

**立法會**  
***Legislative Council***

LC Paper No. CB(2)1911/15-16

(These minutes have been  
seen by the Administration)

Ref : CB2/PL/WS

**Panel on Welfare Services**

**Minutes of meeting**  
**held on Monday, 11 April 2016, at 10:45 am**  
**in Conference Room 3 of the Legislative Council Complex**

- Members present** : Hon CHEUNG Kwok-che (Chairman)  
Hon CHAN Yuen-han, SBS, JP (Deputy Chairman)  
Hon Albert HO Chun-yan  
Hon LEUNG Yiu-chung  
Hon Frederick FUNG Kin-kee, SBS, JP  
Dr Hon LEUNG Ka-lau  
Hon Alan LEONG Kah-kit, SC  
Hon LEUNG Kwok-hung  
Hon YIU Si-wing, BBS  
Hon Gary FAN Kwok-wai  
Hon CHAN Chi-chuen  
Hon LEUNG Che-cheung, BBS, MH, JP  
Dr Hon Fernando CHEUNG Chiu-hung  
Dr Hon Helena WONG Pik-wan  
Hon POON Siu-ping, BBS, MH  
Hon TANG Ka-piu, JP  
Hon Alvin YEUNG Ngok-kiu
- Members absent** : Hon Frankie YICK Chi-ming, JP  
Hon CHUNG Kwok-pan

**Public Officers : Items III and IV  
attending**

Mr David LEUNG, JP  
Commissioner for Rehabilitation  
Labour and Welfare Bureau

Mr FONG Kai-leung  
Assistant Director of Social Welfare (Rehabilitation &  
Medical Social Services)  
Social Welfare Department

Mr Kenneth WOO  
Chief Executive Officer (Subventions/Planning)  
Social Welfare Department

**Item V**

Mr Donald CHEN, JP  
Deputy Secretary for Labour and Welfare (Welfare) 2  
Labour and Welfare Bureau

Miss Cecilla LI  
Deputy Director of Social Welfare (Administration)  
Social Welfare Department

Miss Rita LAU Choi-ha  
Chief Social Security Officer (Social Security) 1  
Social Welfare Department

**Item VI**

Mr KOK Che-leung  
Assistant Director of Social Welfare (Subventions)  
Social Welfare Department

Ms Florence WAI Ka-lai  
Chief Executive Officer (Lotteries Fund)  
Social Welfare Department

Mr Edward CHAN Yiu -keung  
Senior Superintendent (Hawker & Market)  
Food and Environmental Hygiene Department

Mr Vincent WAN Shun-leung  
Chief Executive Officer (Licensing Authority)  
Home Affairs Department

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

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

Miss Maggie CHIU  
Legislative Assistant (2) 4

---

Action

**I. Information paper(s) issued since the last meeting**

Members noted that no paper had been issued since the last meeting.

**II. Items for discussion at the next meeting**

[LC Paper Nos. CB(2)1208/15-16(01) to (02)]

2. The Chairman said that the Administration had originally proposed to discuss, at the next meeting scheduled for 9 May 2016, the following items:

- (a) Pilot Scheme on Residential Care Service Voucher for the Elderly; and
- (b) Proposed creation of a supernumerary post of Assistant Director of Social Welfare to strengthen the inspection and monitoring of residential care homes for the elderly and residential care homes for persons with disabilities.

The Administration had suggested deferring the discussion of item (a) and discussing the item "ageing of persons with intellectual disabilities" instead at the next meeting. Members agreed.

**III. Setting up a hostel for moderately mentally handicapped persons and an integrated vocational rehabilitation services centre at the public rental housing site at Hung Shui Kiu Area 13**

[LC Paper Nos. CB(2)1208/15-16(03) to (04)]

3. At the invitation of the Chairman, Commissioner for Rehabilitation ("C for R") briefed members on the Administration's proposal to set up a new 50-place Hostel for Moderately Mentally Handicapped Persons ("the proposed HMMH") and a 160-place Integrated Vocational Rehabilitation Services Centre ("the proposed IVRSC") in Hung Fuk Estate ("the Estate"), Hung Shui Kiu, New Territories with the financial provision to be met from the Lotteries Fund ("LF").

4. The Chairman drew members' attention to Rule 83A of the Rules of Procedure ("RoP") regarding personal pecuniary interest to be disclosed. He reminded members to declare interests in the matter under discussion, if any.

Reducing waiting time for and increasing supply of rehabilitation services

5. Mr TANG Ka-piu said that in view of the inadequate supply of IVRSC places, many persons with moderate intellectual disabilities had to wait for five to six years after they had left the special school before being admitted to an IVRSC. Expressing concern that the self-caring ability of some of these persons had retrogressed during the long waiting period, he enquired about how the proposed IVRSC would help reduce the waiting time for IVRSC. He also sought information on the average age of these persons at the time they were allocated a place in an IVRSC. Mr LEUNG Che-cheung also sought information on the average waiting time for IVRSC places.

