

立法會
Legislative Council

LC Paper No. CB(2)722/06-07
(These minutes have been
seen by the Administration)

Ref : CB2/PL/WS

Panel on Welfare Services

Minutes of meeting
held on Monday, 11 December 2006, at 10:45 am
in the Chamber of the Legislative Council Building

Members present : Dr Hon Fernando CHEUNG Chiu-hung (Deputy Chairman)
Hon Albert HO Chun-yan
Hon LEE Cheuk-yan
Hon Bernard CHAN, GBS, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Hon TAM Yiu-chung, GBS, JP
Hon LI Fung-ying, BBS, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Frederick FUNG Kin-kee, SBS, JP
Hon LEUNG Kwok-hung
Dr Hon KWOK Ka-ki

Members absent : Hon CHAN Yuen-han, JP (Chairman)
Dr Hon YEUNG Sum
Hon Alan LEONG Kah-kit, SC

Public Officers attending : Agenda item IV
Ms Wendy CHEUNG
Assistant Secretary for Health, Welfare and Food (Family) 3

Mr Paul TANG, JP
Director of Social Welfare

Miss Ann HON
Assistant Director of Social Welfare (Subventions)

Mr FU Tsung-hung
Chief Social Work Officer (Subventions)
Social Welfare Department

Agenda item V

Mrs Mary MA
Commissioner for Rehabilitation
Health, Welfare and Food Bureau

Ms Ida LAM
Chairperson
Arts with the Disabled Association Hong Kong

Ms Lena LEE
Vice-Chairperson
Arts with the Disabled Association Hong Kong

Agenda item VI

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)

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

**Deputations/
Individuals
by invitation**

: Agenda item VI

The Against Elderly Abuse of Hong Kong

Ms Kennex YUE
Chief Executive Director

Hong Kong Stoma Association Ltd

Mr NG Sze-ku
Vice-Chairperson of Internal Affairs

Miss LAM Choi-yin
Executive Secretary

"Invisible disability" Concern Group for Disability
Allowance

Ms Eunice LAI
Spokesman

Ms KOO Shuk-ching
Representative (Appeal Case)

關注傷殘津貼聯席

Ms HO Bo-ching
Executive Director

Ms TAM Yuk-fung
Executive Member

The Association of Parents of the Severely Mentally
Handicapped

Ms HO Wai-ngan
Clerk

Hong Kong Association for Parents of Persons with
Physical Disabilities

Ms CHIU Yee-ling
Chairman

Ms LAM Suk-yu
Executive Member

Hong Kong Blind Union

Ms LAI Oi-chi
Fundraising Officer

Individuals

Ms SUEN Moon-wan

Ms CHAN Kwok-kwong

Clerk in attendance : Miss Betty MA
Chief Council Secretary (2) 4

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

Miss Maggie CHIU
Legislative Assistant (2) 4

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As Miss CHAN Yuen-han, Chairman, was unable to attend the meeting, Dr Fernando CHEUNG, Deputy Chairman, chaired the meeting.

I. Confirmation of minutes

[LC Paper No. CB(2)553/06-07]

2. The minutes of the meeting held on 13 November 2006 were confirmed.

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

3. Members noted that no information paper had been issued since the last meeting.

III. Items for discussion at the next meeting

[LC Paper Nos. CB(2)554/06-07(01) and (02)]

4. Members agreed to discuss "Review of the Domestic Violence Ordinance" at the next regular meeting to be held on 8 January 2007 at 10:45 am. The Chairman advised that the Administration proposed another item for discussion at the meeting, and members would be informed of the item in due course.

IV. Progress of the Partnership Fund for the Disadvantaged

[LC Paper Nos. CB(2)554/06-07(03) and (04)]

5. With the aid of powerpoint presentation, Assistant Director of Social Welfare (Subventions) (ADSW(Subventions)) briefed members on the objectives,

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application criteria, funding arrangement, monitoring mechanism and progress of the Partnership Fund for the Disadvantaged (PFD). She said that of the first two rounds of applications invited, a total of 43 projects involving grant from PFD of over \$13 million had been approved. These projects had attracted 109 business partners, with total business sponsorship (in cash or in kind) of over \$16 million. The third round of applications was invited in July 2006. Facilitation measures had been introduced to encourage more applications, including raising the maximum amount of the PFD grant for each project from \$500,000 to \$1 million, and allowing each non-governmental organisation (NGO) to submit three applications per round. ADSW(Subventions) added that an evaluation study on promoting and sustaining partnership between NGOs and business corporations would be carried out in early 2007.

