

立法會
Legislative Council

LC Paper No. CB(2)186/17-18
(These minutes have been
seen by the Administration)

Ref : CB2/PL/WS

Panel on Welfare Services

Minutes of meeting
held on Monday, 10 July 2017, at 8:30 am
in Conference Room 3 of the Legislative Council Complex

Members present : Hon SHIU Ka-chun (Chairman)
Hon KWONG Chun-yu (Deputy Chairman)
Hon LEUNG Yiu-chung
Hon CHAN Hak-kan, BBS, JP
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon LEUNG Kwok-hung
Hon Michael TIEN Puk-sun, BBS, JP
Hon CHAN Chi-chuen
Hon LEUNG Che-cheung, SBS, MH, JP
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung, JP
Dr Hon Fernando CHEUNG Chiu-hung
Hon POON Siu-ping, BBS, MH
Hon Alvin YEUNG
Hon Andrew WAN Siu-kin
Hon CHU Hoi-dick
Hon YUNG Hoi-yan
Dr Hon Pierre CHAN
Hon HUI Chi-fung
Hon Nathan LAW Kwun-chung
Dr Hon LAU Siu-lai

Member absent : Dr Hon Junius HO Kwan-yiu, JP

Member attending : Hon SHIU Ka-fai

[According to the Judgment of the Court of First Instance of the High Court on 14 July 2017, LEUNG Kwok-hung, Nathan LAW Kwun-chung, YIU Chung-yim and LAU Siu-lai have been disqualified from assuming the office of a member of the Legislative Council, and have vacated the same since 12 October 2016, and are not entitled to act as a member of the Legislative Council.]

**Public Officers : Item II
attending**

Dr LAW Chi-kwong, GBS, JP
Secretary for Labour and Welfare
Labour and Welfare Bureau

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

Mr Steve TSE
Principal Assistant Secretary for Labour and Welfare
(Special Duties)
Labour and Welfare Bureau

Dr LAM Ching-choi, BBS, JP
Chairman, Elderly Commission

Dr Ernest CHUI
Principal Investigator
Consultant Team

Items II & III

Ms PANG Kit-ling
Assistant Director of Social Welfare (Elderly)
Social Welfare Department

Item III

Miss Stella CHANG
Principal Assistant Secretary for Labour and Welfare
(Welfare) 3
Labour and Welfare Bureau

Mr Kenneth WOO Chi-man
Chief Executive Officer (Subventions/Planning)

Social Welfare Department

Item IV

Mr Gordon CHONG
Principal Assistant Secretary for Labour and Welfare
(Welfare) 4
Labour and Welfare Bureau

Mrs Dorothy MA CHOW Pui-fun
Principal Assistant Secretary for the Environment
(Energy)
Environment Bureau

Ms Rebecca WAN Fuk-tai
Chief Executive Officer (Community Care Fund)
Home Affairs Bureau

Mr Roger WONG Yan-lok
Chief Engineer/Technical Support
Water Supplies Department

Mr Calvin LAU Cheuk-fung
Senior Engineer/Technical Support 1
Water Supplies Department

Items IV & V

Ms Annisa MA Sau-ching
Acting Assistant Director of Social Welfare (Family
and Child Welfare)
Social Welfare Department

Item V

Mr Eugene WAN
Acting Principal Assistant Secretary for Labour and
Welfare (Welfare) 1
Labour and Welfare Bureau

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

Ms Florence TANG Lai-fan
Chief Social Work Officer (Family and Child Welfare)2
Social Welfare Department

Miss CHAN Lai-chu
Chief Social Work Officer (Rehabilitation and Medical
Social Services)1
Social Welfare Department

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

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

Miss Alison HUI
Legislative Assistant (2) 4

Action

I. Information paper(s) issued since the last meeting
[LC Paper No. CB(2)1839/16-17(01)]

Members noted that a letter dated 6 July 2017 from Mr KWONG Chun-yu requesting the Panel to discuss policies on tackling domestic violence had been issued since the last meeting. The request would be placed on the Panel's list of outstanding items for discussion.

II. Elderly Services Programme Plan
[LC Paper Nos. CB(2)1825/16-17(01) to (03)]

2. At the invitation of the Chairman, Secretary for Labour and Welfare ("SLW"), Dr LAM Ching-choi, Chairman, Elderly Commission ("EC") and Dr Ernest CHUI, Principal Investigator of the Consultant Team, briefed members on the findings and recommendations of the Elderly Services Programme Plan ("ESPP") with the aid of a powerpoint presentation.

