

**立法會**  
**Legislative Council**

LC Paper No. CB(2)1853/03-04  
(These minutes have been  
seen by the Administration)

Ref : CB2/PL/WS

**Panel on Welfare Services**

**Minutes of special meeting**  
**held on Thursday, 18 December 2003 at 4:30 pm**  
**in the Chamber of the Legislative Council Building**

**Members present** : Hon CHAN Yuen-han, JP (Chairman)  
Dr Hon LAW Chi-kwong, JP (Deputy Chairman)  
Hon Cyd HO Sau-lan  
Hon LEE Cheuk-yan  
Dr Hon YEUNG Sum  
Hon CHOY So-yuk  
Hon LI Fung-ying, JP  
Hon Henry WU King-cheong, BBS, JP  
Hon Albert CHAN Wai-yip  
Hon WONG Sing-chi

**Members absent** : Dr Hon David CHU Yu-lin, JP  
Hon Fred LI Wah-ming, JP  
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP  
Hon LEUNG Yiu-chung  
Hon Michael MAK Kwok-fung  
Hon Frederick FUNG Kin-kee

**Public Officers attending** : Mr Paul TANG, JP  
Director of Social Welfare

Mr Patrick NIP  
Deputy Secretary for Health, Welfare and Food (Elderly Services)

Mr CHENG Chok-man  
Acting Assistant Director (Social Security)  
Social Welfare Department

Miss Cecilla LI  
Chief Social Work Officer (Family and Child Welfare) 1  
Social Welfare Department

**Individuals/  
deputations  
by invitation**

: Individuals

Dr Fernando CHEUNG  
The Hong Kong Polytechnic University

Ms Jo LEE Wai-yee  
The Hong Kong Polytechnic University

Deputations

Hong Kong Council of Social Service

Mr CHUA Hoi-wai  
Business Director, Policy Research and Advocacy

Justice and Peace Commission of the Hong Kong Catholic  
Diocese

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Ms CHAN Lai-na  
Executive Secretary

New Arrival Women League

Ms CHENG Chun-yin  
Member

Ms GUAN Yu-ling  
Member

Hong Kong Association for the Survivors of Women Abuse  
(Kwan Fook)

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Ms LIU Ngan-fung  
Chairman

Mission to New Arrivals Ltd.

Pastor LI Kin-wah

Society for Community Organisation

Ms SZE Lai-shan  
Community Organizer

Mr HO Hei-wah  
Director

Concern Group on the Policy on New Immigrants

Ms TSANG Mei-lan

Ms LEE Shuk-ying

Social Concern Group

Ms CHAN Kit-ching

Ms LAU Wu-yin

Quality Life Advocacy Group

Ms NG Yu-chun

Mr LUNG Man-chuen

Ms CHENG Shuke-ching

Alliance Concerning CSSA

Mr CHU Kong-wai

Ms TAM On-kei

Hong Kong Social Security Society

Mr HO Wing-chung  
Committee Member

**Clerk in attendance** : Miss Mary SO  
Chief Council Secretary (2) 4

**Staff in attendance** : Miss Millie WONG  
Senior Council Secretary (2) 4

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### **I. Meeting with deputations and the Administration**

At the invitation of the Chairman, Director of Social Welfare (DSW) briefed members on the Administration's paper (LC Paper No. CB(2)734/03-04(01)) which set out the background of and the arrangements for implementing the new seven-year residence requirements for Comprehensive Social Security Assistance (CSSA) and Social Security Allowance (SSA) with effect from 1 January 2004.