Progress of PFD

6. Dr KWOK Ka-ki supported the establishment of PFD to promote tripartite social partnership. Noting that the number of approved projects had decreased from 29 in the first round to 14 in the second round of applications, Dr KWOK enquired about the reasons for the decline.

7. ADSW(Subventions) responded that as the second round of applications was invited in October 2005, most NGOs were busy with the preparatory work for the year-end activities and were unable to make applications. As such, the deadline for the third round of applications had been extended to one year in order to facilitate the submission of applications according to the work schedule and budgeting arrangements of NGOs and their business partners.

8. Mr Frederick FUNG was concerned about the slow progress of PFD. He pointed out that only \$13 million, which represented 6.5% of the fund, had been allocated to 43 approved projects. He was worried that the approving criteria might be too stringent and enquired about the number of unsuccessful applications in the first two rounds and the reasons for their being rejected. Ms LI Fung-ying enquired if any approved projects had not been proceeded with, and if so, the difficulties encountered by the NGO applicants.

9. DSW responded that a total of 28 applications were not approved in the first two rounds of applications because the applicants were unable to provide details of their business partners and the proposals did not meet the Government's welfare policy objectives. ADSW(Subventions) said that some applicants could not implement the projects as scheduled because they were unable to secure business contributions. Some eventually succeeded later after refining their original applications.

10. The Chairman said that to his understanding, some applications were unsuccessful simply because the partners of the applicant NGOs were charitable

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non-profit making organisations instead of business organisations. DSW explained that the primary objective of PFD was to promote donations from business organisations, and therefore donations from non-business organisations would not be accepted for matching purpose. In addition, proposals with business contributions committed before the launch of PFD would not be considered. Nevertheless, starting from the third round of applications, contributions from charitable trusts/foundations established and managed by business corporations registered and operating their business in Hong Kong would also be accepted as business contributions.

Operational arrangements of PFD

11. Dr KWOK Ka-ki enquired how donation in kind would be converted into monetary value for matching purpose. The Chairman asked whether professional advice and training offered by staff from business corporations would be regarded as business contribution for matching purpose. He further asked how donation of products from business corporations would be converted into monetary value.

12. DSW explained that while contribution in kind would be converted into monetary value for matching purpose, contribution in service, including professional advice and training offered by business corporations, would not be accepted for matching purpose due to the lack of an objective method to assess the monetary value of such service. ADSW(Subventions) added that the monetary value of contribution in kind, such as products donated by business corporations, would be converted in accordance with the Government's Price List of Common Furniture and Equipment.

13. Noting that most successful applicants were large NGOs, Dr KWOK Ka-ki was concerned that small NGOs which did not have well established connections with the business sector would be at a disadvantaged position to secure contributions and benefit from PFD. Dr KWOK considered that assistance should be provided to these organisations.

14. DSW responded that as PFD aimed to encourage the welfare sector to take the initiative in building up closer social partnership with business corporations, the Administration considered it inappropriate to play an active role in the matching process. Notwithstanding that, the Administration would facilitate the formation of partnership between NGOs and the business sector through enhanced publicity efforts and the establishment of a web-based platform where NGOs could upload their proposals for business sponsorship.

15. ADSW(Subventions) added that briefing sessions had been/would be held prior to inviting applications, and these could provide a platform for NGOs and business corporations to match partners. In fact, some smaller NGOs had

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formed partnership with business corporations after attending the briefing sessions.

16. Mr LEE Cheuk-yan welcomed the initiative of PFD to encourage the business sector to take up more social responsibility in helping the disadvantaged. However, he was concerned about the impact of PFD on the Community Chest. He enquired whether donations from the business sector to the Community Chest had reduced after the implementation of PFD.

17. DSW responded that PFD and the Community Chest appealed to different groups of contributors. To his knowledge, the amount of donations received by the Community Chest had increased in the past year. This reflected the joint impact created by both funds in boosting the generosity of the business sector in giving donations.