6. Assistant Director of Social Welfare (Rehabilitation & Medical Social Services) ("ADSW(R&MSS)") responded that the average waiting time for IVRSC places in 2014-2015 was 19.7 months. Special school students could start waiting for a place in IVRSC at the age of 15 and would be admitted to an IVRSC by the time they graduated (usually at the age of 18 or 19) if they had no preference for the location, service unit, etc. In the past, special school students would usually not accept a place in an IVRSC before their graduation even if it was their turn. To facilitate special school students to queue for admission to IVRSC, the Administration would de-activate their applications and upon their graduation, re-activate their applications with the waiting position resumed according to their original application date. Under the new arrangement, many special school students should be able to be admitted to an IVRSC by

Action

the time they graduated. Support services were available at the District Support Centres for Persons with Disabilities to Parents/Relatives Resource Centres and home care services were also provided for mentally handicapped persons. He further said that the average waiting time for HMMH places in 2014-2015 was 39 months and there were currently around 2 000 persons on the waiting list. Among these waitlistees, around 60% of them were using day training services provided by Sheltered Workshops/IVRSC, etc.

7. Mr POON Siu-ping said that according to the Administration, the total number of additional HMMH places to be provided would be 1 027 places and there were around 2 000 persons waiting for such places. As such, the supply of HMMH places fell short of the demand by some 900 places. He enquired about whether the Administration had set any targets for the waiting time and for the provision of HMMH places so as to meet the needs of the waitlistees.

8. ADSW(R&MSS) responded that the waiting time would be affected by a number of factors including the choice of individual applicants for specific service units, demand for the services in individual districts, etc. Besides, quite a number of waitlistees had decided not to accept the offer when it was their turn. It would therefore be difficult to set a target for the waiting time. In 2014-2015, about 40% of the waitlistees for IVRSC places had declined the offer. Discounting these waitlistees, the planned provision for rehabilitation services places should be adequate to meet the demand of mentally handicapped persons who had imminent needs for rehabilitation services and the waiting time for such services would be substantially reduced.

9. Dr Helena WONG enquired about the waitlisting situation of HMMH places and the planned provision of similar facilities in public rental housing ("PRH") in the coming three years. C for R responded that there were 1 950 persons on the waiting list and the average waiting time was 39 months. In addition to the 50 places to be provided by the proposed HMMH, 415 additional HMMH places would be provided in the medium term and another 612 HMMH places would be provided under the Special Scheme on Privately Owned Sites for Welfare Uses ("the Special Scheme"). ADSW(R&MSS) supplemented that additional HMMH places would be provided in Tai Po, Kwun Tong, Sham Shui Po, Tuen Mun, Shatin and Tung Chung in the coming five years.

10. Given that mentally handicapped persons were in urgent need of residential care services ("RCS"), Dr Helena WONG took the view that the

Action

Admin

long waiting time for HMMH places was unacceptable. She urged the Administration to expedite the provision of such places. She requested the Administration to provide information on the number and location of additional places for HMMHs to be provided in the coming five years as well as the timetable for providing these additional places.

11. Expressing grave concern about the serious shortfall of rehabilitation services for mentally handicapped persons, Mr LEUNG Kwok-hung called on the Administration to take steps to increase the supply of such services and draw up concrete provision timetable.

12. Noting that the Administration had reserved sites for providing 1 190 additional IVRSC places and another 1 227 additional IVRSC places would be provided under the Special Scheme, Mr TANG Ka-piu enquired about the timetable for the provision of these additional IVRSC places and how these places would reduce the waiting time for IVRSCs. C for R responded that the Administration had reserved sites at new PRH developments/vacant schools for providing the 1 190 additional IVRSC places in the coming few years. The timing for the provision of the additional IVRSC places under the Special Scheme would depend on the progress of the projects under the Scheme. The Labour and Welfare Bureau ("LWB") would convene regular meetings to monitor the progress of the projects under the Special Scheme.

13. Dr Fernando CHEUNG said that flat intake of the Estate started from July 2015 and the construction of the ancillary facilities block within the Estate had already been completed. Furthermore, the Administration had already decided the types of welfare facilities to be provided in the ancillary facilities block. However, the proposed HMMH and IVRSC would only commence operation in the third quarter of 2017. In view of the great demand for such services, he urged the Administration to speed up the necessary procedures so that the proposed HMMH and IVRSC could commence operation as early as possible.

14. Expressing grave concern about the exceedingly long waiting time for HMMH places (eight years in Yuen Long and 13 years in Hong Kong Island), Dr Fernando CHEUNG said that the Administration should construct more HMMHs. He further said that over the past years, members had requested the Administration to provide community-oriented RCS for mentally handicapped persons, and yet the proposed HMMH and IVRSC would be located in the ancillary facilities block. The Administration should make use of some domestic units in new PRH development projects for the provision of RCS to facilitate mentally handicapped persons to integrate into community.

Action

15. The Deputy Chairman was of the view that apart from providing RCS for mentally handicapped persons in ancillary facilities blocks, ground level of PRH domestic blocks should also be used for the provision of such services. She said that a motion urging the Administration to earmark areas for the provision of service facilities for persons with disabilities and elderly persons in all new PRH development projects was passed at a meeting of the Finance Committee ("FC") two years ago. The Social Welfare Department ("SWD") should liaise with relevant government bureaux and departments with a view to formulaing policies in response to the carried motion.

