

立法會 *Legislative Council*

LC Paper No. CB(2)1806/13-14

(These minutes have been
seen by the Administration)

Ref : CB2/PL/WS

Panel on Welfare Services

**Minutes of meeting
held on Monday, 13 January 2014, at 9:45 am
in Conference Room 3 of the Legislative Council Complex**

Members present : Hon CHAN Yuen-han, SBS, JP (Chairman)
Hon CHEUNG Kwok-che (Deputy Chairman)
Hon LEUNG Yiu-chung
Hon TAM Yiu-chung, GBS, JP
Hon Frederick FUNG Kin-kee, SBS, JP
Hon Ronny TONG Ka-wah, SC
Dr Hon LEUNG Ka-lau
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Hon WONG Yuk-man
Hon Frankie YICK Chi-ming
Hon Gary FAN Kwok-wai
Hon CHAN Chi-chuen
Hon CHAN Han-pan
Dr Hon KWOK Ka-ki
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Helena WONG Pik-wan
Hon POON Siu-ping, BBS, MH
Hon TANG Ka-piu

Members absent : Hon Albert HO Chun-yan
Hon LEUNG Che-cheung, BBS, MH, JP

Members attending : Hon Emily LAU Wai-hing, JP
Hon Paul TSE Wai-chun, JP
Hon YIU Si-wing
Hon KWOK Wai-keung

**Public Officers : Item III
attending**

Miss SHEA Wing-man
Principal Assistant Secretary for Labour and Welfare
(Welfare) 1
Labour and Welfare Bureau

Ms Carol YIP, JP
Director of Social Welfare
Social Welfare Department

Mr FUNG Man-lok
Assistant Director of Social Welfare (Youth &
Corrections)
Social Welfare Department

Item IV

Ms Maggie WONG
Deputy Secretary for Security 3
Security Bureau

Mr Billy WOO
Principal Assistant Secretary for Security D
Security Bureau

Mr LAM Ka-tai
Deputy Director of Social Welfare (Services)
Social Welfare Department

Mr FUNG Man-chung
Assistant Director of Social Welfare (Family & Child
Welfare)
Social Welfare Department

Mr Albert LEUNG
Senior Education Officer (Placement & Support)
Education Bureau

Item V

Mrs Elina CHAN
Principal Assistant Secretary for Labour and Welfare
(Welfare) 3
Labour and Welfare Bureau

Miss Cecilla LI
Assistant Director of Social Welfare (Elderly)
Social Welfare Department

**Attendance by : Item III
invitation**

Social Welfare Organization Employees Union

Miss CHEUNG Sau-hung
Officer

**Clerk in : Mr Colin CHUI
attendance** Chief Council Secretary (2) 4

**Staff in : Ms Catherina YU
attendance** Senior Council Secretary (2) 4

Miss Maggie CHIU
Legislative Assistant (2) 4

Action

I. Information paper(s) issued since the last meeting
[LC Paper Nos. CB(2) 523/13-14(01) and CB(2)560/13-14(01) to (02)]

(The Deputy Chairman took the chair in the temporary absence of the Chairman.)

Members noted that the following papers had been issued since the last meeting –

Action

- (a) referral from the Public Complaints Office on policies relating to rent control and rent allowance under the Comprehensive Social Security Assistance Scheme [LC Paper No. CB(2)523/13-14(01)];
- (b) letter dated 13 December 2013 from Hon TANG Ka-piu regarding the Administration's proposal to remove the restriction on importation of labour for private homes for the elderly under the Enhanced Bought Place Scheme [LC Paper No. CB(2)560/13-14(01)]; and
- (c) letter dated 17 December 2013 from Dr Hon Fernando CHEUNG on the Court of Final Appeal's judgment regarding the residence requirement for Comprehensive Social Security Assistance [LC Paper No. CB(2)560/13-14(02)].

II. Items for discussion at the next meeting

[LC Paper Nos. CB(2)626/13-14(01) to (02)]

2. The Deputy Chairman informed members that the Administration had requested to submit the proposed items for discussion at the next regular meeting scheduled for 10 February 2014 after the Panel had received the briefings by the Secretary for Labour and Welfare and the Secretary for Home Affairs on the Chief Executive's 2014 Policy Address at the special meeting on 23 January 2014. He suggested that the Panel decide at that special meeting the items for discussion at the next regular meeting. Members agreed.

III. Shortage of supporting staff (including Programme Workers) in the social welfare sector

[LC Paper Nos. CB(2)291/13-14(01), CB(2)439/13-14(01), CB(2)626/13-14(03) to (05) and CB(2)678/13-14(01) to (02)]

3. At the invitation of the Deputy Chairman, Director of Social Welfare ("DSW") briefed members on the current situation of the supporting staff in the social welfare sector and the latest situation on Programme Workers ("PWs").

4. At the invitation of the Deputy Chairman, Miss CHEUNG Sau-hung of Social Welfare Organization Employees Union ("the Union") presented the Union's views. Miss CHEUNG said that while the Administration's

Action

policy to employ PWs on a temporary basis could alleviate the problem of youth unemployment, it could not resolve the problem of manpower shortage of supporting staff in the social welfare sector. According to the results of the survey conducted by the Union, the average number of PWs accounted for 28.6% of the total number of staff in the non-governmental organizations ("NGOs") under survey. For some of these NGOs, more than half of their staff were PWs. The lapse of the PW posts would result in an even tighter supply of manpower in the social welfare sector, thereby affecting the service standard. Stressing that PWs played an important role in the provision of social services for the well-being of the community, she expressed grave concern about the burden imposed on social workers who had to take up the work of PWs and the adverse impact on the operation of the sector arising from the tight supply of manpower. Deleting the PW posts would also deprive the young people, who had an aspiration for the social welfare profession, of the opportunity to pursue their career in the sector. She further said that the pay level for PWs had not been increased in the past six years. She called on the Administration to make the PW posts permanent, draw up a long-term development plan for supporting staff, increase the number of supporting staff posts, formulate a pay scale and improve the remuneration for PWs.