2. The Chairman then invited individuals/deputations to give their views on the new residence requirements for CSSA/SSA.

*Hong Kong Council of Social Service (HKCSS)*  
(LC Paper No. CB(2)734/03-04(15))

3. Mr CHUA Hoi-wai introduced the submission from HKCSS tabled at the meeting. Mr CHUA pointed out that HKCSS had reservation about the new residence requirement for CSSA for the following reasons -

- (a) More split families would be created, as Mainland spouses of Hong Kong permanent residents (usually the mother) would be deterred by the more stringent residence requirement for CSSA to settle in Hong Kong. The result of which would not only undermine the normal development of young children and would also force their parents (usually the father) to stay home and rely on CSSA;
- (b) The new policy would deepen public misconception that new arrivals were lazy people abusing the social security system. It should be noted that according to Government statistics, only about 15% of CSSA recipients were new arrivals; and

- (c) Given that CSSA was the only safety net in Hong Kong, as opposed to other places, and having regard to the high employment rate, particularly amongst the grassroots, eligibility criterion for CSSA should be based on the needs of the applicants rather than on their length of residence in Hong Kong.

In the light of the above, HKCSS recommended the following -

- (a) Social Welfare Department (SWD) should exercise discretion in waiving the seven-year residence requirements for those new arrivals who had to take care of their young children and/or were in need of urgent financial assistance;
- (b) Exercise of discretion under the CSSA Scheme to waive the seven-year residence rule should be made more transparent and publicly promulgated;
- (c) SWD should conduct a review of the new residence requirements six months after its implementation, and report the outcome of the review to the Legislative Council (LegCo); and
- (d) SWD should closely monitor the impact of the new policy on new arrivals and provide them with the necessary support and assistance as appropriate.

*Dr Fernando CHEUNG*  
(LC Paper No. CB(2)734/03-04(02))

4. Dr Fernando CHEUNG expressed opposition to the new residence requirements for CSSA/SSA. In particular, Dr CHEUNG said that -

- (a) Demarcating the population based on their length of residence in Hong Kong to be eligible for CSSA/SSA was both unethical and unreasonable. Not only were CSSA/SSA the sole safety net in Hong Kong, as opposed to other places, it was ludicrous to make length of stay in Hong Kong, rather than financial need of the applicant, as the basis to be eligible for CSSA/SSA;
- (b) There was no evidence that new arrivals were lazy people heavily relying on the social security system, as they only made up about 15% of the total number of CSSA recipients. Moreover, the great majority of new arrival CSSA recipients were children and women, the latter of whom were mostly mothers who needed to stay home to take care of their young children. According to Government

statistics, about half of the new arrival CSSA recipients were children below 18 years of age, and over 95% of the remaining half were women aged 22-59;

- (c) The new policy was not conducive to attracting immigrants to whom Hong Kong would increasingly depend on to maintain its labour force due to the growing ageing population; and
- (d) Changing the residence requirement for CSSA from one year to seven years would not achieve significant saving. On the contrary, any saving to be achieved would be offset by additional resources required to tackle the rise in social problems brought about by more split or single parent families.

*Ms Jo LEE*

(LC Paper No. CB(2)734/03-04(12))

5. Referring to her submission, Ms Jo LEE urged the Administration not to undermine social stability by unilaterally implementing the new residence requirements for CSSA/SSA on 1 January 2004. Specifically, Ms LEE pointed out that -

- (a) The tightening of the eligibility criteria for receiving CSSA would put needy new arrival women in a very dire situation, as they were generally abused or deserted by their spouses and had no income/resources of their own;
- (b) Contributions made by new arrival women for staying at home to bring up a family should be recognised, despite the fact that these contributions could not be quantified in money term; and
- (c) Although children would be exempted from any prior residence requirement under the new policy, the fact that their new arrival parents would not be eligible for CSSA might cause these children to share their CSSA benefits with their new arrival parents.

