

# 立法會

## *Legislative Council*

LC Paper No. CB(2)2261/06-07

Ref : CB2/PL/WS

### **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 2006-2007 Legislative Council (LegCo) session. It will be tabled at the Council meeting on 4 July 2007 in accordance with Rule 77(14) of the Rules of Procedure.

#### **The Panel**

2. The Panel was formed by a resolution of the 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 Hon CHAN Yuen-han and Dr Hon Fernando CHEUNG Chiu-hung elected as Chairman and Deputy Chairman respectively. The membership list of the Panel is in **Appendix II**.

#### **Major work**

##### Strategy and measures to tackle family violence

##### *Subcommittee on Strategy and Measures to Tackle Family Violence*

5. The Subcommittee on Strategy and Measures to Tackle Family Violence formed under the Panel held four meetings between October 2006 and June 2007. The issues discussed included the development of a district welfare co-ordination mechanism in Kwun Tong and the outcome of the review of the District Coordinating Committee/Local Committee mechanism; progress of the

implementation of District Liaison Groups; housing assistance for victims of domestic violence; and risk assessment tools for spouse battering and child abuse in Hong Kong.

#### *Review of Domestic Violence Ordinance*

6. Following the discussions of the Subcommittee on Strategy and Measures to Tackle Family Violence on the preliminary proposed amendments to the Domestic Violence Ordinance (DVO) (Cap. 189) in the 2005-2006 session, the Administration briefed the Panel on its proposal to amend the Ordinance to render better protection for victims of domestic violence. Members noted that DVO sought to provide for a civil remedy for victims of domestic violence to seek injunction from the court, and its scope was confined to spouses, co-habitation relationships, and their children under the age of 18. Whilst expressing support for the legislative proposal, some members were concerned about the problem of increasing elderly abuse cases and asked whether the scope would be expanded to extend protection to elders.

7. The Administration explained that the majority of reported elder abuse cases involved spousal relationship which was already covered by DVO. Enabling the elderly to seek an injunction against their offspring might aggregate the problem and cause an irreparable breakdown in family relationships, which was the last thing most elders wanted to see. Instead of tackling elder abuse problem by means of legislation, the Administration would enhance the services and support for vulnerable elders in need and strengthen publicity and public education to promote a culture of caring for the elderly.

8. Some members maintained the view that the Administration should expand the scope of DVO to include non-spousal elderly abuse. These members advised that they would consider proposing amendments to the bill if the Administration did not take heed of their views.

#### Review of the Comprehensive Social Security Assistance Scheme (CSSA)

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

9. The Subcommittee on Review of the Comprehensive Social Security Assistance Scheme formed under the Panel held five meetings between October 2006 and June 2007. The issues discussed included the levels of CSSA standard payment rates; difficulties faced by CSSA applicants arising from the seven-year and the one-year-continuous-residence requirement; provision of special grant to cover costs of dental treatment; and medical needs of elderly CSSA recipients.

*Adjustment of CSSA payments*

10. The Panel discussed a number of financial proposals relating to the adjustment of CSSA payments, including an upward adjustment of the standard payments under the CSSA Scheme and the Disability Allowance (DA) under the Social Security Allowance (SSA) Scheme, and an one-off measure to provide the recipients of CSSA and SSA with one month additional social welfare assistance as proposed in the 2007-2008 Budget.

11. Members were supportive of the funding proposals. However, some members considered that the proposed adjustments were too meagre in the light of the economic growth. They pointed out that the standard payment rates of CSSA were determined based on the review of the CSSA Scheme conducted 10 years ago, and the basic needs items referred to in the review were outdated. These members held the view that a comprehensive review of the CSSA Scheme should be conducted without delay.

12. The Administration stressed that CSSA provided a safety net of last resort to the financially vulnerable. The CSSA standard rates had been adjusted regularly to keep pace with price changes, and various forms of special grants were payable to eligible CSSA recipients. It did not see the need to review the CSSA Scheme.

13. Most members expressed dissatisfaction at the response of the Administration. They decided to follow up the issue at meetings of the Subcommittee on the Review of CSSA Scheme.

*Review of Disregarded Earnings (DE) arrangements*

14. Upon the completion of the review of the scope for DE arrangements under the CSSA Scheme, the Administration sought the Panel's views on the following proposals –

- (a) to raise the "no-deduction" limit for DE from \$600 to \$800;
- (b) to relax the no DE for the first three months rule to a two-month rule;
- (c) to maintain the maximum level of DE at \$2,500; and
- (d) to maintain no time limit on DE.