Supporting staff planning for the social welfare sector

5. Dr Fernando CHEUNG expressed grave concern about the impact of the deletion of the PW posts on the provision of services and hoped that the Administration would make the PW posts permanent. He said that there was a great demand for supporting staff due to the growing needs for social welfare services in the community. While the pilot project "Caring Angels" of the Tung Wah Group of Hospitals ("TWGHs") had recruited 30 PW incumbents and the Youth Career Navigation Scheme in Elderly Services ("YCENSES") implemented by the Yuen Yuen Institute would provide 200 places for young people, these places were far from adequate to absorb the 2 000 odd affected PWs. Mr POON Siu-ping was also concerned about the impact on the provision of services and considered that the Administration should comprehensively review the staff establishment of the social welfare sector to meet the service demand. Dr Fernando CHEUNG and Mr POON Siu-ping asked whether the Administration had assessed the service impact arising from the deletion of the PW posts. Dr CHEUNG also sought information on the demand for manpower in the social welfare sector and the manpower planning, including career development planning for supporting staff, in the next five years.

Action

6. DSW responded that PWs were not core or permanent posts in the NGOs concerned. Vacancies arising from the departure of PWs were not filled since September 2013 and a snapshot for PWs was taken at that time to minimize the impact of the completion of the PW programme. As the purpose of creating temporary PW posts was to facilitate the incumbents to gain work experience for securing jobs in the employment market, the serving PWs should have equipped themselves to look for other opportunities for career development after serving in the temporary posts. It was also noted that the majority (about 83%) of the serving PWs were working in youth services and the youth population had decreased.

Admin

7. Regarding long-term manpower planning, DSW said that NGOs should set aside the necessary funding for staffing requirements, including that for supporting staff. In preparing the projections, NGOs should also take into account the additional staff required for the delivery of new services in the near future. The Administration had requested the Hong Kong Council of Social Service ("HKCSS") to disseminate such information to the NGOs concerned. The Administration undertook to provide information on the staff establishment of NGOs operating under the Lump Sum Grant ("LSG") Subvention System.

8. DSW further said that YCNSES, the "Career Development Project" launched by the Boys' and Girls' Clubs Association of Hong Kong and TWGHs funded by the Lotteries Fund ("LF") as well as other projects would provide the PW incumbents with an alternative career choice. A total of some 700 training/employment quotas were provided under these job training and employment support projects. In addition, many NGOs had indicated that they were willing to employ the serving PWs to fill supporting staff vacancies and would give priority to them in considering replacement for other job vacancies, particularly for elderly care posts.

9. Mr TANG Ka-piu said that as the creation of the temporary PW posts aimed to help young people to seek employment after gaining working experience, the Administration should project the number of PW incumbents, who were unable to find a job or participate in job training or employment support projects, when the PW posts lapsed in 31 March 2014.

10. DSW responded that a notable number of job training/employment support places were available and there was also a large number of job vacancies suitable for young people in the private sector as well as in the social welfare sector. She appealed to the serving PWs to pursue their long term career proactively and consider other posts in the social welfare sector so as to help the development of the whole welfare sector.

Action

11. Mr CHAN Han-pan enquired whether there were cases in which NGOs subvented by the Social Welfare Department ("SWD") had withheld the recruitment of replacements for permanent posts and employed PWs instead, and whether these NGOs would fill these vacancies with the lapse of the PW posts.

12. DSW responded that under the LSG Subvention System, NGOs might flexibly deploy resources. Many of the organizations, which the Administration had contacted, had indicated that they would employ the PW incumbents to fill the job vacancies in their organizations.

13. In response to Mr CHAN Han-pan's enquiry about the job nature of the 750 vacancies in the social welfare sector, DSW said that these vacancies comprised welfare workers, community workers, elderly care workers and clerical posts.

14. Mr POON Siu-ping said that importing labour for the elderly care sector would deprive young people who were interested in the elderly care profession of the chance to receive the relevant training. To address manpower shortage in the elderly care and rehabilitation sector, the training institutes concerned should draw up a long-term plan which should include the number of training/employment support places to be provided, the remuneration package, etc. Qualification framework for the trainees should also be drawn up.

15. DSW responded that SWD-subvented NGOs could seek funding from LF to implement staff training and development programmes. NGOs were encouraged to submit job training and employment support proposals to help the serving PWs plan their career. Various training programmes for young people were also provided by the Labour Department and the Employees Retraining Board.

16. The Deputy Chairman said that there was a drastic increase in the demand for the existing welfare services. In addition to new services and with more Community Care Fund programmes coming on board, it was anticipated that supporting staff would face heavier workload. While there was an increase in the number of professional grade staff, no changes had been made in the past 10 years to the establishment of non-professional grade supporting staff. Coupled with the difficulties in recruiting supporting staff in the welfare sector, the loss of the PW posts would aggravate the manpower shortage problem. He called on the Administration to conduct a holistic review and formulate a long-term plan on the establishment of supporting staff.

