

立法會
Legislative Council

LC Paper No. CB(2)3160/03-04
(These minutes have been
seen by the Administration)

Ref : CB2/PL/WS

Panel on Welfare Services

Minutes of meeting
held on Monday, 14 June 2004 at 10:45 am
in Conference Room A 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 Fred LI Wah-ming, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Hon LEUNG Yiu-chung
Dr Hon YEUNG Sum
Hon CHOY So-yuk
Hon LI Fung-ying, JP
Hon Henry WU King-cheong, BBS, JP
Hon Michael MAK Kwok-fung
Hon Albert CHAN Wai-yip
Hon WONG Sing-chi
Hon Frederick FUNG Kin-kee

Members absent : Dr Hon David CHU Yu-lin, JP
Hon LEE Cheuk-yan

Public Officers attending : Items III and IV
Mr Paul TANG, JP
Director of Social Welfare

Action

Item III

Miss Ophelia CHAN
Assistant Director of Social Welfare (Rehabilitation and Medical
Social Services)

Mrs Mary MA
Commissioner for Rehabilitation

The Parents' Association of Pre-school Handicapped Children

Mrs Julie LEE, JP
Chairperson

Item IV

Mrs Rachel CARTLAND, JP
Assistant Director of Social Welfare (Social Security)

Mrs Brenda FUNG
Principal Assistant Secretary for Health, Welfare and Food (Elderly
Services)

Miss YEUNG Kok Wah
Chief Social Security Officer (Social Security) 4

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

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

I. Confirmation of minutes
(LC Paper No. CB(2)2694/03-04)

The minutes of the meeting held on 10 May 2004 were confirmed.

Action

II. Items for discussion at the next meeting

(LC Paper Nos. CB(2)2695/03-04(01) and (02))

2. As the last Council meeting to be held on 7 July 2004 might last several days, members agreed to defer the next regular meeting scheduled for 12 July to 19 July 2004.
3. The Chairman said that duty roster members had referred a case on the livelihood of women living in poverty to the Panel for follow up. Ms Cyd HO suggested to discuss this item in July 2004 and that the scope should be expanded to cover the livelihood of children living in poverty.
4. As the following items, which were previously discussed on 10 May 2004, had not been fully addressed by the Administration, Dr LAW Chi-kwong proposed to have further discussion on them in July 2004 -
 - (a) Support for vulnerable elders; and
 - (b) Support and assistance for paralysed patients living in the community.
5. Members noted that the Administration was in a position to discuss the following items in July 2004 -
 - (a) Control of charitable fund-raising activities; and
 - (b) Pilot project on accreditation system for residential care services for the elders in Hong Kong.
6. The Secretariat would liaise with the Administration after the meeting to finalise the items for discussion at the next meeting.

III. Progress report on the standardised needs assessment tool for admission to residential homes for people with disabilities

(LC Paper No. CB(2)2695/03-04(03))

7. Assistant Director of Social Welfare (Rehabilitation and Medical Social Services) (ADSW(RMSS)) conducted a power point presentation on the latest position on the development of the standardised needs assessment tool (the Assessment Tool) and the application details, details of which were set out in the above Administration's paper.
8. Mr Albert CHAN said that he had received cases whereby people with disabilities

Action

(PWDs) with genuine need for residential service were only provided with short-term placement. As a result, these PWDs were forced to move from one home to another every several months. Mr CHAN urged the Social Welfare Department (SWD) to avoid such a situation from recurring which was very unfair and taxing to both the PWDs and their family members.

9. ADSW(RMSS) responded that the cases mentioned by Mr CHAN in paragraph 8 above should not arise, as priority would be accorded to those PWDs with genuine need for long-term residential service after consultation with doctors, case social workers and their parents. ADSW(RMSS) suggested Mr CHAN to pass the cases to her for follow-up.

10. Mr WONG Sing-chi asked the following questions -

- (a) with whom were the consultations on the Assessment Tool made and what was the outcome of the consultations; and
- (b) whether support would be provided to carers of PWDs living in the community.

