

LCQ4: Curbing sexual assault incidents in residential care homes for persons with disabilities

Following is a question by the Hon Michael Tien and a reply by the Secretary for Labour and Welfare, Mr Chris Sun, in the Legislative Council today (December 11):

Question:

It has been reported that a few months ago a staff member of a residential care home for persons with disabilities (RCHD) was arrested for allegedly sexually assaulting residents in the RCHD and the RCHD operator concerned did not make public the incident until two months later, arousing public concern about the criteria and policy adopted by the Government in handling similar incidents. In this connection, will the Government inform this Council:

(1) as this is not the first time that similar incidents have occurred, whether the Government has established criteria and guidelines for the timing of announcing such incidents; if not, whether it will immediately review and consult the stakeholders (e.g. the victims and their families, the residents and their families, the relevant professionals and operators), and announce the criteria and guidelines for the timing of announcing such incidents after striking a balance between considering the emotions of the victims and their families and ensuring the public's right to know; and

(2) given that after the occurrence of the aforesaid incident, the Secretary for Labour and Welfare indicated that the Social Welfare Department (SWD) had strictly followed the monitoring procedures and issued a written warning to the operator concerned, but some members of the public have criticised that the relevant monitoring procedures and penalty mechanism are not at all effective in curbing such incidents, whether the SWD will learn from the bitter experiences and address the urgent needs of the families of RCHD residents by comprehensively reviewing the relevant monitoring mechanism and introducing effective measures to prevent the recurrence of such incidents?

Reply:

President,

My reply to the Hon Michael Tien's question is as follows:

(1) The Social Welfare Department (SWD) regulates the operation of residential care homes for persons with disabilities (RCHDs) in accordance with the Residential Care Homes (Persons with Disabilities) Ordinance (Cap. 613) (the Ordinance), Residential Care Homes (Persons with Disabilities)

Regulation (Cap. 613A) (the Regulation) and Code of Practice for Residential Care Homes (Persons with Disabilities) (Code of Practice). Under the existing requirement, in the event of a special incident, the RCHD shall inform the Licensing Office of Residential Care Homes for Persons with Disabilities (LORCHD) of the SWD timely and submit a special incident report to LORCHD within three calendar days after a special incident has occurred. The Government will consider the nature and severity of the incident, the impact on service users, the follow-up actions of the operating organisation and law enforcement bodies, etc, to determine whether it is necessary to disclose the incident. When determining the appropriate timing of announcement, it is necessary to strike a balance carefully. Prior counselling and support would be provided to the victims, their families and other affected persons, and their emotions will also be taken care of. Since each special incident is unique and the factors for consideration vary, it is not suitable to set a fixed time frame for announcement.

(2) The Government attaches great importance to the service quality of residential care homes (RCHs) and strives to strengthen the monitoring of their operations and management to improve their service standards.

In the monitoring of RCHDs, dedicated teams of LORCHD of the SWD regularly conduct surprise inspections at RCHDs and take strict enforcement actions against non-compliant RCHDs. Depending on the nature and severity of the non-compliant items, the SWD will issue advisory letters, warning letters or written directions for remedial measures to the RCHDs and urge the RCHDs to implement corresponding improvement measures. If an RCHD continues to show no improvement, the SWD will consider instigating prosecution actions.

To enhance the transparency of the RCHD monitoring mechanism, warning records of non-compliant RCHDs would be uploaded onto the SWD's website and the Information Website for RCHDs, where they are kept for 12 months. In addition, records of convictions for violating the Ordinance or the Regulation would be posted on these websites and kept for 24 months.

To safeguard the well-being of residents, the Code of Practice stipulates that all staff of an RCHD (including home managers, nurses, health workers, care workers and ancillary workers) should undergo the Sexual Conviction Record Check Scheme implemented by the Security Bureau through the Hong Kong Police Force prior to employment or renewal of employment contracts. RCHDs are also required to be equipped with CCTV surveillance systems that have recording functions to enhance security and supervision of their operations, thus protecting the safety of residents.

The Government has been implementing the Residential Care Homes Legislation (Miscellaneous Amendments) Ordinance 2023 by phases, including enhancing the accountability of RCH operators, raising the minimum staffing requirements, introducing a registration system for home managers, to ensure sufficient supervision of the operation, management and control of RCHs, thereby protecting the interests and safety of residents.

To increase the deterrent effect on law-breakers, the SWD has updated

the security facility requirements in the Code of Practice in October 2024, requiring RCHDs to formulate policies and mechanisms for monitoring CCTV surveillance systems and viewing CCTV footage to enhance the monitoring of daily operations of RCHDs by the management.

Strengthening RCHD staff's knowledge of identifying, preventing, and handling abuse incidents is crucial in preventing abuse. The SWD hosted a seminar in October 2024 for management and general staff from all RCHDs on protecting residents from abuse. Relevant training will continue to be provided to RCHD staff to enhance their vigilance against similar incidents. To minimise the risk of abuse in RCHDs, the SWD has urged RCHDs to formulate effective measures, provide clear work guidelines, and arrange continuous on-the-job training and supervision for their staff.

In addition, enhancing knowledge and skills in protecting service users from abuse is one of the training themes of the SWD's Dedicated Fund in 2025. Social welfare organisations can apply for additional funding to strengthen relevant staff training.

â€‹Thank you, President.