

Appendix 1

Reply Letter from the LWB dated 10th May 2023

政府總部
勞工及福利局

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政府總部

本函檔號 Our Ref. : LWB T3 5/47
來函檔號 Your Ref. :



LABOUR AND WELFARE BUREAU
GOVERNMENT SECRETARIAT

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10 May 2023

Mr Greg LAM
DeSPACE (International) Limited
Suite 1601, 16/F,
Tower II, Lippo Centre
Admiralty, Hong Kong

Dear Mr LAM,

**Proposed Residential Care Home for the Elderly
cum Senior Hostel in Tin Shui Wai**

Further to our letters on 3 January, 1 February, 2 March and 3 April on the captioned matter, I am authorised to reply as follows.

To help meet the ongoing demand for residential care services for the elderly, we have no objection in-principle for your proposal to provide residential care homes for the elderly (RCHEs), on the condition that the proposed RCHE will comply with all relevant statutory and licensing requirements and will not entail/ imply any financial implication, both capital and recurrent. However, we are not in a position to provide support to the proposed senior hostel.

Regarding your intention to apply for premium concession under the Incentive Scheme to Encourage Provision of Residential Care Home for the Elderly Premises in New Private Developments (the Incentive Scheme) for the proposed RCHEs, you may wish to note that upon your

formal application to the Lands Department (LandsD), LandsD will consult the Social Welfare Department (SWD) and other relevant departments in the course of processing the application. For details of the Incentive Scheme, please refer to the Practice Note No. 4/2003 (https://www.landsd.gov.hk/doc/en/practice-note/lpn/2003-4e_text.pdf) issued by LandsD and the Guidance Note on Premium Concession Scheme ([https://www.swd.gov.hk/storage/asset/section/638/en/Guidance_Note_\(Eng\)_Jan_2022.pdf](https://www.swd.gov.hk/storage/asset/section/638/en/Guidance_Note_(Eng)_Jan_2022.pdf)) issued by the SWD. Notwithstanding the above, having examined the proposed layout plans in your incoming letter, please find our initial observations and comments to the two proposed RCHEs and RCHD in **Annex A**.

As announced in the 2023-24 Budget, in addition to continue to exempt the gross floor area (GFA) of eligible private RCHEs from premium payment, the Government will raise the GFA of RCHEs that can be exempted in each development project and exempt such GFA from the calculation of the maximum GFA of the relevant projects. The abovementioned enhanced measures will be launched in June 2023 and reviewed after a three-year trial period. While the Incentive Scheme (and the enhancements) is not applicable to RCHDs at this stage, it was also announced in the 2023-24 Budget that the Government will formulate a similar scheme for RCHDs so as to encourage the market to provide more quality private RCHDs.

SWD will take into account a number of factors when considering giving support to exempt RCHE premises from premium payment in a project. These factors include whether the premises can comply with the RCHE licensing requirements and the demand for residential care services for the elderly in the concerned district. If the developer intends to provide ancillary facilities for the RCHE, SWD will consider the proposal received on a case-by-case basis. Regarding facilities that do not form part of the RCHE, developers may make development decisions to provide such facilities outside the RCHE floor area benefited under the Scheme having regard to their commercial strategy.

Regarding the RCHE height restriction, you may wish to note that if an RCHE has in place facilities for fire safety, evacuation and rescue, and appropriate evacuation, contingency and fire drill plans to the

satisfaction of the Director of Social Welfare (DSW), DSW may approve the ancillary facilities of the RCHE to which the residents normally do not have access (e.g. kitchen, laundry room, office, staff resting room) to be situated at a height more than 24 metres above the ground. For parts of the RCHE used for dormitory purpose for residents, DSW may consider and authorise the relaxation of the concerned RCHE's height restriction on the premise that the part of the RCHE complies with the additional fire safety requirements listed in **Annex B**.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Michael Leung', written in a cursive style.

