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Subcommittee on Poverty

Background brief prepared by the Legislative Council Secretariat for the meeting on 25 March 2013

Support for disadvantaged groups

Purpose

This paper summarizes the major issues raised by committees of the Council on support for disadvantaged groups.

Background

2. The Government announced the establishment of the Commission on Poverty ("CoP") on 9 November 2012 which will be underpinned by six task forces¹. The Chief Executive ("CE") will chair the annual Poverty Summit to set directions and reinforce the over-arching strategies and the Chief Secretary for Administration will chair CoP to coordinate specific measures. The Special Needs Groups Task Force of CoP will focus on measures to support the disadvantaged who have special needs.

3. In his 2013 Policy Address, CE emphasized the need for a caring society and rolled out a series of measures to assist the disadvantaged. According to the Government, it will continue to pilot different assistance programmes and trial schemes to provide necessary assistance for the disadvantaged. The Government will work with the private sector and non-governmental organizations ("NGOs") to provide more employment for persons with disabilities ("PWDs"). To promote the employment of PWDs, the Government will increase job attachment allowance and wage subsidy under the On the Job Training Programme for PWDs and the Sunnyway – On the Job Training Programme for Young PWDs. Support

¹ The six task forces formed under CoP are the Social Security and Retirement Protection Task Force, the Education, Employment and Training Task Force, the Societal Engagement Task Force, the Special Needs Groups Task Force, the Community Care Fund Task Force and the Social Innovation and Entrepreneurship Development Fund Task Force.

measures in schools will be strengthened to provide an opportunity for ethnic minority ("EM") students to learn Chinese more effectively.

Major issues raised by Members

Employment of PWDs

4. Members of the Panel on Manpower expressed concern about the impact of the implementation of the statutory minimum wage ("SMW") on employment of PWDs. The Administration explained that the productivity assessment mechanism was provided under the Minimum Wage Ordinance ("MWO") (Cap. 608) in response to public concern over the possible impact of SMW on PWDs' employment and to strike a reasonable balance between providing wage protection to PWDs and safeguarding their employment opportunities. This special arrangement had been formulated after detailed discussions between the Administration and various stakeholders. Under MWO, employees with disabilities had the right to choose to be remunerated at not less than the SMW level or at a rate commensurate with their productivity. According to the information provided by relevant organizations, newly employed PWDs were mostly remunerated at or above the SMW rate and thus needed not undergo productivity assessment. For serving employees with disabilities who opted for the transitional arrangement under MWO before 1 May 2011, they might invoke the assessment at any time as long as they were employed by their existing employers to perform the work concerned. More than 200 employees with disabilities had completed the assessment and over 80% of them were assessed to have their productivity level at or above 60%.

5. In examining the proposal to inject \$100 million into the Enhancing Employment of People with Disabilities through Small Enterprise Project ("the Project"), members of the Panel on Welfare Services ("the WS Panel") noted with concern that only some 550 job opportunities had been created since the launch of the Project in 2002-2003. In their view, the amount of funding approved was disproportionate to the number of job opportunities created for PWDs. Members raised concern about the effectiveness of the Project in enhancing sustainable employment of PWDs and called on the Administration to review the cost effectiveness of the Project.

6. The Administration advised that most NGOs participated in the Project would use the seed money to cover the "set-up cost" including furniture and equipment, fitting-out works and initial operating expenses. The Administration had been encouraging PWDs in open employment, for

example, giving more weighting to enterprises employing PWDs in awarding service contracts. The Leisure and Cultural Services Department had awarded certain service contracts to some rehabilitation organizations through restricted tenders. To enhance the sustainability of the funded businesses, the Marketing Consultancy Office (Rehabilitation) of the Social Welfare Department ("SWD") provided advisory services and organized various activities for the development and promotion of their products in collaboration with the Support the Employment of People with Disabilities Alliance, which was a registered trademark/brand name for products and services of PWDs. The Administration would continue to work with NGOs to develop more work types suitable for PWDs.

7. Members also expressed concern that among the 70 funded businesses, 14 had ceased operation. To enhance the sustainability of the funded businesses, members urged the Administration to designate specific sites in government buildings and premises with concessionary rental for the operation of business funded under the Project, as well as consider awarding service contracts to business of the Project by restricted tenders. Members also suggested that more diverse job types should be introduced to fully develop the potentials and employability of PWDs.

8. The Administration responded that the 553 job opportunities created for PWDs under the Project represented around 70% of the total number of job opportunities created. About 50% of the employees with disabilities were ex-mentally ill persons who possessed different levels of skills and expertise. In assessing the business proposals submitted by NGOs, the Assessment Panel would consider factors such as training/development programmes to be provided for prospective employees with disabilities. On-the-job training and coaching would also be offered to PWDs when they took up the employment.

