

立法會
Legislative Council

LC Paper No. CB(2)605/05-06
(These minutes have been
seen by the Administration)

Ref : CB2/PL/WS

Panel on Welfare Services

Minutes of meeting
held on Monday, 14 November 2005 at 10:45 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 James TIEN Pei-chun, GBS, JP
Hon Albert HO Chun-yan
Hon LEE Cheuk-yan
Hon Bernard CHAN, JP
Dr Hon YEUNG Sum
Hon TAM Yiu-chung, GBS, JP
Hon LI Fung-ying, BBS, JP
Hon Frederick FUNG Kin-kee, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung

Members absent : Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Hon Albert CHAN Wai-yip

Member attending : Hon Margaret NG

**Public Officers : Items IV and V
attending**

Ms Salina YAN
Deputy Secretary for Health, Welfare and Food
(Elderly Services and Social Security)

Mr D C CHEUNG
Principal Assistant Secretary for Health, Welfare and Food
(Elderly Services and Social Security) 2

Miss Nancy LAW, JP
Deputy Director of Social Welfare (Administration)

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

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

Mr CHENG Chok-man
Chief Social Security Officer (Social Security) 1
Social Welfare Department

Mr LAI Shiu-bor
Chief Social Security Officer (Social Security) 2
Social Welfare Department

Mr LUI Hon-kwong
Chief Social Security Officer (Social Security) 3
Social Welfare Department

Mr NG Wing-cheung, Kenneth
Senior Statistician (Social Welfare)
Social Welfare Department

Item VI

Miss Dora FU
Principal Assistant Secretary for Health, Welfare and Food
(Women)

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

Ms PANG Kit-ling
Chief Social Work Officer (Domestic Violence)
Social Welfare Department

Ms LAM Wai-yip, Michelle
Senior Social Work Officer (Domestic Violence)
Social Welfare Department

**Deputations
by invitation** : Item V

傷殘津貼審批制度關注小組

Mr KU Wing

Ms WONG Siu-wan

關注傷殘津貼聯席

Ms LING Ching-ha
Manager

Ms HO Bo-ching
Manager

Hong Kong Blind Union

Ms SUN Mun-wan

Mr CHAN Kwok-kwong
Social Worker

Item VI

Faculty of Medicine, The University of Hong Kong

Dr Philip BEH
Associate Professor

The Hong Kong Council of Social Service

Ms Elsa CHIU
Chief Officer, Service Development
(Family and Community)

End Child Sexual Abuse Foundation

Ms SIAO Fong-fong
Chairperson

Dr Angela NG
Member, Board of Governors

Caritas - Hong Kong (Family Service)

Ms HAU Suet-mei
Assistant Social Work Officer

RainLily

Miss NG Wai-ching
Service Co-ordinator

Ms WONG Sau-yung
Service Counsellor

Against Child Abuse

Ms Jessica HO
Supervisor

Ms Kit WONG
Social Workers

Hong Kong Association of Business and Professional Women

Ms Moyreen Tilbrook

Women Coalition of Equal Opportunity (Anti-domestic
Violence Programme)

Miss CHUNG Yuen-yi
Co-ordinator

Association of Indonesian Migrant Workers in Hong Kong

Ms Eni Lestari
Chairperson

United Filipinos in HK (UNIFIL)

Ms Dolores Baladares
Chairperson

Bethune House Migrant Women's Refuge

Ms Edwina A Santoyo
Executive Director

Association for the Advancement of Feminism

Ms CHOI Wing-see
Organizer

Hong Kong Sex Culture Society

Mr Matthew MAK
Project Director

Miss WONG Mei-king
Executive Secretary

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

Ms LIU Ngan-fung
Chairperson

The Hong Kong Committee on Children's Rights

Dr CHOW Chun-bong

Association Concerning Sexual Violence Against Women

Ms Eleanor LAM
Chairperson

Department of Social Work and Social Administration, The
University of Hong Kong

Dr CHAN Ko-ling
Assistant Professor

The Against Elderly Abuse of Hong Kong

Mr Calvin CHIU Kit-man
Vice President

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. Confirmation of minutes
(LC Paper No. CB(2)328/05-06)

The minutes of the special meeting held on 17 October 2005 were confirmed.

II. Information paper(s) issued since the last meeting

2. There was no information paper issued since the last meeting.

III. Items for discussion at the next meeting

(LC Paper Nos. CB(2)298/05-06(01) and (02))

3. Members agreed to discuss the following issues at the next regular meeting to be held on 12 December 2005 at 10:45 am -

- (a) Draft design manual - barrier free access and facilities for person with a disability and for the elderly; and
- (b) Measures to address the transport needs of persons with disabilities and their carers.