16. C for R responded that the Administration had been actively identifying suitable sites for the provision of RCS for mentally handicapped persons and would continue to do so. The Administration had converted non-domestic premises in PRH estates in recent years for the provision of rehabilitation services. Some of these premises were at ground level of PRH blocks, for example, those in Kwong Fuk Estate in Tai Po, Pak Tin Estate in Sham Shui Po and Shan King Estate in Tuen Mun. In considering the feasibility of converting such premises to rehabilitation facilities, the Administration had to take into account technical issues relating to fire safety, barrier-free access, etc.

17. Mr YIU Si-wing asked whether the Administration would accord priority to waitlistees in allocating IVRSC places according to their health conditions and family situation. ADSW(R&MSS) responded that under the existing allocation mechanism, priority would be accorded to cases referred by the social workers concerned subject to assessment by and approval of SWD.

Promoting acceptance of rehabilitation facilities

18. Mr LEUNG Che-cheung said that although Yuen Long District Council had been consulted in January 2010 on the setting up of the proposed HMMH and IVRSC, the Administration should also inform residents of the Estate of these facilities before they moved in. Mr LEUNG Yiu-chung asked whether the Housing Department had informed residents of the Estate of the setting up of the proposed HMMH and IVRSC. ADSW(R&MSS) responded that it was an established practice to provide residents of PRH estates at intake with information on welfare facilities, including rehabilitation facilities, to be provided in the estates concerned.

19. Mr LEUNG Yiu-chung said that as residents of the Estate had not been consulted on the setting up of the proposed HMMH and IVRSC, it was

Action

uncertain whether there would be residents opposing the project. As such, the Administration should adopt measures to manage reactions against the project, if any, and build up community relations to facilitate the acceptance of the proposed HMMH and IVRSC.

20. ADSW(R&MSS) responded that non-governmental organizations ("NGOs") operating HMMHs and IVRSCs were required to establish community relation by promoting the rehabilitation services, organizing management committees, cooperating with residents, encouraging residents to participate in volunteered rehabilitation services, etc. In assessing NGOs' applications for the provision of rehabilitation services, heavy weighting would be allocated to the score for community-relation building. The Administration hoped that these NGOs could develop close bond with the community and promote better understanding of rehabilitation services, thereby forging acceptance of persons with disabilities as members of the community.

21. Mr LEUNG Yiu-chung said that it was important to step up the publicity of the setting up of the proposed HMMH and IVRSC in the Estate well in advance. The Chairman said that it might be difficult for the Administration to do so as information about the residents of the Estate were not available at the planning stage of the proposed facilities. He took the view that educational programmes on promoting the acceptance of rehabilitation facilities should not be confined to the PRH estates concerned but should be launched over the territory.

Staffing provision and personal emoluments for the proposed rehabilitation facilities

22. Mr POON Siu-ping sought information on staffing provision and personal emoluments for the operation of the proposed HMMH and IVRSC. ADSW(R&MSS) responded that personal emoluments for the proposed HMMH and IVRSC were projected according to the mid-point salary of the equivalent civil service posts. As the proposed HMMH and IVRSC would be operated by an NGO and under the Lump Sum Grant Subvention System, the NGO concerned would be allowed the flexibility to determine the staffing structures of the HMMH and IVRSC and remuneration levels according to its staffing requirements.

Participation of open employment of mentally handicapped persons

23. Mr YIU Si-wing sought information on the number of users of IVRSCs who had participated in open employment, the average employment



Action

duration of these users, the reasons for their leaving the employment and the follow-up actions the Administration had taken to help them seek a job. ADSW(R&MSS) responded that to qualify for successful participation in open employment, a mentally handicapped person should work for a continuous period of six months and receive a minimum remuneration of \$1,500 a month if working part-time. In 2014-2015, 181 trainees of IVRSCs/Sheltered Workshops had successfully participated in open employment. Trainees of IVRSCs/Sheltered Workshops who had left employment could apply for admission to IVRSCs/Sheltered Workshops again and employment assistance would be provided for these trainees if necessary. C for R supplemented that in addition to IVRSCs, Integrated Vocation Training Centres ("IVTCs") provided mentally handicapped persons with structured vocational skill training that aimed at assisting them in achieving open employment. As the training programmes offered by IVTCs pegged to the needs of the employment market and were designed for participants with higher level of ability, trainees of IVTCs generally had a higher chance of participating in open employment market than trainees of IVRSCs.

Monitoring of hostels for mentally handicapped persons

24. The Deputy Chairman said that arising from some recent cases in which some mentally handicapped persons were abused by staff of hostels, the parents concerned had lodged complaints with SWD and requested the NGOs concerned to set up parents' associations for the well-being of service users. According to these parents, their request had not been acceded to and their complaints were not handled. In this connection, she urged the Administration to strengthen the monitoring of service quality of hostels for mentally handicapped persons and improve its handling of complaints about these hostels.

25. ADSW(R&MSS) responded that all complaints would be handled carefully and according to the existing mechanism. SWD staff would mediate, if necessary, with a view to resolving disputes between the parties concerned. Regarding the complaint cases mentioned by the Deputy Chairman, he said that SWD was actively following up the cases and had required the NGOs concerned to make improvements. SWD would maintain contact with the complainants and the NGOs concerned.

