

PROCEDURAL GUIDE FOR APPLICATION FOR LICENSING OF A PROPOSED RESIDENTIAL CARE HOME FOR THE ELDERLY

Statutory requirement

1. Any person who intends to operate a residential care home for the elderly (hereafter referred to RCHE) should first acquaint himself with the statutory provisions governing the operation of a RCHE as laid down in the Residential Care Homes (Elderly Persons) Ordinance and Residential Care Homes (Elderly Persons) Regulation (hereafter referred to the Ordinance and the Regulation). Copies of the Ordinance and the Regulation can be purchased by calling the Publications Sales Section of Information Services Department at 2537 1910 or visiting the online Government Bookstore at <http://bookstore.esdlife.com>.

Enquiries

2. A prospective operator can consult the Licensing Office of Residential Care Homes for the Elderly (hereafter referred to the Licensing Office), Social Welfare Department on the details of the requirements. The address of the Licensing Office is Room 2354, 23/F., Wu Chung House, 213 Queen's Road East, Wan Chai, Hong Kong (Tel.: 2961 7211 or 2834 7414). All relevant plans and documents for the proposed RCHE can be sent to the Licensing Office by hand or by registered post. The Code of Practice for Residential Care Homes (Elderly Persons) (hereafter referred to the Code of Practice) issued by the Director of Social Welfare under section 22(1) of the Ordinance, sets out principles, procedures, guidelines and standards for the operation, keeping, management or other control of RCHEs. The prospective operator can obtain the Code of Practice for reference from the Licensing Office or download it from the website of Social Welfare Department at <http://www.swd.gov.hk>.

Choosing a suitable premises

3. If a prospective operator is not certain whether a particular premises can comply with the requirements laid down in the Ordinance and the Regulation or the premises can be used for the purpose of a RCHE, it is strongly advisable for him to read the checklist (at Annex A) attached to this Procedural Guide first before committing capital investment or proceeding with an application for licensing of a RCHE at a certain premises. For operation of a RCHE in non-domestic premises, the prospective operator should seek advice from an Authorized Person or professional consultants and submit application to the Buildings Department for change of use of the proposed premises. If there is alteration or addition works involved, the permission of the Building Authority should also be obtained for compliance with the requirements laid down in the Buildings Ordinance, Cap. 123 and its subsidiary regulations.

4. The prospective operator should check and ensure that there is no objection from the Planning Department or, planning permission has been obtained from the Town Planning Board as required. The prospective operator should also check and ensure the proposed premises not in contravention of lease conditions or, application for a waiver to lift the conditions has been obtained from the respective District Lands Office of the Lands Department.

Application for a Licence

5. If a prospective operator decides to proceed with an application for licensing of a RCHE at a certain premises, he should formally submit the application form (the original and three copies) to the Licensing Office together with the following documents :

- photocopy of the Hong Kong Identity Card of the applicant (applicable if application is made by an individual);
- photocopy of Certificate of Incorporation issued by the Registrar of Companies (applicable if application is made by a corporate body);
- certified copy of Business Registration Application issued by the Commissioner of Inland Revenue (applicable for private residential care home for the elderly);
- photocopy of the Business Registration Certificate issued by the Commissioner of Inland Revenue (applicable for private residential care home for the elderly);
- full list of staff employed/to be employed;
- photocopy of the tenancy agreement in respect of the home premises (applicable for home premises which is rented);
- photocopy of the deed of assignment in respect of the home premises (applicable for home premises which is self-owned); and
- seven copies of layout plans of the residential care home for the elderly. For details of the requirements on the layout plans, please refer to the Guidance Notes at Annex B.

The application form and the staff employment record form can be obtained from the Licensing Office or downloaded from the website of Social Welfare Department.

6. Upon receipt of an application for a licence and necessary documents from a prospective operator, the Licensing Office will process and issue to the prospective operator a set of preliminary fire safety requirements and building safety requirements which need to be compiled with.

7. Upon completion of fire services installation works, copies of “Certificate of Fire Service Installations and Equipment” (Form FS 251) should be sent to the Licensing Office for checking and for record purpose. In case where storage of dangerous goods is required in the RCHE, a separate application should be made to the Dangerous Goods Division, Licensing & Certification Command, Fire Services Department. A copy of “Licence for the Storage of Dangerous Goods” or “Letter of Approval for Storage of Dangerous Goods” issued by the Fire Services Department should be submitted to the Licensing Office as proof of compliance with all Fire Services Requirements.