IV. Annual adjustment of the standard payment rates under the Comprehensive Social Security Assistance Scheme and the Social Security Allowance Scheme

(LC Paper Nos. CB(2)298/05-06(03) and (04))

4. Deputy Secretary for Health, Welfare and Food ((Elderly Services and Social Security) (DSHWF(ES&SS)) briefed members on the Administration's paper which set out the latest position of the Social Security Assistance Index of Prices (SSAIP) and the estimated corresponding adjustment for the standard payment rates under the Comprehensive Social Security Assistance (CSSA) Scheme and the Disability Allowance (DA) of the Social Security Allowance (SSA) Scheme.

5. Mr Albert HO asked the Administration whether it would consider the adoption of forecast methodology to adjust the standard payment rates under the CSSA and SSA Schemes, having regard to the fact that Hong Kong had entered an inflationary phase.

6. DSHWF(ES&SS) responded that the forecast method of adjusting CSSA and SSA rates had been previously used by the Administration. In view of repeated discrepancies between the forecast SSAIP and the actual SSAIP movements noted from 1989-1990 onwards, the forecast method of adjusting CSSA and SSA rates was replaced, from 1999-2000 onwards, by an adjustment mechanism based on the actual price movements of the SSAIP in the previous year which had the benefit of providing certainty and ensuring objectivity in the adjustment. DSHWF(ES&SS) further said that the discrepancies between the forecast SSAIP and the actual SSAIP movements were also pointed out by the Director of Audit in his audit investigation into the administration of the CSSA and SSA Schemes from late 1998 to early 1999. He noted that the combination of over-estimation of the SSAIP and deviations from the stated annual inflationary

adjustment mechanism in the past years had a significant impact on government expenditure. He considered that the Administration should adhere to the stated annual adjustment mechanism in future for the administration of the CSSA and SSA Schemes.

7. DSHWF(ES&SS) also said that another reason for not using the forecast method was that if there was a significant over-estimation, it would be difficult for CSSA and SSA recipients to adjust to a significant downward adjustment of rates to make up for the over-adjustment in the beginning. DSHWF(ES&SS) assured members that if recent movements in the SSAIP and other economic indicators pointed to likely high inflation, consideration could be given to seeking approval for inflationary adjustments to the standard payment rates ahead of the annual cycle.

Admin

8. Mr Albert HO opined that the repeated discrepancies between the forecast SSAIP and the actual SSAIP movements noted from 1989-1990 onwards were only isolated cases, due to a continuous period of unprecedented deflation brought about by the Asian financial crisis. Mr HO requested the Administration to provide the forecast and the actual outturn of the SSAIP for the past 20 years. Mr HO urged the Administration to re-consider the adoption of forecast methodology to adjust the standard payment rates under the CSSA and SSA Schemes, as the livelihood of the poor would be adversely affected during inflationary period if their CSSA or SSA standard payment rates were based on the actual SSAIP movements in the previous year. The Chairman, Dr YEUNG Sum and Mr LEE Cheuk-yan concurred. Mr LEE further asked the Administration whether it had made any forecast on the price movements of the SSAIP, say, for the next 12 months, in view of the current inflationary situation.

9. DSHWF(ES&SS) pointed out that past experience showed that the use of forecast methodology to adjust the standard payment rates under the CSSA and SSA Schemes often gave rise to discrepancies, some of which could be quite great. For instance, the forecast SSAIP for 1998-1999 was 4.8%, whereas the actual outturn was merely -0.2%. In view of the problem presented by the forecast methodology, the Administration did not see the need to make any forecast on the price movements of the SSAIP for adjusting the CSSA and SSA standard payment rates and had not done so. DSHWF(ES&SS) further pointed out that the decision to adjust the CSSA and SSA standard payment rates based on the actual price movements of the SSAIP in the previous 12 months was a decision arrived at following due process within the Administration, as social security spending, which had no ceiling, was not under the Operating Expenditure Envelope of the Health, Welfare and Food Bureau.

