

Summaries of Direct Investigations Completed

Mechanism for Monitoring of Private Residential Care Homes for the Elderly

(Investigation declared on 2 June 2011 and completed on 23 March 2012)

Background

At present, 13% (over 930,000) of Hong Kong's population are aged 65 or above and the proportion of the elderly will rise to 18.7% in 2021, and reach 25.8% in 2031. The provision of adequate care services for the elderly is thus of increasing importance. Accordingly, The Ombudsman initiated a direct investigation to examine SWD's mechanism for monitoring the standard and operation of private Residential Care Homes for the Elderly ("RCHEs") and its means of facilitating public access to information relating to the RCHEs.

Observations and Comments

2. The investigation revealed the following.
3. **Regulatory Tools.** The minimum manpower requirements for RCHEs as stated in the legislation and SWD's Code of Practice ("CoP") had remained unchanged for 16 years, despite the ever-changing expectations of the community.
4. **Inspection Targets.** SWD had failed to meet its annual targets of routine inspections of private RCHEs for monitoring their services. Furthermore, it was inappropriate of the Department to count the number of re-inspections (for problematic private RCHEs) towards the total number of routine inspections for all private RCHEs, because that would create an illusion that all private RCHEs are receiving a substantial number of inspections each year.
5. **Non-office Hours Inspections.** Prior to 2008, early morning inspections (before 8:45am) were conducted once a year for all homes. However, the frequency was not maintained in recent years.
6. **Follow-up Inspections.** SWD's Guidelines on Enforcement Action rightly required staff to conduct a follow-up inspection shortly after the due date for rectification. However, in some of the cases we studied, follow-up action was not taken until long (up to ten weeks) after the due date.
7. **Information on RCHEs.** SWD posts the licensing conditions of each and every RCHE on its website. The Department can penalise a non-compliant home by shortening the validity period of its renewed licence or deter future non-compliance by imposing special licensing conditions. However, the public is given no clue to appreciate such matters.
8. The SWD website also does not give much details, other than the licences, to enable the public to make informed choices of private RCHEs.
9. In the past decade, a few accreditation schemes for RCHEs have been launched by independent or non-profit-making bodies, and some private RCHEs are on their accreditation lists, albeit not too many. The SWD website, nevertheless, provides no information on (not even links to) such accreditation schemes.

Recommendations

10. The Ombudsman made six recommendations to SWD as follows:
- (1) to conduct timely and regular reviews of the relevant legislation and CoP, in particular the statutory minimum requirements in respect of RCHEs;
 - (2) to inspect each and every private RCHE at frequencies no lower than those specified in SWD's annual targets of routine inspections;
 - (3) to increase the number of inspections outside office hours;
 - (4) to ensure that timely follow-up actions are taken against RCHEs with irregularities;
 - (5) to facilitate the public's selection of RCHEs by providing more information on individual homes, in particular their performance and non-compliance records; and
 - (6) to promote accreditation of RCHEs by providing them with more incentives for participating in accreditation schemes.
11. SWD has by and large accepted these recommendations.