Submission of funding proposal to the Finance Committee

26. In response to the Chairman's invitation of views, members present supported in principle the submission of the funding proposal to FC for consideration.

Action

**IV. Setting up a new day activity centre cum hostel for severely mentally handicapped persons at Pokfulam Shine Skills Centre, Pokfulam**

[LC Paper Nos. CB(2)1208/15-16(04) to (05)]

27. At the invitation of the Chairman, C for R briefed members on the Administration's proposal to set up a new 60-place Day Activity Centre ("DAC") cum a 30-place Hostel for Severely Mentally Handicapped Persons ("HSMH") ("the proposed DAC cum HSMH") in Pokfulam Shine Skills Centre ("PSSC") with the financial provision to be met from LF.

28. The Chairman drew members' attention to Rule 83A of RoP regarding personal pecuniary interest to be disclosed. He reminded members to declare interests in the matter under discussion, if any.

Making service pledge for severely mentally handicapped persons

29. In response to Mr Frederick FUNG's enquiry about the average waiting time for HSMH and DAC places, ADSW(R&MSS) said that the average waiting time was 96.5 months for the former and 61.8 months for the latter in 2014-2015. In the light of the long waiting time for HSMH and DAC places, the Administration had drawn up plans for allocating more resources to the provision of such facilities. Mr CHAN Chi-chuen said that in its reply to his written question in examining the Estimates of Expenditure 2016-2017, the Administration had provided the number of waitlistees and the average waiting time for various residential services for persons with disabilities. The Administration should have included these figures in its discussion paper for this item.

30. Mr Frederick FUNG said that without a pledge for the provision of rehabilitation services for severely mentally handicapped persons, the relevant policy bureaux would not allocate premises or sites proactively for rehabilitation facilities. He called on the Administration to make a service pledge for severely mentally handicapped persons and earmark a certain percentage of areas on ground level of PRH blocks for the provision of HSMHs. As a transitional arrangement, the Administration should consider using the lobby areas of Government Office Buildings or public hospitals as DACs before the permanent premises were ready for use.

31. Pointing out that members had repeatedly requested the Administration to make a pledge for the provision of rehabilitation services, the Chairman said that C for R should convey members' views to the Chief Secretary for Administration and the Secretary for Labour and Welfare.

Action

32. Mr Alvin YEUNG enquired about the timetable and concrete measures adopted by the Administration for meeting the service needs of severely mentally handicapped persons. C for R responded that while the proposed DAC cum HSMH under this project would provide a relatively small number of places, the Administration had planned for the provision of additional DAC and HSMH places from 2016-2017 to 2020-2021. In response to Mr YEUNG's enquiry about how these additional places would reduce the waiting time, ADSW(R&MSS) said that the waiting time would be affected by factors such as applicants' preference for the location of the facilities, number of cases under priority consideration, etc. However, the waiting time should be substantially reduced with the additional places to be provided in the coming five years. Mr YEUNG said that the Administration should draw up healthcare manpower plans to tie in with the provision of additional places.

33. Mr CHAN Chi-chuen opined that although there might be factors affecting the waiting time for rehabilitation services, SWD should attempt to estimate the reduction in the waiting time under different assumptions. SWD should set a goal for reducing the waiting time for rehabilitation services and work towards the goal. He further said that the actual number of additional DAC and HSMH places to be provided might be less than the planned provision if there was resistance from the community for the provision of rehabilitation services. Besides, the timing for providing the additional places under the Special Scheme was subject to change. SWD should therefore adopt a proactive approach to secure sites for rehabilitation facilities.

34. C for R responded that the Administration had evaluated the impact of the additional places to be provided in the coming years on the waiting time for rehabilitation services and would further study the subject matter.

35. Mr LEUNG Kwok-hung said that while elderly persons, persons with disabilities and sick people were most in need of help, there was no law or administrative guidelines to require relevant policy bureaux to allocate sites for the construction of public hospitals, residential care homes for the elderly and persons with disabilities. He also opined that the Special Scheme was ineffective in increasing the provision of elderly and rehabilitation services as the land under the Scheme was located in remote areas.

36. C for R responded that under the Special Scheme, an applicant NGO would have to provide on a site under its ownership a net increase in the provision of elderly or rehabilitation services as specified by the Administration through redevelopment, expansion or new development. A large number of these sites were located in urban areas.

Use of Pokfulam Shine Skills Centre

37. Dr Fernando CHEUNG said that the fifth floor and sixth floor of PSSC had been converted to DAC cum HSMH in 2008 but the second floor, seventh floor and ninth floor of the building had been vacant for 11 years. Pointing out that the waiting time for HSMH places in Hong Kong Island was 14 years and that for East Kowloon, Shatin, Tai Po and North District was 16 years, he queried why some storeys of the building had been left idle for such a long time. He declared that his daughter had not applied for hostels for mentally handicapped persons but might need to dwell in an HSMH in future.

38. C for R responded that the Vocational Training Council ("VTC") proposed to release the second floor and seventh floor of PSSC for use by SWD as DAC cum HSMH and LWB agreed with the proposal in 2010. In 2015, VTC intended to withdraw its proposal and sought LWB's support for remodelling the second floor and seventh floor for vocational training purpose. In view of the great demand for rehabilitation services, LWB declined VTC's proposal and proposed to convert the relevant premises into the proposed DAC cum HSMH as originally planned.