Action

17. DSW responded that the LSG Subvention System gave NGOs flexibility in resource deployment. Additional funding was allocated under the LSG Subvention System to NGOs for enhancing their administrative support and supervisory capability. Funding would also be provided for meeting manpower requirement arising from new services if necessary. The Administration would continue to keep in view the manpower supply in the social welfare sector. The Deputy Chairman opined that the downside of the flexibility provided by the LSG Subvention System was that some NGOs had not recruited the required number of supporting staff. Mr Frankie YICK said that the Administration should put in place a mechanism to monitor the funding allocation under the LSG Subvention System and a percentage of funding should be designated for front-line staff recruitment. Dr Fernando CHEUNG concurred that the Administration should ensure that necessary resources would be deployed for meeting the need for supporting staff in the social welfare sector.

18. DSW responded that the Lump Sum Grant Independent Review Committee ("the Committee") was looking into issues relating to frontline staff in the social welfare sector. The Administration hoped that the Best Practice Manual for NGOs recommended by the Committee would help improve communications between NGOs and their employees, thereby facilitating better manpower planning. The Administration would brief the Panel on the development later.

Job opportunities for the serving PWs

19. Mr CHAN Han-pan said that as many of the current job training and employment support projects were related to elderly services, they might not be very attractive to young people. He asked whether there was any plan to launch job training and employment support projects on other services. He also enquired about the support for the NGOs the operation of which would be affected by the deletion of the PW posts.

20. DSW responded that NGOs would launch job training and employment support projects according to their staffing needs. Some NGOs, had deployed their PWs to take up other positions. She had met with some participants of YCNSSES who shared that after an initial familiarization period, they found job satisfaction in working in residential care homes for the elderly ("RCHEs") and believed that there was a career prospect in elderly services.

21. Mr Frankie YICK pointed out that although the Administration had explicitly stated that the PW posts were temporary and time-limited in

Action

nature when the posts were created, it had already extended these posts thrice. The NGOs concerned should have planned ahead to ensure smooth operation and to address their manpower shortage problem. He said that the maritime sector and aviation sector had difficulties in recruitment and would welcome young people to join the industries. He appealed to young people to enrol in the programmes under the Maritime and Aviation Training Fund with a set-up funding of \$100 million.

22. Noting from HKCSS's submission (LC Paper No. CB(2)678/13-14(01)) that there were about 1 000 job vacancies of elderly care workers, Mr Frankie YICK asked how many of these vacancies were taken up by the serving PWs. DSW responded that the Administration did not have figures for the whole sector, but as at 7 January 2014, 17 PWs, 31 PWs and 123 PWs were recruited under Scheme 2 of YCNSES (which was exclusively for PW incumbents and the target number of recruits was at least 100 PWs), the Caring Angels pilot project and the Career Development Project respectively. The Administration was prepared to launch more programmes if necessary.

23. DSW responded that many NGOs had made arrangements for the termination of the PW programme, which included arranging PWs to visit RCHes and rehabilitation units, providing PWs with information on elderly care services, assigning social worker to give advice to PWs on a one-on-one basis, etc.

24. Miss CHEUNG Sau-hung said that young people should be provided with career choices. Providing employment assistance in the elderly services sector alone could not address the needs of those young people who wished to continue their career in youth services. Sharing Miss CHEUNG's view, Mr TANG Ka-pui said that as a transitional arrangement for this group of PWs, the Administration should consider increasing the number of PA posts.

25. DSW responded that the Administration had been in touch with the NGOs concerned regarding employment assistance for PWs and had encouraged them to seek the Administration's help if they had difficulties. According to the NGOs, the situation was generally manageable. Appreciating the passion of some PWs in youth services, she said that with the declining youth population, resources should be allocated to the services most needed.

26. Regarding Mr TANG Ka-piu's suggestion on providing more PA posts, DSW responded that the main purpose of the PW programme was to

Action

equip young people with work-related knowledge and experience to help them move up the career ladder. As the qualification requirement and remuneration of PAs were lower than those of PWs, taking up the PA posts by the serving PWs would be of no help to their career development.

Demand for youth services

27. Mr TANG Ka-piu said that notwithstanding a decrease in the youth population, there was a great demand for youth and children services in certain poverty stricken places such as Tuen Mun, North District, Tung Chung and Sham Shui Po. The SWD-subvented NGOs, which were located in these places and had a larger proportion of PWs, would have great difficulties in maintaining their service quality.

28. DSW responded that according to the Administration's study, the overall provision of the Integrated Children and Youth Services Centres ("ICYSCs") exceeded the requirement (by 25% currently and over 30% in 2021), because of the gradual decrease in youth population.

29. Assistant Director of Social Welfare (Youth & Corrections) supplemented that in 2011, the number of children and youth aged between 6 and 24 in Tuen Mun and Northern District were around 99 000 and 69 000 respectively. The anticipated number of surplus ICYSCs in these districts in 2021 would be 6.8 and 2.7 respectively. At the request of the Deputy Chairman, the Administration undertook to provide the numbers of youth population and of ICYSCs by district from 2014 to 2021.

Admin

30. Miss CHEUNG Sau-hung said that the Union disagreed that the demand for youth services had decreased. To her understanding, many NGOs could not cope with the workload after the departure of PWs. Some of them had used their own funds to hire PAs and NGOs which could not afford to do so were facing great difficulties. The workload of some ICYSCs, such as the one in Tung Chung, was very heavy. She urged the Administration to critically assess the impact of the deletion of PW posts on the services.

Motion

31. Mr TANG Ka-piu moved the following motion –

"本事務委員會促請社會福利署肯定活動工作員的貢獻，重視社福界人手規劃，並開設常額輔助支援職系，吸納約2 100名活動工作員，避免造成失業，以提升服務質素。"

Action

32. Mr Frankie YICK proposed to add "盡快檢討" after the phrase "重視社福界人手規劃" and delete "避免造成失業". Mr WONG Yuk-man proposed to add "有關政策" after "盡快檢討" in the motion as amended by Mr Frankie YICK's proposed amendment. Dr Fernando CHEUNG proposed to add "及於半年內向本事務委員會提交報告" after "盡快檢討有關政策" in the motion as amended by the proposed amendments by Mr YICK and Mr WONG.

