

立法會 *Legislative Council*

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Report of the Panel on Welfare Services for submission to the Legislative Council

Purpose

This report gives an account of the work of the Panel on Welfare Services during the 2005-2006 Legislative Council (LegCo) session. It will be tabled at the Council meeting on 12 July 2006 in accordance with Rule 77(14) of the Rules of Procedure.

The Panel

2. The Panel was formed by a resolution of this Council on 8 July 1998, and as amended on 20 December 2000 and 9 October 2002, for the purpose of monitoring and examining Government policies and issues of public concern relating to welfare services matters.
3. The terms of reference of the Panel are in **Appendix I**.
4. The Panel comprises 14 members, with Dr Hon Fernando CHEUNG Chiu-hung and Hon CHAN Yuen-han elected as Chairman and Deputy Chairman of the Panel respectively. The membership list of the Panel is in **Appendix II**.

Major work

Strategy and measures to tackle family violence

5. The Subcommittee on Strategy and Measures to Tackle Family Violence, which was formed under the Panel, held a total of five meetings from October 2005 to June 2006. Issues discussed by the Subcommittee included the recommendations of the Coroner's Court on the Tin Shui Wai family tragedy which occurred in April 2004; review report on the implementation of recommendations of the Review Panel on Family Services in Tin Shui Wai;

improvement measures of the Police on the handling of family violence; and the preliminary proposed amendments to the Domestic Violence Ordinance (Cap. 189).

Review of the Comprehensive Social Security Assistance Scheme

6. The Subcommittee on Review of the Comprehensive Social Security Assistance Scheme, which was formed under the Panel, held a total of seven meetings from October 2005 to June 2006. Issues discussed by the Subcommittee included the New Dawn Project for single parent recipients of Comprehensive Social Security Assistance (CSSA); annual adjustment mechanism of the CSSA standard payment rates; basic needs of the elderly, the disabled and children; provision of long-term supplement and burial grant; release of CSSA to discharged offenders; and difficulties faced by the poor elderly in applying for CSSA.

Support after the Tide-over Grant period to non-governmental organisations currently receiving Tide-over Grant

7. The Administration briefed the Panel on the Special One-off Grant (SOG) applications. SOG was intended to provide support to non-governmental organisations (NGOs) currently receiving the Tide-over Grant (TOG) after the cessation of the TOG period in 2006-07.

8. Members were very concerned that some management of NGOs unilaterally changed or planned to unilaterally change the terms and conditions of services of their staff in order to attain financial viability. Members asked the Administration whether a mechanism was in place to ensure that NGOs on Lump Sum Grant (LSG) would honour the employment contract with staff, and would not dismiss staff for refusing to enter into an employment contract unilaterally introduced by the management.

9. The Administration advised the Panel that the LSG Manual had set out the circumstances under which NGOs should consult their staff. Should an NGO fail to honour their contractual agreement with their staff, the matter could be taken up by the LSG Steering Committee (LSGSC). The Administration further advised that to ensure SOG was spent in a proper manner by NGOs, the use of SOG would be monitored through the Annual Progress Report to be submitted by NGOs each year till the exhaustion of the SOG allocated. If SOG was not used in accordance with the approved purposes, it would be subject to clawing back by the Social Welfare Department (SWD).

10. Members were of the view that grievances concerning SOG were rooted in the implementation of the LSG subventions system. They urged the Administration to conduct a comprehensive review of the system.

11. The Administration considered that there was no need to do so, having regard to the positive impacts of the system on the development of social welfare services and the wide acceptance of the system by NGOs. The Administration would, however, consider whether there were specific aspects which might be improved after the SOG arrangement was settled.

12. Members also questioned the Administration on the validity of deducting 9.3% from the Benchmark Salary of NGOs on LSG over the years as a result of Enhanced Productivity Programme (EPP) and Efficiency Savings (ES). Members noted that the Administration had affirmed at the 13th LSGSC meeting held on 21 October 2003 that other across-the-board adjustments, such as EPP and ES, would have no effect on the Benchmark Salary. The Administration was urged to reimburse the money deducted from the Benchmark to NGOs, and reinstate the subvention of the Benchmark to the level laid down in the LSG Manual, so as to ensure that welfare services would not be compromised.