11. ADSW(RMSS) responded that various consultations were made with the multi-disciplinary Steering Group on Admission Procedures for Residential Care Homes for People with Disabilities (the Steering Group) and parents associations on the application of the Assessment Tool to the waiting list applicants and existing service users of residential homes. Both the Steering Group and parents associations were supportive to the following arrangements -

- (a) new applicants assessed to have no residential care need could consider day training programmes or community support services. When there was significant change in their family situations or care required, they could apply for re-assessment to confirm their residential care need;
- (b) applicants on the waiting list assessed to have no residential care need should leave the waiting list and the social workers concerned would formulate care plans with them and their families in which day training programmes or community support services might be considered. However, their names would be put on a separate list, and in case future re-assessment upon significant change of their respective circumstances confirmed their residential care need, they could return to the waiting list retaining their original application date; and
- (c) residents of the subvented residential homes were not required to undergo the assessment by the Assessment Tool. In case a resident's residential care

Action

need had changed due to improvement or deterioration of functioning, he/she would then undergo an assessment by the Tool to determine on the change of types of residential care service.

As regards Mr WONG's second question, ADSW(RMSS) replied in the positive.

12. Referring to the appeal mechanism outlined in paragraph 8 of the Administration's paper, Ms LI Fung-ying asked whether there was a performance pledge on how long the whole process should take.

13. ADSW(RMSS) responded that the pre-appeal mediation process should be concluded within one month. If a case could not be settled through mediation, arrangement would immediately be made to refer it to the Appeal Board for a hearing. Taking into consideration the suggestion to involve more stakeholders such as parents in the hearing, SWD would be finalising the composition of the Appeal Board in two to three months' time. Depending on the complexity of the case, the Appeal Board should normally conclude its work in two to three weeks' time.

14. Ms LI Fung ying said that generally speaking, PWDs or their family members would not apply for residential places unless they had the need for such places. In the light of this, Ms LI asked whether SWD would consider allocating residential places to those PWDs assessed to have no residential care need if there were vacant residential places.

15. ADSW(RMSS) responded that PWDs assessed to have no residential care need but still wished to live in residential homes could consider the self-financing residential homes operated by non-governmental organisations. As these homes were non profit-making, the fees charged were very reasonable. To provide short-term relief to the carers of PWDs, temporary residential places would be increased to 180 from August 2004. A directory on self-financing residential homes and temporary residential places was under preparation by SWD.

16. Mrs Julie LEE, Chairperson of The Parents' Association of Pre-school handicapped Children, said that she was a member of the Task Force set up by the Steering Group to devise the Assessment Tool. Mrs LEE considered the whole process of devising the Assessment Tool open and transparent. Although parents' groups were supportive of the principles adopted for developing the Assessment Tool, they were still apprehensive that the assessment for residential care need would be too stringently applied. Mrs LEE urged the Panel to continue to monitor the development of the Assessment Tool in the next legislative session. The Chairman agreed.

17. Dr LAW Chi-kwong expressed support for the Assessment Tool in principle. Dr LAW, however, was of the view that to instil trust and objectivity in the new

Action

arrangement, the assessors should best not be the service providers or people controlling the resources, but a third party with professional knowledge. As the Assessment Tool was a brand new system developed locally, Dr LAW said that a comprehensive review on the Tool should be conducted some time after implementation to gauge its effectiveness.

18. ADSW(RMSS) responded that it was SWD's intention to conduct a review of the Assessment Tool one year after its implementation, including whether appointing a third party to be the assessors was more appropriate. Members would be briefed on the outcome of the review in due course. ADSW(RMSS) further said that assessors would be required to submit all the cases not deemed to have residential care need to SWD headquarters for a review.

19. Mrs Julie LEE pointed out that parents of PWDs preferred to have those social workers, such as school social workers and medical social workers, who had a good understanding of the conditions of their disabled children to be the assessors.

20. Mr LEUNG Yiu-chung expressed concern whether the objectivity of the assessors, being not the third-parties, would be affected by the limited resources available. As a result, instead of recommending the PWDs to subvented residential care homes, they or their family members might be asked to consider admission to self-financing residential care homes.

21. ADSW(RMSS) responded that there was no cause for concern of the situation mentioned by Mr LEUNG in paragraph 20 above, as the Assessment Tool only sought to elicit facts from the PWDs and their carers. If the assessors considered the needs of the applicants for residential care service could not be fully covered by the Assessment Tool, there was a blank space in the last page of the Assessment Tool enabling them to provide supplementary information. ADSW(RMSS) clarified that recommending PWDs and their family members to consider the self-financing residential care homes was merely to provide them with an alternative choice. There was no question of diverting PWDs with genuine need for residential care service to self-financing residential care homes in order to save money.