18. Mr LEE Cheuk-yan said that some business corporations would arrange for their staff to participate in volunteer work for partner NGOs outside office hours. He was concerned that this would create additional workload for the staff as they had already worked for long hours. Efforts should be made to ensure that participation of volunteer work would be voluntary and performed during office hours wherever practicable.

19. DSW responded that to his understanding, participation of volunteer service was entirely voluntary. While participants would sometimes perform volunteer service outside office hours, they regarded it as an opportunity for self-development and giving back to the community. ADSW(Subventions) added that some employers had made arrangements for their staff to take part in volunteer service during office hours, and granted time-off to those who had provided a specified period of volunteer service.

Evaluation study and way forward

20. Ms LI Fung-ying considered that as a number of approved projects aimed to provide training and employment assistance for the disadvantaged groups, the effectiveness of these projects should be evaluated in terms of the number of participants who had secured employment after joining the projects and their wage levels. She requested the Administration to provide information in this respect.

21. ADSW(Subventions) said that some disadvantaged persons, including people with disabilities (PWDs), had been offered employment in the hairdressing and bakery industries after joining the approved projects under PFD as a result of their satisfactory performance. ADSW(Subventions) undertook to provide the information requested by Ms LI Fung-ying after the meeting.

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22. Ms LI Fung-ying noted that facilitation measures had been introduced to encourage more applications before the evaluation study commenced. She considered it more appropriate for the Administration to implement the measures after the completion of the study. Mr Frederick FUNG asked about the expected completion date for the evaluation study, and requested the Administration to brief members on the outcome of the study before implementing the recommendations.

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23. ADSW(Subventions) advised that the Advisory Committee would review the operational arrangements of PFD after each round of applications. DSW explained that facilitation measures had been introduced to attract more applications after taking into account the experience of the first two rounds of applications. The evaluation study would focus on ways to promote and sustain long-term partnership between NGOs and business corporations, rather than the operational arrangements of PFD. DSW said that the study would be completed in a year's time, and the Administration would revert to the Panel on its findings and recommendations.

24. In closing, the Chairman said that while members were supportive of the PFD, members were concerned about the slow progress of the PFD. He urged the Administration to take measures to promote and expedite applications for PFD and provide assistance for smaller NGOs.

V. Development of arts with people with disabilities

[LC Paper No. CB(2)554/06-07(05)]

25. With the aid of powerpoint presentation, Ms Lena LEE, Vice-chairperson of the Arts with the Disabled Association Hong Kong (ADAHK) briefed members on the series of inclusive arts programmes and activities of the International Festival of Inclusive Arts (IFIA) from 2 to 10 December 2006, as set out in the Administration's paper and IFIA booklets tabled at the meeting. She said that IFIA had provided a platform for people with and without disabilities to share arts experience and to deepen their understanding of inclusiveness.

26. Ms Ida LAM, Chairperson of ADAHK said that a survey to collect feedback from the audience had been conducted in the first three performing arts programmes of IFIA, and a total of 81 questionnaires were collected. According to the survey findings tabled at the meeting, IFIA was generally well-received by the respondents.

Support and assistance for PWDs

27. Mr LEUNG Kwok-hung said that while he was in support of IFIA, he was

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concerned about the long-term measures to enhance the barrier-free access and facilities for PWDs. He expressed dissatisfaction with the slow progress of the consultancy study on Design Manual: Barrier Free Access 1997 (DM97), as it had taken more than five years for completion. He urged the Administration to implement the revised DM97 without any further delay. Mr LEUNG also enquired whether PWDs had conveyed any views regarding the inadequacies of facilities for PWDs to take part in the programmes and activities of IFIA.

28. Ms Lena LEE of ADAHK believed that IFIA had drawn the attention and participation of the community at large. For instance, IFIA had aroused the public's awareness of the special needs of PWDs in using recreational and leisure facilities. As a result, arrangements had been made to install more than 700 wheelchair seats in an event venue for wheelchair users.

29. Ms Ida LAM of ADAHK supplemented that designated "sign language areas" had been arranged in event venues and Braille brochures had been prepared to suit the needs of people with hearing and visual disabilities respectively. To her knowledge, consideration would be given to introducing audio-description technology for visually-impaired patrons in some auditoriums. Ms LAM added that the Administration should give due regard to the needs of the artists with disabilities when taking forward the design of various facilities in the West Kowloon Cultural Project, so as to facilitate the development of inclusive arts.

