

## Guidance Note

### **Scheme to Encourage Provision of Residential Care Home for the Elderly Premises in New Private Developments**

#### **Background**

The Government has put in place a scheme to encourage private developers to provide quality purpose-built residential care home for the elderly (RCHE) premises in their new developments. Under the scheme, eligible RCHE premises will be exempted from assessment of premium under different types of land transactions including lease modifications, land exchange and private treaty grants<sup>1</sup>, on the condition that the developers are willing to accept incorporation of certain lease conditions to ensure the delivery of the RCHE premises.

#### **Details of the Scheme**

2. Under the scheme, in return for premium exemption, developers will have to pay for the cost of constructing the RCHE premises. Developers will be required to provide basic fire services installation, external wall openings/louvers, and electricity, utility, drainage and water supply connections suitable for use as RCHE in the premises. The cost and arrangement for fitting out of the premises is a matter for the developers, or between developers and operators as applicable. The Government will not provide subsidy for the construction and operation of the RCHEs in these premises.

3. These RCHE premises, once built, will become the properties of the developers. Developers have the flexibility to lease, sell or operate the premises themselves or through agents as long as the premises remain as RCHEs. The developers/operators are also free to set their own fees in accordance with the market.

4. To ensure delivery of the RCHE premises and that the premises built are not used for other purposes without authorization:

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<sup>1</sup> The Government will consider private treaty grants in relation to residential/commercial developments e.g. urban renewal or railway-related projects.

- (a) the requirement to provide the RCHE premises will be stipulated as a condition in the lease;
- (b) the lease conditions will prohibit the assignment or sub-letting of the RCHE premises except as one whole unit; and
- (c) the unauthorized change in use of the premises<sup>2</sup> or leaving the premises vacant for a period of more than 12 months will give rise to a breach of the lease conditions and a cause for lease enforcement action.

In addition, RCHEs in these premises will be regulated by the Social Welfare Department (SWD) under the existing licensing regime. A list of the basic requirements for RCHE premises is at Annex.

Annex

5. For the RCHE premises to be eligible for consideration of premium exemption, the developer will have to bear the construction cost of the RCHE premises and is under no obligation to hand over the RCHE premises to the Government or to lease back to the Government at nominal rent. The RCHE premises have to be incorporated in new buildings, i.e. RCHEs resulting from the alterations of or additions to existing buildings will be excluded. The proposed RCHE should also comply with the restrictions of relevant Outline Zoning Plans prepared under the Town Planning Ordinance (Cap. 131).

6. To ensure that the objective of encouraging development of purpose-built RCHEs in better locations is met, premium exemption will only be granted with the support of SWD. In considering whether to support the developer's proposal to incorporate a RCHE in a particular site, SWD will take into account a number of factors, including demand for residential care service in the district and the accessibility of the facility.

7. Only one RCHE premises per development will be eligible for the scheme and the size of the RCHE premises will be subject to a maximum limit of a total gross floor area (GFA) of 5 400 sq.m.

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<sup>2</sup> If the premises have not been left vacant and if no licence has been issued under section 8 or renewed under section 9 of the Residential Care Homes (Elderly Persons) Ordinance (Cap. 459), then any use of such premises shall be deemed to be a change of use to a use other than that of RCHE.

### **Best Practices in Design and Operation of RCHE**

8. SWD has prepared a set of “Best Practices in Design and Operation of Residential Care Homes for the Elderly” and “Best Practices Guideline: Basic Provision Schedule for Basic Building Works, Building Services Installation and Kitchen and Laundry Equipment List for RCHEs” for the reference of developers. These documents can be obtained at the Elderly Branch of SWD at 2892 5509.

### **Other References**

9. SWD currently maintains a list of all licensed RCHEs at its website [www.info.gov.hk/swd](http://www.info.gov.hk/swd).