10. DSHWF(ES&SS) considered that the Administration's proposal to adopt a new annual adjustment cycle that took into account the SSAIP movement for the

past 12 months ending on 31 October, following approval by the Finance Committee (FC) in December and the new rates to be effected in the following February would be able to follow the inflation/deflation reflected by the SSAIP as closely as possible. Senior Statistician (Social Welfare) supplemented that the reason why the new rates could not be introduced immediately from 31 October was because the October 2005 SSAIP figure would only be available in end November 2005 from the Census & Statistics Department, and that upon receiving the figure some time was needed to compile the new adjustment rate. Assistant Director of Social Welfare (Social Security) (ADSW(SS)) also said that some time was also needed for the Social Welfare Department (SWD) to make the necessary adjustment to its computer system to make the adjusted payment to over 650 000 recipients (including 540 000 CSSA recipients and 110 000 DA recipients). ADSW(SS), however, pointed out that the introduction of the new rates could be reduced by one month's time, if the proposal to seek delegated authority from the FC for approval to be exercised by the Secretary for Health, Welfare and Food (SHWF) in consultation with the Secretary for Financial Services and the Treasury was supported by the Panel's Subcommittee on Review of the Comprehensive Social Security Assistance Scheme when it was consulted on the proposal back in July 2005.

11. Dr YEUNG Sum was of the view that adjustment of the CSSA and SSA rates should be made from the angle of ensuring that the recipients would be able to meet their basic needs, rather than that of effecting administrative convenience. As there would be a three months' time gap under the proposed new annual adjustment cycle, Dr YEUNG asked the Administration whether it would reimburse the recipients should an increase in the price movements of the SSAIP from, say, 1 November to 31 January, was recorded. DSHWF(ES&SS) responded that there was no need for such, as any inflation/deflation occurred in the SSAIP from 1 November to 31 January would be eventually made up in the next annual adjustment cycle.

12. Dr YEUNG Sum maintained his view that the Administration should reinstate the use of forecast methodology to adjust the standard payment rates under the CSSA and SSA Schemes, so that these rates could still meet the basic needs of recipients during a period of inflation. Even if there was an overpayment due to over-estimation of the forecast SSAIP, such overpayment could be offset in the next annual adjustment cycle. Dr YEUNG surmised that the discrepancies in the forecast SSAIP should not be as great as those registered in the late 1990s, which were due to a prolonged period of deflation brought about by the Asian financial crisis.

13. Mr LEE Cheuk-yan moved the following motion which was supported by all members present at the meeting with the exception of Mr James TIEN who

abstained -

“本委員會要求回復2001年前所沿用的調整綜援機制以調整綜援和公共福利金金額。”

(Translation)

“That this Panel requests the reinstatement of the methodology used before 2001 to adjust CSSA and SSA rates.”

14. Due to time constraint, Miss CHAN Yuen-han suggested and members agreed to continue discussion on this item at the meeting of the Subcommittee on Review of the Comprehensive Social Security Assistance Scheme scheduled for 22 November 2005 at 2:30 pm.

15. In closing, the Chairman hoped that the debate on the methodology of adjusting CSSA and SSA rates would not affect the Administration's plan to seek FC's approval to adjust these rates upward by 0.2% in December 2005.

V. Review of the Disability Allowance under the Social Security Allowance Scheme

(LC Paper Nos. CB(2)298/05-06(05) to (07))

16. Deputy Director of Social Welfare (Administration) (DDSW(A)) briefed members on the number of overpayment cases of Higher DA (HDA) arising from the applicants' admission to residential institutions and hospitals and the amount of overpayment involved, details of which were set out in paragraph 12 of the Administration's paper (LC Paper No. CB(2)298/05-06(05)). DDSW(A) further said that as a matter of policy, the Social Welfare Department (SWD) would seek to recover the overpaid amount when cases of overpayment came to light in order to safeguard public funds. SWD had already worked out repayment arrangements with the majority of the applicants for recovering the overpayments. The general method used was to deduct the monthly allowance of the (HDA) recipients until the overpaid amount was fully recovered. The amount of monthly allowance to be deducted was made on the basis that it would not adversely affect the special needs of the recipients arising from disability.

17. ADSW(SS) then briefed members on the eligibility criteria for DA and HDA and the appeal mechanism against the SWD's decision of refusal of DA payment based on the result of a medical assessment, details of which were set out in paragraphs 4 to 6 and 10 to 11 of the Administration's paper respectively.

18. The Chairman invited deputations to give their views on the application and

operational procedures of DA under the SSA Scheme, details of which were summarised in the ensuing paragraphs.

