

L.N. 65 of 2026

**Residential Care Homes (Elderly Persons) (Amendment)
Regulation 2026**

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Residential Care Homes (Elderly Persons) (Amendment) Regulation 2026

(Made by the Secretary for Labour and Welfare under section 23 of the Residential Care Homes (Elderly Persons) Ordinance (Cap. 459))

1. Commencement

- (1) Subject to subsections (2) and (3), this Regulation comes into operation on 14 October 2026.
- (2) Section 13(4) and (6) comes into operation immediately after section 51(2) of the Residential Care Homes Legislation (Miscellaneous Amendments) Ordinance 2023 (12 of 2023) (***Amendment Ordinance***) comes into operation.
- (3) Section 13(5) comes into operation immediately after section 51(3) of the Amendment Ordinance comes into operation.

2. Residential Care Homes (Elderly Persons) Regulation amended

The Residential Care Homes (Elderly Persons) Regulation (Cap. 459 sub. leg. A) is amended as set out in sections 3 to 14.

3. Section 2 amended (interpretation)

- (1) Section 2, definition of ***ancillary worker***, after “care worker”—

Add

“, health and care practitioner”.

- (2) Section 2, definition of ***care staff***, after “care worker”—

Add

“, health and care practitioner”.

- (3) Section 2, definition of *care worker*, after “ancillary worker”—

Add

“, health and care practitioner”.

- (4) Section 2—

Add in alphabetical order

“*health and care practitioner* (護理保健師) means a person who is responsible for providing the following services to residents of a residential care home—

- (a) health and care services; and
- (b) nursing care services that may be provided by an enrolled nurse to residents of a residential care home;

register of health and care practitioners (護理保健師註冊紀錄冊) means the register kept under section 3ZL(1);

registered health and care practitioner (註冊護理保健師) means a person whose name appears on the register of health and care practitioners;”.

4. Section 3B amended (qualification requirement for registration as registered home manager)

- (1) Section 3B(2)(a)—

Repeal

“person who”

Substitute

“person”.

- (2) Section 3B(2)(a)(i)—

Repeal

“holds”

Substitute

“who”.

- (3) Section 3B(2)(a)(i)(A), before “a professional”—

Add

“holds”.

- (4) Section 3B(2)(a)(i)(A)—

Repeal

“; or”

Substitute a semicolon.

- (5) Section 3B(2)(a)(i)(B), before “a bachelor”—

Add

“holds”.

- (6) Section 3B(2)(a)(i)(B)—

Repeal

“and”

Substitute

“or”.

- (7) After section 3B(2)(a)(i)(B)—

Add

“(C) is a registered health and care practitioner within the meaning of this Regulation, or a registered health and care practitioner as defined by section 2 of Cap. 613A; and”.

5. Section 3E amended (renewal of registration as registered home manager)

Section 3E(3)(a)(i)—

Repeal

“still”.

6. Section 3G amended (registration remains in effect pending determination of renewal application)

Section 3G(1)(b), English text, after “is determined”—

Add

“by the Director”.

7. Section 3N amended (qualification requirement for registration as registered home manager (provisional))

(1) Section 3N(b)—

Repeal

“; or”

Substitute a semicolon.

(2) After section 3N(b)—

Add

“(ba) is a registered health and care practitioner within the meaning of this Regulation, or a registered health and care practitioner as defined by section 2 of Cap. 613A; or”.

8. Section 3S amended (registration remains in effect pending determination of certain application)

Section 3S(1)(b), English text, after “is determined”—

Add

“by the Director”.

9. Part IIB added

After Part IIA—

Add

“Part IIB

Registration of Health and Care Practitioners

3Z. Application for registration as registered health and care practitioner

- (1) An application for registration as a registered health and care practitioner must—
 - (a) be made to the Director in the form and manner specified by the Director; and
 - (b) contain the information specified by the Director.
- (2) On the application, the Director may register the applicant as a registered health and care practitioner if—
 - (a) the Director is satisfied that the applicant—
 - (i) holds a qualification specified by the Director, or is a registered health and care practitioner as defined by section 2 of Cap. 613A;
 - (ii) is competent to perform the duties of a health and care practitioner; and
 - (iii) is fit and proper to be so registered; and
 - (b) the applicant has paid the applicable fee for the registration.

- (3) The Director may impose on the registration any condition that the Director considers appropriate, including any condition relating to continuous learning.

