

立法會 *Legislative Council*

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Paper for the House Committee meeting on 8 January 2010

Proposal of the Panel on Welfare Services for a select committee to be appointed to inquire into issues relating to the professional autonomy of social workers in the Tai O Neighbourhood Level Community Development Project in serving the community

Purpose

This paper seeks the House Committee's support for the proposal of the Panel on Welfare Services (the Panel) for a select committee to be appointed by the Legislative Council (LegCo) to inquire into issues relating to the professional autonomy of social workers in the Tai O Neighbourhood Level Community Development Project (NLCDP) in serving the community.

Background

2. On 28 September 2009, consequent upon reports about an allegation that the Secretary for Home Affairs (SHA) had interfered with the operation of a social welfare organisation, the Panel held a special meeting to receive views from deputations on and discuss issues relating to the professional autonomy of social workers in the provision of community service and the corporate governance of non-governmental organisations (NGOs) receiving subventions from the Government. The allegation came about as a result of reports in local press that during a meeting between SHA and the President and the Chief Executive of the Hong Kong Young Women's Christian Association (YWCA) in January 2009 to discuss its business development plan, SHA had mentioned the receipt of a copy of a complaint letter from the Tai O Rural Committee to YWCA and expressed his wish that YWCA and the Tai O Rural Committee could work together to promote a harmonious community. It was also reported that after the meeting, YWCA issued warning letters to two social workers in the Tai O NLCDP and then transferred them out of Tai O. One of the social worker concerned resigned subsequently.

3. The Panel noted that the subject had been studied by Duty Roster Members under the LegCo Redress System following the receipt of a complaint about the alleged exertion of pressure by SHA on the deployment of social workers involved in the incident mentioned in paragraph 2 above (the Tai O case). A case conference was held on 18 September 2009, and attendees included SHA, District Officer (Islands) (DO(Is)), representatives of YWCA and Tai O Rural Committee as well as the deputation making the complaint on behalf of the social worker concerned. At the case conference, SHA clarified that he had absolutely no intention to interfere and had indeed not made any interference. YWCA stated that the remarks made by SHA had not put any influence on it; and DO(Is) also clarified that he had not made any comments on the social workers concerned, and he had reflected the views of some local residents to YWCA.

4. At the special meeting on 28 September 2009 at which the Panel discussed issues relating to the professional autonomy of social workers in the provision of community service and the corporate governance of NGOs receiving subventions from the Government, members of the Panel noted the view of attending deputations that the Tai O case was not an isolated incident. There were concerns among deputations that as funding for subvented organisations was granted under the Lump Sum Grant Subvention System, NGOs were to some extent subject to pressure from the funding organisations during the funding allocation process. There were allegation that some NGOs had been making attempts to suppress the dissenting views of frontline social workers in delivering community services in order to secure funding under the service bidding exercises. This had undermined the professional autonomy of social workers. A motion moved by Hon CHEUNG Kwok-che was passed at the Panel meeting as follows:

"That this Panel urges the Chief Executive to set up an independent commission of inquiry immediately to investigate whether the Secretary for Home Affairs and the District Officer (Islands) have interfered with the professionalism of social workers, resulting in the quality of social services being affected; in addition, the Home Affairs Bureau should transfer the responsibilities for the policy and funding of the Neighbourhood Level Community Development Projects to the Labour and Welfare Bureau."

5. The Administration responded in its reply in November 2009 that both SHA and DO(Is) had no intention to interfere with and had not made any interference to the staff deployment or the professionalism of social workers. The inferences about exertion of pressure were totally unfounded and inaccurate. The Government considered that there was no need to set up a commission of inquiry to investigate the allegations. The Chief Secretary for Administration also made known the Administration's position in his reply to Hon Albert CHAN's question at the Council meeting on 21 October 2009.

6. In the light of the Administration's response, the Panel discussed at its meeting on 14 December 2009 a proposal of appointing a select committee by LegCo to inquire into the incident. Members noted that Hon TAM Yiu-chung had provided his views objecting to the proposal vide his letter tabled at the meeting as he was unable to join the discussion. After discussion, the Panel passed a motion moved by Hon CHEUNG Kwok-che, as follows:

"That, given the reply of the Chief Secretary for Administration to Hon Albert CHAN's oral question on 21 October 2009 that the Government would not set up an independent commission of inquiry to investigate the incident relating to the professional autonomy of social workers in the Tai O Neighbourhood Level Community Development Project, this Panel proposes that a select committee be appointed by LegCo to inquire into the aforementioned incident."

The motion was put to vote. Eight members voted for the motion, two members against the motion and one member abstained.

The Panel's views on the follow-up action on the Tai O Case

7. Some members of the Panel share the view of deputations that the Tai O case is not an isolated incident. As the problem of interference is not solely with YWCA, these members consider a thorough and independent investigation into the allegation necessary to establish the severity and extent of the problem. These members take a strong view that the Administration should set up an independent commission of inquiry to investigate the Tai O case. As the Administration has decided not to set up a commission of inquiry, these members consider it necessary for LegCo to appoint a select committee to inquire into the incident.

8. Some other members, however, consider that SHA has already made it clear that he has never expressed any opinion or attempted to put pressure on the staff deployment of YWCA and the latter has also stated that SHA's remarks had not put any pressure on it. These members take the view that the allegation is primarily an internal affair of a subvented organisation. They object to the suggestions of setting up an independent commission of inquiry or appointing a select committee by LegCo to inquire into the incident having regard to the resource implications and the fact that the matter is not contentious.

9. The Panel agreed that its proposal for a select committee to be appointed by LegCo should be put to the House Committee to seek its support at its meeting on 8 January 2010.

Advice sought

10. The House Committee is invited to support the recommendation of the Panel in paragraph 9 above.

Council Business Division 2
Legislative Council Secretariat
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