3. SLW said that the 2017-2018 Budget had earmarked \$30 billion to strengthen elderly services and rehabilitation services for persons with disabilities. The Administration would draw up plans to implement the

recommendations of ESPP, having regard to the financial, manpower and facility requirements.

Projections on demand for subsidized long-term care services

4. Dr Pierre CHAN opined that it was unrealistic to project the growth in the elderly population up to 2064 as the Administration could not control and predict the number and composition of families who would immigrate to Hong Kong from the Mainland. He enquired whether the Administration had required the Consultant Team to adopt certain criteria in projecting the future demand for elderly services. SLW responded that the parameters for formulating ESPP were proposed by the Consultant Team and were adopted after they had been discussed between the Consultant Team and the Administration. While reference would be made to the longer term projections in long-term elderly services planning, the recommendations made in ESPP covered the coming 10 years. As such, there should not be great deviations in the projections. Recognizing that there would be changes in family structure, housing situation, etc., the Administration would consider ESPP a "living document" and would keep in view the development.

5. Dr Ernest CHUI said that the Consultant Team had complete academic freedom in formulating ESPP. Service demand projections were made based on the service statistics of the Social Welfare Department ("SWD") and the waitlisting situation for subsidized long-term care ("LTC") services on the Central Waiting List ("CWL") in the past three years. The projections did not make any assumptions on the current and possible changes to living conditions. In response to the comment on new immigrants from the Mainland, he said that to his understanding, the Census and Statistics Department ("C&SD") had information on the education levels, gender and age distributions, etc. of people who had lived in Hong Kong for less than seven years. In preparing the projections, the Consultant Team did not directly make use of these data but reference was made to the population projection prepared by C&SD which had already factored in various demographic factors including population growth due to immigration. Dr Pierre CHAN and Mr LEUNG Yiu-chung took the view that it had practical difficulties for elderly persons to age in place given that the living area in Hong Kong had become smaller.

6. In response to Dr Pierre CHAN's enquiry about whether the projection formula would be made available to the public and whether members of the Consultant Team were required to declare interests, SLW said that most of the information used for making the projections was

readily available at various sources such as the Administration's replies to members' questions in relation to the Budget. Members of the Consultant Team were required to declare interests and they had no conflict of interests at the time of declaration. Dr Ernest CHUI confirmed that members of the Consultant Team had declared interests.

7. The Chairman said that the Working Group on Elderly Services Programme Plan ("Working Group") recommended that ESPP should be reviewed regularly and suitable platforms such as EC should be involved in conducting such reviews. He asked whether stakeholders in the community would also be involved in these reviews. Dr LAM Ching-choi responded that the Administration had accepted in principle the recommendations of ESPP and would make arrangements for the implementation of ESPP. The Working Group would monitor the implementation of ESPP and the implementation progress. Non-EC members would be co-opted onto the Working Group, if necessary. The Chairman said that stakeholders from various walks of life should be invited to participate in the reviews of ESPP. Mr LEUNG Kwok-hung criticized the mechanism for appointing EC members as no representatives of service users, social workers, frontline healthcare workers and other universities apart from those of The University of Hong Kong were appointed as members of EC. SLW responded that the profiles of EC members were made public at the time of appointment.

8. The Deputy Chairman said that some community groups were worried that the actual demand for LTC services in 2026 might be greater than the projected demand derived in ESPP. As a result, there would be a shortfall of supply of these services. The Chairman said that one of these community groups was the Long Term Care Planning Ratio Concern Group ("the Concern Group"). The Chairman and the Deputy Chairman asked whether the Administration would consider meeting these community groups and explained to them the methodology for deriving the service demand projections. SLW responded that the Administration had met with representatives of the Concern Group and was willing to meet with the Concern Group again, if necessary. He said that as the projections covered a long period of time, many parameters were expected to change continuously. The Working Group therefore suggested that the planning ratios should be reviewed and updated from time to time to adapt to changes in circumstances.

9. Mr LEUNG Yiu-chung said that according to ESPP, the projected demand for residential care services ("RCS") and community care services ("CCS") in 2026 were 21.4 beds and 14.8 places respectively per 1 000 elderly persons aged 65 or above. Expressing concern about whether the

Administration could meet the demand for RCS and CCS, he enquired about the Administration's timetable for meeting these provision targets. SLW responded that the aforesaid figures were neither projected demand nor provision targets for RCS and CCS but were indicative planning ratios. Based on the service demand projections, a set of indicative planning ratios was suggested. The indicative planning ratios of RCS and CCS for 2026 were the quotients of dividing the projected service demand in 2026 by the projected elderly population in 2031. Dr LAU Siu-lai said that some community groups took the view that such a methodology would come up with a smaller planning ratio. These community groups considered that the projected population in 2031 should be the numerator and the service demand projections in 2026 should be the denominator. SLW responded that using the projected service demand in 2026 as the denominator would be mathematically incorrect in calculating the planning ratios for 2026.