3ZA. Fit and proper requirement for registration as registered health and care practitioner

For section 3Z(2)(a)(iii), in considering whether a person is fit and proper to be registered as a registered health and care practitioner, the Director must have regard to all relevant matters, including—

- (a) whether the person has been—
 - (i) convicted of an offence involving fraud or dishonesty, or of a sexual nature, in any place;
 - (ii) convicted of an indictable offence in Hong Kong;
 - (iii) sentenced to imprisonment (however described) in a place outside Hong Kong, whether or not the sentence is suspended; or
 - (iv) convicted of an offence under the Ordinance, this Regulation, Cap. 613 or Cap. 613A; and
- (b) if any professional or academic qualification of the person (whether being a qualification specified by the Director for the purposes of section 3Z(2)(a)(i) or otherwise) has been revoked—the reason for the revocation.

3ZB. Notice of decision on application for registration as registered health and care practitioner

- (1) On determining an application under section 3Z, the Director must give a written notice of the decision to the applicant.
- (2) If the application is approved, the notice must state the validity period of the registration.
- (3) If the application is refused, the notice must state—
 - (a) the reason for the refusal; and
 - (b) that the applicant may appeal under section 3ZI.

3ZC. Renewal of registration as registered health and care practitioner

- (1) A registered health and care practitioner may apply for the renewal of the registration as a registered health and care practitioner.
- (2) The application must—
 - (a) be made to the Director at least 3 months before, but not earlier than 6 months before, the expiry of the registration;
 - (b) be made in the form and manner specified by the Director; and
 - (c) contain the information specified by the Director.
- (3) On the application, the Director may renew the registration if—
 - (a) the Director is satisfied that the registered health and care practitioner—

- (i) meets the requirements for registration under section 3Z(2)(a)(i), (ii) and (iii); and
 - (ii) complies with all conditions imposed on the registration; and
- (b) the practitioner has paid the applicable fee for the renewal.
- (4) The Director may impose on the renewed registration any condition that the Director considers appropriate, including any condition relating to continuous learning.

3ZD. Notice of decision on application for renewal of registration as registered health and care practitioner

- (1) On determining an application under section 3ZC, the Director must give a written notice of the decision to the applicant.
- (2) If the application is approved, the notice must state the validity period of the renewed registration.
- (3) If the application is refused, the notice must state—
 - (a) the reason for the refusal; and
 - (b) that the applicant may appeal under section 3ZI.

3ZE. Registration as registered health and care practitioner remains in effect pending determination of renewal application

- (1) This section applies if—
 - (a) a registered health and care practitioner applies for the renewal of the registration under section 3ZC; and

- (b) the registration would, but for this section, have expired before the application is determined by the Director.
- (2) The registration remains in effect until—
 - (a) the Director determines the application; or
 - (b) the registered health and care practitioner withdraws the application.

3ZF. Validity period of registration as registered health and care practitioner

The validity period of a registration or renewed registration as a registered health and care practitioner is to be decided by the Director and must not exceed 5 years.

3ZG. Cancellation of registration as registered health and care practitioner

- (1) The Director may cancel a person's registration as a registered health and care practitioner if the Director is satisfied that—
 - (a) the registration was obtained by fraudulent means;
 - (b) the person no longer meets the requirement for registration under section 3Z(2)(a)(i), (ii) or (iii); or
 - (c) the person contravenes—
 - (i) a condition imposed on the registration under section 3Z(3) or 3ZC(4); or
 - (ii) section 3ZK.
- (2) The Director must cancel a person's registration as a registered health and care practitioner—

- (a) if the person makes a written request to the Director for cancelling the registration; or
- (b) if—
 - (i) the person was also registered as a registered health and care practitioner under Cap. 613A; and
 - (ii) that registration under Cap. 613A is cancelled under section 3ZG(1)(a) or (b) of Cap. 613A.
- (3) The cancellation takes effect—
 - (a) for a cancellation under subsection (1)—subject to section 3ZI(3), on the expiry of 21 days after the day on which the Director gives the notice under section 3ZH; or
 - (b) for a cancellation under subsection (2)—on the expiry of 21 days after the day on which the Director gives the notice under section 3ZH.

3ZH. Notice of cancellation of registration as registered health and care practitioner

- (1) If the Director decides to cancel a person's registration under section 3ZG, the Director must give a written notice of the decision to—
 - (a) the person; and
 - (b) if the person is employed in a residential care home when the decision is made—the operator and the responsible person of the residential care home.
- (2) The notice must state—
 - (a) the date on which the cancellation takes effect under section 3ZG(3);

- (b) the reason for cancelling the registration; and
- (c) if the registration is cancelled under section 3ZG(1)—that the person may appeal under section 3ZI.