33. The Deputy Chairman put the following motion as amended by Mr Frankie YICK, Mr WONG Yuk-man and Dr Fernando CHEUNG to vote –

"本事務委員會促請社會福利署肯定活動工作員的貢獻，重視社福界人手規劃，盡快檢討有關政策及於半年內向本事務委員會提交報告，並開設常額輔助支援職系，吸納約2 100名活動工作員，以提升服務質素。"

(Translation)

"That this Panel urges the Social Welfare Department to recognize the contribution of Programme Workers (PWs), attach importance to manpower planning of the social welfare sector, review the relevant policies expeditiously and submit a report to this Panel within six months, as well as establish a permanent supporting grade to absorb some 2 100 PWs for enhancement of service quality."

34. All members present voted for the motion. The Deputy Chairman declared that the motion was carried.

IV. Ways to improve situation of mandated refugees, torture claimants and asylum seekers in Hong Kong

[LC Paper Nos. CB(2)1774/12-13(01), CB(2)626/13-14(06) to (07), CB(2)638/13-14(01), CB(2)654/13-14(01), CB(2)663/13-14(01) and CB(2)678/13-14(03)]

35. At the invitation of the Deputy Chairman, Deputy Secretary for Security 3 ("DS for S") briefed members on the proposed enhancements to

Action

the humanitarian assistance for non-refoulement claimants ("claimants") in Hong Kong.

Level of assistance

36. Mr WONG Yuk-man said that the enhancements to the humanitarian assistance proposed by the Administration were still inadequate to prevent claimants from becoming destitute. In his view, the Administration had not observed Article 23 of the 1951 Convention relating to the Status of Refugees ("the Refugee Convention") in the provision of assistance to claimants in Hong Kong. Article 23 of the Refugee Convention stated that the Contracting States should accord to refugees lawfully staying in their territory the same treatment with respect to public relief and assistance as was accorded to their nationals. Given that claimants had to stay in Hong Kong for a considerably long time because of the lengthy screening process, it was inhumane if they were not provided with the level of assistance comparable to the local social security assistance or as required under Article 23 of the Refugee Convention. Since it was the Administration's responsibility to determine the status of claimants, he disagreed that increasing the assistance for claimants would create a magnet effect. He was concerned that claimants were forced to take employment to make ends meet because of inadequate assistance.

37. DS for S responded that the Refugee Convention did not apply to Hong Kong and the level of assistance for claimants was not determined according to the requirements provided therein. It was offered to claimants who were deprived of basic needs during their presence in Hong Kong on a case-by-case basis and on humanitarian grounds to prevent them from becoming destitute. The in-kind assistance provided to claimants should be distinguished from the welfare assistance provided to eligible Hong Kong residents.

38. Mr WONG Yuk-man said that notwithstanding that the Refugee Convention did not apply to Hong Kong, allowing claimants to receive the same level of public relief and assistance as Hong Kong people was a universal value.

39. Dr Fernando CHEUNG was of the view as both the Comprehensive Social Security Assistance ("CSSA") and assistance for claimants sought to meet basic needs of the beneficiaries, claimants should receive a comparable level of assistance as CSSA recipients.

40. Mr YIU Si-wing supported the enhanced assistance for claimants. He was of the view that assistance for claimants should be offered on

Action

humanitarian grounds to prevent them from becoming destitute and should not be pegged to CSSA.

41. Ms Emily LAU opined that Hong Kong, being an international city, had an obligation to provide claimants with the minimum subsistence. She concurred that claimants should receive a level of assistance equivalent to that of CSSA. She said that the Hong Kong Special Administrative Region Government should consider to be a signatory to the Refugee Convention.

(The Chairman took the chair at this juncture.)

42. The Chairman said that the enhanced level of assistance was still low, which might give rise to illegal labour problems. In addition to in-kind assistance, the Administration should also facilitate claimants to participate in more social activities. The Administration should speed up the screening process and evaluate what else it could do to help claimants.

43. Deputy Director of Social Welfare (Services) ("DDSW(S)") said that the proposed enhancements had taken into account the scope of the existing service contract and the situation of claimants. The Administration considered that it had fulfilled its legal obligations in preventing claimants from becoming destitute with the enhanced service package. He added that the new rent allowance grid would benefit 87% of the claimants. In this connection, Mr Paul TSE requested the Administration to provide information on the practice of neighbouring countries, including Singapore, regarding the provision of assistance to protection claimants.

Admin

44. In response to Mr YIU Si-wing's enquiry about the number of claimants' complaints about inadequate assistance, DDSW(S) said that in most cases, claimants approached International Social Service Hong Kong Branch ("ISS-HK") to seek clarification rather than lodging a complaint. The assistance provided for individual claimants varied according to the needs and situations of the claimants concerned. The requests of claimants for a higher level of assistance would be considered by ISS-HK on individual case merits.

45. Noting that a claimant who was in need of rent allowance higher than the amount in the grid could lodge an application to ISS-HK for consideration, Mr KWOK Wai-keung was of the view that the discretionary approval of such application should be exercised by SWD instead of ISS-HK. DDSW(S) responded that SWD would liaise closely with ISS-HK and take part in considering such applications.

Action

Service contract of in-kind assistance

46. Dr Fernando CHEUNG said that the current arrangement of commissioning only one agent, i.e. ISS-HK, to provide assistance service for claimants was undesirable. There were also disputes on the service in the past and in the absence of a redress mechanism, these disputes could not be handled properly. To improve the situation, the Administration should consider engaging two or more agents for the provision of assistance service for claimants and putting in place a redress mechanism for handling complaints about the service.

