

立法會
Legislative Council

LC Paper No. CB(2)2813/07-08
(These minutes have been
seen by the Administration)

Ref : CB2/PL/WS

Panel on Welfare Services

**Minutes of special meeting
held on Tuesday, 15 July 2008, 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, SBS, JP (Deputy Chairman)
Hon LEE Cheuk-yan
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 Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Hon Mrs Anson CHAN, GBM, JP

Members absent : Hon Albert HO Chun-yan
Hon Frederick FUNG Kin-kee, SBS, JP
Dr Hon KWOK Ka-ki

Member attending : Hon LEUNG Yiu-chung

Public Officers attending : Item I

Mr Stephen Fisher, JP
Director of Social Welfare

Mrs Kathy NG MA Kam-han
Assistant Director of Social Welfare (Elderly)

Ms Betty HO
Principal Assistant Secretary for Labour and Welfare
(Welfare) 3

Item II

Mr CHEUNG Hing-wah
Assistant Director (Youth and Corrections)
Social Welfare Department

Ms Jenny YIP
Principal Assistant Secretary for Home Affairs

Mr Tony CHAN
Assistant Secretary for Home Affairs

**Deputations
by invitation**

: Item II

Community Development Alliance

Miss WONG Wing-chi

Mr LI Ting-fung

Neighbourhood Level Community Development Project
Committee

Mr CHAN Chi-hung
Representative

關注社區發展居民聯席

Miss LAW Lai-hing

Miss CHAN Man-sing

**Clerk in
attendance**

: Miss Betty MA
Chief Council Secretary (2) 4

**Staff in
attendance**

: Item I

Mr LEE Yu-sung
Senior Assistant Legal Adviser 1

All items

Mr Chris LAI
Senior Council Secretary (2) 7

Miss Maggie CHIU
Legislative Assistant (2) 4

Action

I. Monitoring of residential care homes for the elderly in using the additional one-month Comprehensive Social Security Assistance payments of residents

[LC Paper Nos. CB(2)2586/07-08(01) and (02)]

Referring to Miss CHAN Yuen-han's letter dated 30 June 2008 (LC Paper No. CB(2)2586/07-08(02)), the Chairman said that following the announcement of providing one additional month of the standard rate of Comprehensive Social Security Assistance (CSSA) payments for CSSA recipients, it was reported that some residential care homes for the elderly (RCHEs) intended to use the additional CSSA payments of their residents for subsidising home fees. The Chairman further said that the meeting was convened to discuss the actions taken by the Administration to prevent RCHEs from embezzling the additional CSSA payments of their residents.

2. Director of Social Welfare (DSW) said that a Guideline on Handling of Elderly Residents' Possessions and Collection of Fees and Charges (the Guideline) had been issued to all private RCHEs in May 2006. In connection with the allocation of one additional month of the CSSA standard rate payments in 2007, the Social Welfare Department (SWD) had received 11 complaints relating to RCHEs using the additional CSSA payments to subsidise home fees, and four of them were substantiated. DSW further said that following the announcement of the proposal to provide one additional month of CSSA standard rate payments in this year, individual RCHE operators had been reminded that the provision of such payments was a one-off relief measure for CSSA recipients and should not be used for subsidising home fees. Continual close monitoring was rendered on those RCHEs which were suspected to have used the additional CSSA payments to subsidise home fees last year, and one of them was suspected to have embezzled residents' CSSA payments this year. The case had been reported to the Police for follow-up and investigation. DSW added that no complaint on the mishandling of residents' CSSA payments by RCHEs had been received so far since the allocation of the additional CSSA payments in June 2008.

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3. Ms LI Fung-ying expressed concern about the recurrence of suspected cases involving unauthorised use of residents' CSSA payments by RCHEs. Ms LI asked about the specific measures taken by the Administration to monitor the compliance of RCHEs with the requirements in handling residents' possessions and the fee collection procedures.

