

立法會
Legislative Council

LC Paper No. CB(2)328/05-06
(These minutes have been
seen by the Administration)

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Panel on Welfare Services

**Minutes of special meeting
held on Monday, 17 October 2005 at 8:30 am
in the Chamber of the Legislative Council Building**

Members present : Dr Hon Fernando CHEUNG Chiu-hung (Chairman)
Hon CHAN Yuen-han, JP (Deputy Chairman)
Hon Albert HO Chun-yan
Hon LEE Cheuk-yan
Hon Bernard CHAN, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Dr Hon YEUNG Sum
Hon TAM Yiu-chung, GBS, JP
Hon LI Fung-ying, BBS, JP
Hon Alan LEONG Kah-kit, SC

Members absent : Hon James TIEN Pei-chun, GBS, JP
Hon Albert CHAN Wai-yip
Hon Frederick FUNG Kin-kee, JP
Hon LEUNG Kwok-hung

Members attending : Hon Fred LI Wah-ming, JP
Hon WONG Kwok-hing, MH
Dr Hon Joseph LEE Kok-long

Public Officers attending : Dr York CHOW, SBS, JP
Secretary for Health, Welfare and Food

Mrs Carrie YAU, JP
Permanent Secretary for Health, Welfare and Food

Mr Paul TANG, JP
Director of Social Welfare

Mr FUNG Pak-yan
Assistant Director of Social Welfare
(Family and Child Welfare)

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

Clerk in attendance : Ms Doris CHAN
Chief Council Secretary (2) 4

Staff in attendance : Miss Mary SO
Senior Council Secretary (2) 8

Miss Maggie CHIU
Legislative Assistant (2) 4

I. Briefing by the Secretary for Health, Welfare and Food on the Chief Executive's Policy Address 2005-2006
(LC Paper No. CB(2)50/05-06(01))

Secretary for Health, Welfare and Food (SHWF) briefed members on the Administration's paper which set out the initiatives on the welfare side in the 2005-06 Policy Address and Policy Agenda, and also gave an account on the progress of work of initiatives relating to welfare services covered in the earlier Policy Agenda in January 2005. SHWF also advised that the Administration would continue to work closely with the Women's Commission in incorporating gender mainstreaming in the formulation of Government's policies to promote women's interests and well-being. The Administration had applied the gender mainstreaming Checklist, an analytical tool to help government officials to implement gender mainstreaming in a systematic manner, in selected policy areas.

The Administration would continue to roll out the Checklist to more policy areas/programmes on an incremental basis. A session to share with Members of the Legislative Council on the experience of implementing gender mainstreaming would be convened shortly.

2. Dr YEUNG Sum asked whether amendments would be made to the existing legislation to introduce mandatory counselling for batterers as a sentencing option as practised in Australia; if so, when this would be done.

3. SHWF responded that although batterers at present were not subject to mandatory counselling, offenders could be required to undergo treatment through a probation order. SHWF said that the Administration was planning to run two pilot projects, one involving a non-governmental organisation (NGO) on batterer intervention programme (BIP), under which treatment would be provided to batterers joining the programme on a voluntary basis, as well as batterers put on probation through a condition stipulated in the probation order. Through the pilot projects, the Administration aimed to get more insights into the goal, content, standard and effectiveness of such programme before deciding on the way forward.

4. Director of Social Welfare (DSW) supplemented that under the provisions in the existing Probation of Offenders Ordinance (Cap. 298), a probation officer might recommend to the court, as a condition attached to a probation order, for a batterer to participate in a BIP. DSW further said that according to overseas experience, making it mandatory for batterers to undergo counselling was not 100% effective in stopping batterers from committing the same act. The Administration would further examine whether or not, and if so, how the law should be amended to introduce BIP as a sentencing option after the completion of the pilot projects.

5. The Chairman said that apart from amending the law to effect mandatory counselling for batterers, many other aspects of the existing civil and criminal laws also needed to be amended to better prevent/deter the occurrence of family violence, as pointed out by the Hong Kong Council of Social Service, the Law Society of Hong Kong and many experts/academics.

