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Panel on Welfare Services

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

**Minutes of the 14th meeting
held on Monday, 26 June 2006 at 2:30 pm
in the Chamber of the Legislative Council Building**

- Members present** : Dr Hon Fernando CHEUNG Chiu-hung (Chairman)
Hon LEE Cheuk-yan
Hon CHAN Yuen-han, JP
Hon TAM Yiu-chung, GBS, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
- Members absent** : Hon LI Fung-ying, BBS, JP
Hon Frederick FUNG Kin-kee, JP
- 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
- Mr Albert AU
Assistant Secretary for Health, Welfare and Food (Elderly
Services and Social Security) 3

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

Mr LAM Ka-tai
Acting Assistant Director of Social Welfare (Elderly)

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

Mr NG Wai-kuen
Chief Social Security Officer (Social Security) 2
Social Welfare Department

**Deputations
by invitation** : The Against Elderly Abuse of Hong Kong

Ms Kennex YUE
Chief Executive Director

Ms CHENG Hang-mei
Member

The Hong Kong Council of Social Service

Mr CHUA Hoi-wai
Business Director
Policy Advocacy and International Networks

ADPL Social Service Ltd – Elderly Leadership Training
Project

Mr NG Wai-chiu
Project Incharge

Ms KWOK Sam-noi
Member

Cleaning Workers Union

Ms CHAN Po-ying
Organizer

Ms LAU Ka-mei
Organizer

Chinese Grey Power

Ms LEE Tsui-king
Organizer

Ms CHEUNG Tai-tai
Member

Concerning CSSA Review Alliance

Mr AU YEUNG Tat-chor
Committee Organizer Assistant

Mr HUI Yat-hau
Member

Hong Kong Christian Service, Elderly Council

Miss WONG Pui-yan
Social Worker

Oxfam Hong Kong

Mr Joseph WOO
Manager for Hong Kong Program

Clerk in attendance : Miss Flora TAI
Chief Council Secretary (2) 2

Staff in attendance : Mr Chris LAI
Senior Council Secretary (2) 7

Ms Maisie LAM
Council Secretary (2) 2

Mr Ken WONG
Legislative Assistant (2) 8

I. Difficulties faced by the poor elderly in applying for Comprehensive Social Security Assistance

(LC Paper Nos. CB(2)2504/05-06(01) to (05) and CB(2)2567/05-06(01) to (02))

Views of deputations

*The Hong Kong Council of Social Service
(LC Paper No. CB(2)2567/05-06(01))*

Mr CHUA Hoi-wai presented the views of the Hong Kong Council of Social Service (HKCSS) as detailed in its submission tabled at the meeting. He expressed regret that the Administration had reneged on its undertaking, which was made by the Chief Executive in his Policy Address in 2000, that it would review the Old Age Allowance (OAA) and provide additional assistance to improve the livelihood of those elderly who had to depend largely on OAA for a living because of meagre savings and lack of family support. Specifically, HKCSS urged the Administration -

- (a) to allow the elderly living with their family members to apply for Comprehensive Social Security Assistance (CSSA) on their own, instead of requiring them to apply on a household basis;
- (b) to step up public education to heighten the awareness among the elderly and the community that the elderly in need could apply for CSSA. The related welfare service units should also refer these elderly to the Social Security Field Units (SSFUs) of the Social Welfare Department (SWD) for follow-up actions; and
- (c) to consider the provision of a second safety net by which elderly persons in need who were non-CSSA recipients would be provided with allowances for food, renting private accommodation and transportation.

*The Against Elderly Abuse of Hong Kong
(LC Paper No. CB(2)2504/05-06(02))*

2. Ms Kennex YUE introduced the submission of the Against Elderly Abuse of Hong Kong which was tabled at the meeting. Ms CHENG Hang-mei, a CSSA recipient, explained to members the difficulties she faced in applying for CSSA because her elder son refused to sign the undertaking to declare that he would not

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support her financially. She said that the measure introduced by the Administration in June 1999 requiring CSSA applicants to apply on a household basis if they were living with other family members under the same roof was unreasonable as it created hurdles to those elderly CSSA recipients who had a poor relationship with their family members.

*ADPL Social Service Ltd – Elderly Leadership Training Project
(LC Paper No. CB(2)2567/05-06(02))*

3. Ms KWOK Sam-noi and Mr NG Wai-chiu presented the views of ADPL Social Service Ltd as detailed in its submission which was tabled at the meeting. Ms KWOK said that the CSSA Scheme was not able to offer assistance to the elderly whose assets exceeded the limit of \$34,000. However, medical fees and costs of maintenance and repairs works of their privately-owned flats aggravated the burden borne by these elderly. There were also cases where the elderly suffered undue economic hardship because their children could not or did not want to support them financially but refused to apply for CSSA on a household basis for various reasons.