30. While appreciating the efforts made by the Administration and ADAHK to enhance the participation of PWDs in IFIA, the Chairman shared the view of Mr LEUNG Kwok-hung that the special arrangements made to the event venues were temporary measures. The Chairman asked for the areas of improvement which had to be made to the existing recreational and leisure facilities to further develop the potential of PWDs in the arts and cultural fields in the light of experience of IFIA.

31. Commissioner for Rehabilitation (C for R) responded that the objective of the Government's rehabilitation policy was to provide effective measures to help PWDs to integrate into the community. C for R said that DM 97 would be updated to provide enhanced barrier-free access to PWDs. In the light of operational experience gained from IFIA, the Administration would step up liaison with the relevant bureaux and departments to enhance facilities for PWDs to pursue arts development. The Chairman requested and C for R agreed to provide further information on the areas of improvement to the existing recreational and leisure facilities which would be required for promoting the development of arts with PWDs. In addition, Ms Ida Lam proposed and the Chairman agreed that she would send the ADAHK's position paper regarding measures to enhance facilities for PWDs to pursue arts development, particularly the West Kowloon Cultural Project to the Panel for consideration.

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32. Dr KWOK Ka-ki expressed support for IFIA as an initiative to develop arts among PWDs. However, as PWDs faced difficulties in their daily lives in integrating into the community, for instance, the transportation arrangements and employment assistance for PWDs which lagged far behind those in some overseas countries, Dr KWOK asked about the measures taken to improve the transportation arrangements and employment opportunities of PWDs.

33. C for R responded that while the Administration had made considerable efforts to provide a barrier-free physical environment for PWDs to live in independently and integrate into the community, it would continue to improve the transportation arrangements and the employment opportunities for PWDs to facilitate their full integration into the community.

34. Ms Lena LEE of ADAHK said that being the only NGO in Hong Kong dedicated to promoting equal opportunity of arts development among PWDs, ADAHK would continue to strive for the benefits of artists with disabilities. She pointed out that when outsourcing servicing work of IFIA, the Health, Welfare and Food Bureau had given priority to PWDs and related organisations. To enhance respect for artists with disabilities, affordable ticket fees had been charged for IFIA programmes and honorariums had been paid to participating artists with disabilities.

Development of arts with PWDs and way forward of IFIA

35. Mr TAM Yiu-chung commended the success of IFIA in mobilising a large number of people with and without disabilities to participate in the programmes and activities. He hoped that similar events would be held in future to develop arts with PWDs and enhance public awareness of the needs of PWDs. Echoing similar views, Mr Tommy CHEUNG suggested that IFIA would be organised bi-annually.

36. The Chairman asked whether the Administration had any plan to organise IFIA again in future. If so, he hoped that IFIA would be organised at fixed intervals for better planning purpose.

37. C for R responded that the Administration would review the experience gained from IFIA and consult the Rehabilitation Advisory Committee on the future mode of organising similar events. Given that it took two years for the preparation of IFIA, the Administration considered it not feasible to hold the event annually. However, consideration would be given to organising similar events at regular intervals subject to the availability of resources.

38. Ms Lena LEE of ADAHK said that in addition to arts development, IFIA could enhance the confidence and self-esteem of PWDs and nurture a more

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accepting society. Ms Ida LAM of ADAHK referred to the findings of the survey mentioned in paragraph 26 above and said that most respondents expressed support for organising IFIA at regular intervals. She pointed out that IFIA was the first of its kind in Hong Kong. According to overseas experience, similar events were held every three to five years. Taking into account the resources and time required to cultivate artists with disabilities, Ms LAM considered that it more appropriate to hold IFIA once every three years.

39. Mr Frederick FUNG said that IFIA aimed to cultivate an inclusive culture and artistic creativity. He pointed out that the cultivation of artistic excellence in PWDs entailed a long period ranging from some five to ten years and required strong policy support from the Government in various areas of arts development including facilities and training. Mr FUNG asked whether the Administration had formulated any long-term policy for developing arts with PWDs.