4. DSW responded that in the light of the Government's payout of an additional one-month CSSA payment in 2008-2009, the Licensing Office of Residential Care Homes for the Elderly (LORCHE) of SWD had issued letters to all RCHEs on 5 June 2008, reminding them that the additional CSSA payments were not intended for subsidising home fees. The possible sanctions and follow-up actions against those non-compliant RCHEs were also highlighted therein. DSW said that SWD had been in touch with The Elderly Services Association of Hong Kong to reiterate its stance. To his understanding, the Association had issued a letter on 31 March 2008 to remind its member RCHEs not to use the additional CSSA payments of residents to subsidise home fees. DSW added that inspectors of LORCHE would pay particular attention to the handling of the residents' additional CSSA payments by RCHEs during inspection.

5. Ms LI Fung-ying and Miss CHAN Yuen-han expressed concern that in anticipation of the Government's payout of additional CSSA payments, some unscrupulous RCHEs might introduce extra service fees so as to capture the residents' additional one-month CSSA payments. They urged the Administration to enhance monitoring of RCHEs on the use of the additional CSSA payments to subsidise home fees.

6. DSW responded that the monthly home fees of private RCHEs were set in the light of the market conditions. Private RCHEs could increase home fees and introduce additional/new service fees in accordance with the established fee revision procedures, and with the prior consent of the residents or their family members/guardians. Under no circumstances could RCHEs use the money or withdraw money from a resident's bank account without the consent and authorisation from the residents and his/her family members/guardians. DSW appealed to the elderly residents and their family members to report to SWD any malpractice of RCHEs.

7. Ms LI Fung-ying, Miss CHAN Yuen-han and the Chairman expressed reservations about the fee-charging arrangement of private RCHEs. They considered that private RCHEs could undergo the "proper" fee revision procedures by, say, collecting a one-off special service fee after learning the allocation of an additional month of CSSA payments. As some elderly residents were not capable of handling their own financial matters and their family members/guardians were too busy to take care of them, some RCHE operators could still use the additional CSSA payments to subsidise home fees.

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8. DSW advised that written consent and authorisation should be sought from the residents and their family members/guardians for storing and holding possessions or property on behalf of the residents by RCHEs. DSW said that the Guideline issued by LORCHE to all private RCHEs had set out in detail the proper fee-charging arrangement as well as the checking mechanism that RCHEs should put in place for management of residents' possessions. DSW stressed that the Administration would step up efforts to closely monitor the compliance of RCHEs with these requirements.

9. Mrs Anson CHAN asked about the actions taken against repeated non-compliant RCHEs. DSW responded that LORCHE would issue advisory or warning letters to the RCHE concerned when problems or irregularities were found during inspection. If the situation warranted, prosecution by virtue of the Residential Care Homes (Elderly Persons) Ordinance (Cap. 459) would be instituted. The licences of RCHEs would be suspended or revoked if the RCHEs concerned failed to make necessary rectifications within the specified period in accordance with section 19(1) of the Ordinance. DSW added that SWD would refer suspected cases of financial abuse or fraudulent activities to the Police for criminal investigation and follow-up.

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10. The Chairman and Mrs Anson CHAN requested the Administration to provide information on the number of RCHEs which had been prosecuted and suspended from operation for non-compliance with the licensing requirements in the past three years.

11. Mr LEUNG Yiu-chung considered that revocation of licences might not necessarily be the best way to tackle repeated non-compliant RCHEs as the residents therein would need to look for new residential care places, and thereby affected the well-being of residents. Apart from stepping up inspection against malpractice or fraudulent activities of RCHEs, the Administration should also enhance educational publicity on customers' rights, as well as proper management of residents' possessions and fair fee-charging arrangement by RCHEs.

