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Panel on Welfare Services

**Subcommittee on Review of the
Comprehensive Social Security Assistance Scheme**

**Minutes of the 12th meeting
held on Thursday, 27 April 2006 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
Hon LI Fung-ying, BBS, JP
Hon LEUNG Kwok-hung
- Members absent** : Hon LEE Cheuk-yan
Hon TAM Yiu-chung, GBS, JP
Hon Frederick FUNG Kin-kee, JP
Hon Alan LEONG Kah-kit, SC
- Member attending** : Hon Ronny TONG Ka-wah, SC
- Public Officers attending** : Mr D C CHEUNG
Principal Assistant Secretary for Health, Welfare and Food
(Elderly Services and Social Security) 2

Miss Cherie YEUNG
Assistant Secretary for Health, Welfare and Food
(Elderly Services and Social Security) 4

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

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

Miss YEUNG Kok-wah
Chief Social Security Officer (Social Security) 4
Social Welfare Department

Mr NGAN Man-por
Chief Social Work Officer (Corrections)
Social Welfare Department

Mr Samson CHAN
Assistant Commissioner (Rehabilitation)
Correctional Services Department

**Deputations
by invitation** : Society for Community Organization

Mr NG Wai-tung
Community Organizer

Mr KWAN Chi-kwong
Community Organizer

Ms HUI Kar-lok
Community Organizer

7 representatives of rehabilitated offenders

The Society of Rehabilitation and Crime Prevention, Hong Kong
Kong

Mr Andy NG
Acting Chief Executive

Mr Simon CHAN
Business Director

Hong Kong Christian Kun Sun Association

Rev. PUN Kok-kong
General Secretary

Christian Prison Pastoral Fellowship

Rev. LEE Man-fong
Ministry Officer

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

Staff in attendance : Ms Amy YU
Senior Council Secretary (2) 3

I. Release of Comprehensive Social Security Assistance to discharged offenders

(LC Paper Nos. CB(2)1771/05-06(01) to (02) and CB(2)1839/05-06(01) to (02))

At the invitation of the Chairman, Principal Assistant Secretary for Health, Welfare and Food (Elderly Services and Social Security) 2 (PASHWF(ES&SS)2) briefed members on the Administration's paper (LC Paper No. CB(2)1771/05-06(01)) which set out the arrangements for discharged offenders applying for assistance under the Comprehensive Social Security Assistance (CSSA) Scheme.

2. The Chairman then invited deputations to give their views on the matter.

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Views of deputations

Society for Community Organization

3. Three rehabilitated offenders told members about their plight upon release from prison –

- (a) all that they had was some \$200-\$300, which could only support their living for a few days. They were in urgent need of financial assistance and could not afford to wait one month for CSSA payments;
- (b) because of severe financial difficulties, one of the rehabilitated offenders had no choice but to commit crime again, while another one was forced to borrow money from a loan shark; and
- (c) the waiting period for hostel service provided by the Society of Rehabilitation and Crime Prevention, Hong Kong took one to two months. Some of them had to sleep on the streets as they had nowhere to stay. Having no address also made it difficult for them to find jobs.

4. Mr NG Wai-tung presented the views of the Society for Community Organization (SOCO) as detailed in its submission (LC Paper No. CB(2)1771/05-06(02)) and highlighted the following points –

- (a) according to the findings of the study conducted by SOCO in August 2005, discharged offenders encountered great financial difficulties after release, particularly during the first month. On average, they only had \$300 with them, and yet they had to wait one month before they could start receiving CSSA payments. In order to support their living, about 85% of the discharged offenders had to borrow money, and around 25% had relapsed into crime. About 35% of them had to sleep on the streets during the first month after release;
- (b) according to their calculation two years ago, the cost of imprisoning an offender was \$17,000 a month. It was in the interest of the society to reduce recidivism;
- (c) in view of their immediate financial hardship after release, the one-month waiting period for CSSA should not apply to discharged offenders, as in the case of those who had completed drug

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withdrawal treatment in addiction treatment centres;