47. Ms Emily LAU said that she had also received complaints about the assistance service. In her view, commissioning more than one agent would help reduce the number of complaints.

48. DDSW(S) responded that it was more cost effective to commission the service package to a single service provider having regard to the service targets and objectives. The current service contract was estimated to end later in 2014. Before the expiry of the current service contract, the Administration would explore the feasibility of engaging more than one agent to provide the service in the next contract and assess the impact of the changes on service users.

49. Noting that the Administration would consider building in a regular review mechanism based on objective criteria in the next service contract, Mr POON Siu-ping sought more information on the objective criteria and the duration of the service contract. DDSW(S) responded that objective indicators such as the Consumer Price Index (A), information obtained from the Rating and Valuation Department, etc. would be considered for inclusion in the next service contract for reviewing the service package, if necessary.

Processing time for and statistics of non-refoulement claims

50. In response to Mr KWOK Wai-keung's enquiry about the number of torture claims and substantiated claims in the past three years, DS for S said that 15 out of the 4 534 torture claims processed were substantiated and there were currently 2 792 outstanding torture claims.

51. In response to Dr Helena WONG's enquiry about the time required for the Administration to process a torture claim and the number of such claims, DS for S said that it took about five to six months on average to

Action

complete processing a claim upon receipt of the required information. The number of torture claims received in 2010, 2011, 2012 and 2013 were around 1 800, 1 400, 1 200 and 491 respectively. In addition to torture claims, the Administration had received many non-refoulement protection claims by invoking Article 3 of the Hong Kong Bill of Rights ("BOR") after the judgments made by the Court of Final Appeal ("CFA") in two non-refoulement protection claims. There were currently 2 900 odd non-refoulement protection claims.

52. Dr Helena WONG said that the period of stay of claimants hinged largely on the processing time for their claims. She expressed concern about whether the Administration could maintain the processing time for the claims at five to six months with the existing manpower. The Administration should consider deploying additional staff to handle the claims.

53. DS for S responded that the Administration had assessed more than 1 500 claims in 2012 and 2013. To shorten the processing time for non-refoulement claims on different grounds (namely the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, BOR Article 3 and persecution), the Administration had announced its plan in July 2013 to introduce a unified screening mechanism ("USM") to assess these non-refoulement claims.

54. The Chairman and Mr Paul TSE sought information on the time required to assess non-refoulement claims on different grounds lodged by the same claimant and how USM would help in reducing the processing time for this type of claims. DS for S responded that the processing time varied from case to case. The Administration would process each claim according to the statutory requirements and the provisions of relevant international conventions. Since asylum claims were dealt with independently by the United Nations High Commissioner of Refugees ("UNHCR") in Hong Kong, the Administration was unable to evaluate the time required to assess non-refoulement claims on different grounds filed by the same claimant. USM would avoid claimants lodging one non-refoulement claim after another.

55. Mr Frankie YICK said that the Liberal Party ("LP") supported the proposed enhanced assistance for claimants. He expressed concern about the possible abuse of the humanitarian assistance given the large number of unsubstantiated non-refoulement claims. LP had conducted a survey and interviewed some 1 300 members of the public in July 2012. According to the survey, over 70% of the interviewees expressed worries that the

Action

number of refugees would continue to rise; about 60% of them considered that the Administration should cease using public money to assist claimants and should request UNHCR to provide assistance to claimants; more than 75% of the respondents supported the implementation of USM. He hoped that the Administration could implement USM as soon as possible so as to solve the problem of claimants stranded in Hong Kong.

56. The Chairman and Ms Emily LAU also called for an early implementation of USM. In response, DS for S said that the Administration was discussing with stakeholders on the implementation details. USM was expected to be implemented before the end of 2014.

57. Ms Emily LAU said that the Administration should provide Members with information on the number of non-refoulement claims received and keep them posted.

58. DS for S responded that there was an uptrend in the number of non-Chinese illegal entrants in the past few years. The relevant figures in 2011, 2012 and 2013 were 547, 756 and 1 218 respectively. She reiterated that the Administration had to be careful about the arrangements to avoid attracting a large number of claimants.

Permission to take up employment

59. Dr Fernando CHEUNG said that claimants were not allowed to take up employment during their stay in Hong Kong. Since many claimants had to stay in Hong Kong for a few years before their claims were determined, the Administration should consider permitting them to take up paid job under certain conditions or work as volunteers in NGOs. It would enable claimants to live a more meaningful life which was a basic human right.

60. DS for S responded that under the law, persons not having the right to enter and remain in Hong Kong were forbidden to take up employment, whether paid or unpaid, unless with the permission of the Director of Immigration on exceptional circumstances. It was pivotal to avoid the misunderstanding that claimants could work during their stay in Hong Kong. Otherwise, it would impose a serious risk on immigration control and create a heavy burden to the society at large.

61. Mr KWOK Wai-keung was of the view that the Administration had endeavoured to assist claimants to meet their basic needs and the service package for claimants was reasonable. He said that claimants should be

Action

prohibited from taking up employment in Hong Kong to avoid the mistaken impression that they could prolong their stay in Hong Kong.

62. Mr POON Siu-ping expressed concern about unlawful employment involving claimants and sought information in this regard. DS for S responded that according to the Immigration Ordinance (Cap. 115), illegal entrants or persons in respect of whom a removal order or a deportation order was in force must not take up employment. Offenders were liable on conviction to a fine of \$50,000 and to imprisonment for three years. Around 700 claimants had been arrested for unlawful employment since 2009.