12. DSW responded that since the allocation of an additional month of CSSA payments in June 2008, SWD had received no complaint on mishandling of residents' CSSA payments by RCHEs. The only suspected case was detected by LORCHE during inspection. He considered that the measures taken were effective in preventing RCHEs from embezzling the additional CSSA payments of residents. DSW said that apart from carrying out inspections to each RCHE at least seven times annually, LORCHE would also make surprise visits to RCHEs upon receipt of complaints. He appealed to the residents and their family members to lodge complaints against any malpractice of RCHEs. DSW added that to strengthen inspection of RCHEs, additional manpower, i.e. five social workers and five nurses had been provided to LORCHE in 2007-2008.

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13. Mr LEUNG Yiu-chung took the view that some elderly residents and their family members might be reluctant to make complaints against malpractice of RCHEs for various reasons. Notably, they were worried about maltreatment by RCHEs if the complaints were made known to the RCHE operators.

14. DSW advised that to facilitate LORCHE's follow-up, the complainants should provide LORCHE with the name of RCHEs and problems identified. The complainants were not required to disclose the identity of the residents concerned. DSW added that during inspection, inspectors of LORCHE would pay particular attention to those residents who had their bankbooks and other possessions kept by RCHEs, and would check with the concerned residents, their family members and/or relevant records whether the Guideline had been properly followed.

15. While acknowledging that inspections by LORCHE would provide deterrent effect against non-compliant RCHEs, Mrs Sophie LEUNG said that the efforts required considerable manpower support. Instead of stepping up the monitoring role of LORCHE, consideration should be given to encouraging active participation of family members of residents in monitoring the service quality of RCHEs. In addition, RCHEs should be required to make available their statements of account for residents' information as well as relevant records on the handling of residents' possessions for inspection by their family members/guardians.

16. DSW shared Mrs Sophie LEUNG's views. DSW said that active participation of family members of elderly residents in monitoring the compliance of RCHEs with the licensing requirements would help prevent RCHEs from mishandling of the residents' possessions.

17. While supporting Mrs Sophie LEUNG's suggestions, Miss CHAN Yuen-han said that SWD should pay particular attention to the well-being of those elderly residents who did not have family support.

18. In closing, the Chairman said that members were concerned that some RCHEs would impose additional service fees to use the additional CSSA payments of the residents to subsidise home fees. He urged the Administration to enhance monitoring of RCHEs to prevent them from embezzling the additional CSSA payments of the residents, especially those who lacked family support and whose possessions were held by RCHEs. The Chairman further said that the Administration should review, in consultation with the Elderly Commission, the pricing policy of RCHEs and formulate the long-term plan on the provision of quality residential care places for the elderly.

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II. Provision of subvented community services

[LC Paper Nos. CB(2)2586/07-08(03) to (05) and CB(2)2606/07-08(01) to (02)]

19. Principal Assistant Secretary for Home Affairs (PAS/HA) said that the Government had provided various community facilities and services for the integration of different sectors of the community and the promotion of social harmony. Given the significant improvements in the overall provision of social welfare services and community building facilities and transformation in the transient communities served by the Neighbourhood Level Community Development Projects (NLCDPs), the demand for NLCDPs gradually declined. Against this background, it was decided not to extend NLCDPs and that existing NLCDPs would be terminated following the demolition and redevelopment of the project areas. The resources released would be redeployed into the operating expenditure envelope of the Home Affairs Department (HAD). These resources might be used by all districts for developing services to meet local needs. PAS/HA stressed that apart from terminating the NLCDPs in Shek Kip Mei, Wong Chuk Hang and Lower Ngau Tau Kok Estates for reasons explained above, the Administration had no plan at present to terminate the remaining 17 NLCDPs.

Meeting with deputations

20. The Chairman welcomed the deputations to the meeting. The views of deputations are summarised below.

Community Development Alliance

[LC Paper No. CB(2)2586/07-08(05)]

21. Miss WONG Wing-chi considered that NLCDPs could promote mutual help and facilitate early identification of problems faced by the disadvantaged in the community, especially hidden elders. Miss WONG expressed concern that the NGO Forum on Community Development (the Forum) had not been convened since 2006. She strongly urged the Administration to re-convene the Forum and increase resources for community development services. She said that NLCDPs should be launched in new public housing estates to help foster better understanding and cooperation among people from diverse background for a time-limited period, say, five to six years. Miss WONG added that the Panel on Home Affairs should follow up on the latest development of community development services.