*Justice and Peace Commission of the Hong Kong Catholic Diocese (the Commission)*

(LC Paper No. CB(2)734/03-04(03))

6. Ms CHAN Lai-na presented the reasons of the Commission for opposing the new residence requirements for CSSA/SSA as set out in its submission. Notably, they were as follows -

- (a) Imposing a residence rule for CSSA/SSA was discriminatory against new arrivals, not to mention that this group only comprised about 15% of the total number CSSA recipients;
- (b) The new policy would not bring about significant saving to the public coffers. Instead, it would undermine social stability, the economic cost of which would far exceed any saving to be achieved;
- (c) The Government should not target at new arrivals, who were often amongst the financially vulnerable, to cut cost. A better approach to restore fiscal balance was to, say, raise the profit tax; and
- (d) As most new arrivals were Mainlanders who came to Hong Kong for family reunion, no difference in treatment for receiving social security benefits between them and Hong Kong permanent residents should be instituted.

*Hong Kong Association for the Survivors of Women Abuse (Kwan Fook)*  
(LC Paper No. CB(2)734/03-04(05))

7. Ms LIU Ngan-fung presented the views of Kwan Fook as set out in its submission. Specifically, Ms LIU urged the Administration to abort its plan to implement the new residence requirements for CSSA/SSA on 1 January 2004 and that women abused by their husbands should be waived of the residence rule. Ms LIU further said that -

- (a) Contributions made by new arrival women for staying at home to bring up a family should be recognised, despite the fact that these contributions could not be quantified in money terms;
- (b) Although children would be exempted from any prior residence requirement under the new policy, the fact that their new arrival parents would not be eligible for CSSA would mean that they would have to share their CSSA benefits with their new arrival parents; and
- (c) The population policy should not discriminate against new arrivals, the majority of whom came to Hong Kong for family reunion.

*Alliance Concerning CSSA (the Alliance)*  
(LC Paper No. CB(2)734/03-04(11))

8. Representatives of the Alliance presented the views of the Alliance as set out in its submission. In particular, the Alliance requested the Administration to

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immediately scrap its plan of implementing all discriminatory measures against new arrivals, including the imposition of residence requirements for CSSA/SSA and public health care benefits.

*New Arrival Women League (the Women League)*  
(LC Paper No. CB(2)734/03-04(04))

9. Ms CHENG Chun-yin presented the views of the Women League as set out in its submission. Notably, the Women League disagreed that making the length of residence in Hong Kong as an eligibility criterion for CSSA was justified because it reflected the contribution a resident had made towards the economy over a sustained period of time in Hong Kong. The Women League was of the view that new arrival women who stayed at home to take care of their families had also contributed towards to the well-being of the community and should also be recognised. The Women League urged the Administration to cease making the residence requirement for CSSA stricter, and instead should provide more support and assistance to new arrival women to better develop their potentials so that they could contribute more to the community.

*Mission to New Arrivals Ltd. (the Mission)*  
(LC Paper No. CB(2)734/03-04(06))

10. Pastor LI Kin-wah took members through the Mission's submission which called upon the Administration to drop its plan to implement the new residence requirements for CSSA/SSA as well as public health care benefits. Pastor LI pointed out that many new arrivals already could not satisfy the existing one-year residence rule for CSSA. To tide new arrivals over their temporary financial difficulty until they became eligible for CSSA, a fund had been set up by the religious sector three years ago to provide emergency assistance for this group of people. On a yearly average, the fund had disbursed money to over 500 cases at \$3,000 each and had been used to purchase food and other basic items to help some 500 new arrival families.

*Society for Community Organisation (SOCO)*  
(LC Paper No. CB(2)734/03-04(07))

11. Mr HO Hei-wah said that SOCO had been canvassing donations from various sectors of the community to provide emergency relief in kind to those needy new arrivals who could not satisfy the existing one-year residence requirement for CSSA. Due to the weak economy these past years, the demand for emergency relief from SOCO had been on the rise. If the residence rule for CSSA was raised to seven years, SOCO would no longer be possible to continue with its emergency relief efforts which should have been the job of the Government in the first place. Mr HO further said that not only was the



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residence requirement unjust and inhumane to new arrivals, it was also in breach of Article 36 of the Basic Law which provided that every Hong Kong resident should have the right to social welfare in accordance with law as well as Articles 7 to 9 of the International Covenant on Economic, Social and Cultural Rights. Miss SZE Lai-shan supplemented that the residence requirement was also in breach of the United Nations Convention of the Rights of the Child. This was because the new policy would result in new arrival children having to share their CSSA benefits with their new arrival parents who could not satisfy the seven-year residence requirement. As a result, the welfare of the children concerned would be seriously undermined.