40. C for R responded that the Administration had made considerable efforts in further developing PWDs with artistic talent in the arts and cultural fields. Taking part in the stage performance of IFIA was a showcase for artistic talents of PWDs. With the sponsorship of \$27 million from the Hong Kong Jockey Club Charities Trust, a five-year pilot Jockey Club Arts for the Disabled Scheme had been implemented since 2004 to promote the development of PWDs in the arts and cultural fields. At the Chairman's request, C for R undertook to provide further information on the Administration's policy in developing arts with PWDs.

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VI. System for processing applications for Disability Allowance under the Social Security Allowance Scheme
[LC Paper No. CB(2)554/06-07(06)]

41. The Chairman said that deputations had been invited to give views on issues relating to the system for processing applications for Disability Allowance (DA) under the Social Security Allowance (SSA) Scheme. The Chairman advised that The Ombudsman had published on 16 November 2006 a report on the direct investigation into Social Welfare Department (SWD)'s system of processing applications for DA under the SSA Scheme.

Views of deputations

The Against Elderly Abuse of Hong Kong
[LC Paper No. CB(2)601/06-07(01)]

42. Ms Kennex YUE presented the views of The Against Elderly Abuse of Hong Kong as set out in its submission tabled at the meeting. She highlighted a few cases where the elderly were unable to apply for DA because they did not

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meet the seven-year residence requirement and/or the requirement regarding the annual permissible limit of absence from Hong Kong. The stringent eligibility criteria for DA had put many elderly who lacked family support or retirement protection in financial hardship. Ms YUE requested the Administration to adopt more flexibility in processing applications for DA.

Hong Kong Stoma Association Ltd
[LC Paper No. CB(2)614/06-07(01)]

43. Mr NG Sze-ku presented the views of Hong Kong Stoma Association as set out in its submission tabled at the meeting. He said that although people with stomas were permanently disabled, their disabling condition was less obvious and had often rendered it difficult for them to obtain DA. He proposed that people with stomas should be considered as "severely disabled" and a separate category of disability due to visceral diseases should be created in the assessment for DA. Mr NG also expressed dissatisfaction that in some appeal cases, the appellants were not notified of the reasons for the decision.

"Invisible disability" Concern Group for Disability Allowance
[LC Paper No. CB(2)614/06-07(02)]

44. Ms KOO Shuk-ching presented the views of "Invisible disability" Concern Group for Disability Allowance as detailed in its submission. She pointed out that under the existing appeal mechanism, the appellants did not have the opportunity to present their cases directly to the Social Security Appeal Board (SSAB), as hearings for appeal cases involving the result of a medical assessment were no longer scheduled.

關注傷殘津貼聯席
[LC Paper No. CB(2)1640/05-06(07)]

45. Ms TAM Yuk-fung presented the views of 關注傷殘津貼聯席 as set out in its submission. In particular, she was of the view that the monthly allowance of DA recipients who were hospitalised should not be deducted since they had to pay for hospital charges and their family members had incurred transport fares to hospitals during their period of hospitalisation. Ms TAM said that the amount of DA for children recipients who had been admitted to government/subvented special schools should not be deducted, as these children normally stayed in school for only four to five days in a week.

The Association of Parents of the Severely Mentally Handicapped Children
[LC Paper No. CB(2)601/06-07(03)]

46. Ms HO Wai-ngan presented the views of The Association of Parents of the Severely Mentally Handicapped Children, which echoed the views of 關注傷

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殘津貼聯席。 Ms HO pointed out that in some cases, severely mentally handicapped children were not granted Higher Disability Allowance (HDA) even though they required regular care and attention and needed money to meet their medical expenses. This had brought significant stress to parents of severely mentally handicapped children. To maintain consistency in assessing DA applications by SWD and better protect the rights of severely mentally handicapped children, Ms HO suggested the inclusion of a new category of "requiring long-term care" in the Checklist for Medical Assessment.

*Hong Kong Association for Parents of Persons with Physical Disabilities
[LC Paper No. CB(2)1640/05-06(06)]*

47. Ms LAM Suk-yu presented the views of the Hong Kong Association for Parents of Persons with Physical Disabilities as detailed in its submission. Ms LAM highlighted the huge mental and financial stress suffered by family members of PWDs. She said that her daughter had been hospitalised for about six months, during which time she had to spend a lot of time travelling to the hospital. In view of the expensive hospital charges and transport fares to hospital by family members, the Hong Kong Association for Parents of Persons with Physical Disabilities suggested that the amount of DA received by children with disabilities should not be deducted during their period of hospitalisation.