63. DS for S further said that the Administration had taken vigorous actions to combat illegal employment. Observing that illegal employment activities concerning claimants had taken place in rural areas such as recovery parks and vehicle scrap yards, the Immigration Department ("ImmD") had expanded the operation areas to cover the rural areas. ImmD would continue to adopt the intelligence-based approach in enforcing law and would also step up inspections at the black spots of illegal employment jointly with the Police and the Labour Department. In 2013, a total of around 13 000 anti-illegal employment operations had been conducted and over 500 of which were carried out jointly by ImmD and other law enforcement agencies. The Administration had also launched publicity programmes such as distributing publicity leaflets in different languages to enhance claimants' awareness that they were forbidden to work during their stay in Hong Kong.

64. Mr YIU Si-wing said that as claimants were forbidden to work in Hong Kong while waiting for the determination of their claims, many of them would have a sense of loneliness. To enable them to get social support, he suggested that the Administration consider building up a community in rural areas to accommodate claimants. The Administration could also work with NGOs to engage claimants in performing voluntary work such as work related to environmental protection and farming.

65. DS for S responded that in view of the large number of claimants in Hong Kong, it would be difficult to find suitable premises for them to live together. The Administration considered the existing mode of assistance workable as 98% of claimants were able to find accommodation with the assistance provided. However, the Administration would not rule out other forms of in-kind assistance, including those suggested by Mr YIU, provided that they were feasible and could achieve the policy objectives.

Action

66. Ms Emily LAU said that it would be hard for claimants if they had no sustenance during their stay in Hong Kong, which could be a few years. The Administration should reconsider allowing claimants to work or take part in voluntary activities during their presence in Hong Kong. DS for S responded that the Administration would carefully consider members' suggestion from the implementation and legal perspectives.

67. Mr CHAN Han-pan said that CFA would soon decide on a case concerning a claimant requesting to take employment in Hong Kong. If CFA ruled in favour of the claimant, it would have profound implications. He enquired about how the Administration would prepare itself for responding to the implications. DS for S responded that the Administration would exercise due care in assessing the implications of each and every court's ruling and take actions in a prudent manner.

68. Mr Paul TSE said that imprisonment or fine might not be effective in deterring illegal employment. He wondered whether the Administration would consider other deterrent measures, such as suspending the processing of the claimant's claim if he or she was convicted of illegal employment. At Mr TSE's request, DS for S undertook to provide the number of convicted cases concerning unlawful employment which involved protection claimants.

Admin

Measures concerning immigration control

69. Mr CHAN Han-pan said that the proposed enhancements were moderate and appropriate. In his view, an abundant assistance might attract more claimants to Hong Kong which would create a heavy burden on Hong Kong. According to some media reports, some claimants had already appointed lawyers to prepare their torture claimant forms before their arrival in Hong Kong. He asked about the measures the Administration would take to avoid the magnet effect.

70. DS for S responded that the Administration had carefully set the level of in-kind assistance for claimants to prevent them from becoming destitute while at the same time not creating a magnetic effect attracting economic migrants to come to Hong Kong. The Administration considered that the existing mode and level of assistance had served this purpose.

71. Expressing concern about immigration control, Mr Paul TSE asked whether the Administration had drawn up criteria in granting visa to visitors from the South East Asia and Middle East in view of the claimant problems in Hong Kong.

Action

72. DS for S said that the Administration would review the policies concerning the granting of visa from time to time. The Administration would consider tightening the visa policies for certain places as and when necessary.

Repayment of debt by UNHCR

73. Mr CHAN Han-pan said that UNHCR should reimburse the Government for the sum incurred in providing assistance for claimants. UNHCR should also pay back the \$1.1 billion it owed the Government for providing assistance for the Vietnamese boat people. He asked whether the Administration had made such claim to UNHCR and the progress.

74. Principal Assistant Secretary for Security D responded that the Administration had reminded UNHCR of the latter's obligation for the repayment both in writing and at meetings. According to UNHCR, it was unable to pay back the debt as it had difficulties in raising funds and had to use its current funding for more urgent purposes. The Administration would continue to follow up the matter.

V. Pilot scheme on community care service voucher for the elderly
[LC Paper Nos. CB(2)626/13-14(08) to (09)]

75. At the invitation of the Chairman, Principal Assistant Secretary for Labour and Welfare (Welfare)3 ("PAS(LW)(Welfare)3") and Assistant Director of Social Welfare (Elderly) ("ADSW(Elderly)") briefed members on the progress of the implementation of the first phase of the Pilot Scheme on Community Care Service Voucher for the Elderly ("the Pilot Scheme").

The design of the first phase of the Pilot Scheme

76. Noting that the Administration had issued 8 500 invitation letters but only 749 eligible elderly persons had participated in the first phase of the Pilot Scheme, Dr Fernando CHEUNG urged the Administration to critically review the existing parameters in the light of the great demand for community care services ("CCS"). He pointed out that the Administration's explanation for the decline was that 49% of the invitees already had carers and 22% of them wanted to receive residential care service ("RCS") only. He opined that the Administration had attempted to use these reasons to undermine the demand for CCS. In his view, the low participation rate boiled down to the design of the Pilot Scheme. The

Action

service mode did not suit the needs of some elderly persons. Some other elderly persons might not be able to afford the co-payment either. Besides, the means-test requirement might also be one of the main reasons for the unsatisfactory response to the Pilot Scheme. Given that many stakeholders had criticized the design of the Pilot Scheme, the Administration should examine afresh the Pilot Scheme and rectify the design mistakes.

77. ADSW(Elderly) responded that as 400 out of the 749 participants of the Pilot Scheme were only waiting for RCS in the Central Waiting List ("CWL") of the Long Term Care ("LTC") Services, the Pilot Scheme had helped alleviate the waitlisting situation of RCS.