DE referred to the earnings from employment that were disregarded when assessing the amount of CSSA payable.

15. According to the Administration, the provision of DE allowed CSSA recipients who worked to be financially better off than those relying entirely on welfare, thus encouraging those who could work to find and remain in employment. The recommendations had struck a reasonable balance between providing CSSA recipients with more financial incentives through the provision of DE to find and remain in employment on the one hand, and maintaining DE at a level which would not attract entrance to the CSSA net unless they were in genuine need or delay the exit of employable recipients from the system on the other.

16. To provide a greater incentive for CSSA recipients to work and leave the CSSA net eventually, members strongly requested the Administration to consider seriously further relaxing the DE arrangements, particularly raising the maximum level of DE from \$2,500 to \$3,500 and the no-deduction limit for DE from \$600 to \$1,000.

17. The Administration explained that the provision of DE was only one of the measures introduced to encourage and assist CSSA recipients to move towards self reliance. A number of schemes had been put in place to improve the employability of CSSA recipients and maximise their chances to obtain paid employment. As a result, there was a steady decline in CSSA "unemployment" cases. The Administration further explained that if the maximum level of DE was raised to \$3,500, the CSSA payments to a four-member family would be higher than the average monthly income of a non-CSSA household of the same size. The Administration did not see the need to further relax the DE arrangements.

18. Some members remained of the view that the Administration should further relax the DE arrangement. As the subject of DE arrangements was related to the employment of CSSA recipients, the Panel decided to follow up the subject after the formation of the new Labour and Welfare Bureau.

#### Establishment of a Family Commission

19. In October 2006, the Panel received a briefing by the Secretary for Health, Welfare and Food on the welfare initiatives in the 2006-2007 Policy Address, one of which was on the feasibility of establishing an integrated, holistic and high-level Family Commission. Members noted that the proposed Family Commission would bring under one roof the various commissions and committees currently responsible for handling issues covering different age groups and genders.

20. Members were concerned about the commissions and committees which would likely be put under the roof of the proposed Family Commission, and asked how the Administration would proceed to establish the proposed Family Commission.

21. The Administration advised that the Health, Welfare and Food Bureau would take the lead in the study, and examine the relationship between the proposed Family Commission and the Commission on Youth, Women's Commission, Elderly Commission and other bodies which were also handling family-related issues. A report on the study was expected to be completed before mid 2007 and a final decision would be made by the Third Term Government. In this connection, a Steering Committee had been formed to study whether a Family Commission should be set up.

22. Noting that the study was still underway and no conclusion had been reached, members urged the Administration to revert to the Panel as early as possible.

#### Barrier free access for people with disabilities (PWDs)

23. Upon the completion of the six-month public consultation on the draft revised Design Manual : Barrier Free Access, the Panel met with the Administration and deputations to discuss the Administration's initial response to the views collected. Members noted that the Administration would finalise the draft revised manual, which set out the obligatory and recommended design requirements for the provision of access and facilities to PWDs, after taking into account views received in the consultation. It would then introduce the necessary legislative amendments to the relevant building regulations.

24. Taking into account the deputations' comments, members took the view that further improvements should be made to the design manual to ensure that a barrier free environment was provided for PWDs to integrate into the community. The Panel passed a motion urging the Administration to incorporate further improvement measures in the design manual, including lifting the minimum illumination level for public areas of buildings, enlarging the clear space in toilets for PWDs and installing automatic doors at the main entrance of buildings.

25. The Administration advised that while it would consider the proposals and way forward, it had to strike a right balance between the needs of PWDs and the practicability of the design requirement. The Administration subsequently reverted to the Panel on its response to the carried motion. Noting that the Administration had incorporated most of the Panel's requests and proposed further revision to the design manual, members welcomed the latest version of design manual. The Panel urged the Administration to expedite the introduction of the relevant legislative amendments to give effect to the design requirements.

### Review of Disability Allowance (DA)

26. The Panel examined in depth issues relating to the system of processing applications for DA under the SSA Scheme, including arrangement for recovering overpaid allowance, mechanisms for appeal and approval of DA applications.