- (d) SOCO used the standard referral form for CSSA application, as mentioned in paragraph 6 of the Administration's paper, in December 2005 to refer a discharged offender in need of urgent financial assistance to the Social Welfare Department (SWD). However, the application for dispensing with the one-month waiting period was rejected by the Social Security Appeal Board in February 2006, on the ground that prisoners were not eligible to apply for CSSA. The case showed that the standard referral form could do little to help expedite the CSSA applications of prisoners about to be discharged;
- (e) the existing shelters/hostels for discharged offenders were inadequate to meet the demands, as reflected in the long waiting period for such service. The Home Affairs Department (HAD) should reinstate those hostels for single persons which charged a monthly rent of \$430, as a source of low-rental accommodation for discharged offenders; and
- (f) the policy that no disregarded earnings would be allowed for all categories of recipients who had been on CSSA for less than three months would discourage new CSSA recipients from seeking employment, which was contrary to the original purpose of the provision on disregarded earnings.

The Society of Rehabilitation and Crime Prevention, Hong Kong

5. Mr Andy NG introduced the submission of the Society of Rehabilitation and Crime Prevention, Hong Kong (SRACP) (LC Paper No. CB(2)1839/05-06(02)) and made the following points –

- (a) Social workers from SRACP paid regular visits to penal institutions of the Correctional Services Department (CSD) to publicise among inmates the multifarious services provided by SRACP to discharged offenders, such as short term financial assistance, employment assistance and accommodation service, to help them cope with their most pressing problems after release;
- (b) while the ultimate goal of SRACP was to help ex-offenders reintegrate into society and become self-reliant, SRACP recognised that discharged offenders had immediate need for cash assistance, particularly in the first few months after release, as evidenced by the fact that 88% of its service users had been granted such assistance;

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- (c) SRACP did not consider it appropriate to grant CSSA payments to discharged offenders across the board, as it would not be easy for them to get out of the social security net once fallen into it. To solve the immediate financial problem of discharged offenders, SRACP suggested that the Administration should enhance its emergency funding support to the non-governmental organizations (NGOs) concerned for immediate and direct disbursement to needy discharged offenders by the NGOs. With the provision of such emergency funds, discharged offenders who only needed temporary or one-off financial assistance would be assisted without the need to resort to the CSSA Scheme. Only those who needed financial assistance on a longer term basis should be provided with CSSA;
- (d) SRACP currently provided about 130 bed spaces for discharged offenders, with about 100 applicants on the waiting list. For those who were just released from prison, SRACP would make every effort to provide them with accommodation so that they did not have to sleep on the streets once discharged. However, for rehabilitated offenders who had been back in the community for some time, they normally had to wait one to two months before they could be admitted into the hostels. He urged the Administration to provide resources to the NGOs concerned to operate more hostels for discharged offenders; and
- (e) SRACP had limited recurrent funding for the provision of employment assistance service to discharged offenders. Among its staff members who were responsible for this area of service, only two were employed on a full-time long-term basis, while the others were on short-term basis only. He hoped that the Administration would allocate more resources to SRACP for enhancing its employment rehabilitation service.

Hong Kong Christian Kun Sun Association

6. Rev. PUN Kok-kong told the meeting of the following support services provided by Hong Kong Christian Kun Sun Association (HKCKSA) to discharged offenders –

- (a) for service users with accommodation needs, HKCKSA would refer them to the relevant NGOs operating temporary shelters/urban hostels for single persons;
- (b) where necessary, service users could use the address of HKCKSA as

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their correspondence address so as to facilitate their job search; and

- (c) for service users with urgent financial needs, HKCKSA would provide them with short-term cash allowance of \$350 a week.