39. Dr Fernando CHEUNG said that the lengthy discussions between VTC and LWB had prolonged the waiting time for DAC and HSMH places. Something should be done, e.g. by enacting legislation, to avoid vacant premises intended for use for rehabilitation services being idled for an unreasonably long period.

40. In response to the Deputy Chairman's suggestion of allocating more storeys of PSSC for the provision of residential care and day training services places for severely mentally handicapped persons, C for R said that there was no more vacant storey in PSSC after the proposed DAC cum HSMH had taken up the second floor and seventh floor of the building. The Deputy Chairman said that residential care and day training services were essential to mentally handicapped persons. The Administration should strive to obtain more areas in PSSC and make use of the vacant site nearby PSSC for the provision of such services. She called on C for R to impress upon the parties concerned to consider her views. C for R undertook to reflect the Deputy Chairman's views and provide a response in this regard.

Submission of funding proposal to the Finance Committee

41. In response to the Chairman's invitation of views, members present supported in principle the submission of the funding proposal to FC for consideration.

Action

**V. Additional provision for social security recipients**

[LC Paper Nos. CB(2)1208/15-16(06) to (07)]

42. At the invitation of the Chairman, Deputy Secretary for Labour and Welfare(2) ("DS(W)2") briefed members on the Administration's proposal to provide an extra payment to recipients of the Comprehensive Social Security Assistance ("CSSA") Scheme and recipients of the Social Security Allowance ("SSA") Scheme which included Old Age Allowance (including the Guangdong Scheme), Old Age Living Allowance and Disability Allowance.

43. The Chairman drew members' attention to Rule 83A of RoP regarding personal pecuniary interest to be disclosed. He reminded members to declare interests in the matter under discussion, if any.

According priority to the discussion of the funding proposal by the Finance Committee

44. According to the Administration, the proposal to provide social security recipients with an extra allowance which was equal to one month of CSSA standard rates or of allowance payments under the SSA Scheme, even if approved by FC prior to passage of the Appropriation Bill 2016 ("the Bill"), would only be implemented after passage of the Bill. Mr TANG Ka-piu expressed concern that the disbursement of the extra allowance would be delayed if the deliberation of the Bill was lengthy. Assuming that the funding proposal was approved by FC prior to passage of the Bill, he asked whether the extra payment could be disbursed without waiting for passage of the Bill.

45. DS(W)2 responded that the Vote on Account ("VoA") Resolution provided funding for the Administration to maintain its services prior to the passage of the Bill. As the funding provided under the VoA Resolution was insufficient to provide for the additional provision for social security recipients, the extra payment could only be provided after FC's approval of the funding proposal and passage of the Bill.

46. Mr CHAN Chi-chuen took the view that the relief measures proposed in this year's Budget could not cater for the needs of the grass-roots. To enable social security recipients to receive the additional provision without delay, he asked whether the Administration would accord top priority to the submission of the funding proposal to FC. DS(W)2 responded that the Administration planned to submit the funding proposal to FC at its meeting on 22 April 2016.

Action

Providing more financial assistance for the needy

47. As the families applying for the Low-income Family Working Allowance ("LIFA") must not benefit from CSSA at the same time, Mr TANG Ka-piu enquired whether the Administration would consider providing eligible families with an extra one month LIFA allowance. DS(W)2 responded that in preparing the Budget, the Financial Secretary ("FS") would take into account the circumstances on each occasion. Given that LIFA had not yet been implemented, it would be difficult to tell whether and how the suggestion of providing extra allowance for LIFA recipients would be considered in future Budgets.

48. Given that the amount of fiscal surplus in the 2016-2017 financial year was estimated to be about the same as that in 2015-2016 and local economy was expected to be on the down trend this year, Mr Frederick FUNG took the view that social security recipients should be provided with more financial assistance. He said that as the rental assistance under the CSSA Scheme was inadequate, many CSSA households had to use their CSSA payments on rental. Furthermore, when compared with last year, the upper-middle stratum would receive more financial assistance this year while the middle-lower stratum would receive less. He therefore did not support the funding proposal and urged the Administration to provide social security recipients with an extra two months' allowance.

49. DS(W)2 responded that in considering one-off relief measures for different strata, FS would take into account the overall situation in a financial year. In addition to one-off measures, other support measures would be provided for the needy. In 2016-2017, government recurrent spending on social welfare would reach \$66.2 billion. Compared with the revised estimate for 2015-2016, there was an increase of \$7.8 billion (i.e. 13.4%). The recurrent spending on social welfare had doubled when compared with that of 10 years ago. The total estimated recurrent expenditure for CSSA and SSA Schemes in 2016-2017 was about \$42 billion, which was 8.3% higher than last year's revised estimate (\$38.8 billion) and about 48% higher than the revised estimate of 2012-2013. The revised estimate for 2012-2013 for CSSA and SSA Schemes was \$28.3 billion. The estimate for 2016-2017 was higher than the revised estimate for 2012-2013 by \$13.7 billion or 48.4%.