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*Neighbourhood Level Community Development Project Committee
[LC Paper No. CB(2)2606/07-08(01)]*

22. Mr CHAN Chi-hung said that at the last meeting of the Forum on 27 March 2006, the Administration had made a number of undertaking relating to the development of community services. As the Forum had held no further meeting since March 2006 and the record of the meeting was still outstanding, no follow-up action had been taken by the Administration. He urged the Administration to re-convene the Forum as soon as possible, honour its promises made at the last meeting of the Forum and issue the notes of the last Forum meeting to facilitate follow-up action.

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23. Miss CHAN Man-sing expressed concern about the lack of community services and facilities in Tin Shui Wai. She considered that NLCDPs could facilitate early identification of family and social problems and provide prompt assistance to those who were reluctant to seek help, such as single mothers. Given the severity of family and social problems in Tin Shui Wai, Miss CHAN urged the Administration to provide more resources to improve the community development services, launch new NLCDPs and enhance the provision of medical services in Tin Shui Wai.

Other submission

24. Members noted that the Hong Kong Council of Social Service had provided a written submission (LC Paper No. CB(2)2606/07-08(02)), but had not sent representatives to the meeting.

The Administration's response

25. Responding to the deputations, PAS/HA said that there had been no change in the policy on and the resource allocation for the provision of community development services. The remaining 17 NLCDPs with no scheduled termination dates would continue to operate. PAS/HA further said that as there was no policy change, the Administration did not see the need for convening the Forum in the past months. The Administration would issue the notes of the last meeting of the Forum to the attendees shortly.

Discussion

26. Mr LEUNG Yiu-chung raised concern about the increasing severity of family and social problems in transient and new communities, which could partly be attributed to the lack of community development services and facilities in these districts. He considered that the Administration should provide more

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resources to improve the community development services in transient and new communities, with a view to fostering a spirit of mutual help and facilitating social integration of the residents. Mr LEUNG expressed dissatisfaction that the Forum had not been held since March 2006 and the record of the last meeting was still outstanding. He strongly urged the Administration to re-convene the Forum to facilitate communication on matters relating to the overall planning of community development services.

27. PAS/HA responded that apart from providing a variety of public community facilities in various districts as detailed in the Administration's paper, the Administration also provided resources for district organisations to run activities for the community. PAS/HA added that SWD also run Integrated Family Services Centres and Integrated Children and Youth Services Centres and provided diversified services for the elderly.

28. Assistant Director (Youth and Corrections)/SWD added that SWD had devoted additional resources and manpower to tackle family problems and enhance support to victims of domestic violence and vulnerable families. He said that the Administration would continue to launch publicity campaign and educational programmes in this respect.

29. Mr LEUNG Yiu-chung remained dissatisfied at the Administration's response. He reiterated that the Administration should provide new resources to enhance community development services in transient and remote districts.

30. Miss CHAN Yuen-han considered that NLCDPs could facilitate early prevention of family and social problems, help identify local needs as well as empower the disadvantaged communities. In view of these, she saw no reasons why NLCDPs should be terminated. Instead, the Administration should provide new resources for community development services.

31. Mrs Anson CHAN considered that the Administration should re-convene the Forum expeditiously, explain why the Forum had not met since 2006 and advise the timing for issuing the notes of the last meeting of the Forum. Mrs CHAN said that the Panel should write to the Secretary for Home Affairs (SHA) conveying members' concerns on the matter.

32. The Chairman pointed out that as stated in the Policy Statement on Community Development released by the Home Affairs Bureau in June 2005, the Forum would meet on a quarterly basis. Given that the Forum had not met since March 2006, he expressed dissatisfaction at the Administration's failure to honour its policy statement.

