

Written Submission to Legislative Council Panel on Welfare Services

Special Meeting: July 22, 2013

BACKGROUND

The United Nations High Commissioner for Refugees (hereinafter "UNHCR") is mandated by the United Nations to lead and coordinate international action for the worldwide protection of refugees and the resolution of refugee problems. UNHCR's primary purpose is to safeguard the rights and well-being of refugees. UNHCR has had a presence in Hong Kong since the 1950s and established a permanent office here in 1979. Since 1979, UNHCR has monitored protection issues for asylum seekers, refugees and Stateless persons in Hong Kong (collectively "persons of concern" or "PoCs"), conducted refugee status determination, found durable solutions for refugees, capacity built and have lobbied for and given advice with regard to protection needs of persons of concern in Hong Kong.

Under Hong Kong's Immigration Ordinance, PoCs are forbidden to work. Therefore, they are fully dependent on the in-kind humanitarian assistance programme of the Social Welfare Department of Hong Kong ("SWD") and any available charitable donations provided by any individuals or groups to them. The SWD humanitarian assistance programme is carried out through the implementing agency, International Social Service Hong Kong Branch ("ISS-HK"). Prior to July 2013, refugees recognized before 2013 by UNHCR also received a monthly cash allowance of \$500 per person. However, due to UNHCR's budgetary constraints, this cash allowance ceased in July 2013.

UNHCR is grateful to the Hong Kong Government for extending humanitarian assistance to PoCs in Hong Kong. However as a result of the high cost of living in Hong Kong PoCs are financially burdened and have expressed to UNHCR in forums that they have many difficulties surviving in Hong Kong based on the limited assistance available. Based on information UNHCR received from the PoCs, UNHCR has also come to the conclusion that there are inadequacies in the in-kind humanitarian assistance programme run by ISS-HK that lead to protection gaps for PoCs. Below, UNHCR includes a list of areas where UNHCR has found significant protection gaps.

Accommodation Assistance

The accommodation allowance provided through the assistance programme is insufficient and does not allow PoCs to find safe and adequate housing. The baseline monthly accommodation allowance for each adult is \$1,200 and for each child aged between 3 and 12 years is \$600. This rate has not been increased to address the overall inflation level and notable surge of rental rates in Hong Kong over the past two years. Given the high property prices in Hong Kong, it is extremely difficult for PoCs to find safe and sanitary housing within the rental budget.

It is also important to note that the assistance programme does not provide PoCs with rental deposits, utility deposits or payment of commission fees to property agents for their services. This is an incredibly large impediment to PoCs being able to find any housing as most landlords do require some form of deposit and require that the leasing arrangements be handled by agents.

Other than the financial issues involved in finding adequate and safe housing, PoCs face additional problems related to landlords and property agents being reluctant to provide services to them as they hold an irregular immigration status in Hong Kong and as they do not speak Cantonese. It is very difficult for PoCs with limited language skills and lack of local knowledge to navigate the housing market to identify appropriate accommodation. There also exists racial discrimination based on the colour of their skin.

Another significant issue related to accommodation is the payment of utilities expenses. Again, the assistance programme does not provide for sufficient coverage of the cost of

utilities. This results in the deferral of utility payments for PoCs and the accumulation of debts by PoCs.

Recommendation

The accommodation assistance level for rental and utilities costs should be increased to mirror the rapid rise of rental rates and inflation. The housing market should be monitored before setting realistic figures for rental assistance. UNHCR also suggests that the housing allowance be reviewed every six months and adjusted accordingly.

It is also suggested that unless suitable accommodation that does not require deposits and agency fees is secured for PoCs, the shortfall should be provided through the programme. UNHCR believes that it places an inordinate burden on PoCs to find housing that fits into the current budget and that does not require a deposit and agency fees.

The government's implementing agency should also play a more active role in securing accommodation suitable for habitation based on the individuals needs of PoCs, help them communicate with local property agents and landlords and provide centralized, accurate and systematic information in relating to housing, including information on reliable landlords and property agents.

Food Assistance

Currently, in-kind food assistance is distributed to PoCs every 10 days through six food suppliers. Each PoC receives a food order list from which to select the type and quantity of food they wish to receive each month. However, food that they receive is often different from the food that they ordered – both in quantity and variety. Many PoCs, especially those with families and children, indicate that the quantity of food that they receive is not sufficient, particularly perishable items such as fresh meats, vegetables and fruits, which only last a few days. This problem is compounded by the fact that PoCs often do not have adequate storage (both space and refrigeration system), cooking facilities or cooking utensils for perishable food items. This directly affects the availability of a balanced and healthy diet for PoCs.

Additionally, food variety sometimes failed to meet PoCs cultural and religious restrictions, which is illustrated by an example where a Muslim PoC was provided with food prepared with lard (pork oil). Muslims are strictly forbidden by their religion from eating pork. Many PoCs have also complained about the quality of the food distributed through the programme, with PoCs complaining of rotten vegetables and fruits and expired canned goods, dairy products or even rice. Complaints made by PoCs are not entertained or followed up in a timely manner.