*Hong Kong Social Security Society (HKSSS)*  
(LC Paper No. CB(2)734/03-04(14))

12. Mr HO Wing-chung presented the views of HKSSS as set out in its submission. In particular, HKSSS recommended the following -

- (a) The seven-year residence requirements for CSSA/SSA should not be implemented;
- (b) More resources should be put in to strengthen supporting services for new arrivals, including child care service;
- (c) A review on the recognition of qualifications acquired in the Mainland should be conducted to enable new arrivals from the Mainland to put their experience and skills to good use in Hong Kong; and
- (d) The process of the Mainlanders reuniting with their family members in Hong Kong should be sped up, so as to reduce family problems brought about by split or single parent families, improve the ageing population and increase social integration.

*Concern Group on the Policy on New Immigrants (the Concern Group)*  
(LC Paper No. CB(2)734/03-04(13))

13. Representatives of the Concern Group strongly urged the Administration to withdraw its plan to implement the new residence requirements for CSSA/SSA on 1 January 2004, and highlighted the following points set out in their submission -

- (a) Provision of social security benefits and public health care benefits should be based on need and not on length of residence in Hong Kong. To be otherwise would be unethical;

- (b) New arrivals were Hong Kong residents under the law, and as such, they should be entitled to all subsidised public benefits accorded to permanent residents;
- (c) New arrivals only constituted about 15% of the total number of people receiving CSSA benefits according to Government figures as at December 2002. Moreover, the great majority of them were children under 18 and women. To take away the only safety net from new arrival women who were victims of domestic violence would aggravate the existing family problems, the price of which would outweigh any saving to be achieved from implementing the new residence requirement; and
- (d) Criteria and guidelines for exercising the discretion under the CSSA Scheme to waiver the residence requirements should be made public.

*Social Concern Group (SCG)*  
(LC Paper No. CB(2)734/03-04(09))

14. Representatives of SCG presented the views of SCG as set out in their submission. They were summarised as follows -

- (a) To require new arrival women, who made up the bulk of adult new arrivals, to reside in Hong Kong for seven years to be eligible for CSSA was unfair, as this completely ignored their contribution in helping Hong Kong permanent residents to raise their children in the Mainland whilst waiting for their turn to settle in Hong Kong;
- (b) New arrivals were Hong Kong residents and hence should not be treated differently from permanent residents. To do so would inevitably deepen discrimination against new arrivals;
- (c) Seven years were too long a time to wait if one was in dire financial situation. Moreover, it ran counter to principle of CSSA to provide cash assistance for financially vulnerable individuals and families to bring their income up to a level to meet their basic and special needs;
- (d) Operation of the discretion under the CSSA Scheme to waive the residence requirements lacked transparency and should be rectified; and
- (e) The "seven-year" rule to CSSA applicants should not be expanded to other subsidised public benefits such as housing and public health care.

*Quality Life Advocacy Group (the Advocacy Group)*  
(LC Paper No. CB(2)734/03-04(10))

15. Referring to their submission, representatives of the Advocacy Group urged the Administration not to further reduce financial assistance and other public benefits to the needy.