50. Dr Fernando CHEUNG expressed dissatisfaction that in this year's Budget, the relief measures for the upper-middle stratum had been enhanced while those for the middle-lower stratum had been reduced. He said that more financial assistance should be provided for social security recipients.

Action

The Deputy Chairman said that in view of the rising living costs, grass-root families were facing greater financial pressure but this year's Budget did not provide them with adequate financial assistance. She suggested that the Administration should consider enhancing the relief measures for the grass-roots by amending this year's Budget and consider the suggestion of providing an extra allowance for LIFA recipients. Mr Frederick FUNG and the Deputy Chairman requested DS(W)2 to relay members' views on the provision of more financial assistance for the needy to the relevant government officials. DS(W)2 responded that the Administration had already collected different views in the course of preparing the Budget.

51. Mr TANG Ka-piu sought information on whether there were cases in which private residential care homes for the elderly ("RCHEs") had taken the opportunity of the additional provision for CSSA recipients to increase the expenditures, so as to receive more fees from their residents who were on CSSA. Deputy Director of Social Welfare (Administration) responded that the Licensing Office of Residential Care Homes for the Elderly had written to operators of both subvented and private RCHEs to remind them that the additional provision was provided for residents who were on CSSA and should not be used by RCHEs. According to the Code of Practice for Residential Care Homes (Elderly Persons), operators of RCHEs were required to inform residents and their family members in advance if they intended to increase the fees.

Reviewing standard rates and rent allowance under the Comprehensive Social Security Assistance Scheme

52. Given that more than 70% of CSSA recipients were elderly persons and around 10% of CSSA recipients were persons with disabilities/persons suffering from chronic diseases and around 30% of these groups of people were still in poverty after policy intervention, Dr Fernando CHEUNG took the view that the introduction of one-off relief measures could not address the financial difficulties of the needy. The Administration should review the CSSA standard rates. He further said that since its last study on basic needs conducted in 1996, the Administration had not conducted any similar study. The Administration should conduct a study on the needs of the disadvantaged groups and on whether the existing level of CSSA payment was adequate to meet their needs.

53. DS(W)2 responded that the CSSA standard rates would be adjusted on an annual basis according to the established mechanism. When comparing the average CSSA payments with the 25% non-CSSA households with the lowest expenditure, the former was higher in all household sizes. In line

Action

with the broad policy directions of poverty alleviation through promoting upward mobility and self-reliance through employment, the Administration had implemented measures in the past few years to improve the CSSA Scheme. These measures included increasing the grants for school-related expenses for primary and secondary students of CSSA households by \$1,000 and including post-secondary students of CSSA households in the calculation of rent allowance so that a family's entitlement to rent allowance would not be affected if it had members receiving post-secondary education.

54. As many CSSA households were paying a rent higher than the maximum rates of rent allowance under the CSSA Scheme, Dr Fernando CHEUNG enquired about the timetable for conducting a fundamental review of the rent allowance under the CSSA Scheme. DS(W)2 responded that private housing rental was affected by the housing supply. In the light of tight supply of private housing, a substantial increase in the rent allowance might trigger a rise in the private housing rental and would generate financial pressure on non-CSSA private housing tenants. The Administration implemented one-off measures in the past to alleviate the rental burden of CSSA households arising from the cyclical increase in private housing rental. Housing needs of the needy groups should ultimately be addressed through the provision of PRH.

55. The Chairman said that at a previous Panel meeting, he had suggested that the Administration should consider setting different levels of rent allowance according to the districts in which the CSSA recipients were living in.

Motion

56. The Chairman put the following motion, which was moved by Mr Frederick FUNG and seconded by Dr Fernando CHEUNG, to vote:

"由於

- (1) 政府財政盈餘與去年相若；
- (2) 今年度財政預算案給予中上層"紓困"措施有提升，而對中下階層卻削減；及
- (3) 在綜合社會保障援助(下稱"綜援")計劃下，個人每天獲發放約70多元生活費，而租金上支援亦不足，



Action

本委員會要求政府在今年財政預算案給予額外兩個月的綜援標準金額或公共福利金計劃下的津貼。"

(Translation)

"That, given that

- (1) the Government's fiscal surplus is of a similar amount to that of the previous year;
- (2) in this year's Budget, the relief measures for the upper-middle stratum have been enhanced while those for the middle-lower stratum have been reduced; and
- (3) under the Comprehensive Social Security Assistance ("CSSA") Scheme, an individual receives about \$70 daily as living expenses and the rental assistance is also inadequate,

this Panel requests the Government to provide, in this year's Budget, social security recipients with an extra allowance, which is equal to two months of standard rate CSSA payments or of allowance payments under the Social Security Allowance Scheme."

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

Submitting the funding proposal to the Finance Committee

57. In response to the Chairman's invitation of view on submission of the funding proposal to FC for consideration, Mr Frederick FUNG said that if members supported the funding proposal, the Administration would not accede to the request made in the carried motion. The Chairman said that as the carried motion requested the Administration to provide an extra month's allowance on top of its proposed additional provision, there was no contradiction between the carried motion and the Panel's support in principle for the submission of the funding proposal to FC. If the Panel did not support the funding proposal, it might end up with no additional provision for social security recipients. Sharing the Chairman's view, the Deputy Chairman said that while supporting the funding proposal in principle, members could still request the Administration to increase the allowance for social security recipients.