Hong Kong Blind Union

48. Ms LAI Oi-chi said that in view of their difficulties in finding employment, visually-impaired persons often had to rely on DA for a living. However, the complex and prolonged procedures of processing DA applications had caused them much inconvenience and hardship. Ms LAI said that the unclear definition of "severely disabled" within the meaning of the DA Scheme had made the application procedures even more complicated.

Individuals

49. Noting that The Ombudsman supported SWD's position in recovering overpayment from DA recipients, Ms SUEN Moon-wan urged the Administration to provide a concrete plan for recovery of overpayment. She held the view that where there was no evidence of fraudulent claims, SWD should not hold the recipients responsible and require them to pay back the overpaid DA.

50. Mr CHAN Kwok-kwong said that while The Ombudsman's Report supported SWD's position to recover overpayment, it had pointed out that SWD had made little attempt to trace the causes of overpayment. He was of the view that SWD should not put the onus of overpayment on the DA recipients and demand the recipients to pay back the overpaid DA, if a recipient could prove

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that he/she had provided accurate information regarding eligibility. Mr CHAN also questioned the arrangement of deducting the monthly allowance from DA recipients if they were hospitalised.

Discussion

The Administration's response

51. Responding to the deputations' views, Principal Assistant Secretary for Health, Welfare and Food (Elderly Services and Social Security) (PAS(ES&SS)) said that the Administration would follow up The Ombudsman's recommendations with a view to improving the system for processing DA cases. To safeguard the public purse, SWD would seek reimbursement in overpayment cases. However, SWD would review the circumstances of individual cases and work out repayment arrangements with the recipients concerned so as not to cause them undue financial hardship.

52. Deputy Director of Social Welfare (Administration) (DDSW(A)) added that DA, which was non-contributory and non-means-tested, was intended to encourage families to take care of family members with severe disabilities to meet their special needs. If the disabled persons faced financial hardship, they could apply for Comprehensive Social Security Assistance (CSSA) payment which was a safety net of last resort for those who could not support themselves financially. As regards the absence limit for DA under the SSA Scheme, DDSW(A) pointed out that it had been extended from 180 to 240 days since October 2005.

53. In response to the concern about the long processing time for DA appeal cases, PAS(ES&SS) advised that the Hospital Authority (HA) had invited more private medical doctors to sit on the Medical Assessment Board (MAB) so that more MAB meetings could be held to expedite the appeal process. The processing time for appeal cases had been shortened by 100 days. DDSW(A) added that the degree of disability varied among DA applicants, and medical doctors would assess the applicants' degree of disability with reference to the guidelines in the Checklist for Medical Assessment. SWD staff were provided with guidelines for processing DA applications.

Appeal mechanism

54. Mr Albert HO was gravely concerned that under the existing appeal process, the appellants had been deprived of the opportunity to attend hearings to put forth their cases directly to SSAB. The appellants were also not entitled to seek second opinion from other medical doctors should their appeals be refused. Mr HO considered it unacceptable that the Administration had not provided explanations to the appellants as to why their appeals were unsuccessful. To

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safeguard the rights of appellants, he strongly requested the Administration to review the appeal mechanism.

55. Mr LEUNG Kwok-hung and Mr Frederick FUNG shared similar views of Mr Albert HO. Mr FUNG pointed out that in the case of residential redevelopment projects, assistance would be provided by the Administration to the appellants to seek second opinion from professionals should their appeals be rejected. He said that a similar arrangement could be adopted for DA appeal cases.

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56. DDSW(A) explained that in respect of appeal cases on the ground of physical disabilities, SSAB would arrange for the appellants to undergo medical assessment by an independent MAB. As SSAB would reach a decision on the basis of the medical assessment result, it was considered unnecessary to conduct a hearing involving the appellant. Nevertheless, DDSW(A) agreed to consult the HA regarding the suggestion of providing written explanation of the MAB's conclusion to the appellants.