27. Some members queried the justifications for recovering overpaid Higher Disability Allowance (HDA) from some 70 recipients on the grounds that they had been admitted to Government or subvented boarding schools. These members considered that the Administration should not recover the overpaid allowance from the recipients concerned when the responsibility for causing the overpayment had yet to be established. Some members also held the view that the monthly payment of HDA should not be reduced to Normal Disability Allowance (NDA) for recipients who were admitted to public hospitals as they had to pay for hospital charges and their family members had to incur additional expenses such as transport fares to hospitals during their period of hospitalisation. Similarly, HDA for children receiving care in Government or subvented boarding schools should not be reduced during their school breaks.

28. The Administration explained that it was the responsibilities of the applicants and their guardians to report any changes in their eligibility for DA immediately. The policy of providing NDA only to recipients receiving care in Government or subvented residential institutions and being hospitalised was meant to prevent double benefit. PWDs who faced financial hardship could apply for assistance under the CSSA Scheme or the medical fee waiver mechanism. The Administration assured members that all repayment arrangements had been worked out with the recipients concerned taking into account the circumstances of individual cases.

29. Some members were concerned about the long time taken for appeals on grounds of disabilities to be processed by the Medical Assessment Board (MAB). These members pointed out that since DA payments were withheld during the appeal process, it would cause undue financial hardship on the recipients and their families if the processing time was unduly long. They requested the Administration to expedite the process and set performance targets for the appeal mechanism.

30. The Administration explained that to expedite the processing time for medical appeals, the Hospital Authority (HA) had already invited more private medical doctors to sit on MAB and would increase the frequency of conducting MABs. In anticipation of the backlog being cleared by the end of 2007, the average processing time of an appeal case would be shortened to about three months.

31. The Panel expressed dissatisfaction at the response of the Administration and passed a motion urging the Administration to set performance indicators for the appeal mechanism and conduct an independent and transparent review on the mechanism.

#### Trust Fund for Severe Acute Respiratory Syndrome (SARS)

32. The Administration consulted the Panel on its funding proposal to provide, under the Trust Fund for SARS, continued ex-gratia financial assistance to recovered and "suspected" SARS patients upon their reaching the accumulative assistance ceiling of \$500,000. Members noted that 233 persons were receiving assistance from the Trust Fund. The Administration would decide by the end of 2009 the need for a more permanent scheme outside the CSSA Scheme to cater for the needs of those who were assessed by HA to be suffering from permanent dysfunction.

33. Members were supportive of the proposal. However, some members criticised the Administration for submitting the proposal only until 13 Trust Fund beneficiaries were no longer entitled to receive financial assistance under the Trust Fund because they had reached the accumulative assistance ceiling of \$500,000.

34. The Administration advised that it would backdate the Trust Fund payments to these patients once the funding approval was obtained. It assured members that it was committed to providing tide-over assistance to SARS patients pending their recovery from the dysfunctions. Moreover, a wide range of support services, including medical, psychological counselling and employment support, had been provided for the SARS patients.

#### Services for the elderly

35. The Panel met with the Administration and deputations in February 2007 to review the progress of re-engineered neighbourhood elderly centres and district elderly community centres. The Administration advised that it would take measures to strengthen carers' support and relief in the context of hospital discharge planning, and to enhance assistance for outreaching vulnerable elders.

36. Some members were concerned that the funding provisions for elderly services were inadequate to meet the current and future needs having regard to the ageing population. As such, a long-term programme plan for elderly services should be formulated without further delay. Some members suggested that the Administration should reinstate the five-year plan on social welfare policies. The Administration explained that it had adopted a flexible planning approach which allowed the Administration and non-governmental organisations (NGOs) concerned to be responsive to the latest needs and

changing circumstances. It was considering how to take forward the consultants' proposals to strengthen those elderly services which had resources implications.

37. Members expressed dissatisfaction at the absence of a long-term programme plan for elderly services and passed a motion urging the Administration to formulate a five-year plan on services for the elderly expeditiously.

### Child protection

38. During the session, the Panel discussed and received views from deputations on the policy on child protection. Members expressed grave concern about the lack of a comprehensive child protection policy, given that policies relating to child protection straddled different bureaux and departments.

39. According to the Administration, the protection of the well-being of children was one of the guiding principles in child-related legislation, policies and programmes. With an emphasis on early identification and early intervention of problems, a pilot Comprehensive Child Development Service (CCDS) had been launched in four selected communities since 2005. During the session, the Panel was briefed on the findings of the pilot scheme. Members noted that the Administration would extend CCDS to Tung Chung, the whole district of Yuen Long and Kwun Tong in 2007-2008, and planned to extend CCDS to all districts in phases by 2012. Members expressed support for the pilot CCDS, and urged the Administration to allocate additional resources to welfare service agencies for implementation of CCDS.

