

International Social Service Hong Kong Branch (ISSHK) Paper

Legislative Council Panel on Welfare Services: Special Panel Meeting, July 22, 2013

Ways to Improve the Situation of refugees, torture claimants and asylum-seekers in Hong Kong

I. Introduction

International Social Service Hong Kong Branch (ISSHK) is a non-profit organization serving children, individuals, families, migrants and displaced persons for 55 years in Hong Kong. It is part of a global network of ISS in 150 countries with a General Secretariat in Geneva, Switzerland.

The work of ISSHK with refugees, asylum seekers and torture claimants started since its inception with the influx of refugees from Mainland China moving to significant contributions to the provision of education, recreation, social work and counseling in the Vietnamese detention centers and refugee camps in Hong Kong until its closure in 1998. Since then, ISSHK strengthened its commitment to serving ethnic minorities, migrants and displaced persons which it continues to date.

Since 2006, ISSHK is the contracted implementing agency of the Social Welfare Department to provide assistance in kind to asylum seekers, torture claimants, refugees after successfully winning the tender bids for the project.

II. The Assistance in Kind Project

The policies and guidelines, eligibility criteria, appropriated amount per assistance, monitoring and reporting accountability, scope and limitations of assistance are outlined in very specific details in the contract agreement between ISSHK and the Social Welfare Department.

The guidelines of this project include but are not limited to the following:

1. Assistance is a humanitarian, tide over grant aimed at preventing the service clients from destitution. It is not equivalent to the welfare assistance.
2. All service clients of ISSHK are referred by the Social Welfare Department Integrated Family Service Centers (IFSCs) who check on their status, conduct an initial assessment of needs and defines the sense of urgency and appropriateness of which assistance ISSHK should provide.
3. ISSHK would act on the referrals of the SWD IFSCs using an individual casework approach where one Caseworker (social worker/counselor) is assigned for each service client. The caseworker conducts a comprehensive intake interview looking at the basic needs, vulnerabilities, and special concerns of each service client. These are assessed to determine the types of assistance required the level of urgency and the availability of resources and

support including possible assistance from sponsors, church, religious groups, NGOs who the service client is accessing or who is known to ISSHK as a possible source of assistance. The ISSHK assigns the sub-office nearest to the service client's given address and contact means at initial interview.

4. The assistance in kind does not come as a package as the service clients need to meet the criteria and submit the documents following the procedures required for each assistance. The assessment is done by the caseworker in active consultation with the service client looking at the realities and scenarios the client contends with within the period to a month of the intake interview.

A contract agreement is made between the service client and ISSHK on what assistance will be provided for the month with the condition that all documents, processes required are submitted on time.

5. The allowable assistance is the same across the entire territory. Differences in the levels of assistance is based on the clients' vulnerabilities which includes but is not limited to medical conditions, safety and protection issues, family size, proximity to required services and availability of sponsors/resources. The level of assistance is assessed on a case to case basis. Clients may seek assistance from other sources but the law does not allow them to be employed.
6. Assistance is formally monitored by caseworkers at least once a month and/or adjusted according to the needs and situations of the clients during the required monthly contract agreement renewal with ISSHK. The service clients' assistance is guaranteed for a month with the contract agreement with ISSHK. Service clients are required to report to their caseworkers monthly on a designated date to review their conditions, look into changing needs and situations so that the provisions of the agreement can respond accordingly.

Service clients are strongly encouraged and expected to access their designated caseworkers in addition to the monthly meetings for assistance, inquiry and complaints as they require. Caseworkers conduct home visits, monitor food collection sites and checks on the client's well being according to needs. Priority for these home visits and additional counseling sessions are according to urgency and client needs as each caseworker has a caseload of 130 service clients.

III. Assistance

A. Accommodation

Different types of accommodation are arranged depending on the service clients' vulnerability, sex, age, family size and composition, ethnicity, religious backgrounds, medical conditions, safety and protection issues and access to public services, support systems and resources.

ISSHK runs **supervised shelters for unaccompanied minors, women and children and a transit centre for emergency accommodation needs**. The caseworkers assist the clients, together with the accommodation unit to find suitable, decent accommodation where they have a bed to sleep on, facilities to cook and store food and toilets and bath facilities. Home visits are essential to defining the suitability of the accommodation to the service clients' needs. The tenancy agreement between the landlord and the client is required including details of the landlord's data.