10. Dr LAU Siu-lai enquired about the Working Group's justifications for making an assumption that the overall needs for LTC services would decrease by 1% each year. SLW responded that the projections on the demand for LTC services were based on the average demand for and usage of these services in the past few years as well as the projected changes in the population of Hong Kong and of different age groups up to 2064. Since the care needs of elderly persons varied with age, the projections were made on the basis of five-year age cohorts. The 1% reduction in the needs for LTC services referred to the decrease in the demand rate of LTC service for different five-year age cohorts. The fact remained that an ageing population would bring about greater demand for LTC services, but factors such as education attainment and income level would have a mitigating effect on the extent of the increase. Some studies had shown that the needs for LTC services would reduce for people who were more educated or with a higher income. To reduce the needs for LTC services, identification of service needs, early intervention, health management, collaboration with health care sector, etc. should be strengthened. To this end, the Administration would launch pilot schemes to support elderly persons discharged from public hospitals after treatment and elderly persons with mild impairment. Dr Fernando CHEUNG said that the needs for LTC services would drastically increase as the number of elderly persons aged 85 and above would increase rapidly. It was therefore unlikely that the needs for LTC services would decrease gradually. SLW responded that the service usage rate of elderly persons would decrease by 1%. However, the overall demand for LTC services would increase rapidly in the long-run given that the size of the elderly population would increase significantly in the future. The

assumption of 1% reduction in the demand rate would only slightly reduce the rate at which the service demand would increase.

11. In response to Dr LAU Siu-lai's enquiry about the relationship between education attainment and needs for LTC services, SLW responded that many international studies had shown that higher education attainment and higher income would reduce the needs for LTC services. Dr LAU Siu-lai opined that the Administration should use parameters which were suitable for local situation. She was of the view that the income levels in Hong Kong were unlikely to rise to such levels that would bring about a reduction in the demand of LTC services. She further said that many families relied heavily on foreign domestic helpers to take care of their elderly members and the importation of domestic helpers would be affected by the policies of other places. Besides, fewer family members would be available to provide care support for elderly persons because of the reducing household size. These factors should be taken into account in projecting the service demand.

12. Dr Fernando CHEUNG said that younger persons who were suffering from dementia or were severely mentally/physically handicapped might require about the same level of care as elderly persons. The concept adopted in ESPP, i.e. to plan the provision of LTC services based on age but not on needs, was wrong and rehabilitation services should not be segregated from elderly services. Moreover, ESPP still recommended a higher planning ratio for RCS than CCS and put emphasis on RCS in terms of planning standards, resource allocation and future development of LTC services. Such a basis for projection would lead the planning for LTC services to a wrong direction and countered the Administration's policy of "ageing-in-place". He urged the Administration to formulate provision plans for LTC services afresh.

13. SLW responded that various assumptions had already been made in preparing the projections including the assumption that the needs for LTC services would be deferred with improved health conditions. Under these assumptions, the ratio of the projected demand for RCS places to CCS places would be improved from the existing ratio of around 3:1 to 1.5:1 gradually because of continuous strengthening of home care services and trended towards 1:1 in the medium-to-long term.

Standardized need assessment tool for identifying elderly persons with mild impairment

14. Mr POON Siu-ping enquired about the features of the simplified version of the standardized need assessment tool which was developed to identify elderly persons with mild impairment. He also asked about what professional staff would be involved in conducting the assessments. Assistant Director of Social Welfare (Elderly) ("AD(Elderly)") responded that since the scope of the existing assessment was too wide and the time required for a complete assessment was rather long, the Administration would launch a simple and standardized assessment tool for identifying elderly persons with mild impairment and their service needs. The existing home care service teams would be engaged in conducting the assessments for elderly persons with mild impairment. There was at least one social worker in each team and more social workers would be deployed to the teams to assist in conducting assessments having regard to the caseload.