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33. Referring to the policy statement, Ms LI Fung-ying said that the Forum was a platform for discussing issues relating to the overall planning and management of resources for community development services among service operators, the Administration and related interested parties. Unless there was a policy change, she saw no reasons why the Forum did not meet regularly. Expressing similar views, Mr LEE Cheuk-yan wondered whether there was a change in the development direction of community development, in particular whether the Administration planned to terminate NLCDPs in phases. Ms LI and Mr LEE requested the Administration to provide justifications for not convening the Forum since 2006, and advise whether there were subsequent policy changes on community development.

34. PAS/HA reiterated that the Administration had no plan at present to terminate the remaining 17 NLCDPs. She said that the Forum would meet on a need basis to discuss issues relating to community development services when necessary. PAS/HA said that as explained earlier, the Forum had not been convened in the past months because there had been no policy change on community development. PAS/HA added that the notes of the last meeting of the Forum would be issued soon.

35. Ms LI Fung-ying and the Chairman remained unconvinced of the Administration's explanation for not convening the Forum since 2006. They considered it unacceptable that the Administration did not honour its policy statement.

36. Mr LEE Cheuk-yan considered that although the resources released upon the termination of NLCDPs might be deployed for the provision of community facilities and services, the objectives of these services were different from NLCDPs which sought to promote mutual help in solving community problems and build up social support networks. He took the view that the service demand for NLCDPs was particularly great in new and remote districts, such as Tin Shui Wai. He urged the Administration to provide new resources for launching NLCDPs in these districts. He added that the subject of community development services should fall under the purview of the Labour and Welfare Bureau.

37. Mr Alan LEONG held the view that NLCDPs could provide specific and target services to people living in transient communities and facilitate early identification of social problems at the district level. He noted with concern that the number of NLCDPs was declining in the past few years, notwithstanding the Administration's advice that there had been no policy changes in the provision of community development services. Mr LEONG urged the Administration to give an account of the new services available after the termination of NLCDPs in the project areas, and enquired whether the Administration had reviewed the effectiveness of these new services.

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38. PAS/HA said that it was announced in the policy statement that the existing NLCDPs would be terminated when the project area was cleared or when the target population of their service areas fell below 1 800. Upon the termination of NLCDPs, the related financial resources released would be redeployed into the operating expenditure envelope of HAD. The resources might be used by all districts for developing services to meet local needs, such as the Neighbourhood Child Care Service, having regard to the specific needs in the districts. PAS/HA further said that upon termination of NLCDPs, the Administration would keep under constant review of the effective deployment of the resources released.

39. Mr LEUNG Kwok-hung took the view that there was indeed a substantial change in the policy on community development, as demonstrated by the reduction in the resources allocated to NLCDPs. Pointing out that the Forum had not met since 2006, Mr LEUNG expressed concern about the lack of consultation with the relevant stakeholders on the overall planning and management of resources for community development services.

40. Mr LI Ting-fung of the Community Development Alliance strongly urged the Administration to re-convene the Forum to discuss issues relating to the overall planning of resources for community development services. He requested that the Administration should provide details of the deployment of resources released upon the termination of NLCDPs.

41. Expressing dissatisfaction at the Administration's response, Mr LEUNG Yiu-chung echoed Mrs Anson CHAN's proposal that the Panel should write to SHA conveying members' concerns about the policy on and resource allocation for community development services. Mr LEUNG said that the Administration should also provide justifications for not convening the Forum in the past two years.

42. The Chairman concluded that the Panel would write to SHA conveying members' views and concerns as raised at the meeting. In view of members' concerns, the Chairman added that the subject of community development services should be followed up by the Panel on Welfare Services and the Panel on Home Affairs in the next session as appropriate. Members agreed.

II. Any other business

43. There being no other business, the meeting ended at 12:45 pm.