6. SHWF responded that the Administration would seriously consider all views expressed by the various sectors in deciding whether, and if so, how the existing laws should be amended to better prevent/deter the occurrence of family violence. He however pointed out that legal means was not the only way to address family violence. Stepping up efforts on education, e.g. pre-marriage education was a case in point. Moreover, each family violence case was different and needed to be handled on a case-by-case basis.

7. Mr WONG Kwok-hing asked whether consideration could be given to the following -

- (a) making it mandatory for employers to hire 2% of their staff who were disabled people;
- (b) providing half price public transport fares to disabled people; and
- (c) lifting the annual permissible limit of absence from Hong Kong for the Old Age Allowance (OAA). OAA recipients who resided outside Hong Kong should only be required to make an annual confirmation by mail that they were still alive in order to continue receiving their allowance as was required of retired civil servants in order to continue receiving their pension.

8. SHWF responded as follows -

- (a) overseas experience had shown that making it mandatory for employers to hire a certain percentage of their staff who were disabled people failed to integrate them in the job market. Many employers hired the disabled simply to fill quotas and did not give them real work to do. This practice would not only have the labelling effect on the disabled persons but would cause resentment among other staff. Moreover, it was very difficult to define what was meant by disabled persons. In his view, empowering the disabled and encouraging the employers to hire them was more practical and appropriate;
- (b) it was not possible to convince public transport operators to grant concessionary fares to disabled people, as the population involved was still debatable. Even the disabled community had yet to reach a consensus on the matter. In the Administration's view, the best way forward at this stage was to strengthen the rehabus service on the one hand, and exploring the viability of providing rehataxi service on the other for people with disabilities (PwDs) who had difficulties in using public transport. The Health, Welfare and Food Bureau (HWFB) would give its stance on the subject through the speech to be made by the Secretary for the Environment, Transport and Works during the motion debate on "Facing up to the needs of people with disabilities" at the Council meeting on 19 October 2005; and
- (c) the Administration had no plan to further relax the annual

permissible limit of absence from Hong Kong for OAA at this stage, as the new arrangement had only come into operation on 1 October 2005. More time for observation, at least six months to one year, would be needed to evaluate the new arrangement.

9. Mr TAM Yiu-chung welcomed the Administration's plan to launch a two-year full-time welfare-oriented training course to train enrolled nurses (ENs) for the sector. Mr TAM, however, was of the view that such an initiative was only a temporary measure to tide over the problem of shortage of ENs in the welfare sector, and urged the Administration to expeditiously come up with a long-term plan to solve the problem.

10. SHWF responded that the Administration would meet with the Elderly Commission and the sectors concerned in the coming months to discuss the roles of ENs and identify suitable grounds to train ENs for the welfare sector. SHWF pointed out that there was a need to delineate the roles of nurses, e.g. registered nurses for working in hospitals and ENs for working in residential care homes for the elderly (RCHEs), having regard to the fact that most university-trained nurses were reluctant to work in RCHEs.

11. Dr Joseph LEE said that the nursing sector did not see the need for training people to become ENs, as nursing care for the elderly in residential care homes should best be carried out by registered nurses having regard to the fact that the growing trend of services provided by these homes was a continuum of care. Mrs Sophie LEUNG however was of the view that training of ENs should be re-launched to better meet the varied nursing needs on the one hand and providing an opportunity for young people not eligible for university-level nursing degree to enter the nursing path on the other.

12. Ms LI Fung-ying asked the following questions -

- (a) what additional resources were required in carrying out the family education programmes outlined in paragraph 7 of the Administration's paper, and how such a new initiative would be implemented; and
- (b) which types of families were the targets of the Family Support Programme mentioned in paragraph 8 of the paper, and what were the types of assistance to be rendered to these families.