Discussion

16. Mr LEE Cheuk-yan said that the new residence requirements for CSSA ran counter to social integration, were discriminatory in its different treatment of new arrivals below 18 and at 18 or above, and would undermine the development and well-being of children as they had to share their CSSA benefits with their parents who could not satisfy the residence rule. Mr LEE pointed out that as children grew up in poverty generally lacked upward mobility, chances were that their next generation would continue to live in poverty. This would not only aggravate the poverty problem in Hong Kong and would also be detrimental to the development of Hong Kong into a knowledge-based economy, as the growth of the population relied much from immigrants, the bulk of which was admitted under the One-way Permit (OWP) Scheme. Mr LEE concurred with the depositions that the operation of discretion under the CSSA Scheme to waive the residence rule lacked transparency and should be made clearer. Mr LEE further said that to his understanding, CSSA applicants unable to meet the residence requirements were often rejected by frontline staff of Social Security Field Units (SSFUs). It was only when these rejected cases were intervened by non-governmental agencies (NGOs) or LegCo Members that SWD had relented to provide cash assistance. Mr HO Hei-wah pointed out that there were also instances whereby SWD finally exempted a person from meeting the residence requirement for CSSA when the person concerned successfully obtained legal aid to revoke the decision made by SWD not to exempt him/her from the residence requirement.

17. DSW responded that whilst it was the commitment of the Government to provide a safety net for the needy, there was also a need to strike a reasonable balance amongst the interests of various sectors of the community, having regard to the long-term sustainability of the social welfare system and the need for a rational basis on which public resources were allocated in the light of fiscal constraints and ever-rising demands. Moreover, a stricter residence requirement for CSSA would send a clear message to potential migrants that they should plan carefully about how to support themselves before coming to Hong Kong.

18. DSW further said that CSSA was not the only form of assistance for people in need. Other forms of assistance and support, such as employment support services, emergency relief, grants from charitable trust funds, medical waivers,

assistance in kind, referrals to singleton hostels for accommodation and day relief centres for meals, were available to new arrivals irrespective of their length of residence in Hong Kong. Where appropriate, SSFU staff would refer those new arrivals who were refused waiver of residence requirements for CSSA to the Family Services Centres/Integrated Family Service Centres of SWD for follow-up. If the needs of the person concerned could not be met by the welfare services provided by SWD, actions would be taken to refer his/her case to the appropriate NGOs for assistance in kind or in cash.

19. To determine whether discretion should be exercised to exempt a person from meeting the existing one-year residence requirement for CSSA, DSW said SWD staff had taken into account all relevant factors of the case to establish whether there was genuine hardship. The main factors considered included the applicant's means of livelihood since arrival; the cause of the present hardship; resources available and possible sources of help in Hong Kong, such as whether the applicant had friends or relatives to turn for help; whether other forms of assistance were available; and the possibility of the applicant returning to his/her place of origin. The same approach would be followed with the implementation of the seven-year residence requirement from 1 January 2004. DSW further said that there was no question of the frontline SSFU staff rejecting any CSSA applications right away solely on the basis that the applicants could not satisfy the residence requirement. It was the responsibility of the caseworker to whom the case was assigned to obtain all relevant information before reaching a conclusion on the application. Where appropriate, he/she would have to submit a report to his/her senior officers for a decision, in particular with regard to the exercise of a discretion.

20. Mr LEE Cheuk-yan remarked that it was wrong that the granting of CSSA was based on the length of residence and not on the need of the applicants. Mr LEE further said that no matter how careful one had planned his/her migration to Hong Kong, this would not preclude his/her need for public assistance after arrival due to the sudden changes in his/her circumstances, such as the sudden death or serious illness of the chief breadwinner of the family. Mr LEE also questioned some of the considerations to be given to exempt a person from the residence requirement for CSSA mentioned by DSW in paragraph 19 above. Mr LEE pointed out that although a person might have friends or relatives in Hong Kong, it was questionable how much financial assistance his/her friends or relatives could render under the current depressed economic situation. It was also unreasonable to not exempt an applicant from the residence requirement for CSSA because he/she could return to his/her place of origin, as new arrivals were generally not barred from returning to their place of origin. The Chairman added that although OWP holders could return to the Mainland, they would have difficulty to start over there as their household registrations were cancelled upon the issuance of their OWPs.

