

立法會
Legislative Council

LC Paper No. CB(2)3257/03-04
(These minutes have been
seen by the Administration)

Ref : CB2/PL/WS

Panel on Welfare Services

Minutes of meeting
held on Monday, 19 July 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
Dr Hon David CHU Yu-lin, JP
Hon LEE Cheuk-yan
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, BBS, JP
Hon Michael MAK Kwok-fung
Hon Albert CHAN Wai-yip
Hon WONG Sing-chi

Members absent : Hon Fred LI Wah-ming, JP
Hon Henry WU King-cheong, BBS, JP
Hon Frederick FUNG Kin-kee, JP

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

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Miss Ann Hon
Assistant Director of Social Welfare
(Subventions and Performance Monitoring)

Miss Diane WONG
Principal Assistant Secretary for Health, Welfare and Food
(Welfare)

Mr CHOW Chor-tim
Chief Executive Officer (Lotteries Fund Projects)
Social Welfare Department

Item V

Mr Paul TANG, JP
Director of Social Welfare

Mrs Kathy NG
Assistant Director of Social Welfare (Elderly)

Mr Eugene FUNG
Principal Assistant Secretary for Health, Welfare and Food
(Elderly Services)

Dr Edward LEUNG Man-fuk
President, Hong Kong Association of Gerontology

Item VI

Mr Paul TANG, JP
Director of Social Welfare

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

Mrs Mary MA
Commissioner for Rehabilitation

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

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

The Chairman said that Duty Roster Members had referred a case on the insufficient support provided by the Administration to help ethnic minority groups to integrate in the community for the Panel to follow up. Members agreed that this item should be followed up in the next legislative session.

I. Information paper issued since the last meeting
(LC Paper No. CB(2)3104/03-04(01))

2. Members noted the above paper on empowerment of women provided by the Administration pursuant to the meeting held on 8 March 2004, and did not raise any query.

II. Report of the Subcommittee to study issues relating to the Comprehensive Social Security Assistance and Social Security Allowance Schemes
(LC Paper No. CB(2)2998/03-04)

3. Members noted the above report and raised no query.

III. Report of the Subcommittee to study issues relating to the strategy and measures to prevent and tackle family violence
(LC Paper No. CB(2)3083/03-04)

4. Members noted the above report and raised no query.

IV. Charitable fund-raising activities
(LC Paper No. CB(2)3078/03-04(01))

5. At the invitation of the Chairman, Assistant Director of Social Welfare (Subventions and Performance Monitoring) (ADSW(SPM)) took members through the above Administration's paper which set out the Administration's plan to enhance the monitoring of charitable fund-raising activities.

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6. Dr LAW Chi-kwong said that he was in support of drawing up a Reference Guide on Best Practices for Charitable Fund-raising Activities (Reference Guide) for voluntary compliance by Charities. Nevertheless, Dr LAW considered that the only effective way to deter fraudulent organisations from soliciting donations from the public was to introduce a compulsory registration system. Dr LAW however noted that in doing so, it would have considerable resource implications and might inadvertently stifle the fund-raising activities of small-scale Charities. In the light of this, Dr LAW asked about the measures to help the public identify fraudulent fund-raising activities.

7. ADSW(SPM) responded that at present, all fund-raising activities approved by the Social Welfare Department (SWD) were publicised via the media or uploaded on the Web page of the Department. After the Reference Guide was finalised and promulgated, education and publicity campaign would be conducted to raise public awareness on the contents of the Reference Guide covering best practices in the areas of donors' rights, fund-raising practices and financial accountability. In addition, effort would be stepped up to remind the public to seek assistance from SWD or the Police if they came across the so-called "dubious" Charities.

8. Dr YEUNG Sum enquired about the information required by SWD for considering an application for organising a fund-raising activity.

9. ADSW(SPM) responded that under the existing regulatory regime, an applicant for organising a fund-raising activity must be a bona-fide non-profit-making organisation exempted from tax under section 88 of the Inland Revenue Ordinance (Cap. 112). Moreover, SWD must be satisfied with the integrity, management ability and track record of the applicant and the need and purpose for organising the proposed fund-raising activity. The successful applicant was also required to produce audited account by a Certified Public Accountant within 90 days after the fundraising event.

10. Mr LEUNG Yiu-chung noted from the Reference Guide that expenditure for conducting a fund-raising activity should not account for more than 10% of the gross proceeds. Mr LEUNG asked how SWD could ensure this was complied with.