Views of deputations

傷殘津貼審批制度關注小組

19. Ms WONG Siu-wan introduced the 傷殘津貼審批制度關注小組's submission (LC Paper No. CB(2)298/05-06(06)) which recommended the following -

- (a) one of the eligibility criteria for DA and HDA that “a person whose disabling condition is certified by a public medical officer to be in a position broadly equivalent to a person with a 100% loss of earning capacity according to the criteria in the First Schedule of the Employees' Compensation Ordinance (Cap. 282)” should be deleted, as people with disabilities did not necessarily mean that they lost the capacity to earn a living;
- (b) separate set of eligibility criteria and a higher amount of allowance should be created for people suffering from malfunctioning of human organs, having regard to the high medical expenses entailed and the fact that their less obvious disabling condition had often rendered them difficult to get DA;
- (c) DA applicants should be entitled to have a second opinion from another public medical doctor should their applications be refused;
- (d) SWD should explain to the applicants in writing why their applications for DA were unsuccessful;
- (e) doctors, nurses and medical social workers (MSWs) should step up their communications with patients with disabilities, so that the latter could become better informed of their eligibility for DA and other necessary information, such as application and appeal procedures; and
- (f) the Administration should conduct a comprehensive review of the DA, including its objectives, targets, eligibility criteria, coordination and delineation of duties among departments concerned, application procedures, and powers and responsibilities of MSWs and frontline doctors.

20. Mr KU Wing told the meeting that he had been advised by SWD staff to apply for CSSA, after he ceased to receive DA on the ground that he had not lost 100% earning capacity. Mr KU said that he was reluctant to apply for CSSA because he did not wish to be viewed as relying on public assistance for existence and would like to earn his living as far as his ability allowed.

關注傷殘津貼聯席

21. Ms HO Bo-ching requested the following -

- (a) children HDA recipients boarding in special schools under the Education and Manpower Bureau should not have their monthly allowance automatically changed to Normal Disability Allowance (NDA), having regard to the fact that these children normally stayed in these schools for only four days in a week and had to stay at home for a stretch of up to 90 days during the summer school break. At present, NDA recipients received a monthly allowance of \$1,120 while HDA recipients received a monthly allowance of \$2,240; and
- (b) HDA recipients receiving care in a medical residential institution under the Hospital Authority continuously for up to one month should also not have their monthly allowance automatically changed to NDA. The fact that these recipients resided in a medical institution did not mean their expenditure would be any less expensive. Not only would these recipients have to pay for their hospital bills which could cost up to \$100 a day, family members had to incur additional transport costs to travel to the hospitals to care for them on a daily basis given their disability. Under these circumstances, some HDA recipients had deliberately checked themselves out of the hospitals, despite their still dilapidating condition, shortly before their one month's time was up in order to continue to be eligible for HDA.

Hong Kong Blind Union

22. Ms SUN Mun-wan told the meeting of her plight in having to come up with over \$160,000 to pay back SWD for the overpaid DA that SWD claimed her family owed because her blind daughter had attended a subvented school for the blind from 1992 to 2004. Ms SUN pointed out that she had never hidden from SWD that her blind daughter was boarding at the subvented school for the blind, and therefore should not be responsible for the overpayment by SWD. Ms SUN further said that if she had intended to cheat SWD for a higher allowance, she would not have pointed out to SWD that her blind daughter had attended the

Action

special school since 1992 and not 1996. Ms SUN said that the incident had put her under a lot of stress, as her family did not have the means to pay back the overpaid DA.

23. Mr CHAN Kwok-kwong supplemented that SWD had advised Ms SUN to apply for CSSA and use part of the CSSA payment to pay back the overpaid DA by installments, but Ms SUN had refused to do so on the ground that it was wrong to use public money to settle an administrative error. Mr CHAN, however, pointed out that Ms SUN had no responsibility to pay back the overpaid DA, as the overpayment was entirely due to the Administration's fault. To avoid the overpayment of DA from happening, Mr CHAN urged the Administration to expeditiously review the application and vetting procedures for NDA and HDA.

Discussion

24. Dr YEUNG Sum, Miss Margaret NG, Mr LEUNG Kwok-hung, Mr Alan LEONG, Mr Albert HO, Mr LEE Cheuk-yan, Miss CHAN Yuen-han and Mr Frederick FUNG were of the view that it was wrong of the Administration to demand the recovery of overpayment from Ms SUN for the reason that Ms SUN had been completely honest from the start that her blind daughter was boarding at the special school. Moreover, SWD should be well aware of the rule that recipients boarding at the special school in question were not entitled HDA. They requested the Administration to cease recovering the overpayment from Ms SUN and continue to provide her blind daughter with HDA, and to review the granting of NDA and HDA and related matters, taking into account the views expressed by deputations.

Admin

25. Due to time constraint, the Chairman suggested and members to continue discussion on this item at the next regular meeting in December 2005.