Cases of overpayment

57. Mr LEUNG Kwok-hung considered that the Administration should make available a set of clear, comprehensive and transparent guidelines on the eligibility criteria for DA, so as to reduce overpayment cases.

58. Mr Frederick FUNG expressed doubt as to whether it was appropriate for the Administration to recover overpayment from the DA recipients when the causes of overpayment had yet to be traced. He urged the Administration to review the circumstances of each case, with a view to making an equitable decision on whether the recipients concerned should pay back the overpaid allowance.

59. The Chairman was of the view that having regard to the deficiencies in the system for processing DA applications as pointed out in the Ombudsman's Report, SWD should cease to recover the overpaid DA from the recipients concerned.

60. Mr LEE Cheuk-yan held the view that the Administration should not put the onus of overpayment on the DA recipients, as it was the responsibility of SWD staff to cross-check the information provided by the appellants and to detect irregularities. If it was proven that negligence on the part of SWD staff attributed to the overpayment cases, the overpaid amount should be recovered from the staff concerned.

61. DDSW(A) responded that it was the responsibilities of the applicants and their guardians to report any changes in their eligibility for DA immediately.

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As DA was paid in advance, overpayment was unavoidable due to unreported changes or late reporting of changes by recipients, particularly in cases involving emergency hospitalisation. DDSW(A) said that The Ombudsman supported in principle SWD's position to recover overpayment. In fact, all repayment arrangements had been worked out with the recipients concerned taking into account the circumstances of individual cases.

62. PAS(ES&SS) said that some overpayment cases of HDA were detected as a result of the Administration's efforts to step up cross-checking by matching data with the Education and Manpower Bureau on whether DA children recipients were attending boarding schools. When compared to other countries, the magnitude of overpayment cases in Hong Kong was considered acceptable given the huge caseload handled by SWD staff. However, the Administration would continue its efforts to further improve the existing DA arrangements.

63. Mr Frederick FUNG expressed strong disagreement with the Administration's arrangement to recover overpayment from DA recipients and left the meeting in protest against the decision.

64. Mr LEE Cheuk-yan considered that as compared to overpayment, underpayment of DA caused greater financial hardship to the recipients. The Clerk Ombudsman should be invited to study the matter. The Chairman added that The Ombudsman should also be invited to consider studying other aspects of the system for processing DA cases.

Rate of DA for recipients boarding in special schools or receiving care in medical residential institutions

65. Mr LEE Cheuk yan cast doubt on the justifications for reducing the rate of DA if the recipients received care in medical residential institutions, having regard to the existing practice that CSSA recipients would be exempted from hospital fees and charges. He asked why the same arrangement could not be extended to DA recipients.

66. Ms HO Bo-ching of 關注傷殘津貼聯席 pointed out that the monthly HDA payment of \$2,250 was inadequate for parents of severely handicapped children to settle the hospital fees of about \$3,000 a month. She considered it entirely unacceptable that the amount of DA received by children with disabilities would be reduced when they were receiving care at hospitals or attending boarding schools.

67. Ms TAM Yuk-fung of 關注傷殘津貼聯席 said that to her knowledge, despite the fact that some severely physically disabled children were not able to receive the necessary medical treatment due to high medical costs, their parents chose not to apply for CSSA because they wished to be self-reliant. She hoped

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that the Administration would pay more attention to their financial hardship.

68. PAS(ES&SS) expressed sympathy towards the difficulties faced by parents of children with physical disabilities. He explained that the policy of requiring the DA recipients receiving care in government or subvented residential institutions to receive Normal Disability Allowance only was meant to prevent double benefit. He said that non-CSSA PWDs with financial difficulties could apply to HA for medical fee waiver. A range of community support and rehabilitation services had also been provided to meet their special needs.

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69. Due to time constraint, Dr KWOK Ka-ki suggested to discuss the subject further at the next meeting. Members agreed. The Chairman requested the Administration to provide written response to the views and suggestions raised by members and deputations at the meeting to facilitate further discussion. The Chairman added that there was no need to invite deputations to give views again at the next meeting.

(Post-meeting note : The Administration subsequently advised that it proposed to defer further discussion on the matter to March 2007 to allow more time for providing a response.)

VII. Any other business

70. There being no other business, the meeting ended at 1:30 pm.

Council Business Division 2
Legislative Council Secretariat
4 January 2007