11. ADSW(SPM) responded that it had originally been proposed to limit the fund-raising costs to not more than 10% of the gross proceeds to deter the Charity from spending an unreasonable amount of the donations on its operating expenses. Nevertheless, during the public consultation, many Charities suggested that an across-the-board ratio would not be practicable. In the finalised Reference Guide, a fixed ratio would not be specified in view of the different circumstances faced by individual Charities. Instead, Charities would now be encouraged to disclose for donors' reference a general return on investment ratio of their activities and the return and expenses figures in connection with their audited accounts. Such information would serve as a basis for the public to consider whether any future fund-raising activities

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should be supported.

12. Mr LEUNG Yiu-chung remarked that the measures mentioned by ADSW(SPM) in paragraph 11 lacked sufficient deterrent effect. In his view, only a compulsory registration system could ensure the donations were channelled to the targetted places/people.

13. Director of Social Welfare (DSW) explained that if a compulsory registration system was introduced, stringent vetting and review procedures had to be put in place which would have considerable resource implications. Furthermore, the procedures and the need to ensure cost recovery for such a system might inadvertently stifle the fund-raising activities of Charities, in particular small-scale Charities. DSW however believed that with the promulgation of the Reference Guide, the public could better gauge the practice of a Charity in fund-raising when deciding whether or not to donate to the Charity.

14. Noting that DSW could only issue permits under section 4(17)(i) of the Summary Offences Ordinance (Cap.228) for any collection of money or sale or exchange for donation of badges, tokens or similar articles for charitable purposes in public places, Mrs Sophie LEUNG was of the view that this should be amended to cover fund-raising by mail. In so doing, the public could then identify whether the organisation soliciting the money was a bona-fide non-profit-making charitable organisation by means of the permit number printed in the appeal letters. Mrs LEUNG pointed out that this was necessary, in view of the rampant solicitation of donations by mail. Moreover, to her understanding, the money that could be collected by mail often exceeded that by conventional forms such as setting up donation boxes in stationed counters. The Chairman and Ms Cyd HO concurred.

15. DSW agreed to consider the suggestion raised by members in paragraph 14 above, but pointed out that there would be practical difficulties, e.g. how to control a body outside Hong Kong which appealed to the public for donations by mail.

16. Ms Cyd HO said that in order to encourage more Charities to comply with the Reference Guide, consideration might be given to providing recognition to those who voluntarily agreed to do so by, say, allowing them to display a sign of quality.

17. In summing up, the Chairman suggested and members agreed that the proposal of regulating fund-raising by mail should be followed up by the Panel in the next legislative session.

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V. The pilot project on accreditation system for residential care services for elders in Hong Kong
(LC Paper No. CB(2)3078/03-04(02))

18. Dr Edward LEUNG, President, Hong Kong Association of Gerontology (HKAG) conducted a power point presentation on the development of an accreditation system for residential care services for elders in Hong Kong, details of which were set out in the above Administration's paper.

19. Dr YEUNG Sum asked how many of the 37 residential care homes for the elderly (RCHEs), including 23 RCHEs operated by the private sector and 14 RCHEs operated by not-for-profit non-governmental organisations, participating in the pilot accreditation exercises had failed to be graded as being accredited.

20. Dr Edward LEUNG responded that only one out of the 37 participating RCHEs in the pilot accreditation exercises had failed to be graded as being accredited. Although some of the participating RCHEs were not able to obtain accreditation the first time, they were very proactive in rectifying their deficiencies to meet the accreditation standards. Dr LEUNG further said that HKAG had conducted validity tests on the proposed accreditation instrument. The results showed that the instrument was content-valid, reliable and feasible for widespread application to all types of residential care services in Hong Kong. However, as the accreditation scheme was new, the elements to be included in the scheme would need to be refined and updated in the light of experience and changing circumstances.

21. Dr YEUNG further asked whether consideration would be given to making the accreditation system for RCHEs a mandatory one, having regard to the fact that experiences had proven the accreditation to be an effective means in promoting quality assurance and continuous improvement.

22. DSW responded that the Administration's thinking at this stage was that the accreditation system should be based on voluntary participation by RCHEs. Review would be conducted some time after implementation to see whether such a system should be made a mandatory one.

23. Dr LAW Chi-kwong expressed support for setting up a system of voluntary accreditation of residential care services for elders in Hong Kong. Dr LAW however expressed concern that the suggested \$50,000 accreditation fee for each RCHE would deter less resourceful RCHEs from participating in the accreditation system. If not enough RCHEs came forward to participate in the accreditation system, the accreditation body would not be able to survive for long. Dr LAW asked whether consideration could be given to lowering the fee to between \$10,000 and \$20,000.