4. Ms KWOK then made the following suggestions -

- (a) the Administration should expeditiously establish a universal old age pension scheme (OPS) to provide all retired elderly persons with a pension of \$2,500 to \$3,000 per month to maintain their basic livelihood;
- (b) the Administration should remove the requirement that asset of the elderly persons aged between 65 and 69 should not exceed the prescribed limit in order to be eligible for Normal OAA, pending the establishment of an OPS; and
- (c) public transport operators should offer concessionary fare to elderly persons aged 60 or above.

*Cleaning Workers Union
(LC Paper No. CB(2)2504/05-06(04))*

5. Ms CHAN Po-ying presented the views of the Cleaning Workers Union as detailed in its submission. She said that at present, elderly persons aged 60 or above accounted for 3.2% of the labour force, and among which, 38% were people aged 65 or above. Findings of the Union showed that the elderly cleansing workers were mainly responsible for obnoxious work such as cleaning toilets and the average market wage was merely \$15 per hour.

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6. Ms CHAN pointed out that many of these elderly were not on CSSA because the total income of the family was assessed to be sufficient to meet its needs or the children refused to declare that they did not support their parents. The Union urged the Administration to implement a universal retirement protection scheme to safeguard the well-being of the elderly. In the meantime, the Administration should remove the barriers of CSSA and step up promotion to the social workers that elderly had the right to seek exemption from the requirement of applying for CSSA on a household basis.

*Concerning CSSA Review Alliance
(LC Paper No. CB(2)2548/05-06(01))*

7. Mr AU YEUNG Tat-chor and Mr HUI Yat-hau highlighted the following points in the submission of the Concerning CSSA Review Alliance -

- (a) as the policy of requiring persons living together with family members to apply for CSSA on a household basis would force the elderly members to move out, consideration should be given to allow the elderly family members to apply for CSSA on an individual basis;
- (b) as the requirements for children of the elderly to declare that they did not support their parents and provide supporting documents to prove the household income had created additional difficulties for the elderly to apply for CSSA, the Administration should streamline the application procedures to the effect that a self-declaration from the elderly that he was lacked of family support would suffice; and
- (c) the Administration should raise the CSSA asset limit for cases of singleton elderly and elderly couple which was set at \$34,000 and \$51,000 respectively because the burial grant under CSSA was not adequate for meeting the necessary burial expenses and many elderly would prefer maintaining a “funeral savings” exceeding the amount of \$34,000 for a sense of security.

*Chinese Grey Power
(LC Paper No. CB(2)2504/05-06(05))*

8. Ms CHEUNG Tai-tai and Ms LEE Tsui-king introduced the submission of Chinese Grey Power. Ms CHEUNG, an 81-year-old CSSA recipient, said that as her son did not want to quit his low-income job in order to be eligible for CSSA, her CSSA had been discontinued after the implementation of the requirement in

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1999 that all applications for CSSA must be made on a household basis. She had to rely on the Disability Allowance and could only re-apply for CSSA when her tenancy of the public rental housing (PRH) had been split up with that of her son's family in 2005 for compassionate reason.

9. Ms LEE said that as many elderly were forced to move out of their family homes as a result of the aforesaid requirement, the Government had to increase its expenditure on public housing which was not for the benefit of the society as a whole. She urged the Administration to relax this requirement and expeditiously implement a universal OPS.

Hong Kong Christian Service, Elderly Council

10. Miss WONG Pui-yan said that Elderly Council of the Hong Kong Christian Service considered that the Administration should allow elderly persons living with their family members to apply for CSSA on their own just by declaring that they were lack of family support. Miss WONG considered that the relaxation would ease the difficulty currently faced by the elderly in applying for CSSA if their children were not willing to apply for CSSA on a household basis or refused to declare that they would not support their parents financially. To show greater respect to the elderly for their past contribution to the community, Miss WONG called on the Administration to raise the asset limit of \$34,000 for elderly CSSA applicants.

Oxfam Hong Kong

11. Mr Joseph WOO said that the right to social security was guaranteed under Article 9 of the United Nation's International Covenant on Economic, Social and Cultural Rights (ICESCR). Oxfam Hong Kong was of the view that the existing CSSA requirement was not in compliance with Article 9 of ICESCR in the context that it had deprived the right of the poor elderly to receive assistance when they were in need by assuming that children living with their parents would be willing and able to provide support to the elderly.