8. According to the Electricity (Wiring) Regulations, Cap. 406E, any fixed electrical installation shall, after completion and before it is energized for use, be inspected, tested and certified with Work Completion Certificate (Form WR1) by a registered electrical worker and contractor. In case of any repair, alteration or addition to a fixed electrical installation, only the affected parts of the installation need to be inspected, tested and certified with Work Completion Certificate (Form WR1) by a registered electrical worker and contractor. A copy of the Work Completion Certificate (Form WR1) together with copies of Certificate of Registration of Electrical Contractor and Certificate of Registration of Electrical Worker should be forwarded to the Licensing Office as proof of compliance with the electricity safety requirements.

9. To comply with the electricity safety requirement as stipulated in the Code of Practice for Residential Care Homes (Elderly Persons), periodic inspection, testing and certification is required for any fixed electrical installation in the home premises at least once every five years. The installation has to be certified with Periodic Test Certificate (Form WR2) and registered by the Director

of Electrical and Mechanical Services Department. The completed Periodic Test Certificate (Form WR2) shall be delivered to the Director of Electrical and Mechanical Services for endorsement within two weeks of the date of the certificate. A copy of the registered Periodic Test Certificate (Form WR2) should be forwarded to the Licensing Office as proof of compliance with the electricity safety requirements.

10. The WR1 and WR2 forms are provided by the Electrical and Mechanical Services Department and obtainable at its Customer Service Office , G/F, 98 Caroline Hill Road, Hong Kong (Tel.: 2882 8011).

11. All gas installation work at the home premises must be undertaken by a Registered Gas Contractor in accordance with the Gas Safety Ordinance, Cap. 51. A Certificate of Completion certifying the installation to be in accordance with gas safety regulations together with copies of Certificate of Registration of Gas Contractor and Registered Gas Installed Card, shall be provided by the contractor for any new gas installation, or alteration to existing installations, and submitted to the Licensing Office. The Certificate of Completion form is obtainable at the Licensing Office. Any further enquiries on gas installation can be directed to the Customer Service Office of Electrical and Mechanical Services Department (Tel. 2882 8011).

12. When all the necessary certificates/documents as mentioned above are available, inspection or re-inspection of the premises will be conducted by the Licensing Office together with the applicant to examine whether the proposed RCHE complies with all statutory requirements and is fully ready for

commencement of operation. On-site measuring of floor area of the proposed RCHE may also be done during the visit or before.

13. Upon receipt of all the required certificates/documents, and if they are all in order, the Licensing Office would under normal circumstances, take 8 weeks to complete processing the application for a licence and issue the licence. Successful licensing of a RCHE depends on the prospective operator's ability to comply fully with the requirements specified in the Ordinance, the Regulation and the Code of Practice.

Licence

14. The Licence issued in respect of a RCHE by the Social Welfare Department is non-transferable and is free of charge. A licence, which is issued in respect of a specific residential care home for the elderly contains information of the home being certified under the hand of the Director of Social Welfare, shall be evidence of facts stated therein under Section 8(5) of the Residential Care Homes (Elderly Persons) Ordinance and, is thus non-transferable. In case there is any change(s) in home name, home address, home type, licensing capacity and/or licence holder, application for a new licence is required. Application for licence must be made to the Director of Social Welfare on the prescribed form.

Advice

15. According to Section 6 of the Residential Care Homes (Elderly Persons) Ordinance, it is an offence to operate, keep, manage or otherwise has control of a RCHE without a licence has been issued. Any person who commits the offence

is liable to a fine at level 6 (at present \$100,000) and to imprisonment for two years and to a fine of \$10,000 for each day during which the offence continues.

16. This procedural guide only serves to inform prospective operators of the procedures of licensing of a RCHE and is in no way a summary or substitute for the statutory provisions in the Ordinance and the Regulation, nor does this information sheet have any legal binding.

Licensing Office of Residential Care Homes for the Elderly

Social Welfare Department

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