity of the irregularities, advisory or warning letters are issued to non-compliant RCHEs. In accordance with the provision of the RCHE Ordinance, SWD may issue a direction to the RCHE to make remedial measures. If the RCHE fails to comply with the requirements of a direction given, prosecution action may be taken. Operational experience shows that most RCHEs are receptive to LORCHE's warning, advice, or direction and will rectify irregularities promptly. From 2010-11 to 2014-15, as an annual average, LORCHE conducted 4 750 inspections at private RCHEs, and issued to them 2 950 advisory letters and 350 warning letters. During the same period, 31 private RCHEs were successfully prosecuted, involving 44 offences.

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

9. SWD introduced in 1998 the Enhanced Bought Place Scheme (EBPS) to upgrade the service quality of private RCHEs by enhancing staffing ratio and per capita space standards. In addition to the statutory requirements under the RCHE Ordinance, private RCHEs participating in EBPS are required to fulfill the 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, and human resources and financial management in the operation of RCHEs, etc.

10. 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 2015, there were 141 private RCHEs participating in the scheme, providing a total of 7 834 subsidised places. Of these, 4 406 are EA1 places (with higher staffing and bed spacing requirements) and 3 428 EA2 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.

Public information

11. To enhance transparency, SWD publishes on its website information relating to RCHEs including -

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

Advice Sought

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

**Labour and Welfare Bureau
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