About 98% of the service clients approach ISSHK with a given address where they are residing and/or their preferred accommodation. It is the clients who choose where they want to reside, with whom they want to share their accommodation and with their specific reasons. At best, ISSHK will provide the allowable amount, give a list of possible sites they can visit and/or schedule the accommodation search together with the caseworker and the Accommodation Unit team.

ISSHK requires a signed tenancy agreement with the landlord and details of the landlord's bank account and contacts. The ISSHK will conduct a home visit to ensure that the client's preferred accommodation exists and is equipped with a bed, cooking facilities, toilet and bath and satisfies the clients' preferences and needs.

ISSHK would either put the accommodation on hold or advise the client to seek alternative arrangements if there are legitimate concerns on safety, hygiene, appropriateness of the facilities and legality of structures.

Landlord tenancy agreements are required for all clients. Any complaints with their accommodation can be addressed by clients' direct communication with their landlords, by filing a formal complaint with ISSHK and seeking assistance for mediation and dialogue anytime in person, by phone or during home visits. It is on the basis of accumulated data on landlord's treatment of clients and feedback on living conditions that ISSHK is able to advise clients against living in particular residences and/or being negotiating with erring landlords

If ISSHK asks the client on the monthly contract renewal of assistance if there are any concerns and the client does not indicate any issues or concerns, the caseworker validates this by verifying if the client still wants to continue living in the same place. For the much publicized

Ping Che, Fanling situation, the clients have stayed there since 2008 and have indicated every month since then their desire to continue to stay in the premises.

There is no record for request for movement or complaints with the living conditions until two protest letters were submitted one in May 2013 and the other in June 2013. These protests cannot be acted on as the clients require moving in individual accommodations with higher rent than what is allowable and with expectations for ISSHK to pay rental deposits and advance rent. All these are not within the ambit of the accommodation assistance in the ISSHK and SWD contract. The SWD project does not provide for payments for rental deposits, advance rental payment and property agent fees.

Clients Emergency Accommodation

The emergency accommodation situations are mainly for the new arrivals in the airport, the minors to be released from juvenile detention, the clients released from detention and hospitals.

When the caseworkers advise the clients on the amount allocated for their accommodation, there will be differences in what the clients expect, what they are already paying for prior to ISSHK assistance and what they expect ISSHK to cover. ISSHK cannot provide for more than the allocation unless the service client has a dire situation requiring single occupancy or special arrangements which require document proof such as medical certificates. Shared housing is what majority of the service clients opt for allowing them to have better places than single occupancy rooms.

Utilities (water, gas, electricity)

Provisions are made for an allowable amount to cover the costs of water, gas and electricity for each client. Computed at cost on individual basis, ISSHK is required to attach document proofs of the consumption of each client of these utilities.

Payments are made directly to landlords who have standard rates for utility costs through autopay or the meter reading are calculated by ISSHK and paid directly to the utility companies up to the allowable allowance set by the project. The gas canisters are also issued in food collection sites for those using these butane gases.

- ISSHK covers the cost of vans and special transport arrangement for clients moving homes.
- SWD has granted ISSHK permission for special arrangements for medical and elderly cases to be accommodated in elderly and rehabilitation facilities with full costs covered.
- SWD has assisted ISSHK in providing for temporary care and placement of children without parents or children in care and protection orders in public child care facilities including boarding schools for those with special needs.

- For service users needing immediate accommodation on crisis situations, permission has been granted for ISSHK to use guesthouses while looking for accommodation with the clients.
- ISSHK seeks donations for stoves, refrigerators, furniture, household items from Crossroads International, its own network of sponsors and donors and staff.

B. Food

Social Welfare Department defines the food in kind system to have a variety of choices and a designated collection date and frequency that will allow the service clients to have a range of selection to choose from with fresh food available for frequent collection.

ISSHK has generated a list of over 500 food items that can be ordered in the designated food suppliers. Food suppliers undergo a rigorous tender bidding exercise to get a contract for one year operation which considers the stock items available, the freshness of the food, the systems built for service delivery and the price index.