13. The Administration pointed out that it had not violated any contractual obligation by deducting 9.3% from the LSG to NGOs over the years as a result of EPP and ES. SWD had informed all NGOs of the adjustments to LSG resulting from EPP and ES through briefing sessions and letters, and thereafter had also highlighted the adjustments in the subventions allocation letters in each financial year. All NGOs concerned had noted the adjustments and signed to indicate their acceptance of the arrangements. Moreover, EPP and ES were across-the-board exercises in the whole Government, which should be applied to all Government departments, including SWD and subsidised bodies and NGOs. The Administration further pointed out that the statement made in the minutes of the 13th LSGSC meeting referred to in paragraph 12 above was made in the context of considering the discussion paper presented in that meeting illustrating how NGOs with Snapshot Salary above the Benchmark Salary could come down by 2% per annum to reach the Benchmark. Hence, the statement should not be taken to mean that the Benchmark Salary would not be subject to EPP and ES adjustments.

14. Members were not convinced by the explanation given by the Administration, and requested the Administration to provide the legal opinions from Department of Justice on the matter.

Services for victims of sexual violence

15. The Panel held two meetings to discuss with the Administration services for victims of sexual violence, and funding for Rainlily upon the expiry of funding support from the Hong Kong Jockey Club Charities Trust (HKJCCT) by the end of 2005. Rainlily was a centre set up by an NGO in 2000 to provide a one-stop, 24-hour service for female victims of sexual violence.

16. Members considered it unreasonable to allow the good work of Rainlily to stop due to lack of funding, in particular if the sum involved was only \$2.2 million a year. Moreover, it was at variance with the motion on “sexual violence” carried at the Council meeting on 12 April 2000. The motion urged the Administration to provide comprehensive and timely one-stop emergency support service to victims of sexual violence.

17. The Administration advised the Panel that there were existing services provided to victims of sexual violence through the Integrated Family Services Centres (IFSCs), the Family and Child Protective Services Units and the Medical Social Service Units. To ensure that such services could provide instant support to victims during crisis and minimise unnecessary procedures involving the victims, the Administration would conduct a review on the existing service model for victims of sexual violence.

18. The Administration also pointed out that it was not possible for it to make any commitment to provide subvention to a particular agency. In the event that the Rainlily had to cease its service from January 2006 due to lack of funding, SWD would deploy its existing social workers to form a small crisis support team to provide support services for these victims as a short-term contingency measure.

19. Members disagreed with the Administration’s views and measures to be taken to fill the service void left by Rainlily. The Panel passed a motion urging the Administration to immediately fund Rainlily until the review of the existing services to victims of sexual violence was completed.

20. The Administration recently informed the Panel that having reviewed the existing mode of service provision and service coordination among departments concerned, a new service mode comprising the following elements had been proposed -

- (a) 24-hour hotline service relating to support for victims of sexual violence;
- (b) 24-hour outreaching service for sexual violence crisis intervention;
- (c) case management for sexual violence cases;
- (d) short-term accommodation service;
- (e) medical support by the Hospital Authority (HA) to sexual violence cases, and
- (f) training to enhance the frontline professionals’ knowledge and skills in handling sexual violence cases.

The new service model was targeted to be implemented in January 2007.

21. In addition, with support from the Lotteries Fund, an NGO would be selected through open bidding to operate a new multi-purpose crisis intervention and support centre with provision of round-the-clock services in a newly identified set of premises in the New Territories West.

22. In line with established practice, the Administration would consult the Social Welfare Advisory Committee (SWAC) before finalising the proposal. Subject to the deliberations and advice by the SWAC at its meeting on 22 June 2006, the Administration would refine the proposal as necessary and report any changes to the Panel.

Government support to patients of Severe Acute Respiratory Syndrome

23. The Panel held a joint meeting with the Panel on Health Services and the Panel on Manpower to discuss the support provided by the Government to patients of Severe Acute Respiratory Syndrome (SARS) and their families.

24. Members noted that a total of 290 SARS patients were still relying on the special ex-gratia financial assistance under the Trust Fund for Severe Acute Respiratory Syndrome (“the Trust Fund”). Members considered that the ceiling on the maximum amount of cumulative financial assistance a SARS patient could receive, which was set at \$500,000, should be relaxed so that the patients concerned could continue to receive financial assistance until they had fully recovered. In view of the ex-gratia nature of relief payments to families with deceased SARS patients, members suggested that families of deceased “suspected” SARS patients should also be eligible for such payments as they similarly suffered loss of their family members as a result of SARS.