Public Transport Fare Concession Scheme for the Elderly and Eligible Persons with Disabilities ("the concession scheme")

9. Noting that the PWDs eligible for the concession scheme would be those Comprehensive Social Security Assistance ("CSSA") recipients aged between 12 and 64 with 100% disabilities and recipients of Disability Allowance ("DA") under the Social Security Allowance Scheme of the same age, some members of the WS Panel had called for the relaxation of the eligibility criteria to cover persons with less than 100% disabilities and children with disabilities aged below 12. At its meeting on 14 May 2012, the WS Panel passed a motion requesting the Government to immediately extend the concession scheme to disabled children aged below 12.

10. In response to the motion, the Administration advised that its priority was to launch the concession scheme initially on three major modes of public transport, which accounted for about 72% of the daily public transport patronage in 2011. The Administration undertook to review whether to cover other modes of transport in the concession scheme after it had been running smoothly, and to conduct a comprehensive evaluation of the scheme three years after it had been fully implemented.

Residential care services for PWDs

11. Members of the WS Panel, the House Committee's Subcommittee on Poverty ("the Subcommittee") and the Joint Subcommittee on Long-term Care Policy ("the Joint Subcommittee") of the WS Panel and Panel on Health Services ("the HS Panel") were gravely concerned about the serious shortage of residential care places for the elderly and PWDs. They called on the Administration to make its best effort to increase the supply of residential care places. The Administration should formulate a five-year plan and set targets for the provision of residential care places and community care services. It should also consider providing residential care homes and hostels for mentally handicapped persons in government premises such as public housing blocks or Government Office Buildings. To mitigate opposition to provision of residential care services from local community, the Administration should make such provision at the town planning stage. Members also suggested that the Administration should consider setting aside a fixed number of public rental housing ("PRH") flats for residential care places and including the provision of residential care facilities as a condition in the sale of land.

12. The Administration responded that it would continue to steadily increase the provision of subsidized residential care places. In the short run, SWD would actively identify vacant public housing units for conversion into residential care homes for PWDs ("RCHDs"). In tandem, SWD would continue to purchase places of good service quality from private RCHDs and review and refine the Bought Place Scheme to facilitate the market to develop more service options for PWDs. On medium-to-long-term planning, SWD would bid for vacant premises at government buildings and vacant school premises for provision of rehabilitation facilities, and maintain close contact with relevant government departments including the Lands Department, Planning Department and Housing Department, with a view to reserving sites in new development or re-development projects as far as practicable for setting up rehabilitation service facilities.

13. At its meeting on 14 January 2013, the WS Panel passed a motion

urging the Administration to make planning afresh for residential care homes for PWDs and set a standard for the average waiting time, as well as commit itself to allocating more resources for such purpose, so that PWDs in need could receive quality residential care within a reasonable period of time.

Disabilities Allowance

14. Members of the WS Panel expressed concern about the timetable for completing the review on DA and allowing people with loss of one limb to apply for DA as pledged in his manifesto when CE ran for his office.

15. According to the Administration, the Inter-departmental Working Group on Review of the Disability Allowance ("the Working Group") had been established to study the subject of allowing people with loss of one limb to apply for DA and related issues. The Working Group would review the eligibility criteria for DA, assess the implications of various options on policy, implementation, finance and other related areas and make recommendations. The Working Group would report to, and seek steer as deemed appropriate from, CoP's Social Security and Retirement Protection Task Force.

16. On the timetable for the review, the Administration advised that as the Working Group's study would touch upon complicated issues of definitions, technical issues and the work of different bureaux/departments and the Hospital Authority ("HA"), it would be difficult to set a target completion time.

17. Members found it unacceptable that the Administration did not have a time frame for the review. At its meeting on 25 February 2013, the WS Panel passed a motion expressing regret at the Working Group's refusal to draw up any work schedule. The WS Panel also urged the Administration to complete its work and make recommendations within four months and report to the Council by the summer of 2013, so as to overhaul and improve the eligibility criteria and system for applying for DA.

Support for non-Chinese speaking ("NCS") students

18. Members of the Panel on Education ("ED Panel") shared the view of the Equal Opportunities Commission that EM students' inproficiency in Chinese language was the main reason for their generally low academic achievement. Members reiterated their strong call for the development of an alternative Chinese curriculum and qualification which offered a range of language attainment standards to suit the different needs and abilities of

EM students. Members also stressed the importance of providing Chinese language support programmes for EM children at pre-primary level to help them build a solid foundation for learning Chinese language. Members suggested that EM teachers be engaged in kindergartens admitting EM students to provide focused support to these children.

19. It was the Administration's view that learning Chinese language under a common curriculum framework would facilitate NCS students' integration into the community. To further support NCS students, the Administration had piloted a three-year project of After-school Extended Chinese Learning for NCS students in the 2011-2012 school year. The Administration would evaluate the effectiveness of the project taking into consideration the feedback of schools, NCS students and other stakeholders. The Administration would also conduct a longitudinal study to collect data on NCS students' academic performance to facilitate the formulation and evaluation of support measures for them.

20. Regarding support measures for NCS students to learn Chinese language at pre-primary level, the Administration advised that the Pre-primary Education Support Section of the Education Bureau had all along provided school-based support programmes to pre-primary institutions. The Administration would focus its support measures more on the needs of NCS children to learn Chinese language through the provision of school-based programmes to kindergartens.