The Administration's response

7. Deputy Director of Social Welfare (Administration) (DDSW(A)) responded as follows –

- (a) the application procedure for CSSA, which was designed to provide assistance to those who suffered financial hardship to meet their basic needs, was the same for all applicants. For able-bodied unemployed adults aged 15 to 59 (including discharged offenders) who met the eligibility criteria for CSSA, they would start receiving their monthly payment one month after the date of application. The purpose of this one-month waiting period was to encourage the able-bodied applicants to seek employment rather than relying on CSSA once they were unemployed. However, in case of genuine hardship, the Director of Social Welfare (DSW) might, at his discretion, waive the one-month waiting period. There were past cases where such waiver had been granted;
- (b) apart from CSSA, SWD also provided other services to rehabilitated offenders, either directly or through subvented NGOs, such as SRACP. The services provided by SRACP included pre-release counselling service, accommodation service, employment assistance and financial assistance. The Integrated Family Service Centres operated by SWD and NGOs could also provide counselling and referral services to discharged offenders and where necessary, would help them to apply for urgent cash assistance from a number of trust funds;
- (c) in addition to the hostels run by SRACP, the temporary shelters for street sleepers and the hostels for single persons also provided short-term accommodation service to discharged offenders. Although some singleton hostels funded under HAD had been closed, the two remaining ones could still provide some 500 bed spaces for persons in need; and
- (d) the standard referral form for SRACP and SOCO was designed to facilitate prison inmates to make their CSSA application shortly before their release so that they would not need to busy themselves with the application immediately upon discharge. However, the

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one-month waiting period applied to all able-bodied CSSA applicants aged 15 to 59 across the board, except for cases where DSW had exercised his discretion to waive such waiting period.

Discussion

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8. In response to the Chairman, DDSW(A) said that the Administration was reviewing the existing provision of disregarded earnings under the CSSA Scheme. The Chairman said that the Administration told the Subcommittee last year that a review would be undertaken on the provision of disregarded earnings, and he hoped that the Administration would revert to the Subcommittee on the progress of the review in the middle of this year. PASHWF(ES&SS)2 responded that the review involved complicated issues and the Administration would also need to consult the relevant organisations in the process. He could not, therefore, commit a timetable for the completion of the review at the present stage. Nonetheless, he undertook to complete the review as soon as possible.

9. Ms LI Fung-ying said that the deputations had made it clear that discharged offenders upon release faced immediate and pressing difficulties in meeting their needs for meals and accommodation. Given that there was a one-month waiting period for CSSA payments, and the NGOs concerned were not able to meet all their needs due to constraints on resources, she asked how the Administration would ensure that timely assistance would be provided to discharged offenders.

10. DDSW(A) reiterated that currently there were various sources of assistance and support services available to discharged offenders, as stated in paragraphs 7(a) to 7(c) above. Information on these support services was provided to discharged offenders by SRACP before their release. She further said that it would not be appropriate to grant CSSA to discharged offenders across the board immediately upon their release, as such arrangement would have far-reaching implications on the CSSA policy in respect of able-bodied adults who had the ability to seek employment.

11. Ms LI Fung-ying said that the Administration, in merely enumerating the existing services, had failed to answer her question. She requested the Administration to provide the Subcommittee with the following information for the past two years –

- (a) the number of cases where discharged offenders applied for CSSA;
- (b) for cases where discharged offenders applied for waiver of the one-month waiting period for CSSA, the number of successful and unsuccessful cases respectively; and

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- (c) the number of cases where discharged offenders had been granted CSSA one month after the date of application.

12. DDSW(A) responded that the Administration did not classify CSSA applications according to types of applicants such as discharged offenders or drug addicts. Hence it did not have the data requested by Ms LI Fung-ying, other than information on the number of cases where DSW had exercised his discretion to waive the one-month waiting period for CSSA in the past year. In this connection, Chief Social Security Officer (Social Security) 1 (CSSO(SS)1) told the meeting that there were nine such cases, of which three were applications made by discharged offenders, in the last financial year.

13. At the invitation of the Chairman, Mr Andy NG of SRACP and Mr NG Wai-tung of SOCO told the Subcommittee of their experience in using the standard referral form for urgent CSSA applications.

