



Dorothy Ma <[redacted]>

(SWD's reply) HKBU magazine enquires on CoE of RCHDs

4 messages

sio@swd.gov.hk <sio@swd.gov.hk>

Mon, Mar 18, 2019 at 6:19 PM

To: [redacted]

Dear Dorothy,

In response to your enquiry, a spokesperson for the Social Welfare Department gives the following reply:

The Residential Care Homes (Persons with Disabilities) Ordinance, Cap. 613 (the Ordinance), commenced operation on 18 November 2011 and was fully implemented on 10 June 2013. The Ordinance provides for the control of the residential care homes for person with disabilities (RCHDs) through a licensing scheme administered by the Director of Social Welfare to ensure that residents of RCHDs receive services of acceptable standards physically, emotionally and socially. For RCHDs that exist immediately before the commencement of the Ordinance (i.e. 18 November 2011) yet are unable to comply fully with the legislative requirements may apply for a certificate of exemption (CoE) in order to allow time for existing RCHDs to make improvement for meeting the requirements and standards. The improvement required as set out in the CoE of individual RCHDs are on items related to building safety and fire safety. The Social Welfare Department has implemented various facilitating measures to assist RCHDs operating with CoEs to expedite the implementation of necessary rectification works. Such measures include providing RCHDs with subsidy under the Lotteries Fund (LF) to carry out improvement works; implementing the Financial Assistance Scheme for private RCHDs as funded by the LF, and increasing the grant up to 90% of the recognised cost of the improvement works; streamlining the workflow of engaging authorised persons for the provision of technical support; expediting and streamlining the procedures of applying for and utilising the LF; and providing additional technical support for RCHDs having difficulties in taking forward the rectification works with a view to facilitating all RCHDs to meet the licensing requirements by the end of 2019.

Best Regards,
Vivian Siu
Senior Information Officer
Social Welfare Department
Tel: [redacted]

----- Forwarded by Vivian WY SIU/SWDNET/SWD/HKSARG on 18/03/2019 18:17 -----

寄件者: Dorothy Ma [redacted]
收件者: lorchdenq@swd.gov.hk
副本抄送: swdenq@swd.gov.hk
日期: 06/03/2019 01:43
主旨: Information inquiry: CoE statistics; from HKBU magazine

Dear Sir or Madam,

I'm Dorothy Ma, a student reporter at magazine *The Young Reporter*, an English publication run by students in Hong Kong Baptist University since 1969. I'm writing to you because we are working on a story about the regulations of the Certificate of Exemption of RCHDs.

I sincerely hope you can help me with the following inquiries:

1) Now the CoEs of RCHDs are provided by DSW as public information. However, the improvement to be made by the CoE holders are not specified on the certificate. Does DSW have the statistics of the required improvement? What are the common types of improvement

needed to be made? What are the numbers of cases classified by different types of improvement?

2) Are there any standardised rules in terms of the time given to the RCHDs to improve the conditions (i.e. the effective period of CoE)? If not, how does DSW measure the time granted?

Thanks!

Regards,
Dorothy

Department of Journalism
Hong Kong Baptist University

Dorothy Ma
To: sio@swd.gov.hk

Fri, Mar 29, 2019 at 3:54 PM

Dear Vivian,

Thanks so much for your reply! I really appreciate your help and I would like to follow-up with two questions:

- As you have said, the improvement required for CoE-holding RCHDs are on items related to building safety and fire safety. I noticed that the standards for fire safety and building safety for **licensed** RCHDs are stipulated in the CODE OF PRACTICE FOR RESIDENTIAL CARE HOMES (PERSONS WITH DISABILITIES). Is there also a written regulation on the requirements on fire safety, building safety, equipments, and staffing, etc. for the **CoE-holding** RCHDs? If no, how does SWD decide if the RCHD is safe enough for the residents to live in or not? Does that mean it is possible that some CoE-holding RCHDs are operating in substandard buildings?

- How many times can a RCHD renew its CoE?

- I also would like to request the information of the records of the **renewed CoEs** in the past 36 months, including the names of the RCHDs and the period granted for their **past** CoEs and the **renewed** CoEs respectively. If a detailed record is not available, I would like to know how many CoEs holders had managed to renew their CoEs in 2017, 2018 and 2019 (by the end of March) respectively. I would like the information to be provided in the form of a spreadsheet or a pdf, or doc, or text file.

I believe these information is vital to the public interest and I really appreciate your cooperation.

Thanks!

Regards,
Dorothy
[Quoted text hidden]

sio@swd.gov.hk <sio@swd.gov.hk>
To: Dorothy Ma <

Thu, Apr 11, 2019 at 6:35 PM

Dear Dorothy,

In response to your further enquiries, the spokesman for the Social Welfare Department gives the following response:

The Code of Practice (CoP) for residential care homes for person with disabilities (RCHDs) sets out the principles, procedures, guidelines and standards for the operation, keeping, management or other control of RCHDs. It also sets out detailed requirements in respect of 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. The said CoP is applicable to all RCHDs including those operating with certificate of exemption (CoE). For the issuance and/or renewal of a CoE for an RCHD that exists immediately before the commencement of the Ordinance (i.e. 18 November 2011) (existing home), it is subject to any conditions that are imposed in relation to the operation, keeping, management or other control of the RCHD. Conditions of the CoE may include matters in relation to design, construction, fire precautions, etc.

According to the Residential Care Homes (Persons with Disabilities) Ordinance (the Ordinance), a person holding a CoE in respect of an existing home may, before the CoE expires, apply for it to be renewed for a period of not more than 36 months. There is no restriction on the number of times an RCHD can apply for the renewal of its CoE. The Licensing Office of Residential Care Homes for Persons with Disabilities does not keep statistics on the number of CoEs being renewed by year.

Best Regards,
Vivian

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sio@swd.gov.hk <sio@swd.gov.hk>

Thu, Apr 11, 2019 at 6:41 PM

To: [Redacted]

Regarding the number of RCHDs operating on a CoE in the past few years, you may make reference to the Government's reply to the LegCo https://www.legco.gov.hk/yr18-19/english/fc/fc/w_q/lwb-ww-e.pdf (Reply serial no. LWB(WW)0216). Thanks.

Vivian

----- Forwarded by Vivian WY SIU/SWDNET/SWD/HKSARG on 11/04/2019 18:37 -----

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