78. The Chairman and Mr CHAN Chi-chuen were of the view that the Pilot Scheme should have received a better response if it could meet the needs of elderly persons. Pointing out that the Administration had only provided the reasons for decline by 71% of the invitees, Mr CHAN Chi-chuen said that there could be other reasons for non-participation. Mr CHAN Chi-chuen and Mr POON Siu-ping said that the Administration should find out these reasons and take targeted measures to increase the participation rate, e.g. to step up the promotion of the Pilot Scheme. Mr CHAN Chi-chuen considered that eligible elderly persons who were mildly impaired should also be covered by the Pilot Scheme.

79. ADSW(Elderly) responded that the 1 200 vouchers under the first phase of the Pilot Scheme would be issued in a period of two years. Since the Pilot Scheme had only been implemented for four months and there were around 2 300 replies pending, more time should be allowed for Responsible Workers ("RWs") to help the elderly persons and their family members understand more about the Pilot Scheme. As mildly impaired elderly persons were not on CWL, they were not covered by the first phase of the Pilot Scheme. She added that other reasons for decline included waiting by the elderly persons for admission to residential care homes, no preferred service providers and refusal to undergo means-test. She hoped that the evaluation of the first phase of the Pilot Scheme conducted by the Sau Po Centre on Ageing ("COA") of The University of Hong Kong would help find out more reasons for non-participation.

80. Mr POON Siu-ping asked whether the main reason for ineligibility for the first phase of the Pilot Scheme was because the applicants did not pass the means test. He also enquired whether the elderly persons who had declined the invitation could join the Pilot Scheme if they changed their mind.

Action

81. ADSW(Elderly) responded that the main reasons for ineligibility were that the applicants had been admitted to RCHEs, were waiting for admission to subsidized CCS, had passed away or not residing in the selected districts.

Admin

82. At the request of the Deputy Chairman and Dr Fernando CHEUNG, the Administration undertook to provide information on the reasons for the non-participation of eligible elderly persons in the Pilot Scheme.

83. The Deputy Chairman said that given that the first phase of the Pilot Scheme was only implemented in eight districts and the arrangement for voucher holders to commute between selected and non-selected districts was not yet ready, some eligible elderly persons residing in non-selected districts were not interested in the Pilot Scheme.

84. Noting the great variance in service capacity (from four to 50 voucher holders) of the Recognised Service Providers ("RSPs), the Deputy Chairman said that it would be difficult for the Administration to evaluate the cost effectiveness of the first phase of the Pilot Scheme. He also expressed concern that the Pilot Scheme had created additional workload for RWs.

85. ADSW(Elderly) responded that as each elderly person on CWL was being taken care of by an RW regarding his/her LTC service application, the Pilot Scheme had not brought about extra workload to RWs. However, some RWs might be required to contact quite a number of eligible elderly persons within a short time span.

86. The Chairman said that the low participation rate was attributable to the design of the Pilot Scheme. Many elderly persons who were on CWL did not join the Pilot Scheme because they did not want their LTC service applications to be deactivated. In her view, the waiting time for subsidized RCS of the elderly persons concerned should not be affected because of their participation in the Pilot Scheme.

87. In response, ADSW(Elderly) said that under the existing mechanism, the LTC service application of an elderly person who was on CWL would be deactivated if he/she was provided with CCS. In other words, it was not a new measure for the Pilot Scheme. Upon request of the elderly person concerned, his/her application would be re-activated with the waiting position resumed according to the original application date.

Action

Service mode

88. The Deputy Chairman said that the service mode of the first phase of the Pilot Scheme had not provided enough flexibility to cater for the services most needed by the elderly persons, which were home-making, meals delivery and escort services. The number of days and hours to be provided by an RSP for day care services and home care services had already been fixed. For instance, a mixed mode service package could include one day/two days/two and a half days of day care service per week and eight hours/10 hours/14 hours of home care services per month. Of the number of hours assigned for home care services, at least eight hours had to be spent on nursing care. Even if an elderly person did not require nursing care, he/she could not use the hours assigned for nursing care for other services. As such, his/her needs for home-making, meals delivery and escort services could not be met. The first phase of the Pilot Scheme was not welcomed by many elderly persons because of such inflexibility.

89. ADSW(Elderly) clarified that under the service specifications, the eight-hour direct home-based services included services provided by care workers, and not just those provided by nurses as mentioned. The Administration would explain to RWs and RSPs more clearly about the requirement of home-based services.

Co-payment arrangement

90. The Deputy Chairman said that the co-payment arrangement was another reason for the low participation rate of the first phase of the Pilot Scheme. According to the feedbacks from some RWs, many CSSA recipients could not afford to pay \$500 (i.e. the lowest level on the sliding scale), while some other elderly persons considered that they could have more flexibility in the choice of services with the payment of \$2,500 (i.e. the highest level on the sliding scale).

91. Having regard to the fact that many elderly persons were not receptive to the co-payment arrangement, Mr TANG Ka-piu called on the Administration to review the arrangement.

92. PAS(LW)(Welfare)3 responded that, it was recommended in the Elderly Commission Report in 2011 that the responsibility of elderly care services should be shared among the Government and service users, and that the Administration should ensure the elderly who were most in need should have the priority in using subsidized services. Also, to allow for the arrangement that the less the user could afford, the more the

Action

Administration would pay, the Administration had put in place a sliding scale of co-payment with five levels of government subsidy. Voucher holders on CSSA might apply for a special grant under CSSA to cover part of the co-payment.