14. Mr Andy NG said that a few years ago SRACP had discussed with SWD on measures to help discharged offenders in need of urgent financial assistance. The standard referral form for CSSA application was an outcome of the discussion. The referral form contained basic information on the applicant and an evaluation by the social worker concerned on the urgency of the case for the reference of SWD. SRACP's experience back then was that the use of the referral form did not seem to have much impact on expediting the application process or shortening the one-month waiting period. Gradually the form was not much used by SRACP. He further said that SRACP and SWD had recently reviewed the use of the form, and SWD had indicated then that it would further familiarise its frontline staff on the use of the referral form.

15. Referring to their experience in using the referral form in December 2005 as stated in paragraph 4(d) above, Mr NG Wai-tung said that there would be no point in using the form if it did not have any real impact on expediting the CSSA application process. He further said that the fact that only three discharged offenders had been granted a waiver in respect of the one-month waiting period last year also cast doubt on the effectiveness of the form in helping discharged offenders in urgent need of financial assistance.

16. The Chairman hoped that the Administration would review the use of the standard referral form with a view to enhancing its effectiveness in helping discharged offenders cope with their pressing needs upon release. DDSW(A) agreed.

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17. Mr Ronny TONG pointed out that the crux of the matter was the urgent need for financial assistance on the part of discharged offenders during the first month or so after their release, which was indeed a very difficult time for them.

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However, the Administration's reply that the one-month waiting period applied to all able-bodied CSSA applicants, including discharged offenders, was no answer to that. Referring to the findings of the study conducted by SOCO which showed that discharged offenders had on average only \$300 upon release and 35% of them had to sleep on the streets, Mr TONG found it hard to believe that only three discharged offenders were found to be in urgent need for assistance last year. He asked the Administration to explain under what circumstances a CSSA applicant would be considered to be in need of urgent financial assistance which warranted the waiving of the one-month waiting period, and whether the threshold for that was too high, resulting in only three successful cases for discharged offenders last year. He also asked the Administration to explain the streamlining of referral procedures from SRACP and SOCO as stated in paragraph 6 of the Administration's paper, and the effectiveness of such.

18. DDSW(A) replied that the streamlined referral procedures referred to the arrangement whereby SRACP and SOCO could use a standard referral form to refer discharged offenders who were considered as genuinely in need of urgent financial assistance to SWD. She reiterated that the purpose of this arrangement was to facilitate inmates to apply for CSSA before they were released so that they did not have to busy themselves with the application once discharged. Whether the one-month waiting period would be waived was contingent on the financial situation of the applicant, rather than the use of the form per se.

19. On the criteria for waiving the one-month waiting period for the commencement of CSSA payments, DDSW(A) said that each case had to be considered in the light of individual circumstances of the applicant concerned. CSSO(SS)1 supplemented that the main criterion was the financial situation of the applicant concerned, having regard to relevant considerations such as whether he had any savings, and the availability of assistance from his/her family members/friends and NGOs.

20. Mr Ronny TONG requested representatives of SRACP and SOCO to provide for the reference of the Subcommittee information on actual cases where discharged offenders who had only some \$300 and had nowhere to live upon release had their application for urgent CSSA payments rejected, as such cases would throw light on whether the Administration's criteria for waiving the one-month waiting period were reasonable.

21. Miss CHAN Yuen-han said that discharged offenders, whether they had undergone drug withdrawal treatment or not, needed an adjustment period before they could reintegrate into society. As such, in the context of CSSA, the arrangement for discharged offenders who had completed drug withdrawal treatment in addiction treatment centres should apply to other discharged offenders as well, i.e., subject to eligibility criteria for CSSA being met, the one-month

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waiting period would not apply and CSSA payments would be released from the date of application.

22. In response, PASHWF(ES&SS)2 said that in the context of CSSA, discharged offenders in addiction treatment centres were regarded as temporarily unfit for work for the first three months after discharge because they had undergone drug withdrawal treatment. However, for discharged offenders who were able-bodied adults aged 15-59, the policy on one-month waiting period would apply.