12. Mr WOO further said that allowing the elderly CSSA applicants to make a self-declaration of lacking family support and holding them legally liable for the declaration made were in conformity with the common law. It was not necessary to require children of the elderly to verify as a third party. The existing policy did not recognise the rights of the elderly as an individual and excluded many of them from the basic safety net of CSSA, which aggravated the poverty problem.

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Response of the Administration

13. Deputy Director of Social Welfare (Administration) (DDSW(A)) responded that the rationales for requiring persons who were living with family members to apply for CSSA on a household basis were to encourage family members to support each other and prevent the avoidance of the duty of care by resorting to CSSA. Where the total income and assets of a family was assessed to be insufficient to meet its total recognised needs, CSSA would be provided to fill the gap. In processing the applications, if it was found that an elderly applicant had a poor relationship with his family but splitting of tenancy was not granted for various reasons, SWD would exercise discretion to waive the requirement where justified. A set of clear guidelines in determining the eligibility for assistance was in place and SWD would consider each elderly CSSA application on its own merit, with due regard to the special circumstances of each case.

14. DDSW(A) further pointed out that it was necessary for the Administration to draw a reference line on the asset limit for CSSA applications as it had to ensure that financial assistance funded by general revenue was targeted to those most in need. The requirement that family members had to provide a proof of not supporting the elderly was for the purpose of verifying the income and assets of the elderly in processing the applications. With regard to the suggestion raised by some deputations to step up promotion to the elderly on their rights to seek exemption from the requirement to apply on a household basis, DDSW(A) stressed that special consideration would be given on individual basis and the Administration had no plan to encourage applications on such ground.

Discussion

15. Mr TAM Yiu-chung said that the issues raised by the deputations had been discussed at meetings of the Elderly Commission. He appreciated that it would be unfair for individual families to shift the burden of supporting their family members to the taxpayers. However, the Administration should address the problems created by the existing requirements which had led to family split and incurred additional public housing resources. Mr TAM was concerned that although exemption could be granted to exempt individual applicants from the requirements, the threshold to exercise such discretion was relatively stringent. He also asked whether there had been a growth in the number of applications for OAA since the relaxation of the permissible limit of absence from Hong Kong from 180 to 240 days per year on 1 October 2005.

16. Principal Assistant Secretary for Health, Welfare and Food (Elderly Services and Social Security) 2 (PASHWF(ES&SS)2) responded that the number of recipients for OAA had increased from 459,516 to 460,870 for the period from

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October 2005 to May 2006, which represented only a 0.3% increase.

17. Regarding the exercise of discretionary power, DDSW(A) said that CSSA applicants were strictly required to apply on a household basis if they were living with other family members in order to avoid any fraud or abuse. Exceptional cases would be considered carefully on the basis of the merit of the case concerned. In response to the enquiry made by the Chairman, DDSW(A) said that out of the 47 applications from elderly persons requesting exemption from the requirement of applying for CSSA on a household basis received in 2005, 20 applications had been approved.

18. Miss CHAN Yuen-han was of the view that the figures provided by the Administration did not accurately reflect the true picture of the problems created by the requirements, which were introduced in 1999 without the support of the Panel on Welfare Services. She had come across many cases where the poor elderly relied on OAA and collected paper cartons or drink cans to support their living. These elderly declined to apply for CSSA in order to avoid the tension that might arise if they asked their children to provide a statement saying that they would not supporting them financially. Miss CHAN called on the Administration to study the recent figures presented by the Government Economist which showed that the elderly accounted for 60% of labours having a monthly income lower than \$4,000 and review the stringent requirements of applying for CSSA to safeguard the well-being of the elderly.

19. PASHWF(ES&SS)2 responded that the Administration had no intention to change its current policy of requiring CSSA applicants to apply on a household basis, which was in line with the policy objective of CSSA that financial assistance funded by general revenue should be provided to those most in need. SWD would look at the individual cases referred by members, if any, and exemptions from the requirement would be allowed where justified.

20. Miss CHAN Yuen-han was not satisfied with the Administration's response. She said that whilst she appreciated that there were fraudulent CSSA claims, they by no means justified taking such a broadbrush approach requiring CSSA applications from elderly be supported by a statement by their family members saying that they would not support them financially. She maintained the view that the Administration should study the conditions of the working elderly with a monthly income of less than \$4,000. The Chairman echoed similar views.