3ZI. Appeals to Secretary against decisions under section 3Z, 3ZC or 3ZG(1)

- (1) If the Director—
 - (a) decides to refuse to register a person under section 3Z;
 - (b) decides to refuse to renew a person’s registration under section 3ZC; or
 - (c) decides to cancel a person’s registration under section 3ZG(1),the person may, by written notice, appeal to the Secretary against the decision.
- (2) The notice must—
 - (a) state the grounds of appeal; and
 - (b) be delivered to the Director within 21 days after the day on which the Director gives the notice of the decision.
- (3) If an appeal is made against a decision described in subsection (1)(c), the decision does not have effect pending the determination of the appeal by the Secretary.
- (4) When considering an appeal against a decision of the Director, the Secretary—
 - (a) must give the appellant and the Director an opportunity of being heard; and

- (b) may confirm, vary or reverse the decision and, if the decision is reversed, substitute for the decision a decision that the Secretary considers appropriate.
- (5) If the Secretary varies, or substitutes another decision for, the Director's decision, the decision as varied or the substituted decision must be one that the Director had power to make.
- (6) On the determination of the appeal by the Secretary, the Director must give a written notice of the determination to—
 - (a) the appellant; and
 - (b) if the appellant is employed in a residential care home when the appeal is determined—the operator and the responsible person of the residential care home.
- (7) A notice under subsection (6) must state the reason for the determination.

3ZJ. Registration remains in effect pending determination of appeal under section 3ZI

- (1) This section applies if—
 - (a) a person appeals against a decision described in section 3ZI(1)(b) or (c); and
 - (b) the person's registration as a registered health and care practitioner would, but for this section, have expired before the appeal is determined.
- (2) The registration remains in effect until—
 - (a) the Secretary determines the appeal; or
 - (b) the person withdraws the appeal.

3ZK. Registered health and care practitioner to report certain events

- (1) A registered health and care practitioner must report to the Director if—
 - (a) a prosecution is started against the practitioner for an indictable offence in Hong Kong;
 - (b) a prosecution is started against the practitioner for an offence punishable with imprisonment (however described) in a place outside Hong Kong;
 - (c) the practitioner is convicted of an indictable offence in Hong Kong;
 - (d) the practitioner is sentenced to imprisonment (however described) in a place outside Hong Kong, whether or not the sentence is suspended;
 - (e) any professional or academic qualification of the practitioner (whether being a qualification specified by the Director for the purposes of section 3Z(2)(a)(i) or otherwise) is revoked; or
 - (f) there is a change in the name or correspondence address of the practitioner.
- (2) The report must—
 - (a) be given in writing—
 - (i) for an event described in subsection (1)(a), (b), (c), (d) or (e)—as soon as reasonably practicable after the event occurs; or

- (ii) for a change described in subsection (1)(f)—within 3 months after the change occurs; and
- (b) contain the information specified by the Director.

3ZL. Register of health and care practitioners

- (1) The Director must keep a register containing a list of persons registered as registered health and care practitioners under this Part.
- (2) The purpose of the register is to enable the public to ascertain—
 - (a) whether a person is a registered health and care practitioner; and
 - (b) the particulars of the registration.
- (3) The register—
 - (a) must contain the name and correspondence address of each person in the register; and
 - (b) may contain other particulars that the Director considers appropriate.
- (4) The Director may make any amendment to the register that the Director considers necessary for securing its accuracy or keeping it up-to-date.
- (5) The Director must remove from the register the name of a person if—
 - (a) it has come to the notice of the Director that the person has died; or
 - (b) the person's registration ceases to have effect on expiry or cancellation.

3ZM. Inspection of register of health and care practitioners

The Director must make the register of health and care practitioners available for public inspection free of charge at offices of the Government that the Director directs, during the hours when those offices are open to the public.”.

10. Section 7A amended (renewal of registration as registered health worker)

Section 7A(3)(a)—

Repeal subparagraph (i)

Substitute

“(i) meets the requirements for registration under section 6(2)(a)(i), (ii) and (iii); and”.

11. Section 7C amended (registration remains in effect pending determination of renewal application)

Section 7C(1)(b), English text, after “is determined”—

Add

“by the Director”.

12. Section 11 amended (staffing requirements)

(1) Section 11(1A)(c)(ii)—

Repeal

“beds”

Substitute

“residents”.

(2) Section 11(1A)(c)(iii), after “nurse”—

Add

Section 13

“or 1 health and care practitioner”.

- (3) Section 11(2)(d)(ii)—

Repeal

“; or”

Substitute a semicolon.

- (4) After section 11(2)(d)—

Add

“(da) a health and care practitioner—

- (i) unless that person is a registered health and care practitioner; and
- (ii) for any purpose other than employment as a health and care practitioner; or”.

- (5) Section 11(2), Chinese text—

Repeal paragraph (e)

Substitute

“(e) 不得——

- (i) 僱用並非註冊護士或並非登記護士的人為護士；及
- (ii) (除第(1A)(a)款另有規定外)為僱用護士以外的目的，僱用任何人為護士。”.

