

**Sixth Meeting of the
EEC Subgroup on Business Facilitation**

***Agenda Item 6 : Height restriction of residential care homes
for the elderly***

Purpose

This paper briefs Members on the rationale for imposing height restriction on residential care homes for the elderly (RCHEs) in general, and sets out the circumstances whereby the Administration may consider relaxing the height restriction of those RCHEs which meet specific requirements.

Background

2. The Residential Care Homes (Elderly Persons) Regulation, Cap 459 (the Regulation) requires that RCHEs, or any part of a RCHE, should not be situated at a height more than 24 metres above the ground floor. That said, the Director of Social Welfare (DSW) may exercise his discretion to relax the height restriction of individual RCHEs on a case-by-case basis. In fact, DSW has been doing so in consultation with the Fire Services Department and the Buildings Department in the past, and will continue to do so in future. However, Members are of the view that given technological improvements in buildings, as well as fire prevention and fighting, such restrictions need to be reviewed. The marginal relaxation of the height restriction on RCHEs with other conditions attached on a case-by-case basis could not really resolve the problems facing the private RCHE sector and request the Administration to consider an across-the-board relaxation of the height restrictions on RCHEs.

Rationale for imposing height restriction on RCHEs

3. Residents in RCHEs are elders who cannot take care of themselves, and receive round-the-clock care provided by RCHE staff. Most of them, in particular those in private RCHEs, are frail. Many of them

are wheelchair-bound or even bed-ridden. Others may require assistance or rely on walking aid in moving around, and have difficulties in going up or down the stairs. Given their physical conditions and immobility, the majority of the elderly residents in RCHEs will require intensive assistance during rescue and evacuation operations arising from the outbreak of a fire and other emergency situations. Also, the time required for evacuating an elderly resident from a RCHE will be longer than that required for helping a non-elderly or an elder without mobility problems to do so.

4. Safety is one of our prime concerns in licensing RCHEs. Notwithstanding the advancement in fire prevention and extinguishing devices/systems and better design of buildings, evacuating elderly residents with mobility problems from RCHEs above the ground floor necessarily requires manually bringing individual elders to the ground floor through staircases under most circumstances. This is a labour-intensive and time-consuming operation, in particular when the elders are wheelchair-bound or bed-ridden. Time is of essence in rescue. Therefore, the shorter the vertical distance an RCHE is from the ground level, the faster and easier it will be to bring the elderly residents to safety in emergencies.

5. The overwhelming majority of private RCHEs are co-located with other occupants in multi-storey residential/commercial/composite buildings, in which there are often no delegated fireman's lifts solely for the use of the RCHEs and no spacious refuge areas. For most of the buildings in Hong Kong, 24 metres are equivalent to about seventh to eighth floors. Though professionally trained, it is not an easy task for firemen and other professional rescue teams to assist and escort a large number of wheelchair-bound or bed-ridden elders and elders with mobility problems to evacuate from the seventh or eighth floors to the ground level orderly and expeditiously in emergency. We have to bear in mind that there will be many other co-users doing so at the same time in multi-storey residential/commercial/composite buildings.

6. Restricting RCHE premises to a height not more than 24 metres above the ground floor serves the following purposes –

- (a) containing the number of floors which elderly residents and rescuers will have to travel during evacuation;

- (b) containing the total number of frail elders who have mobility problems in a building; and thereby
- (c) expediting the time required for saving lives.

7. The difficulties in effectively and safely evacuating a large number of elderly RCHE residents with mobility problems from high floors is a genuine and practical issue which we cannot ignore. Imposing height restriction on RCHEs is a safeguard against this concern. As a matter of fact, RCHEs are not the only types of establishments which are required to comply with the 24 metres height restriction. The same height restriction applies to primary and secondary school premises, and child care centres for children between two to six years old (a more stringent height restriction of not higher than 12 metres above ground floor applies to child care centres for children below the age of two).

Present situation

8. There were 754 RCHEs in Hong Kong as at end of June 2005, 579 of them are run by private operators. Premises-wise, RCHEs operated by NGOs are mainly located in premises inside public housing estates, Government premises or stand-alone premises. The majority of the RCHEs run by private operators are located in multi-storey residential/commercial/composite buildings with many co-users. Notwithstanding the fact that RCHEs are permitted under the existing legislation to be located as high as 24 metres above the ground floor (i.e. about seventh to eighth floors), about 92% of the private RCHEs are located either on the ground, first, second and/or third floors (i.e. about 15 metres or less above the ground level). The highest private RCHE, which is located on the eighth floor of a multi-storey building, is 19.42 metres above the ground level – still well below the statutory height limit of 24 metres.

9. Obviously, the majority of RCHEs prefer operating in premises not higher than the third floor, even though they are allowed by law to occupy premises up to the seventh and eighth floors and that the rent may be lower for premises on higher floors. A possible reason for this is that RCHE operators are conscious and aware of the difficulties in operating RCHEs on

higher floors in multi-storey buildings which have many co-users sharing lifts and common facilities, and the difficulties in planning for the efficient evacuation of elders in emergencies. Also, it may be that RCHEs in higher floors are less appealing to elders and their family members due to the same concern about safety and difficulties in evacuation during emergencies.

Circumstances for relaxing the height restrictions of individual RCHEs

10. We appreciate that some individual RCHEs may have a genuine need for height relaxation to make the best use of their premises. As mentioned in paragraph 2 above, the existing Regulation already enables DSW to relax the height restriction of individual RCHEs. In this regard, DSW will consider and approve applications for height relaxation 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.

11. Safety will be the prime concern to DSW in considering applications for height relaxation. In this regard, DSW will only consider relaxing the height restriction of an RCHE which will fulfill the following fundamental requirements –

- (a) while the highest part of the RCHE may exceed 24 metres, those areas higher than 24 metres from the ground floor should only be used for non-dormitory purposes (*e.g. kitchens, laundry rooms, areas for general offices and staff, and supportive and auxiliary facilities for elderly residents*). The rationale for restricting the usage of the areas higher than 24 metres from the ground floor to non-dormitory uses is to avoid accommodating frail RCHE elderly residents on high floors as far as possible;
- (b) the facilities including the RCHE set-up within the entire building should be under a single management;
- (c) 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

- (d) appropriate evacuation, contingency and fire drill plans should be in place to the satisfaction of DSW in consultation with DFS.

12. The aforementioned conditions imply that if a RCHE is granted the lifting of the height restriction, it may run a RCHE with all the floors not higher than 24 metres above the ground level devoted to the dormitory areas, and then use any floors higher than 24 metres above the ground level as approved by DSW for all types of non-dormitory uses.

Advice sought

- 13. Members are invited to note the contents of this Paper.

Health, Welfare and Food Bureau
Social Welfare Department
Fire Services Department
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