VI. Services and support to victims of sexual violence

(LC Paper Nos. CB(2)298/05-06(08) to (14), CB(2)363/05-06(01) to (07) and CB(2)369/05-06(01))

26. The Chairman invited deputations to give their views on services and support to victims of sexual violence, details of which were set out in their written submissions (LC Paper Nos. CB(2)298/05-06(09) to (13), CB(2)363/05-06(01) to (03), and CB(2)395/05-06(01) to (02) tabled at the meeting). With regard to the impending closure of the Sexual Violence Crisis Centre (Rainlily) at the end of 2005 due to expiry of funding support from the Hong Kong Jockey Club Charities Trust (HKJCCT), the Administration was urged to provide funding to allow the one-stop, 24-hour and timely services to female victims of sexual violence to

continue. The existing services funded by the Administration for victims of sexual violence were considered too fragmented to meet the special needs of these victims. Located in Kwong Wah Hospital, Rainlily currently provided services to female victims of sexual violence including a hotline, 24-hour crisis intervention, arrangement of police interview and forensic examination, medical support service, in depth/long term counselling, escort, survivors' support group, volunteer training and publicity. To allow the good work of Rainlily to stop due to lack of funds, in particular if the sum involved was a mere \$2.2 million a year, was unreasonable. Moreover, it was at variance with the passage of Mr James TO's motion at the Council meeting on 12 April 2000 urging the Administration to provide comprehensive and timely "one-stop" services to victims of sexual violence, among others.

27. Mr Bernard CHAN asked the Administration whether it would provide funding to the Association Concerning Sexual Violence Against Women, the operating agency of Rainlily, or any other agency to continue the existing services provided by Rainlily.

28. In view of the prevalence of the problem of sexual violence in Hong Kong as pointed out by Dr CHAN Ko-ling in his studies and the effectiveness of services provided by Rainlily as testified by other NGOs, users and professionals, Dr YEUNG Sum was of the view that the Administration should fund these services on a permanent basis after the expiry of the funding by HKJCCT. Mr Albert HO and Mr Frederick FUNG concurred. Mr HO further said that it was also the view of the Jockey Club chairman that for HKJCCT to continue to fund Rainlily would "spoil" the Administration. In normal circumstances, HKJCCT only funded pilot projects for several years before handing them over to the Administration for continued funding if these projects had been proven to be worthy of support.

29. Ms LI Fung-ying said that the services provided by Integrated Family Services Centre, which were similar to general outpatient services, could not replace those provided by Rainlily, which were similar to specialist outpatient services.

30. Miss CHAN Yuen-han shared members' views that comprehensive, one-stop and timely services to victims of sexual violence should be continued. Miss CHAN further said that even if the Administration could not decide now whether these services should be included in the regular subvention, it should provide urgent funding for their continued operation after 31 December 2005. Dr YEUNG Sum suggested that in the meantime, the Administration should discuss with HKJCCT on extending its funding to Rainlily, say, for another year.

31. Principal Secretary for Health, Welfare and Food (Women) responded that the Administration did not see the need to fund Rainlily to continue the services currently provided for the following reasons. First, presently, services were provided to meet the needs of victims of sexual violence through the mainstream Integrated Family Service Centres, Family and Child Protective Services Units and Medical Social Service Units. Yet, the Administration would review services from time to time and make improvements as appropriate, and would not rule out putting in additional resources so available in future for similar services if necessary. Second, HKJCCT was still in the process of considering the funding application from the Association Concerning Sexual Violence Against Women to continue its services to victims of sexual violence. Assistant Director (Family and Child welfare) added that in the event that Rainlily could not obtain funding to sustain its services, the Administration would ensure that services for rape victims would continue.

32. Mr LEUNG Kwok-hung moved the following motion which was supported by all members present at the meeting -

“本委員會責成政府立即撥款資助風雨蘭以繼續其服務，並由民政事務局及衛生福利及食物局跟進及提交報告，以改善家庭暴力及性暴力的服務。”

(Translation)

“That this Panel demands the Administration to immediately fund Rainlily so as to enable it to continue its services, and that the Home Affairs Bureau and the Health, Welfare and Food Bureau should follow-up and submit reports with a view to improving services on addressing family violence and sexual violence.”

33. Members agreed to defer the decision of holding a special meeting to continue discussion on the subject, until after receipt of the Administration's response to the above motion. Mr Albert HO hoped that should a special meeting be held, SHWF and the Director of Social Welfare should attend to answer questions from members.

Admin

34. There being no other business, the meeting ended at 1:33 pm.