(Michael LEUNG)

for Permanent Secretary for Labour and Welfare

**Initial Observations and Comments Regarding
the Proposed RCHEs and RCHD**

The applicant should ensure that the design and construction of the RCHE shall comply with all relevant licensing and statutory requirements including but not limited to the (i) the Residential Care Homes (Elderly Persons) Ordinance (Cap. 459); (ii) Residential Care Homes (Elderly Persons) Regulation (Cap. 459A); and (iii) Code of Practice for Residential Care Homes (Elderly Persons) CoP(EP). In particular:

- As shown from P.30-36 of the proposal, it appears that not every resident in the dormitories on 2/F to 7/F has a direct view from a window from his/ her bed position. According to para 4.9.2 of CoP, "Every room used for habitation or for the purpose of an office or kitchen in RCHEs shall be provided with adequate natural lighting and ventilation for compliance with sections 29, 30, 31, 32 and 33 of the Building (Planning) Regulations, (Cap. 123 sub. leg. F)...". In other words, provision of openable and prescribed windows for natural lighting and ventilation shall be provided for the above-mentioned facilities, including Dormitory, End-of-life Care Room and Sick/ Isolation/ Quiet Room, etc.

Fire safety requirements for relaxing the height restriction of residential care homes for the elderly (RCHEs) situated at 24m above ground floor and used for dormitory purpose

(i) Building fire safety design

Building fire safety design*	Descriptions
1. Open balcony approach	(i) should be provided to all dormitories along the external façade of the building and be connected with the protected lobby/protected corridor for evacuation of residents to a safer place or zone (ii) should allow the maneuvering of beds with wheels or wheelchairs
2. Widened corridor(s)	(i) should allow at least two beds with wheels to move in parallel (ii) should be connected with escape staircase(s) and fireman's lift(s)
3. Sufficient size of compartment zone	The size of a compartment zone should be sufficient to accommodate the residents of the adjoining compartment simultaneously to facilitate evacuation to a safer place or zone
4. Refuge floor	(i) should be provided on every 24 metres (ii) height measurement should be made from the ground level of the building or floor level of the refuge floor (iii) will serve as a refuge for residents to assemble
5. Widened escape staircase(s)	should allow the maneuvering of stretchers or wheelchairs.
6. Enlarged fireman's lift(s)	(i) should be able to accommodate at least one bed with wheels and two rescuers (ii) the lobby/lobbies to the fireman's lift(s) should allow the maneuvering of beds with wheels or wheelchairs
7. Fire-resisting door(s)	should be provided to separate compartment zones for evacuation of residents to a safer place or zone
8. Dormitories be fitted with fire-resisting doors	(i) dormitories should be fitted with fire-resisting doors (ii) transparent vision-panel/window, if any, on the fire-resisting door should have the same fire-resistance rating as that of the door
9. Building exterior not be covered by combustible material	the exterior of the building should not be covered by combustible material, such as green walls and combustible claddings, to avoid vertical fire spread along the building exterior
10. Emergency Vehicular Access	should serve at least 50% of the major façade of the building subject to site condition
11. Additional fire service installations and equipment (FSI)	may be required by the Fire Services Department subject to the building design

(ii) Management requirements for RCHEs

Management requirements for RCHEs	Descriptions
1. One operator for the same floor	the RCHE premises located on the same floor should be operated by one single operator to facilitate coordinated and orderly horizontal evacuation
2. Training for adequate number of RCHE staff #	Training should be provided for an adequate number of staff, so that there will be enough number of trained staff to assist all residents in affected compartment(s) to evacuate to adjoining compartment zone(s) simultaneously in case of fire or other emergencies
3. Formulation of fire safety management plan (FSMP)	The FSMP should cover details of maintenance plan of fire safety provision, staff training plan and fire action plan , etc.
4. Total fire safety management	The overall fire safety level should be enhanced by ensuring regular staff training, timely maintenance or inspection of FSI and regular fire safety inspections

*RCHE operator(s) should observe the design and construction as stipulated by the Code of Practice for Fire Safety in Buildings 2011 issued by the Building Authority and any subsequent revision.

Training refers to the completion of required fire safety training course(s). Staff members who have completed training should be competent in implementing the FSMP including the evacuation procedures. (For arrangement of fire safety training courses for RCHE staff, please contact the Licensing Office of Residential Care Homes for the Elderly of the Social Welfare Department at 3184 0729 / 2834 7414.)