The food assistance is computed on an individual rate which is adjusted according to additional vulnerabilities of the service clients. Provision of milk powder, special diet food for medical cases, special provisions during Ramadan and other dietary compliance require medical proof and nutritionist advice. Food ordering is done by service clients assisted by the caseworkers. Food ordering will be increased from 3 to 6 times per month to respond to the clients clamor for better and fresh food selections.

- Transport costs for food collection are provided. Shared taxi sharing has been allowed for family cases coming from the same address as the bulk of items may present major difficulties for a single person to carry.
- Food delivery for medical cases and single mothers with children within a designated time frame and/or as required.
- ISSHK staff spot checks all the Food Suppliers to monitor the food collections.

C. Toiletries

Every month, a pack of toiletries is issued for males and separately for females and toddlers in the food suppliers. Items include bath soap, shampoo, toothbrushes, toothpaste, and laundry soap, razors for men and sanitary pads for women. Pre natal and post natal kits are also issued in the ISSHK offices.

D. Clothing and Other Needs

All babies are issued cloth diapers which is the standard issue of the Social Welfare Department for its clients. Towels, winter blankets, individual clothing needs are on order basis. ISSHK seeks

donations and works in partnership with the Hong Kong Red Cross, Salvation Army and religious organizations for these needs.

Special needs requested are met by other donations. This includes strollers, crutches, wheelchairs, toys, games to name a few. Furniture, stoves, kitchen utensils, refrigerators and the like are accessed through Crossroads International. Church and other NGOs and individual sponsors and donors.

E. Transportation

Transportation requires cheapest route and means with document proof to indicate that service client's attendance as per the SWD contract. All appointments with the HK immigration Department, public hospitals and clinics, Duty lawyer Service, lawyers with appointment slips, UNHCR with appointment slips, ISSHK food collection, monthly meeting with caseworkers and special meetings set will be provided with transportation assistance. Once a week attendance to religious activities is provided for. Church and religious bodies are encouraged to provide for the transport assistance to service clients if they need to attend more than once.

Reimbursements are made for emergencies which are irregular activities or activities that do not have document proof. As required by the SWD contract, transportation is paid for as per document proof. It is not a transportation allowance which is the rationale for the document proof.

F. Counseling and other Psycho-social Support Activities

Counseling is directly provided by the ISSHK and/or referred to specialist clinics as required. Caseworkers schedule the counseling sessions individually or in groups.

G. **Medical waiver** is assessed on a case to case basis by the Hospital Authority and the service units of the Social Welfare Department. ISSHK may refer the clients back to their SWD IFSC caseworker who will do their own assessment .

H. **Education for children**- while the school-age children are granted the right to education, the assistance project does not provide for any educational assistance except for the permission granted by SWD in 2011 for ISSHK to provide advance money for the children who applied for Student Financial Assistance through ISSHK.

IV. Staff and Project Monitoring Mechanisms

The ratio of caseworkers (social workers/counselors) to clients is 1:130 which is far heavier than the regular caseload of social workers in the SWD and NGOs. For accommodation assistance, there is only 16 staff to cover the entire Hong Kong territory to assist the clients.

There are daily consultations with staff across units, each unit has monthly meetings to look into client situations and assess procedures, systems and discuss the client concerns and complaints. ISSHK has a monthly complaints record log covering all the assistance offered across all the units and offices. Managers meetings are scheduled for assessment, programme planning and monitoring.

Formal supervision conferences with caseworkers are held once a month with supervisors discussing details of the caseload and performance. Formal staff performance appraisal is conducted annually to determine the staff tenure and future with the agency.

Internal to ISSHK, the Chief Executive meets the Director of the programme monthly. The ISSHK Finance Unit and Administration provides central administration and fiscal management implementing tests of controls aside from the external audits made. ISSHK has the Service Quality Standards Committee that works on all programme efficiency and consistency in professional delivery of services.

Social Welfare Department monitors the project through a monthly statistical report and analysis of programme performance and services including scheduled financial reports submission. SWD audit may be announced or unannounced and conducted at least formally once a year in all the offices involving all units of operation.

SWD conducts on the spot checks of services and is almost in daily consultation with the management team on various issues affecting the clients. Time and again, the ISSHK meets with the Social Welfare Department, Hong Kong Immigration Department and Security Bureau on issues affecting the clients and the service delivery.

