

**Checklist for Choosing a Suitable Set of Premises for Use as a
Residential Care Home for the Elderly**

It is the sole responsibility of prospective operators to ensure that the premises of their choice is legally and physically suitable for the operation of a residential care home for the elderly (hereafter referred as RCHE) before applying for a licence of a RCHE. Compiled hereunder, although by no means exhaustive, are aspects that prospective operators should look into before choosing their premises for RCHE.

Licensing Pre-requisites/Requirements to be Assessed

- (1) Should check the approved use of the premises on the Occupation Permit of the building where it is situated. If the approved use of the premises is for non-domestic purpose, application to the Buildings Department for the proposed change in use is required.
- (2) Should check the latest building plans of the premises approved by the Building Authority to ensure the premises contains no unauthorized building works. Prospective operators should note that no RCHE is allowed to operate within, under or on any unauthorized building works, and that all unauthorized building works within or in connection with the RCHE premises is required to be removed or rectified before a licence will be issued. Prospective operators are therefore advised to take some time to go through the attached paper on unauthorized building works at Annex A1.
- (3) Should not choose premises situated, wholly or partly, within an industrial building.
- (4) Should not choose premises located more than 24m above the ground floor or the street level at which the escape staircases of the premises discharge. DSW will consider and approve applications for height relaxation on case-by-case basis provided that the applicants can demonstrate the need for locating the RCHEs higher than 24 metres above the ground floor and that the safety issue can be properly addressed. In this regard, DSW will only consider relaxing the height restriction of an RCHE which will fulfill four fundamental requirements –
 - those areas higher than 24 metres from the ground floor should only be used for non-dormitory purposes;
 - the facilities including the RCHE set-up within the entire building should be under a single management;
 - the provision of facilities for evacuation and rescue should be in place to the satisfaction of the DSW in consultation with the Director of Fire Services (DFS); and
 - appropriate evacuation, contingency and fire drill plans should be in place to the satisfaction of DSW in consultation with DFS.
- (5) Should not choose premises located in any cockloft or basement of a building.
- (6) Should not choose premises situated within the same building immediately above or below or adjacent to any one of the following uses unless exempted by the Building Authority:-
 - (i) for the manufacture of any dangerous goods within the meaning of the Dangerous

- Goods Ordinance (Cap. 295);
- (ii) for the storage of any such dangerous goods to which section 6 of that Ordinance applies;
 - (iii) as a motor repair shop;
 - (iv) as a vulcanizing shop;
 - (v) for automobile or carriage painting;
 - (vi) as a paint shop where paint or varnish is manufactured or mixed;
 - (vii) for dry-cleaning, (L.N. 170 of 1992);or
 - (viii) cinema or theatre.
- (7) Should prefer premises having ample external window frontages for natural lighting and ventilation. Prospective operators should note that windows facing lightwell are not regarded as proper source of natural lighting and ventilation.
- (8) Should prefer premises in building provided with barrier free access for persons with disabilities.

Premises – related Issues at Pre-licensing Stage to be Resolved by Prospective Operators

- (9) Should check the latest draft or statutory Outline Zoning Plan issued by the Town Planning Board under the Town Planning Ordinance to see if the premises is located within a zone in which RCHE use is permitted. If not, application to the Town Planning Board for a planning permission is required before the premises can be used for RCHE purpose. If in doubt, the prospective operator should approach the respective District Planning Office of the Planning Department. The processing time of planning permission is about 2 months.
- (10) Should check the Lease of the Lot on which the premises is located to make sure that the operation of RCHE is not restricted. If there is contravention with lease conditions, application to the Lands Department for a temporary waiver is required before the premises can be used for RCHE purpose. If in doubt, the prospective operator should approach the respective District Lands Office of the Lands Department. Under general circumstances, the processing time of waiver is about 6 to 9 months.
- (11) Should check the Deed of Mutual Covenant of the building to ensure that there is no condition against the operation of RCHE. It is the responsibility of the operator to ensure that his/her premises for the operation of the residential care home for the elderly comply with the lease conditions and the Deed of Mutual Covenant. Operators should understand that the lease and the Deed of Mutual Covenant are legal binding documents and their residential care homes may be ordered to terminate operating in the premises in civil proceedings.