25. Members requested the Administration to consider also granting special ex-gratia relief payments to families with deceased elderly SARS patients irrespective of whether the affected families had been relying on the deceased for financial support. To address the anticipated shortfall of the Trust Fund which had a current balance of \$23 million (down from the original provision of \$150 million), the Administration was further requested to consider injecting additional funds into the Trust Fund to provide long-term support to the SARS patients.

26. The Administration advised the Panel that capping the special ex-gratia financial assistance at \$500,000 was on the assumption that many of the patients would gradually recover and no longer need the assistance. The Administration envisaged that the Trust Fund could remain in place for one to two more years. It had no plans to raise the \$500,000 ceiling, and injection of additional funding would be considered separately if required. HA had also launched a fee waiver scheme in February 2005 to provide life-long services to SARS patients for potential SARS-related problems. Eligible SARS patients in financial hardship could apply for assistance under the existing social

security system. As regards deceased elderly patients, there were cases where families of such patients had been given special ex-gratia relief payments.

27. Members considered that the Administration's responses given at the joint meeting fell short of addressing the needs of the SARS patients and their families. To enable Members and the relevant public officers to consider the proposals put forward at the joint meeting, the Chairman of the Panel moved a motion for debate at the Council meeting on 17 May 2006 urging the Administration to -

- (a) relax the Trust Fund's \$500,000 ceiling on special ex-gratia financial assistance for each eligible recovered or "suspected" SARS patient;
- (b) extend the scope of the Trust Fund to cover also families of the deceased "suspected" SARS patients;
- (c) grant special ex-gratia relief payments to families with deceased elderly SARS patients irrespective of whether the affected families had been relying on the deceased for financial support; and
- (d) inject additional funds into the Trust Fund."

The motion was carried.

Review of Disability Allowance

28. The Panel met with the Administration and deputations in April 2006 to review various aspects of the Disability Allowance (DA) arrangements under the Social Security Allowance (SSA) Scheme. Members noted that in response to concerns raised by members and deputations at previous meetings, the Administration had introduced some short-term improvements to the DA arrangements, such as having visceral diseases mentioned explicitly in the Checklist for Medical Assessment, and expediting the processing time for appeal cases on DA.

29. Members requested the Administration to seriously consider relaxing the vague and stringent criterion that an applicant had to be in a position broadly equivalent to 100% loss of earning capacity in order to be eligible for DA. Some members suggested that a team of doctors and health professionals, instead of a single doctor, be used to assess an applicant's eligibility for DA. Members noted that there were some 70 cases of overpayment of Higher Disability Allowance (HDA) arising from the applicants' admission to government or subvented boarding schools and the Office of the Ombudsman was currently investigating into the cases. Some members were of the view

that the Administration should refrain from recovering the overpaid allowance from the recipients concerned, when the responsibility for causing such overpayment had yet to be determined. Some members considered that children HDA recipients receiving care in government or subvented boarding schools should still qualify for HDA during their school breaks.

30. The Administration pointed out that the criterion of “100% loss of earning capacity”, being the definition of “severely disabled” under the DA scheme, provided at least an objective standard for assessing eligibility for DA, and it would be no easy task to work out a new definition of “severely disabled” without a reference framework. Any proposal to differentiate between different degrees of disabilities or percentages of loss of earning capacity would create tension to the non-means tested scheme. Regarding the suggestion of using a group of doctors to assess DA applications, the Administration pointed out that while a panel review could enhance objectivity in assessment, it would at the same time delay the assessment process. As regards members’ request for a comprehensive review of the DA system, the Administration advised that it needed to give careful consideration to the various complex issues involved before contemplating major changes to the DA system.

Social welfare planning mechanism

31. The Panel met with the Administration and deputations in May 2006 to discuss the social welfare planning mechanism. Members noted that the Administration had abandoned the previous planning mechanism in the form of a five-year plan and adopted a planning approach comprising mainly an annual consultation mechanism with the welfare sector and the District Welfare Planning Protocol.