V. Complaints Handling

Complaints against the service, quality of service, ISSHK staff may be made in person, in writing, by email, by mail direct to the person concerned, to the immediate supervisor, to the Director of the Programme of the Chief Executive and Advisory Committee of ISSHK. Complaints may also be submitted directly to the Social Welfare Department.

ISSHK requires that the complaint be clear, specific and the complainant be identified for the issues to be addressed properly. The assistance is individually provided so complaints will be individually handled.

Complainant will be called for clarification of the complaint and whatever issues need to be addressed. In all these levels of authority and accountability, an investigation will be conducted to establish facts, accountability and course of action to be taken. The whole intent is to address the grievance and to resolve the issues immediately.

Any complaints related to the types and limitations of the assistance and the allocated budget is communicated by ISSHK to SWD for their review as it arises.

VI. CONCLUSION

ISSHK is pleased that Hong Kong has taken the bold step of getting the asylum-seekers, torture claimants and refugees out of detention centers and refugee camps. The conscious decision it has made to put the assistance programme under the Social Welfare Department guarantees a casework approach looking into the vulnerabilities and needs of the service clients. With this assistance in kind project Hong Kong has made a statement that these people are allowed to be with the community and should be viewed as part of Hong Kong while they are here.

As in any assistance programme, there will always be compromises and there will always be opportunities for improvement. ISSHK welcomes positive change that will improve the living conditions of the service clients including their capacity to develop themselves.

The current assistance project is designed exactly as a tide over grant with barely adequate provisions for adaptation to Hong Kong. What has been missed is that this tide over lasted for years and people have been in suspended limbo over their stay in Hong Kong. Looking back, if anyone had stated that the length of time for each client to stay in Hong Kong would at least be a year or more, then the entire project design, policies and provisions should have been different.

ISSHK recognizes the individual strength and capacities, talents and potentials of every asylum-seeker, torture claimant and refugee arriving in Hong Kong and gives credence to the fact that they would have been the most intelligent, reliable and courageous members of their families. They carry with them the entire family's dreams resources and hopes for a better life.

As such ISSHK submitted a deputation for the Third Report on the ICCPR in 2013 asking the government to reconsider its views and policies in granting the asylum-seekers, torture claimants and refugees the right to engage in voluntary work and paid employment and to please conduct a thorough review of how best to improve the screening procedures.

It is my deepest respect and recognition of each individual refugee, asylum seeker and torture claimant that has personally made me serve this population for over 28 years. It is the driving force behind every ISSHK staff's desire to be of help in every way possible even if the limitations of the project brings us to a very difficult position of understanding and caring but unable to give more than what is available.

ISS Hong Kong Branch does not have financial gains on this project. With its limited resources and staff, the project would have areas that it can improve on, as with any other project evolving with changing needs, policies and trends. The insinuation of ISSHK having anything to hide belies the transparency and openness the project has depicted since 2006 to date.

We are a publicly funded project and we are fully cognizant that we can and should be subject to public scrutiny in all our operations. While we serve the service clients, we have the moral and ethical responsibility to the Hong Kong people to keep the financial integrity of the project and its entire operations.

We serve about 5,000 clients and cover every aspect of their basic living condition with a limited staff of 100. Despite our continuing attempts to meet every need and cater to every client, we will deal with priorities and vulnerabilities first and in time deal with everyone.

We continue to aim for the better and all the raised concerns and issues will be addressed by ISSHK according to the scope of its responsibilities under the SWD contract. Policies and all actions requiring budget implications would have to be addressed by the government.

ISSHK welcomes a productive engagement with the clients and individuals and organizations who serve the same population we have served all these years. **It is grossly unfair to judge the worth and work of a long standing social service agency such as ISSHK with a reputation for committed and dedicated service executed by its professional team based on the discontent on government policies and assistance which ISSHK is also subjected to. On record, ISSHK has not been approached for information, clarification and any matters in today's agenda by the parties that are stating their concerns in today's meeting .**

The way forward for improvement of the services is a dialogue based on mutual respect and acknowledgement of differences in roles and oneness of purpose. Serving the refugees, asylum-seekers and torture claimants is our joint commitment, and we should rightfully expect that the parties genuinely interested in the welfare of the clients should first get a full understanding of the clients, the assistance project and the roles we all play and contribute for the improvement of the client's welfare and well being. At the end of the day, it should be the clients we serve who should be solely benefitting the most in our efforts.



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