UNHCR has special concerns about the quantity and quality of food for families with pregnant women, children and lactating mothers. Such individuals need to have adequate nutrition in their dietary intake and it is questionable whether they are able to receive adequate nutrition with the current food assistance programme.

Recommendation

Given the problems in the current food distribution system, UNHCR advocates for a replacement of the current system of in-kind food distribution with a coupon system, enabling PoCs to freely make their food choices within the given budget. In recent years, local organizations funded by the government have implemented coupon systems as part of their food services, partnering with super-markets and small local grocery shops at wet markets alike. This system would serve as a good model.

However, if the current system is kept in place, numerous improvements can be made. Within the current system, there should be a reduction in the 10 day food collection cycle to mitigate the problems associated with transporting large amounts of heavy items as well as storage constraints.

UNHCR also recommends measures to ensure that the food supplied by its food distributors is adequate in both quality and quantity. Ingredients of each item distributed must be clearly marked so that culturally or religiously offensive situations can be avoided.

An effective, efficient and transparent complaints and investigation mechanism also needs to be established and all items should include price tags and expiry dates.

Essential Necessities for the Home

The assistance programme does not provide for basic household items and furniture. PoCs, therefore, have to rely on NGOs for donations of items such as basic cooking utensils, refrigerators, beds and mattresses. The large demand put upon NGOs for these items means that PoCs often wait from three to six months for these items.

In addition, other essential household items like cleaning products and toilet paper are either not provided or the quantity provided is insufficient. This has great potential negative impact on the hygiene situation of each family and is of concern to UNHCR.

Recommendation

A centralized allocation service should be included in the assistance programme where a designated unit is specifically tasked with identifying and distributing essential items of furniture and household items to PoCs in a timely manner.

As with the food assistance programme, it is strongly recommended that a supermarket coupon system be put in place with a budget that will cover household cleaning items as well as hygiene items and toilet paper. If such a coupon system can not be established, then UNHCR strongly recommends that the monthly hygiene package be expanded to include appropriate and adequate sanitary and household cleaning materials.

Transportation

The current system of transportation reimbursements to specific appointments only allows for reimbursement of transportation expenses upon provision of written proof that the PoC had to travel somewhere for an appointment. Therefore, PoCs can only seek transportation reimbursement after they have actually attended the appointment. This system is based on an assumption that PoCs have cash at their disposal to cover the cost of the transport to their appointments or food collection prior to the reimbursement. This is a somewhat unrealistic assumption given that PoCs are not allowed to work and cannot legally generate income.

Furthermore, the reimbursement given is based on the travel route at the lowest cost and limited to visits to public hospitals/clinics only. Certain cases, such as pregnant women, and the chronically ill, are required to attend medical appointments at public hospitals and private clinics (working on a pro bono basis) more frequently and depending on their condition, may have to take modes of transport with higher transportation costs.

Recommendation

It is recommended that the transportation allowance system be re-evaluated and include visits to private clinics, with consideration of a monthly transportation stipend, or partial stipend, to be provided to PoCs at the beginning of each month. The transport reimbursement limit should be revised upwards for the more vulnerable PoCs, such as pregnant women, the elderly, those with medical need, or those with small children, to allow for shortened and more direct modes of travel to all necessary appointments.

Education

PoC children can apply for primary and secondary education through the Education Bureau. If a suitable school is found for PoC children, the Education Bureau will give them access to the school. PoC children also have access to government educational funds provided by the Student Financial Assistance Agency ("SFAA"). However, the approval for the SFAA takes a long time. The majority of PoCs do not receive SFAA subsidies at the beginning of the school semester and therefore attend school without textbooks or exercise books. The assistance provided by the SFAA also does not cover essential expenses such as uniforms, shoes, lunchboxes, school bags, stationary or extra curricular activity fees. Furthermore, upon successful application for SFAA funds, the SFAA only makes the funds available to applicants via bank transfer. As PoCs can not open a bank account in Hong Kong, they have to seek assistance from others to receive the money. This can potentially lead to future disputes, as well as the risk of fraud.

Educational expenses such as these are also not a part of the assistance programme provided through ISS-HK.

Recommendation

The assistance programme should ensure that parents be comprehensively briefed on the procedure and timetable for school enrolment, as well as the responsibilities of parents with respect to schooling, including financial responsibilities. It is also recommended that the assistance programme should include an education allowance to help cover the costs of transportation, uniforms, and other support materials for primary and secondary students.

It is imperative that PoCs receive the funds required to cover essential items before the commencement of the school term.

Conclusion

UNHCR considers it is essential for host states to continue their efforts to ensure that refugees are able to exercise all the rights to which they are entitled regardless of their status, and are able to live in acceptable conditions. In this connection UNHCR strongly supports efforts for refugees to become self-reliant by means of employment. The ability to work and establish sustainable livelihoods would mitigate the challenges associated with an in-kind assistance programme and act as an important path to durable solutions.

Removal of legal barriers to self-reliance and livelihood programmes based on a comprehensive assessment of local challenges and opportunities such as vocational training, skills development, would also assist refugees in retaining their dignity, maintaining their social capital, preparing them for durable solutions and alleviating any pressure they might place on the national services and welfare systems.

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