32. Some members pointed out that the Administration had reneged on its undertaking, which was made when the LSG subvention system was introduced, that it would put in place an integrated and forward looking planning framework comprising long-term strategic directions, medium-term plans and annual plans. Members were of the view that the Administration should work out a long-term plan to guide the development of social welfare services instead of merely responding to changing circumstances in a piecemeal manner. Some members suggested that the Administration should reinstate the five-year plan, or the practice of preparing a 10-year White Paper on social welfare policies. A member considered that the Administration should not rely on the advisory bodies to hammer out strategic directions for welfare services. Instead, it should formulate a welfare planning framework for consultation with the relevant advisory bodies.

33. The Administration explained that it had adopted a flexible planning approach which allowed the Administration and the NGOs concerned to be

responsive to the latest requests and changing circumstances. At the request of the Panel, the Administration undertook to report to the Panel on the discussions in the annual consultation and to further discuss with the Panel on future long-term planning for welfare services.

Old age pension scheme

34. The Panel held a meeting to discuss the assistance to elderly not receiving CSSA. Members were generally of the view that the Old Age Allowance was unable to provide adequate protection to those elders who lacked family support or retirement protection and although they were aware of the CSSA, they did not apply for various reasons. The problem was exacerbated by the existing CSSA policy that people living with family members had to apply on a household basis.

35. The Administration maintained its view that the three-pillar model developed by the World Bank could provide an all-round protection to the elders. A study was being undertaken by the Administration in collaboration with the Central Policy Unit, the Mandatory Provident Fund Authority and other bodies, to ascertain how the existing social security arrangements could be better targeted at and enhanced protection to the elderly in need.

36. Members urged the Administration not to refute lightly the establishment of a universal pay-as-you-go old age pension (OPS) scheme without first conducting studies to examine the financial sustainability of the proposed scheme. They requested the Administration to conduct such studies without further delay, in view of the looming problem of Hong Kong's ageing population.

37. A motion urging the Administration to expeditiously conduct a study on establishing a sustainable OPS scheme to provide all elders with immediate payments to meet their basic and special needs arising from old age was passed by the Panel.

Other issues

38. Other issues discussed by the Panel included policy initiatives in respect of welfare services in 2005-2006; annual adjustment of the standard payment rates under the CSSA Scheme and the SSA Scheme; the International Festival of Inclusive Arts; support to people with disabilities who are not CSSA recipients; progress report on the Community Investment and Inclusion Fund; progress report on the standardised assessment mechanism for residential services for people with disabilities; workload of and challenges faced by social workers; and child protection. The Panel was also consulted on the review of the Design Manual : Barrier Free Access 1997; the regulation of homes for people with disabilities; and the proposed amendments to the

subsidiary legislation of the Adoption Ordinance.

39. From October 2005 to June 2006, the Panel held a total of 18 meetings, including a joint meeting with the Panel on Health Services and the Panel on Manpower to discuss the Government's support to SARS patients, and a joint meeting with the Panel on Health Services to discuss discharge planning at public hospitals.

Council Business Division 2
Legislative Council Secretariat
30 June 2006

Panel on Welfare Services

Terms of Reference

1. To monitor and examine Government policies and issues of public concern relating to welfare and rehabilitation services matters.
2. To provide a forum for the exchange and dissemination of views on the above policy matters.
3. To receive briefings and to formulate views on any major legislative or financial proposals in respect of the above policy areas prior to their formal introduction to the Council or Finance Committee.
4. To monitor and examine, to the extent it considers necessary, the above policy matters referred to it by a member of the Panel or by the House Committee.
5. To make reports to the Council or to the House Committee as required by the Rules of Procedure.

Panel on Welfare Services

Membership list for 2005 - 2006 session

Chairman	Dr Hon Fernando CHEUNG Chiu-hung
Deputy Chairman	Hon CHAN Yuen-han, JP
Members	Hon James TIEN Pei-chun, GBS, JP
	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 Albert CHAN Wai-yip
	Hon Frederick FUNG Kin-kee, JP
	Hon Alan LEONG Kah-kit, SC
	Hon LEUNG Kwok-hung
	 (Total : 14 Members)
Clerk	Ms Doris CHAN
Legal adviser	Mr LEE Yu-sung
Date	13 October 2005