Action

58. The Chairman asked whether the Administration would submit the funding proposal to FC even without the Panel's support. DS(W)2 responded that the Administration had all along respected the Panel's decisions and hoped that the Panel would support the funding proposal. He said that the Administration would mention the carried motion in the funding proposal to be submitted to FC.

59. The Chairman put the Administration's funding proposal to vote. Taking the view that the Panel should not decide whether to support the funding proposal until the Administration had provided its response to the motion, Mr Frederick FUNG voted against the funding proposal. Three other members voted for the funding proposal. The Chairman declared that the Panel supported in principle the submission of the funding proposal to FC for consideration.

*(At 12:40 pm, the Chairman extended the meeting for 15 minutes beyond the appointed ending time to allow sufficient time for discussion.)*

**VI. On-street fund-raising activities**

[LC Paper No. CB(2)1208/15-16(08)]

60. At the invitation of the Chairman, Assistant Director of Social Welfare (Subventions) ("ADSW(Subventions)") briefed members on the application procedures and notification mechanism in respect of on-street charitable fund-raising activities ("fund-raising activities") under the purviews of different government departments.

Monitoring of fund-raising activities

61. Given that applications for conducting fund-raising activities were currently handled by three different government departments, Dr Helena WONG asked whether the Administration would consider providing one-stop services to facilitate applicant organizations.

62. Dr Fernando CHEUNG said that WeMedia01 (HK) Limited had randomly selected 1 013 charitable organizations and attempted to inspect their financial statements of the past 10 years. It was found that 415 of these organizations were unable to provide these statements. He considered the situation alarming. He said that the Law Reform Commission ("LRC") completed the public consultation on charities two years ago and put forward in its report on charities ("the LRC's report") 17 recommendations, including amalgamating the procedures for applications for fund-raising activities and

Action

enhancing the transparency of fund-raising organizations. He enquired about the Administration's timetable for making improvements to the existing mechanism for regulating fund-raising activities.

63. ADSW(Subventions) responded that the provision of one-stop services for authorized fund-raising activities was one of the recommendations made in the LRC's report. The Home Affairs Bureau ("HAB") was responsible for formulating the Administration's responses to the LRC's report and was in the course of coordinating the responses. To be eligible for applying for a permit issued by SWD for conducting charitable fund-raising activities on street, an applicant organization must be a charitable organization registered for tax exemption under Section 88 of the Inland Revenue Ordinance (Cap. 112). Under the purview of SWD, applicant organizations must have organized charitable activities for at least three years and be able to produce corresponding audited annual financial statements to support its record of charitable activities. As such, the provision of financial statements was one of the criteria for assessing charitable fund-raising applications.

64. Dr Fernando CHEUNG opined that the existing mechanism for assessing and approving applications for fund-raising activities were not stringent and transparent enough. As the definition of "charity" was also not strictly governed by law, he wondered whether the Inland Revenue Department had the professional knowledge to decide whether an organization was a charitable institution. Taking the view that a comprehensive review of monitoring, registration and transparency of charitable organizations should be conducted, he enquired whether LWB or SWD would propose an early review.

65. ADSW(Subventions) responded that relevant government bureaux and departments would examine LRC's recommendations and provided their responses for HAB's coordination. As such, the Administration would study issues relating to charities in a holistic manner.

66. Dr Helena WONG sought information on the number of inspections of fund-raising activities, monitoring of use of funds raised from these activities, the number of prosecutions against unauthorized fund-raising activities and measures adopted by the Administration to guard against such activities. ADSW(Subventions) responded that as far as the solicitations approved by SWD were concerned, charitable fund-raising organizations were required to display prominently the permit at the venue of the event for public inspection. Information on the services of the charitable fund-raising organizations should also be made available at the venue. Persons who were

Action

appointed by a fund-raising organization to solicit donations on the street were required to wear an identification tag bearing the name and telephone number of the organization concerned. To avoid causing inconvenience to members of the public, charitable fund-raising activities could only take place at locations approved by SWD. Fund-raising organizations were required to submit audited report showing the income and expenditure as well as the purpose of the fund-raising activities within 90 days after the completion of the last activity. The audited report should be made public through the website of the fund-raising organization or newspaper.

67. ADSW(Subventions) further said that SWD conducted random checks on charitable fund-raising activities last year. General observations on non-compliance included failing to display the permit on the stationed counter, carrying out the activities at the areas beyond the specified locations, etc. In 2015-2016, SWD had received 55 complaints about the fund-raising activities approved by SWD and 10 of them were substantiated. Meanwhile, two complaints were about conducting fund-raising activities without a valid permit issued by SWD and had thus been referred to the Police for follow-up. In 2014-2015, two complaints were referred to the Police and prosecution actions were taken against one of them. There was no prosecution case in 2015-2016.

68. The Deputy Chairman opined that since fund-raising activities were regulated by SWD, the Food and Environmental Hygiene Department and the Home Affairs Department, problems relating to fund-raising could not be handled effectively if these departments lacked coordination. She said that some organizations would engage elderly persons in fund-raising activities and it was hard for these elderly persons when the activities took place outdoor in hot or cold weather. She called on the Administration to take account of this in considering the locations for fund-raising activities. She added that in many places, there was legislation protecting on-street performers. In her view, the Administration should consider formulating policies to facilitate people to earn a living by performing on street.