Importation of care workers

15. Noting that the Working Group had recommended more flexible importation of care workers to meet the manpower needs for elderly services, Mr POON Siu-ping enquired whether the Administration would adopt measures (e.g. strengthening training, improving remuneration and promoting the image of the elderly care industry) to attract local labour to join the elderly care sector. He said that importation of care workers should only be considered when all these measures could not address the manpower shortage problem. SLW responded that the Administration would discuss with labour groups and the Labour Advisory Board about supplementing local labour market through importation of labour as well as improving remuneration for local care workers.

Adopting an "estate-based" approach in long-term premises and manpower planning

16. Mr Alvin YEUNG said that the Hong Kong Housing Society ("HKHS") had launched the "Ageing-in-place" Scheme in 2012. Under the Scheme, a registered social worker and a support staff member would station in every HKHS housing estate to assist elderly tenants in their health and social care activities. They would pay home visits and make health assessments to identify elderly persons with special needs and refer them to other services for follow up. According to HKHS, the expenditure incurred in implementing the Scheme was around \$35 million a year and the Scheme had benefited over 13 000 elderly tenants in

2015-2016. Noting that the Working Group had recommended that an "estate-based" approach should be adopted in long-term premises and manpower planning, he asked whether the Working Group had considered adopting the concept of the Scheme in ESPP.

17. Dr LAM Ching-choi declared that he was an executive member of HKHS. He said that the Working Group considered that an elderly-friendly environment was important for enabling elderly persons to age in place. It had therefore recommended to develop an elderly-friendly environment in the community and the Hong Kong Housing Authority ("HKHA") was invited to brief EC on its work in this regard. While there should be no problems in fostering an elderly-friendly environment in new public rental housing ("PRH") estates, there were hardware constraints in older PRH estates. EC would be willing to explore with HKHA on how the software in older PRH estates could be upgraded in order to facilitate senior residents to age in place. In response to Mr Alvin YEUNG's enquiry about how joint efforts of relevant government bureaux/departments would be coordinated to develop an elderly-friendly community, SLW said that he had preliminary discussions with the Secretary for Development and the Secretary for Transport and Housing with a view to coming up with some concrete directions. Mr Alvin YEUNG requested the Administration to keep members informed of the progress.

18. The Deputy Chairman said that currently, there were two waiting queues for RCS, one for urgent cases and the other for ordinary cases and the waiting time of the latter was very long. He asked whether the Administration would take steps to shorten the waiting time of the latter. AD(Elderly) responded that there was only one waiting list for RCS. Elderly persons who were assessed by the Standardised Care Need Assessment Mechanism for Elderly Services ("SCNAMES") to be of moderate or severe level of impairment would be eligible for subsidized LTC services. Social workers might refer elderly persons who had urgent needs for LTC services to SWD which would consider according priority to these elderly persons having regard to individual circumstances.

Age requirements for long-term care services

19. Mr LEUNG Che-cheung said that the Administration should be flexible in setting the age criteria for LTC services so that elderly persons aged below 65 would be provided with the required services. Dr Ernest CHUI responded that the Working Group considered that the eligibility criteria for each service category should be based on different factors and recommended that different age criteria should be set for different services.

The Working Group proposed that for active ageing programmes, the age requirement should be 60 but with flexibility to include those aged between 55 and 59. Some District Elderly Community Centres had already been offering active ageing programmes to elderly persons aged between 55 and 59. The age requirement for LTC services was 65 but the care needs of an elderly person would be subject to assessment results of SCNAMES. There should be flexibility in age criteria so that individual circumstances of the elderly persons could be taken into account.

Provision of residential care services by the private sector

20. Noting that one of the strategic directions in ESPP was to facilitate welfare organizations to operate self-financing services, Mr LEUNG Yiu-chung was concerned that many elderly persons could not afford the fees of self-financing services. SLW responded that while welfare organizations would be encouraged to run self-financing residential care homes for the elderly ("RCHEs"), it did not imply that all RCHEs had to be self-financing.

21. Dr LAM Ching-choi said that unlike the supply of RCHEs which hinged on availability of suitable land and the construction time, planning for the provision of CCS was more flexible. The Working Group therefore recommended strengthening CCS to facilitate elderly persons to age in place, which was the primitive indicator in formulating ESPP. Since the care for elderly persons living in the community was mainly provided by family carers, services to support these carers in assisting elderly persons to remain in the community should be strengthened. Such support services should be provided with greater flexibility, variety and choices to meet specific needs. He hoped that by enhancing support for family carers and providing the required services for elderly persons, there would be "zero waiting time" for CCS eventually.