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24. Dr Edward LEUNG responded that it was not possible to lower the accreditation fee to \$20,000. Based on the estimation that the accreditation body would conduct accreditation for about 70 RCHEs each year, an annual recurrent cost of \$3.58 million would be required. On the basis of full cost recovery, it was estimated that each RCHE participating in the accreditation exercise in future would have to pay about \$50,000 as the accreditation fee. Dr LEUNG further said that feedback from home operators considered the accreditation fee of between \$35,000 and \$50,000 would be reasonable. All participating RCHEs in the pilot project had also expressed that they would continue to join accreditation in future and would recommend other RCHEs to participate. DSW supplemented that the Administration might consider providing assistance to the accreditation body where practicable, such as providing them with a start-up fund and exploring with them ways to encourage less resourceful RCHEs to participate in the accreditation system.

VI. Support and assistance for paralysed patients living in the community
(LC Paper Nos. CB(2)3078/03-04(03) to (05))

25. DSW introduced the above Administration's paper which sought to address the concerns of the 4 self-helped groups, namely, Hong Kong Neuro-Muscular Disease Association, 1st Step Association, Paraplegic & Quadriplegic Association and Direction Association for the Handicapped, about financial assistance, support and training for the paralysed patients and their families.

26. Members noted a joint-submission from Hong Kong Neuro-Muscular Disease Association, 1st Step Association, Paraplegic & Quadriplegic Association and Direction Association for the Handicapped tabled at the meeting.

27. Dr YEUNG Sum asked whether consideration would be given to enhancing the respite service, so as to relieve the burden of the carers from the caring role and to give them a break.

28. ADSW(Rehabilitation and Medical Social Services) (ADSW(R&MSS)) responded that with effect from August 2004, the respite services that were available in the residential rehabilitation homes would be expanded from 70 to 180 places, including 20 places for people with severe disabilities.

29. Dr LAW Chi-kwong welcomed the move made by SWD to grant a Care and Attention (C&A) Allowance of \$4,296 per month to paralysed patients on Comprehensive Social Security Assistance (CSSA) to hire a carer even if the patient had a family carer who was available to provide help at home. Dr LAW however pointed out the provision would do little to alleviate the burden of the carers as the sum of \$4,296 per month was not sufficient to even hire an overseas domestic helper. In the light of this, Dr LAW urged

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the Administration to further its flexibility by lifting the cap on the C&A Allowance for this group of patients. Ms Cyd HO, Mr LEE Cheuk-yan, Mr WONG Sing-chi and the Chairman expressed views similar to Dr LAW.

30. DSW responded that the C&A Allowance was intended to provide the flexibility to hire a full-time or part-time carer to relieve and assist in providing personal care to the paralysed patient on CSSA. Paralysed patients who were not entitled to CSSA might apply to relevant charitable funds through medical social workers, patients' mutual help groups or voluntary organisations for subsidy to buy medical supplies and daily necessities. ADSW(R&MSS) supplemented that for patients not receiving the C&A Allowance, a disabled adult aged under 60 could receive a monthly CSSA payment of \$3,720 if he/she lived alone or \$3,375 if he/she lived with his/her family. Paralysed patients not receiving CSSA would be eligible for a Higher Disability Allowance of \$2,240 per month.

31. Dr LAW Chi-kwong remarked that it was not ideal for non-CSSA paralysed patients to rely on the support from charitable organisations, and urged that the C&A Allowance be extended to cover this group of patients. Dr YEUNG Sum concurred.

32. Miss CHOY So-yuk asked whether consideration could be given to continuing to allow the paralysed patients to receive the C&A Allowance if they chose to live in the Mainland.

33. DSW responded that the proposal made by Miss CHOY in paragraph 32 above had not been considered by SWD. Nevertheless, SWD would consider the proposal upon request from the paralysed patient on a case-by-case basis.

34. Mr LEE Cheuk-yan queried how a paralysed patient on CSSA could employ an overseas domestic helper if the patient could not produce proof of income to support the helper to the Immigration Department (ImmD). Mr LEE further asked whether an overseas domestic helper would be recognised as an eligible member for the purpose of CSSA.

35. ADSW(R&MSS) responded that SWD was under discussion with ImmD on waiving the income proof from the paralysed patients in their applications for hiring domestic helpers from overseas. ADSW(R&MSS) further said that overseas domestic helper would not be recognised as an eligible member for the purpose of CSSA.

36. In concluding, the Chairman suggested and members agreed to refer the issue of providing support and assistance for paralysed patients living in community for follow-up by the Panel in the next legislative session.

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VII. Any other business

37. The Chairman thanked members and the Administration for their hard work and support to the Panel.

38. There being no other business, the meeting ended at 12:45 pm.

Council Business Division 2
Legislative Council Secretariat
30 August 2004