10. Developers interested in the scheme may also refer to Lands Department’s Practice Note Issue No. 4/2003.

### **Inquiry**

11. For inquiries on the scheme, please contact the Elderly Branch of SWD at 2892 5509.

Social Welfare Department  
March 2010

## Annex

	<i>Item</i>	<i>Description</i>	<i>Reference</i>
<b>a)</b>	Location	No RCHE should be situated in any part of a building with incompatible use.	<ul style="list-style-type: none"> <li>• Residential Care Homes (Elderly Persons) Regulation Part VI Section 19</li> <li>• Code of Practice for Residential Care Homes (Elderly Persons) paragraph 5.2</li> </ul>
<b>b)</b>	Height Restriction	No part of the RCHE shall be situated at a height more than 24m above ground level.	<ul style="list-style-type: none"> <li>• Residential Care Homes (Elderly Persons) Regulation Part VI Section 20</li> <li>• Code of Practice for Residential Care Homes (Elderly Persons) paragraph 5.3</li> </ul>
<b>c)</b>	Ceiling Height	The ceiling of every room should be situated at a height not less than 2.5 m from floor or 2.3 m from floor to underside of beam.	<ul style="list-style-type: none"> <li>• Residential Care Homes (Elderly Persons) Regulation Part VI Section 21(c)</li> <li>• Code of Practice for Residential Care Homes (Elderly Persons) paragraph 4.4(c)</li> </ul>
<b>d)</b>	Access	Access for the disabled to be provided. The RCHE shall be accessible by emergency services.	<ul style="list-style-type: none"> <li>• Residential Care Homes (Elderly Persons) Regulation Part VI Section 21 and 23</li> <li>• Code of Practice for Residential Care Homes (Elderly Persons) paragraph 4.6</li> </ul>
<b>e)</b>	Basic Facilities and Floor Space	The basic facilities in a RCHE shall include dormitories, dining/sitting area, toilet/shower, kitchen, laundry and office area. The minimum area	Code of Practice for Residential Care Homes (Elderly Persons) paragraphs 4.5, 6.1 & 6.2

		of floor space for each resident is 6.5m <sup>2</sup> .	
<b>f)</b>	Toilet Facilities	Adequate provision of toilet facilities.	<ul style="list-style-type: none"> <li>• Residential Care Homes (Elderly Persons) Regulation Part VI Section 25</li> <li>• Code of Practice for Residential Care Homes (Elderly Persons) paragraph 7.4</li> </ul>
<b>g)</b>	Heating, Lighting and Ventilation	Adequate heating, lighting and ventilation provisions.	<ul style="list-style-type: none"> <li>• Residential Care Homes (Elderly Persons) Regulation Part VI Section 24</li> <li>• Code of Practice for Residential Care Homes (Elderly Persons) paragraphs 4.9, 7.2 &amp; 7.4</li> </ul>
<b>h)</b>	Water Supply and Ablutions	Adequate and wholesome supply for washing, laundering and bathing facilities.	<ul style="list-style-type: none"> <li>• Residential Care Homes (Elderly Persons) Regulation Part VI Section 26</li> <li>• Code of Practice for Residential Care Homes (Elderly Persons) paragraph 4.10 &amp; Chapter 7</li> </ul>
<b>i)</b>	Fire Service Installations	Comply with legislative requirements against fire and other risks.	<ul style="list-style-type: none"> <li>• Residential Care Homes (Elderly Persons) Regulation Part VII Sections 29 &amp; 30</li> <li>• Code of Practice for Residential Care Homes (Elderly Persons) paragraphs 5.4 &amp; 5.5</li> </ul>

**Note**

The design and construction of the RCHE shall comply with all relevant statutory requirements including but not limited to the following:

- Buildings Ordinance (Cap. 123) and Regulations
- Residential Care Homes (Elderly Persons) Ordinance (Cap. 459) and Regulation
- Code of Practice for Residential Care Homes (Elderly Persons) October 2005 (Revised Edition)