23. Miss CHAN Yuen-han said that the Administration should face squarely the pressing needs of discharged offenders upon release. She reiterated that all discharged offenders needed time to adapt to the society, irrespective of whether they had received any drug withdrawal treatment, and immediate assistance should be given to them during their most difficult time. She added that the Administration should consider the recommendations given by the deputations at this meeting on addressing the needs of discharged offenders.

24. Mr LEUNG Kwok-hung said that the Administration should co-ordinate the work of different bureaux/government departments, including SWD, CSD and HAD, in providing assistance to discharged offenders. A trust fund that was dedicated to helping discharged offenders should be set up. He also said that there was an inadequate number of Welfare Officers providing service to prison inmates and improvement was needed in this regard.

25. In response, Assistant Commissioner (Rehabilitation), CSD told the meeting that currently there was one Welfare Officer for every 250 inmates and one Assistant Welfare Officer for every 500 inmates. He agreed that such ratio was unsatisfactory, and added that CSD was conducting an internal review on enhancing its support and welfare services to inmates, and would request for the necessary resources to implement the proposals in the upcoming Resource Allocation Exercise. He further undertook to make every effort to dovetail with the pre-release services provided by the NGOs/government departments concerned.

26. The Chairman said that the Administration should ensure that inmates were prepared for their discharge. Social workers/Welfare Officers should work out discharge plans jointly with due-to-be discharged offenders to help them cope with their needs relating to community living, such as accommodation, employment and financial assistance. Such arrangement would facilitate their re-adjustment to society and achieving self-reliance. He also echoed the view expressed by Mr LEUNG Kwok-hung that it was important to co-ordinate the work of various government departments on provision of integrated support services to discharged offenders. In this connection, PASHWF(ES&SS)2 informed the meeting that

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there were exchanges among the relevant bureaux/government departments on the matter. In response to the Chairman's enquiry on whether there was any established mechanism for such inter-departmental co-ordination, DDSW(A) replied in the negative. The Chairman said that the Health, Welfare and Food Bureau should take a lead in organising a preliminary inter-departmental meeting to discuss measures to address the needs of discharged offenders. He also asked the Administration when it would be ready to report back to the Subcommittee on this.

Admin 27. PASHWF(ES&SS)2 responded that the Administration would conduct an internal meeting on how to follow up the matter. As it involved various bureaux and government departments, he was not able to provide a concrete timetable for this at the present stage. Nonetheless, he said that the Administration would make every endeavour to tackle the issue as soon as practicable. The Chairman said that the Administration should not only conduct an internal discussion on the matter, but should also engage in dialogues with the relevant NGOs in the process. Admin PASHWF(ES&SS)2 agreed.

28. Mr Andy NG said that accommodation was one of the most pressing problems faced by discharged offenders. To his understanding, there were vacant places in the hostels for single persons under HAD. He hoped that the Administration would deploy its resources in a flexible manner to meet the accommodation needs of discharged offenders. Mr NG Wai-tung shared his view, and supplemented that discharged offenders could not afford the rent of the existing hostels for single persons, which ranged from \$900 to \$1,100 a month. He reiterated that the Administration should reinstate those hostels for single persons which charged a lower rent of \$430 a month.

Admin 29. The Chairman agreed that flexible deployment of resources on hostels could help tackle the shortage of hostel places for discharged offenders. In view of this, he said that HAD should also be invited to attend the inter-departmental meeting to be organised by the Administration. PASHWF(ES&SS)2 undertook to convey the views expressed by deputations and members to HAD.

Admin 30. In summing up, the Chairman stressed the importance of enhancing the assistance and support services to discharged offenders to help them reintegrate into society, which would ultimately help save public expenditure on CSSA payments and the high cost of imprisoning recidivists. In view of the urgency of the problem, the Chairman said that the Administration should tackle it as soon as possible. He suggested and members agreed that the Administration should make an interim progress report to the Subcommittee in early July 2006, to be followed by a full report in six months. PASHWF(ES&SS)2 agreed.

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31. There being no other business, the meeting ended at 12:44 pm.

Council Business Division 2
Legislative Council Secretariat
13 July 2006