21. DSW assured members that SWD would continue to exercise discretion to exempt a person from meeting the new seven-year residence requirement for CSSA if he/she was in genuine financial hardship. In the past, there were instances of battered spouses being exempted from the one-year residence requirement for CSSA on account of their financial hardship after being fallen victim to domestic violence. Other cases of examples being granted exemption included those who encountered genuine financial hardship because of the sudden death or serious illness of the chief breadwinner of the family.

22. The Chairman concurred with the views of deputations that the operation of the discretion to waive the residence requirement under the CSSA Scheme lacked transparency and enquired whether consideration could be given to making the guidelines for operating such more specific.

23. DSW said that it was not practicable to develop specific rules for establishing whether a person unable to satisfy the residence rule had genuine hardship, as each case had to be considered on its own merits. DSW however pointed out that internal guidelines for exempting a person from meeting the seven-year residence requirement had already been made more comprehensive for SSFU staff to follow.

24. Dr LAW Chi-kwong queried about the legality of the residence requirements for CSSA/SSA, having regard to the following provisions of the Basic Law -

- (a) Article 24 provided that "Residents of the Hong Kong Special Administrative Region ("Hong Kong residents") shall include permanent residents and non-permanent residents";
- (b) Article 25 provided that "All Hong Kong residents shall be equal before the law";
- (c) Article 36 provided that "Hong Kong residents shall have the right to social welfare in accordance with law. The welfare benefits and retirement security of the labour force shall be protected by law"; and
- (d) Article 145 provided that "On the basis of the previous social welfare system, the Government of the Hong Kong Special Administrative Region shall, on its own, formulate policies on the development and improvement of this system in the light of the economic conditions and social needs".

25. DSW responded that the Task Force on Population Policy had sought legal advice on the legality of the seven-year residence requirements for CSSA/SSA, the response of which was that these requirements would not be in breach of the Basic Law.

26. Dr LAW Chi-kwong enquired, in cases where a new arrival in a family was working to support himself/herself and his/her family members, whether SWD would take into account of his/her income when assessing the amount of CSSA payable to the family. If the answer was in the positive, whether the recognised needs of the new arrival would be taken into account by SWD when assessing the amount of CSSA payable to the family. Dr LAW further enquired if the recognised needs of the new arrival who worked to support himself/herself and his/her family members would still be treated as an eligible member for the purpose of CSSA when he/she become unemployed.

27. Acting Assistant Director (Social Security) responded that in cases where a new arrival in a family was working to support himself/herself and his/her family members, discretion would normally be exercised to treat him/her as an eligible member for the purpose of CSSA in recognition of the new arrival's efforts to become self-supporting. In other words, SWD would take into account the new arrival's assessable income (i.e. his/her monthly income less any amount that might be disregarded) as well as his/her recognised needs when assessing the amount of CSSA payable to the family. As to Dr LAW's second question, Acting Assistant Director (Social Security) said that discretion to treat the new arrival as an eligible member for the purpose of CSSA when the new arrival became unemployed would be considered on the merits of individual cases.

28. Dr LAW Chi-kwong pointed out that the fact that SWD would take into account a new arrival's assessable income and his/her recognised needs when assessing the amount of CSSA payable to the family might lead to abuse of the system. For instance, a low income CSSA recipient might deliberately quit his/her job after his/her Mainland spouse had taken up employment. This situation would be exacerbated by the fact that discretion would normally be exercised by SWD to continue to treat the new arrival as an eligible member for the purpose of CSSA when the new arrival became unemployed in recognition of his/her past efforts to become self-supporting.

29. Acting Assistant Director (Social Security) responded that he would draw his staff's attention to the situation mentioned by Dr LAW in paragraph 28 above. He further said that all able-bodied unemployed CSSA recipients were required to participate in the Support for Self-reliance Scheme. Any CSSA recipient found to have quit his/her job deliberately would be sanctioned.