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

- (a) how many elderly CSSA recipients living with their family members had withdrawn from the CSSA Scheme after the imposition of the

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requirement in 1999 that all applications had to be made on a household basis; and

- (b) the reason of not resuming the policy before 1999 that elderly could apply for CSSA on their own without requiring their family members living under the same roof to provide proof of income from employers to verify household income.

Mr LEE also requested the Administration to relax the asset limit for elderly CSSA applicants as it was common that the elderly would secure a “funeral savings” which would exceed the current prescribed asset limit for CSSA.

22. PASHWF(ES&SS)2 and DDSW(A) responded as follows -

- (a) SWD did not maintain statistics on cases where the elderly recipients had withdrawn from the CSSA Scheme for the reason of the requirement that applications had to be made on a household basis;
- (b) the Administration had no intention to alter its current policy as it needed to strike a balance between providing assistance to meet the basic needs of those who could not support themselves financially and ensuring proper use of the public funds; and
- (c) it was necessary to prevent families who were well off enough from abusing the non-contributory CSSA Scheme, but there were special circumstances in which SWD would consider a CSSA application from an elderly on his own who was living with his family.

23. Mr Ronny TONG said that the existing policy was at variance with the traditional core values of cherishing the family and fostering family cohesion. He criticised that while the Government had committed \$5.2 billion for the Tamer development project, it was so mean in providing additional financial assistance to address the difficulties of the elderly in a humane way, particularly given the strong rebound in the economy since last year. He further requested the Administration to explain why a self-declaration of the elderly regarding the amount of household income and their lack of family support could not serve the purpose of assessing their eligibility for assistance.

24. DDSW(A) said that she shared Mr TONG’s view that family was a core unit of our community and family members should support each other. The policy of requiring the income-earning family members to sign a statement saying that they would not support the elderly financially could provide them an opportunity to have a second thought whether they should take up the

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responsibility of supporting other family members who had no financial means. Furthermore, the discretionary mechanism would ensure that the elderly having a relationship problem with their family members who had real need would not be excluded from the safety net provided by CSSA.

25. Mr Ronny TONG expressed dissatisfaction with the Administration's response. He considered that signing of the statement would lead to further deterioration in the relationship between some elderly and their family members. Moreover, this was by no means the only way to remind the family members of their duty to support the elderly. He maintained the view that a self-declaration of the elderly CSSA applicants would suffice, having regard to the fact that the elderly would bear legal liability if they provided false information deliberately in order to obtain assistance by deception. As regards the discretionary mechanism which was meant to be the last resort for elderly CSSA applicants who were in genuine need, he queried why there were only 47 applications in 2005.

26. DDSW(A) responded that changing the policy of requiring applications be made on a household basis would affect all the existing CSSA recipients, the number of which was 535,487 as of May 2006. It might result in a significant increase in CSSA expenditure and would also work against the idea that family members should render mutual support to each other. To strengthen controls to safeguard public expenditure against fraud and abuse and to verify the information provided by the applicant, it was necessary to require the family members to provide a statement in this regard.

27. Chief Social Security Officer (Social Security) 1 (CSSO(SS)1) supplemented that the aggregated income of all members of the household served as an objective measurement to assess whether the household was in need of financial assistance according to the CSSA standards and the amount of CSSA payable. If it had come to the attention of SSFUs that a CSSA application involved an elderly having a poor relationship with his family, they would refer the case to SWD's social workers for follow-up actions. The family members of the elderly concerned would be required to provide a statement saying that they would not support the elderly financially and exemption from the requirement to apply on a household basis would then be granted to the elderly where justified.

28. In further response to Mr Ronny TONG, CSSO(SS)1 stressed that the requirement of providing supporting documents to verify the self-declaration made in the CSSA application form was applicable to all cases. Apart from the proof of financial relationship with other family members, CSSA applicants would also be required to provide documents such as proofs of bank savings and school related expenses.

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29. Mr LEUNG Kwok-hung said that the policy of requiring the children to provide a statement to verify the elderly applicants' financial relationship with their children did not respect the dignity and integrity of the elderly as an individual. He asked the Administration whether additional resources would be incurred for the purpose of verifying the self-declaration and information provided by the elderly applicants in the absence of a statement provided by their family members.

30. DDSW(A) pointed out that subject to SWD's approval with discretion, any member of a family could apply for CSSA on his own, though he was living with his family. The policy of requiring the provision of a proof of financial relationship with other family members, which was one of the supporting documents to verify the CSSA applicant's circumstances, was applicable to all cases without prejudice against the elderly. She added that assessing the eligibility of an application based on the income and assets of the applicant was justifiable, bearing in mind that CSSA was a non-contributory scheme financed by general revenue.