13. SHWF responded that the Administration would step up publicity in promoting the traditional core values of families through the mass media such as television, and organising district-based activities. The Integrated Family Service

Centres (IFSCs) would also step up efforts in reaching out to vulnerable families to motivate them to receive appropriate services to prevent further deterioration of their problems and engaging the assistance of other organisations to identify families in need so that timely assistance could be provided.

14. Assistant Director of Social Welfare (Family and Child Welfare) supplemented that the targets of the Family Support Programme might include vulnerable families in particular those at risk of domestic violence, psychiatric problems and social isolation. Additional resources would be allocated according to the different situations in each district, but probably to units, such as IFSCs, Family and Child Protective Services Units, Psychiatric Medical Social Service Units, to strengthen their manpower support to proactively identify and keep contacts with vulnerable families through home visitations, telephone contacts, etc., with a view to connecting them to various support services available and motivate them to receive appropriate services to prevent further deterioration in their problems. Volunteers and those who had gone through similar problems or crisis before would also be recruited as support persons to provide these families with continuous support and contact.

15. The Chairman requested the Administration to provide information on the areas which would be strengthened to improve support for needy families and the amount of money required. DSW replied that he could only provide the requested information after the announcement of next year's budget by the Financial Secretary.

16. Mr Albert HO asked the following questions -

- (a) whether the Administration would fund those non-profit-making organisations providing 24-hour one-stop emergency support service to needy families, which were facing closure because of the impending cessation of subsidisation by charitable organisations;
- (b) whether organisations currently receiving funding from the Social Welfare Department (SWD) could lodge an appeal against the decision of DSW not to continue to subsidise them;
- (c) whether consideration could be given to re-visiting the proposal of setting up a maintenance board to help payees to collect outstanding maintenance fees from their former spouses; and
- (d) when would the Administration make legislation to take forward the recommendations of the Subcommittee on Guardianship and Custody of the Law Reform Commission (LRC), to better tackle and combat

family violence.

17. SHWF responded as follows -

- (a) in considering whether to support the services of non-profit-making organisations, due consideration would be given to the support-worthiness of the services, availability of similar services, availability of resources, and other alternatives;
- (b) whether an agency should continue to receive funding from SWD was vested in DSW based on his assessment whether the services provided by the agency concerned were meeting genuine needs, were effective and other relevant factors. If necessary, he himself might consider re-examining the case; and
- (c) HWFB would need to discuss with other policy bureaux on whether, and if so, how to make legislation to take forward the recommendations of the Subcommittee on Guardianship and Custody of the LRC as well as on the issue of setting up a maintenance board.

18. Mr LEE Cheuk-yan asked the following questions -

- (a) whether assistance could be provided to those severely disabled persons living in the community who were not eligible for Comprehensive Social Security Assistance (CSSA) to hire helpers to relieve the burden of family carers. At present, severely disabled CSSA recipients could be provided with a special grant to hire live-in helpers, whereas their counterparts not on CSSA had to rely on the financial assistance from the Yan Chai Tetraplegic Fund which was one-off or temporary; and
- (b) whether consideration could be given to making the existing temporary jobs under SWD into permanent ones, as many youths who were holding these jobs would like to develop their careers in the welfare sector.

19. SHWF responded as follows -

- (a) the Administration believed that the new rehabilitation services set out in paragraphs 14 to 17 of the Administration's paper, such as providing severely disabled patients with transitional residence, day training, nursing and support to facilitate their early return to the community, should further help this group of patients and their

families to cope with their difficulties;

- (b) SWD would continue to offer counselling and support services to severely disabled patients and their families, connecting them to the new service provision, assisting them to achieve their rehabilitation plan through collaborating with the multi-disciplinary team in hospital, as well as to realise their plan of reintegrating into the community with the enhanced financial and community support services;
- (c) apart from the Yan Chai Tetraplegic Fund, there were other funds to which severely disabled patients not on CSSA could turn for financial assistance to meet their special needs;
- (d) all disabled persons were eligible for a Disability Allowance under the Social Security Allowance Scheme regardless of their means; and
- (e) although the Administration was happy to help young people who wished to develop their careers in social work, HWFB/SWD would only consider making temporary jobs under their purview into permanent ones if there were justifiable reasons in order to ensure that public money was spent in a prudent and responsible manner.