93. In response to the Chairman's enquiry about whether voucher holders on CSSA could be exempted from the co-payment, ADSW(Elderly) said that like other CCS users on CSSA, voucher holders on CSSA needed to pay for CCS under the Pilot Scheme. Voucher holders on CSSA were required to pay a monthly co-payment of \$500. Eligible CSSA recipients might receive reimbursement for part of the co-payment from the Administration.

Expanding the first phase of the Pilot Scheme

94. The Deputy Chairman said that some RSPs would incur a financial loss if the intake of voucher holders was unsatisfactory. He asked when the first phase of the Pilot Scheme would be open to the elderly persons who were moderately impaired but were not waiting for subsidized RCS on CWL so that the 1 200 vouchers could be taken up. He also sought information on when all the invitation letters would be sent out.

95. Mr TANG Ka-piu said that the conditions for the first phase of the Pilot Scheme should be relaxed with a view to exhausting all the 1 200 vouchers. The Pilot Scheme should cover more districts and the Administration should consider lowering the age limit so that non-elderly persons who were in need of CCS could also benefit.

96. ADSW(Elderly) responded that the first phase of the Pilot Scheme covered eligible elderly persons who had been assessed by the Standardised Care Need Assessment Mechanism for Elderly Services ("SCNAMES") as moderately impaired and were waiting for subsidized CCS and/or RCS on CWL. Elderly persons who wished to join the Pilot Scheme could undergo SCNAMES. If they were assessed by SCNAMES as moderately impaired, the Administration would follow up their request for participating in the Pilot Scheme.

Supply of RCHEs

97. Ms Emily LAU said that many elderly persons had to wait for a long time before they could get the required CCS or RCS. The Administration should do better to meet the demand for CCS by elderly persons. In her view, the low participation rate was largely due to the design of the Pilot

Action

Scheme such as the service mode, participation by invitation only, provision of services in selected districts, etc. She asked whether the Administration found the existing participation rate satisfactory.

98. ADSW(Elderly) responded that around 100 of the 749 participants had started to wait for subsidized RCS in 2010. The corresponding numbers in 2011, 2012 and 2013 were around 160, 250 and 200 elderly persons respectively. Since the invitees were on CWL, the figures showed that it was natural for those who had been on CWL longer to choose to continue to wait for subsidized RCS as their turn for RCHE placements might come soon.

99. Ms Emily LAU said that the choice of these elderly persons had reflected that the waiting time for RCS was too long. She urged the Administration to construct RCHEs. She asked whether the Administration intended to replace RCS by the Pilot Scheme and whether elderly persons who had participated in the Pilot Scheme would be removed from CWL.

100. PAS(LW)(Welfare)3 clarified that the Administration had no intention to replace RCS by CCS and that the conventional CCS would not be affected by the Pilot Scheme. The Pilot Scheme aimed at testing the viability of a new funding mode (i.e. the “money-follows-the-user” approach), the feasibility of co-payment arrangement and the provision of diversified CCS through more service providers.

101. Mr LEUNG Kwok-hung criticized that the Administration did not have a comprehensive plan for the supply of RCHEs and the first phase of the Pilot Scheme was a failure. The Administration had attempted to reduce the supply of RCHEs by inviting the elderly persons who were waiting for RCS to participate in the Pilot Scheme. The Administration should strive to meet the demand for subsidized RCHEs and purchase more quality places from private RCHEs. The Administration should consider providing subsidy for the needy elderly persons to select RCS they wanted.

102. ADSW(Elderly) responded that it would be beneficial to their well-being if elderly persons could receive CCS including rehabilitation services and day care services while waiting for RCS.

Evaluation and review

103. In response to Mr TANG Ka-piu's enquiry about whether an early review of the Pilot Scheme would be conducted in the light of the low

Action

participation rate, PAS(LW)(Welfare)3 said that an evaluation of the first phase of the Pilot Scheme would be conducted and an interim report would be ready by September 2014.

(To allow sufficient time for discussion, the Chairman extended the meeting for 15 minutes beyond the appointed ending time.)

104. Mr POON Siu-ping said that the Administration should adopt measures to attract more participants without waiting for the outcome of the evaluation. Publicity should be improved to help the elderly persons and their family members understand more about the Pilot Scheme.

105. ADSW(Elderly) responded that in addition to family members of the eligible elderly persons, RWs and service providers should also be provided with adequate information about the Pilot Scheme. As RWs played an important role in explaining the Pilot Scheme to the elderly persons and their family members, the Administration would arrange more meetings for RWs and service providers to share their experience.

106. The Chairman said that there was a mis-match between CCS provided under the Pilot Scheme and the needs for CCS. The Pilot Scheme should allow participants to choose the services in the market. She expressed concern that if COA's Case Mix Study on CCS for the Elderly was conducted from the Administration's perspective, it might not accurately capture the service needs. The Administration should collect more views on the needs for CCS and develop the scheme afresh to address these needs.

107. Dr Fernando CHEUNG said that the Joint Subcommittee on Long-term Care Policy ("the Joint Subcommittee") had discussed the Pilot Scheme. The Joint Subcommittee would follow up the subject matter by inviting service users and service providers to give views at a meeting of the Joint Subcommittee. Pointing out that the Pilot Scheme was not welcomed by the elderly persons, he called on the Administration to carry out a preliminary assessment on the parameters as soon as possible and improve the service mode.

108. PAS(LW)(Welfare)3 responded that COA would conduct a Case Mix Study on CCS for the Elderly and a formative and outcome evaluation of the first phase of the Pilot Scheme. The latter would cover members' concern such as service consumption patterns, satisfaction level of voucher holders, RSPs' operational experiences, etc. An interim evaluation report would be available by September 2014.

Action

VI. Any other business

109. There being no other business, the meeting ended at 12:58 pm.

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Legislative Council Secretariat
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