31. Mr LEUNG Kwok-hung expressed the view that an elderly should be allowed to apply for CSSA on his own even if the children did not provide upon request a statement saying that they would not support the elderly financially. If there was subsequent proof that the elderly had willfully provided false statement, SWD could examine the case and decide whether prosecution should be initiated.

32. PASHWF(ES&SS)2 reiterated that if an elderly had a poor relationship with his family and the family members declined to make the statement to say that they did not provide financial support to the elderly, SSFU would refer such case to SWD's social workers for follow-up.

33. Mr Alan LEONG urged the Administration to allow the elderly to apply for CSSA on their own. Having regard to the Administration's explanation on the rationale of the policy given so far, he made the following points -

- (a) the provision of a statement by the family members was not a must for verifying the self-declaration of a CSSA applicant, in particular if such requirement would deter many elderly persons who were in need from applying for CSSA. SWD could conduct investigation and verification of the applicant's circumstances and information through interviews and home visits; and
- (b) it was doubtful whether the requirement of making a statement would be effective to make the family members to have a second thought on taking up their responsibility to support the elderly. To

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encourage family members to support each other could be achieved by means of counselling of social workers and public education.

34. DDSW(A) clarified that elderly persons could apply for CSSA on their own. Elderly persons would require to apply on a household basis only when they were living with other family members with incomes. She reiterated that SWD would exercise discretion to exempt individual applicants from this requirement where necessary and 20 applications for exemption involving elderly applicants were approved in 2005. On referral from SSFUs, social workers of other service units of SWD would provide appropriate services for the families where the elderly had a poor relationship with his family members.

35. Mr Alan LEONG considered that the Administration should conduct a study to find out as far as possible the underlying reasons why there were only 47 applications for exemption in 2005 as the experience of members suggested that the figure should be far greater. In response, DDSW(A) said that every effort had been and would continue to be made by staff of SSFUs and IFSCs to assist those who were in need.

36. Mr CHUA Hoi-wai said that according to the Chief Executive's Policy Address in 2000, there were many elderly people who depended largely on OAA for a living because of meagre savings and lack of family support. Referring to Mr CHUA's enquiry about the relevant statistics, the Chairman asked and PASHWF(ES&SS)2 responded that the Administration did not keep such statistics. Referring to Mr CHUA's further enquiry about the University of Hong Kong's study on elderly not on CSSA which was commissioned by the Administration, the Chairman asked and PASHWF(ES&SS)2 responded that the findings of the study were restricted for internal reference of SWD.

37. Referring to the reply made by the Administration in paragraph 22(a) above, Mr LEE Cheuk-yan asked whether SWD could collate the number of cases since 1999 in which the elderly had withdrawn his application for CSSA because of the policy that their applications had to be made on a household basis. He also sought information from the Administration on the number of applications for household splitting from elderly tenants living with their family in PRH during the period from 1999 to 2006, in order to enable them to make applications on their own. Mr LEE remarked that the Subcommittee could have an overall review of the policy if such figures were available.

38. DDSW(A) responded that SWD had not collated a breakdown of the withdrawal cases by reasons for withdrawal as the CSSA applicants were not required to provide such information. With regard to the number of applications for household splitting from elderly tenants living with their family in PRH, she

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Secretariat

said that the Subcommittee could approach the Housing, Planning and Lands Bureau directly.

39. To sum up the discussion, the Chairman said that the policy of requiring all CSSA applications be made on a household basis had the undesirable consequence of deterring many elderly persons living with their family members from applying for CSSA and causing them undue economic hardship. The Chairman supported Mr LEE Cheuk-yan's call for a review of the policy, having regard to the loads of cases where the children were unwilling or unable to support their elderly parents but did not want to apply for CSSA on a household basis. He requested the Administration to expeditiously take action to address the problems created by the policy, as its adverse impact on the elderly was clear.

II. Date of next meeting

40. Members agreed that the next meeting would be held on 19 July 2006 at 10:45 am to discuss the seven-year residence requirement for the CSSA Scheme.

41. The Chairman suggested and members agreed to hold a joint meeting with the Panel on Health Services to discuss with the Administration the provision of dental service to street sleepers and other related matters.

42. There being no other business, the meeting ended at 4:35 pm.

Council Business Division 2
Legislative Council Secretariat
8 August 2006