13. Schedule 1 amended (minimum staffing requirements)

- (1) Schedule 1, section 1, definition of *staff member*, after “a nurse,”—

Add

“a health and care practitioner,”.

- (2) Schedule 1, section 3, Table 1, before **“and Health Worker”**—

Add

“, Health and Care Practitioner”.

- (3) Schedule 1, section 3, Table 1, item 1, column 3, after “nurse (on-site and on duty)”—

Add

“or health and care practitioner (on-site and on duty)”.

- (4) Schedule 1, section 3, Table 1, item 1—

Repeal everything in column 3

Substitute

“(a) if the care and attention home has not more than 30 residents—

(i) 1 nurse (on-site and on duty);

(ii) 1 health and care practitioner (on-site and on duty); or

(iii) 1 health worker (on-site and on duty);

(b) if the care and attention home has more than 30, but not more than 60, residents—

(i) 1 nurse (on-site and on duty);

- (ii) 1 health and care practitioner (on-site and on duty); or
 - (iii) 2 health workers (on-site and on duty); or
- (c) if the care and attention home has more than 60 residents—
 - (i) for the first 60 residents—1 nurse (on-site and on duty) or health and care practitioner (on-site and on duty); and
 - (ii) for every 30 residents after the first 60 residents—1 health worker (on-site and on duty), and for this purpose, 1 nurse (on-site and on duty) or health and care practitioner (on-site and on duty) is considered equivalent to 2 health workers (on-site and on duty)”.

- (5) Schedule 1, section 3, Table 1, item 1—

Repeal everything in column 3

Substitute

- “(a) if the care and attention home has not more than 90 residents—
- (i) 2 nurses (on-site and on duty);
 - (ii) 1 nurse (on-site and on duty) and 1 health and care practitioner (on-site and on duty);
 - (iii) 1 nurse (on-site and on duty) and 1 health worker (on-site and on duty);
 - (iv) 2 health and care practitioners (on-site and on duty); or
 - (v) 1 health and care practitioner (on-site and on duty) and 1 health worker (on-site and on duty); or
- (b) if the care and attention home has more than 90 residents—

-
- (i) for the first 60 residents—1 nurse (on-site and on duty) or health and care practitioner (on-site and on duty); and
- (ii) for every 30 residents after the first 60 residents—1 health worker (on-site and on duty), and for this purpose, 1 nurse (on-site and on duty) or health and care practitioner (on-site and on duty) is considered equivalent to 2 health workers (on-site and on duty)”.
- (6) Schedule 1, section 3, Table 1, item 1A, column 3, after “nurse (on-site and on duty)”—
- Add**
- “or health and care practitioner (on-site and on duty)”.
- (7) Schedule 1, section 4, Table 2, before “**and Health Worker**”—
- Add**
- “, **Health and Care Practitioner**”.

Section 14

(8) Schedule 1, section 4, Table 2, item 1—

Repeal everything in column 3

Substitute

- “(a) 1 nurse (on-site and on duty);
- (b) 1 health and care practitioner (on-site and on duty); or
- (c) 1 health worker (on-site and on duty) for every 60 residents”.

14. Schedule 3 amended (fees)

Schedule 3, after item 3—

Add

- | | | |
|------|--|---------|
| “3A. | Registration as a registered health and care practitioner under section 3Z | \$245 |
| 3B. | Renewal of a registration as a registered health and care practitioner under section 3ZC | \$190”. |

Chris SUN Yuk-han
Secretary for Labour and Welfare

1 June 2026

Explanatory Note

The main objective of this Regulation is to amend the Residential Care Homes (Elderly Persons) Regulation (Cap. 459 sub. leg. A) (**Cap. 459A**) to introduce health and care practitioners as a new type of staff in residential care homes for elderly persons. In particular, this Regulation—

- (a) introduces a registration regime for health and care practitioners;
 - (b) provides that health and care practitioners who meet certain requirements may be registered as registered home managers or registered home managers (provisional);
 - (c) changes the method of calculation of the minimum number of care staff required to be employed for nursing homes;
 - (d) provides that operators of nursing homes may employ health and care practitioners to meet certain staffing requirements under section 11 of Cap. 459A;
 - (e) provides that operators of residential care homes for elderly persons (other than nursing homes) may employ health and care practitioners to meet the minimum nurse staffing requirements under Schedule 1 to Cap. 459A; and
 - (f) specifies the fees payable for the registration and renewal of registration as a health and care practitioner.
2. This Regulation also makes minor amendments to certain provisions in Parts IIA, III and IV of Cap. 459A.