30. Ms LI Fung-ying pointed out that the money to be spent on remedying the social/family problems would far exceed the money saved from instituting the new seven-year residence requirement for CSSA. Ms LI further said that not only was the residence requirement a form of impediment or disincentive for potential migrants, it was inconsistent with the policy objectives of preserving and strengthening the family as a social unit.

31. DSW responded that the main objective of the new seven-year residence requirements for CSSA/SSA was not just to save money but to maintain a rational basis for the allocation of public resources. DSW further said that the new policy was not to impede people from settling here. Many of the new arrivals at 18 or above had working capacity. It was a good policy for the Government to encourage them to be self-sufficient before resorting to public funds for their subsistence. Experience showed that once people were on CSSA, it was doubly difficult to move them out of the safety net, despite intensive employment assistance offered. Potential migrants should be encouraged to plan for their subsistence before coming to Hong Kong.

32. Ms Cyd HO said that if a person was in financial hardship, SWD should provide safety net to him/her regardless of whether he/she had or had not resided in Hong Kong for seven years. The fact that this was not the case was at variance with the obligation of the Government to uphold the right of everyone to a standard of living adequate for the health and well-being of himself/herself and of his/her family.

33. DSW reiterated his points made in paragraph 31 above. DSW added that despite the tightening of the residence criterion for receiving social security benefits, there remained a safety net to ensure that no one would lack the essential means of subsistence. Other forms of welfare support were available to people who did not satisfy the residence requirement. Children aged below 18 would be exempted from any prior residence requirement. In cases of genuine hardship, he would exercise discretion to exempt such residence requirement for CSSA.

34. Miss CHOY So-yuk said that in view of the lead time required to consider an application for waiver of residence requirement for CSSA, SWD should provide temporary financial relief to the applicants so that these applicants did not have to turn to NGOs for the same. Moreover, it was mentioned by representatives of the Mission and SOCO that their organisations could no longer afford to provide cash assistance or other assistance in kind to the needy after the residence requirement for CSSA was changed from one year to seven-year. Miss CHOY also asked if there was a mechanism for CSSA applicants to appeal against the decisions made by SWD or to complaint about the attitude of the officers handling their cases.

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35. Acting Assistant Director (Social Security) responded that there were various charitable trust funds available providing temporary financial assistance for persons and families in need. For those new arrivals who did have working capacity, they could participate in the Intensive Employment Assistance Projects to receive cash assistance to tide them over temporary financial hardship and help them move towards self-reliance. Acting Assistant Director (Social Security) further said that CSSA applicants not satisfied with the decisions made by SWD could take up the matters with the Social Security Appeal Board (SSAB). The SSAB was an independent body whose members were appointed by the Chief Executive from outside the civil service.

36. In view of the views/concerns expressed by deputations and members, the Chairman urged the Administration to review the seven-year residence requirement for CSSA six months after its implementation.

Conclusion

37. On closing, members requested the Administration to provide the following information -

- (a) Legal opinions on the compliance of the new seven-year residence requirements for CSSA/SSA with the Basic Law;
- (b) Guidelines for exercising the discretionary power to waive the residence requirements for CSSA, including case examples illustrating how such discretionary power had been used in the past to waive the residence requirement;
- (c) Other forms of emergency assistance available for needy people unable to satisfy the residence requirement for CSSA; and
- (d) Estimated amount of money which could be saved from the implementation of the new residence requirements for CSSA/SSA.

38. Members further agreed to form a subcommittee to study issues relating to CSSA/SSA, and to hold the first meeting of the subcommittee in early January 2004. The information mentioned in paragraph 37 above should be provided to the subcommittee before then.

Admin

*(Post-meeting note : The first meeting of the Subcommittee to study issues relating to CSSA/SSA was held on 2 January 2004.)*



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39. There being no other business, the meeting ended at 6:55 pm.

Council Business Division 2  
Legislative Council Secretariat  
26 March 2004