

Residential Care Homes Legislation (Miscellaneous Amendments) Bill 2022 to be gazetted today

The Residential Care Homes Legislation (Miscellaneous Amendments) Bill 2022 (Bill) will be gazetted today (May 13), which seeks to enhance the quality of residential care homes for the elderly (RCHEs) and residential care homes for persons with disabilities.

A Government spokesman said, "In response to the public call for enhancing regulation and quality of residential care homes (RCHs), the Social Welfare Department (SWD) set up the Working Group on the Review of Ordinances and Codes of Practice for Residential Care Homes (Working Group) in June 2017 to review the Residential Care Homes (Elderly Persons) Ordinance (Cap. 459), the Residential Care Homes (Persons with Disabilities) Ordinance (Cap. 613) and relevant subsidiary legislation and Codes of Practice. The Working Group completed the review in May 2019 and put forward 19 recommendations. The SWD took forward part of the recommendations by revising the relevant Codes of Practice which took effect in January 2020. Some other recommendations confirmed that the prevailing requirements did not require any change. The remaining recommendations involve staffing of RCHs, area of floor space per resident, accountability of the operators, registration systems for home managers and health workers, provision of care services, and penalties, which have to be implemented by amending the above legislation."

Having regard to the Working Group's recommendations, the SWD's practical experience in regulating RCH operation and various stakeholders' views, the Government proposed legislative amendments to the above legislation to enhance the quality of RCHs in eight aspects:

- (A) Enhancing the minimum staffing requirements;
- (B) Increasing the minimum area of floor space per resident;
- (C) Strengthening the accountability of RCH operators;
- (D) Introducing a registration system for home managers;
- (E) Improving the registration system for health workers;
- (F) Enhancing the regulation of medicine management, use of restraints and protection of residents' dignity and privacy;
- (G) Raising penalties; and
- (H) Repealing the certificate of exemption regime for RCHEs.

To allow the sector sufficient time for transition to the new regulatory regime, if the Bill is passed by the Legislative Council (LegCo), the Government will implement the various new requirements in phases. The majority of the new requirements will be implemented starting from the first anniversary of the gazettal of the amendment ordinance while those requirements for enhancing staffing and area of floor space per resident will have a longer transition period.

The Bill will be introduced into the LegCo for first reading and second reading on May 25. The Government will fully complement the work of the LegCo in scrutinising the Bill, with a view to seeking the LegCo's support and passage of the Bill.