69. Mr CHAN Chi-chuen said that apart from elderly persons, persons with disabilities were engaged in some fund-raising activities. On some occasions, fund-raising organizations would bring along animals to the venue of the event. The Administration should review the relevant guidelines provided for fund-raising organizations and ensure that they would take proper care of elderly persons, persons with disabilities and animals during the events.

Action

70. ADSW(Subventions) responded that giving proper care to elderly persons and persons with disabilities who engaged in charitable fund-raising activities was one of the conditions for granting a permit by SWD. SWD would pay attention to the compliance of this condition by fund-raising organizations.

71. The Chairman said that since the release of the LRC's report, the Administration had not made any progress in taking forward LRC's recommendations. The Administration should consider adopting administrative measures to address some problems relating to fund-raising activities, irrespective of whether a regulatory regime for charities would be introduced. Given that the Administration had been studying the amalgamation of services relating to fund-raising for a long time, he urged HAB to coordinate the implementation of one-stop services for applicant organizations. He requested Chief Executive Officer (Licensing Authority) ("CEO/Licensing Authority") to convey members' views to the parties concerned. CEO/Licensing Authority said that HAB was coordinating with the relevant government bureaux/departments to formulate the Government's responses to LCR's recommendations. He undertook to convey members' views to HAB.

*(With the consent of all members present, the Chairman extended the meeting for 15 minutes beyond the extended ending time.)*

Identifying approved fund-raising activities

72. The Deputy Chairman and Mr YIU Si-wing opined that it was difficult for the public to ascertain the charitable status of a fund-raising organization. Mr YIU Si-wing said that to enhance the regulation of fund-raising activities and facilitate identification of approved fund-raising activities, the Administration should consider restricting the date and time for conducting such activities, providing a standardized identification for persons who raised funds for bona-fide charitable organizations and requiring the permit/licence to be displayed at designated places at stationed counters.

73. The Chairman said that as photocopies of a permit/licence were sometimes used during fund-raising events, an organization could falsify the date of the event contained therein and reuse the permit/licence for another event. Since it was difficult to verify the information shown on the photocopies of a permit/licence, a standardized identification would be very useful for ascertaining the status of the events.

Action

74. ADSW(Subventions) responded that charitable fund-raising activities approved by the three licensing government departments could be searched with the one-stop finder on the government portal GovHK. The public might search the day-to-day approved fund-raising activities, including the date, time and venue of the fund-raising events via the website. Furthermore, a QR code was inserted in each permit issued by SWD and members of the public could verify whether it was an approved charitable fund-raising activity by using the QR code. SWD would work towards the direction of enhancing the existing notification mechanism to facilitate the public to identify approved charitable fund-raising activities.

Monitoring of fund-raising activities not involving cash

75. Mr CHAN Chi-chuen said that instead of raising funds by selling flags, lottery tickets, tokens or similar articles, some organizations would ask members of the public to complete donation forms and donate by setting up payment instructions on a monthly basis. He asked whether these fund-raising activities were covered by the existing regulatory mechanism. ADSW(Subventions) responded that charitable fund-raising activities other than those involving cash donations on the spot were not subject to the regulation by the three licensing government departments.

76. Mr CHAN Chi-chuen further said that as requesting donors to set up standing donation instructions had become a trend and such mode of fund-raising could involve a large sum of money, the Administration should study ways to regulate these activities. He further said that some organizations would engage intermediaries to solicit donations and these intermediaries might charge the organizations concerned an unreasonable administrative fee. The Administration should make public the names of the organizations which incurred an unreasonable administrative fee for their fund-raising activities and remind members of the public to stay vigilant when making donations.

77. ADSW(Subventions) responded that charitable fund-raising organizations were required to make public audited report which contained the income and expenditure of approved fund-raising activities by SWD. According to SWD's records, the average administrative expenditures of general charitable fund-raising activities accounted for about 20% of the monies received and the net proceeds were used for meeting the approved charitable purposes.

78. Given the fine delineation of responsibilities between the Police and the licensing government departments, the Chairman said that enforcement

Action

actions against non-compliant fund-raising activities were not taken timely and effectively. When members of the public were unsure about the status of fund-raising organizations, they might choose not to donate. As a result, some bona-fide charitable organizations might receive fewer donations. He requested the public officers attending the meeting to reflect members' views to the relevant government bureaux and departments.

**VII. Any other business**

Letter from Dr Fernando CHEUNG regarding handling of cases involving death or abuse of children from families-at-risk

79. Referring to Dr Fernando CHEUNG's letter dated 11 April 2016 requesting the Panel to discuss handling of cases involving death or abuse of children from families-at-risk (LC Paper No. CB(2)1276/15-16(01)), the Chairman suggested that a special meeting should be held in mid/late May 2016 to receive deputations' views on the subject. Members agreed.

80. There being no other business, the meeting ended at 1:12 pm.

Council Business Division 2  
Legislative Council Secretariat  
14 July 2016