40. The Review Panel on Family Services in Tin Shui Wai in its report released in November 2004 recommended that the Social Welfare Department should explore the feasibility of setting up a child fatality review mechanism to identify ways to prevent recurrence of tragedies involving child death. The Panel was consulted in May 2007 on the Administration's proposal to launch the pilot project on child fatality review. Members noted that the review would examine child fatality cases which had implications on social welfare services.

41. Some members disagreed with the Administration's approach and considered the scope of the pilot project too narrow. They questioned the effectiveness of the pilot project in achieving its purpose of examining and making improvement to the current system in respect of child protection and child welfare. For better protection of children, members considered that there was an urgent need for establishing a statutory Commission on Children to facilitate cross-sectoral collaboration on the protection of children to prevent the recurrence of unnatural child deaths. The Panel passed a motion urging

the Administration to expand the scope of the in-depth review to cover fatality and injury cases arising from unnatural causes and to set up a statutory Commission on Children expeditiously.

Implications of the 2006 Starting Salaries Survey (SSS) findings on the subvented welfare sector

42. Upon the release of the 2006 SSS findings of the civil service, the Panel discussed the implications of the findings on the subvented welfare sector. Members noted with concern that although the Administration would adjust the annual lump sum grant (LSG) provision in respect of "new" subvented services commissioned on or after April 2000, some management of NGOs would not make corresponding upward adjustment to the starting salaries of their staff. Members asked the Administration whether a mechanism was in place to ensure that NGOs on LSG would adjust upwards the starting salaries of their staff so as to bring these in line with the adjusted salary pay scales in the civil service.

43. Some members pointed out that the gap between the salary levels of NGO staff and civil service grades was widening as a result of the deduction of 9.3% from the Benchmark Salary of NGOs on LSG over the years under the Enhanced Productivity Programme (EPP) and the Efficiency Savings (ES) exercise.

44. The Administration advised that under the LSG subvention system, NGOs had complete flexibility in determining their staffing structures and the remuneration of their staff. With the proposed upward adjustments of the LSG funding, individual NGOs would continue to enjoy the autonomy in determining how the remuneration of their staff should be adjusted. Terms of employment in subvented NGOs were matters between the NGOs as employers and their employees. The Administration further advised that EPP and ES were across-the-board exercises in the whole Government and included subsidised bodies and NGOs.

45. Members were of the view that grave concern expressed by the staff side of NGOs concerning the application of the 2006 SSS findings to the subvented welfare sector was rooted in the implementation of the LSG subvention system. They strongly urged the Administration to conduct a comprehensive review of the system. The Panel held a joint meeting with the Panel on Health Services to follow up the matter.

Other issues/items discussed

46. Other issues discussed by the Panel included policy initiatives in respect of welfare services in 2006-2007; Government's initiatives to enhance and extend family education; development of arts with PWDs; monitoring of

charity fund-raising activities; progress reports on the Partnership Fund for the Disadvantaged and the licensing scheme for residential care homes for the disabled.

47. From October 2006 to June 2007, the Panel held a total of 11 meetings and one joint meeting with the Panel on Health Services.

Council Business Division 2  
Legislative Council Secretariat  
27 June 2007

**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 2006 - 2007 session**

|                        |   |
|------------------------|---|
| <b>Chairman</b>        | Hon CHAN Yuen-han, SBS, JP                |
| <b>Deputy Chairman</b> | Dr Hon Fernando CHEUNG Chiu-hung          |
| <b>Members</b>         | Hon Albert HO Chun-yan                    |
|                        | Hon LEE Cheuk-yan                         |
|                        | Hon Bernard CHAN, GBS, JP                 |
|                        | Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP |
|                        | Dr Hon YEUNG Sum, JP                      |
|                        | Hon TAM Yiu-chung, GBS, JP                |
|                        | Hon LI Fung-ying, BBS, JP                 |
|                        | Hon Tommy CHEUNG Yu-yan, SBS, JP          |
|                        | Hon Frederick FUNG Kin-kee, SBS, JP       |
|                        | Hon Alan LEONG Kah-kit, SC                |
|                        | Hon LEUNG Kwok-hung                       |
|                        | Dr Hon KWOK Ka-ki                         |
|                        | (Total : 14 Members)                      |
| <b>Clerk</b>           | Miss Betty MA                             |
| <b>Legal adviser</b>   | Mr LEE Yu-sung                            |
| <b>Date</b>            | 1 July 2007                               |