20. Mr Alan LEONG was of the view that if welfare services were truly people-based as claimed by the Administration, more flexibility should be given to the districts on the utilisation of funds and delivery of services.

21. SHWF responded that since the last financial year, more resources had been made available to the District Social Welfare Offices (DSWOs) of SWD to use as they saw fit. Moreover, DSWO staff had been advised to use their professional judgement in handling cases and not to adhere strictly to established guidelines. In so doing, these staff had been reminded to be consistent in handling cases of similar nature.

22. DSW supplemented that in the last financial year, \$15 million were allocated to all DSWOs for use at their discretion in areas such as organising district functions and providing financial assistance to the people who could not otherwise obtain such from the established channels. DSW, however, pointed out that given that resources were finite, there was a need to strike a balance between providing flexibility to deploy resources and adhering to the established guidelines and practices.

23. Dr Joseph LEE asked whether consideration could be given to the

following -

- (a) providing a safety net to non-CSSA elders living in the community, in the event that they could not afford their medical and nursing care expenses; and
- (b) providing elders living in RCHEs with annual physical examination and health screening, similar to those provided to students under the student health service operated by the Department of Health.

Dr LEE further said that although he welcomed the launching of the Visiting Medical Practitioner Scheme to provide primary medical care support to PwDs in residential rehabilitation services centres, there were doubts about its effectiveness having regard to the experience of a similar scheme run by the Hospital Authority (HA) to provide primary care to people living in RCHEs. To his knowledge, visits to RCHEs by doctors under HA's visiting practitioners scheme were infrequent and the time spent on each elder was very short. Dr LEE then asked how much would be earmarked for launching the Visiting Medical Practitioner Scheme to provide primary medical care support to PwDs in residential rehabilitation services centres.

24. SHWF responded that the Administration would consider Dr LEE's suggestions mentioned in paragraph 23(a) and (b) above in the formulation of long-term healthcare financing. SHWF disagreed that the HA's Visiting Medical Practitioner Scheme failed to achieve its desired effect. At the very least, it was a step forward from the past practice. Moreover, the scheme served as a useful means for the development of family medicine.

25. Miss CHAN Yuen-han urged the Administration to come up with more effective strategy and measures to prevent the occurrence of maltreatment of elders living in private RCHEs. Miss CHAN pointed out that many private operators had difficulties in upgrading the standards of their homes, given that the sole income of most of their clients was CSSA payment. Miss CHAN also urged the Administration to require subsidised home operators to observe the standard employment contract for non-skilled workers of contractors of Government contract services. Miss CHAN pointed out that the prevalence of long working hours of RCHE staff, i.e. up to 12 hours a day, had not only undermined services provided to the elderly and had also increased injuries at work.

26. SHWF admitted that the standards of subsidised RCHEs were generally higher than those of private RCHEs. In the light of this, the Administration would closely monitor the operation of private RCHEs, and where necessary, tighten the regulation of these homes. On the working hours of RCHE staff,

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SHWF said that the Administration considered it more important to focus on the maximum hours which a staff had to work per week rather than on the maximum hours which a staff had to work per shift.

27. Mrs Sophie LEUNG said that the Administration should actively engage NGOs and schools in promoting family cohesion. The Women's Commission stood ready to collaborate with the Administration on this endeavour.

28. SHWF responded that it was the Administration's intention to make good use of the expertise of members of the Women's Commission and their various self/mutual help projects to promote family cohesion in districts and across the territory.

29. The Chairman asked whether consideration could be given to making public the names of those RCHEs which had been successfully prosecuted by SWD for violating the licensing requirements. SHWF agreed to consider the suggestion in the light of legal advice.

30. There being no other business, the meeting ended at 9:30 am.

Council Business Division 2
Legislative Council Secretariat
10 November 2005