22. On closing, the Chairman urged the Panel to follow up on the implementation of the Assessment Tool in the next legislative session, taking into account the views and concerns expressed by members and Mrs Julie LEE.

IV. Progress of the intensified support for self-reliance measures under the Comprehensive Social Security Assistance Scheme
(LC Paper No. CB(2)2695/03-04(04))

23. DSW introduced the above Administration's paper providing up-to-date position of

Action

the intensified Support for Self-reliance (SFS) measures under the Comprehensive Social Security Assistance (CSSA) Scheme to help able-bodied CSSA recipients achieve self-reliance.

24. Mr WONG Sing-chi said that the measure of not providing disregarded earnings (DE) for all categories of CSSA recipients in the initial determination of eligibility and in cases which had been on CSSA for less than three months was unreasonable. Mr WONG urged the Administration to expeditiously conduct a review of this new measure, and further asked about the number of recipients deterred by the measure to find employment. Dr LAW Chi-kwong expressed similar views.

25. Assistant Director of Social Welfare (Social Security) (ADSW(SS)) responded that taking into members' views expressed at the meeting on 13 April 2004, the Administration intended to review the DE provision earlier than in 2006 as originally planned. Moreover, the review would be made more comprehensive to examine whether CSSA recipients would have more incentive to find employment if they were granted DE in the first three months on CSSA and whether the DE provision was overly generous so as to deter people from finding employment and continuing working. As regards the information requested by Mr WONG in paragraph 24 above, ADSW(SS) hoped that a study to be conducted on how to encourage "welfare to work" would shed light on the effect of DE on the desire of CSSA recipients to find employment and continue working.

26. Ms LI Fung-ying noted from paragraph 4 of the Administration's paper that the unemployment caseload had shown a cumulative decrease of 3 222 cases from October 2003 to April 2004. On the other hand, the low-income category had been on the rise. In the light of this, Ms LI asked about the number of unemployed cases which had moved into the low-income category and what was the profile of unemployed recipients.

27. ADSW(SS) responded that she did not have the exact number of the CSSA recipients under the low-income category who were previously on the unemployed caseload in hand. To her understanding, the number of low-income recipients was higher than that who had newly joined the low-income category. The reasons why the low-income caseload had been on the rise might be due to the following factors. First, the overall income levels in Hong Kong in recent years had been on the decline due to the weak economy, particularly in the low skilled jobs. Second, with more generous DE, it was an attractive option to remain on CSSA in the low earning category with an income that combined CSSA payments and the pay from a low wage job. ADSW(SS) also referred members to paragraph 4(a)(iii) of the Administration's paper which stated that the number on comparing the 11-month period before and after the introduction of SFS measures, the respective numbers of unemployed CSSA recipients who left the CSSA net or reduced their dependence on CSSA after taking up paid employment had increased from 346 and 435 per month respectively to 700 and 968 per month on average. As regards the profile of unemployed recipients, ADSW(SS) advised that they were usually

Action

people in their 40s and 50s, with little or no skills and low educational attainment. One noticeable change in the profile of this group over the years was that there had been a shift from single to family cases.

28. Responding to the Chairman's suggestion on establishing a statutory minimum wage, DSW said that this was not under the purview of SWD. ADSW(SS) supplemented that SWD would continue to step up effort to help able-bodied CSSA recipients to build up their job skills and in assisting them to find employment through job matching. It was hoped that the study on how best to help CSSA and near CSSA recipients elevate themselves would shed light on the best way forward.

29. The Chairman noted from paragraph I(c) of Annex I of the Administration's paper which mentioned that to fulfill their obligations, Active Employment Assistance participants had to seek paid employment actively and achieve self-sufficiency. SWD would tighten up the enforcement of sanctions to terminate CSSA payments against those who failed to fulfill their obligations to actively seek employment without good cause. The Chairman asked whether appeal against the aforesaid sanction had been lodged by CSSA recipients; if so, what was the number so far.

30. ADSW(SS) responded that to date, seven appeals against the enforcement of sanctions to terminate CSSA payments against those who failed to fulfill their obligations to actively seek employment without good cause had been received and all those on which adjudications had already been carried out had been found in favour of SWD. The appeals were considered by a panel consisting of persons from outside the Government.

31. There being no other business, the meeting ended at 12:10 pm.