21. Members noted that, to facilitate NCS parents in understanding the local education system and support measures for NCS students, the Administration had published the NCS Parent Information Package with translation into major EM languages and organized talks on school choice for NCS parents every year. In addition, the four support service centres for EM operated by the Constitutional and Mainland Affairs Bureau provided information on community services including education services, translation services and courses on learning the Chinese language to facilitate the integration of EMs into the community. The Administration would continue to strengthen its work in enhancing communication with NCS parents.

22. Members of the ED Panel welcomed the proposed pilot scheme on Workplace Chinese Language to help NCS students meet workplace or trade-specific requirements in terms of Chinese proficiency to enhance their employability. They considered that it was important for the Government, being the largest employer in Hong Kong, to demonstrate its commitment to offering employment opportunities to EM. They urged the Administration to take the lead in recognizing the qualifications

acquired from the proposed pilot scheme to set a good example to other employers.

Residence requirements under the CSSA Scheme

23. Members of the WS Panel's Subcommittee on Poverty Alleviation ("SCPA") of the Fourth Legislative Council noted that many newly arrived single mothers were not eligible for CSSA as they did not meet the seven-year residence requirement. These single mothers were unable to find suitable employment, because of their low-education attainment and the need to take care of their young children, and hence faced great financial hardship. SCPA suggested that the seven-year residence requirement be removed.

24. According to the Administration, Hong Kong residents aged below 18 were exempted from the residence requirement under the CSSA Scheme. The residence requirements were introduced in 2004 in line with the recommendations in the Report of the Task Force on Population Policy. The requirements helped ensure reasonable allocation of social resources and sustainable development of the social security system. Specifically, the seven-year residence requirement aimed to encourage new arrivals who could work to be self-reliant rather than relying on welfare assistance. It underlined the need for potential immigrants to plan carefully and ensure that they had sufficient means to be self-supporting before settling in Hong Kong. The Administration pointed out that the Director of Social Welfare ("DSW") had the discretion to waive the seven-year residence requirement. DSW would take into account all relevant factors of each case to establish whether there was a genuine hardship to justify the exercise of his discretion in this regard.

Financial assistance for needy patients to meet expenses on self-financed drugs

25. The HS Panel noted that the financial assistance provided for needy patients to meet expenses on self-financed drugs was provided through the Samaritan Fund ("SMF") and the Community Care Fund. To obtain financial assistance from SMF, patients had to pass a household-based financial assessment. Many members expressed objection to the household-based financial assessment requirement. In their view, the financial assessment should be based on individual financial situation instead of the applicant's household income. They strongly urged the Administration to abolish the requirement.

26. According to the Administration, the rationale for adopting a

household-based financial assessment was to encourage family members to support each other. The same principle was adopted by other safety nets funded by public money such as CSSA, legal aid and education subsidies. The Administration had no intention of changing the policy at this stage.

27. Some members were deeply concerned about the financial burden on the patients because of the extremely expensive self-financed drugs. They held a strong view that all life-saving drugs with proven efficacy should be provided by HA at standard fees and charges, rather than being classified as self-financed drugs with safety net coverage². They called on the Administration to reposition the 17 self-financed drugs as special drugs in the Drug Formulary. While noting HA's proposal to relax the assessment criteria by introducing a deductible allowance from the disposable capital of a household, many members held the view that the Administration should be more generous in setting the amount of allowance deductible to benefit more needy patients. A discretion mechanism should also be put in place to help those patients who fell marginally outside the safety net to pass the financial assessment.

Relevant papers

28. A list of the relevant papers on the Legislative Council Website is in the **Appendix**.

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² A safety net is provided through the Samaritan Fund to subsidize the drug expenses of patients who need the drugs but have financial difficulties.

Appendix

Relevant papers on support for the disadvantaged groups

Committee	Date of meeting	Paper
Subcommittee on Poverty Alleviation	-	Report of the Subcommittee to the Panel on Welfare Services (LC Paper No. CB(2)1760/09-10)
Panel on Education	14 March 2011 (Item V)	Agenda Minutes
Panel on Health Services	14 November 2011 (Item VI)	Agenda Minutes
Panel on Welfare Services	12 December 2011 (Item IV)	Agenda Minutes
Panel on Welfare Services	14 May 2012 (Item IV)	Agenda Minutes
Panel on Welfare Services	29 May 2012 (Item II)	Agenda Minutes
Subcommittee on Poverty	5 November 2012 (Item II)	Agenda Minutes
Panel on Manpower	20 November 2012 (Item IV)	Agenda Minutes
Panel on Welfare Services	10 December 2012 (Items IV and V)	Agenda Minutes
Panel on Welfare Services	14 January 2013 (Item IV)	Agenda
Subcommittee on Poverty	22 January 2013 (Item I)	Agenda
Joint Subcommittee on Long-term Care Policy	29 January 2013 (Item I)	Agenda Minutes

Committee	Date of meeting	Paper
Panel on Welfare Services	25 February 2013 (Item I)	Agenda

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