22. Mr LEUNG Che-cheung said that many elderly persons did not want to be admitted to private RCHEs because of quality problems and there were around 10 000 vacant places in private RCHEs. As these places were readily available, they could replenish the shortfall of RCS places swiftly. The Administration should enhance the manpower, quality and monitoring of these private RCHEs and consider making use of their vacant places to address the shortage of RCS places. Instead of adopting the provision ratio of 6:4 for subsidized places to self-financing RCS places, the Administration should adjust the ratio according to changing circumstances. SLW responded that the private sector had a role to play in the provision of RCS and the Administration had not fixed

a ratio for subsidized RCS places to self-financing RCS places.

Use of technology in provision of long-term care services

23. Opining that there was little coverage on the use of technology for home care services in ESPP, Mr LEUNG Che-cheung urged the Administration to step up promotion in this regard. SLW responded that the Working Group recommended a direction for the use of technology for providing LTC services. Some of the funds earmarked for elderly services would be spent on promoting the use of technology and the Administration would seek the views of stakeholders and the sector in this regard. Dr Ernest CHUI supplemented that the Working Group encouraged service providers to better use technology and electro-mechanical equipment to reduce risk of injuries of care staff. The Working Group considered that information and communication technology ("ICT") could enable more accessible information for optimizing service utilization by service users and providers. Besides, ICT had the potentials in collecting and analyzing service statistics for planning purposes. The Working Group encouraged better use of ICT by elderly persons and service providers.

24. Mr CHAN Chi-chuen said that the policy direction of "ageing-in-place" might lead to an under-estimation of the demand for RCS because elderly persons who lived alone and were unable to take care of themselves might not wish to age in place. According to some concern groups, the demand for RCS by elderly persons who lived in the community and waiting for RCS had been under-estimated. In the ESPP projections, the projected demand for RCS in 2016 was 49 000 places. However, according to SWD's statistics, the number of subsidized RCS places and waitlistees as at end-2016 was 27 000 places and 36 000 persons respectively. The total demand for subsidized RCS places was therefore 63 000 places. He was concerned about whether the Working Group had also under-estimated the demand for RCS.

25. SLW responded that in the past few years, there was an average of 27% to 28% of the elderly persons on CWL who had declined the offers of RCS places for various reasons every year. Such situation should be taken into account in projecting the demand for RCS. In response to Mr CHAN Chi-chuen's enquiry about the reasons for elderly persons not accepting the offer of RCS, SLW said that some elderly persons might have made alternative arrangements, e.g. they were being taken care of by foreign domestic helpers or family members, and therefore preferred to continue to live in the community.

Receiving deputations' view on Elderly Services Programme Plan

26. Dr Fernando CHEUNG suggested that deputations should be invited to give views on ESPP in October 2017. The Chairman said that Dr KWOK Ka-ki and Mr Alvin YEUNG had raised similar request vide their joint letter dated 4 July 2017 (LC Paper No. CB(2)1825/16-17(03)) and the matter would be followed up in the 2017-2018 legislative session.

III. Setting up residential care homes for the elderly in Tai Po and Fanling

[LC Paper Nos. CB(2)1825/16-17(04) to (05)]

27. At the invitation of the Chairman, AD(Elderly) briefed members on the Administration's proposal to construct a contract RCHE respectively in the PRH development of HKHA at Chung Nga Road East and Tai Po Area 9, Tai Po ("the Tai Po site"), and in the mixed housing development of HKHS at Pak Wo Road, Fanling ("the Fanling site"), with the financial provision of both projects to be met from the Lotteries Fund.

28. Mr POON Siu-ping enquired whether the Administration could carry out the tendering exercise for selecting a suitable operator for the contract RCHE earlier and involve the selected operator in designing the contract RCHE so as to expedite the commencement of service of the contract RCHE. AD(Elderly) responded that the SWD had been communicating closely with HKHA and HKHS with a view to obtaining the accurate plans for the contract RCHE before the Occupation Permit was issued so that invitation of tenders could commence earlier. However, since some essential information, including the plans as well as the operating expenditures for the contract RCHE, was required to be included in the tender documents, it would not be feasible to start the tendering exercise too early before the issuance of Occupation Permit when such information was still uncertain. In addition, there was a validity period for the tender and any loss of tender validity before site completion would result in extra administrative procedures leading to the delay of the project. That said, the Administration would try to speed up the preparation of the tendering exercise during the construction stage as far as practicable, so as to expedite the commencement of service of the contract RCHE.

29. Dr Fernando CHEUNG said that while social welfare facilities should be made available in PRH estates before intake of residents, the Administration had not been able to do so in most cases. The Administration should formulate policies to ensure that social welfare

services in new PRH estates would be in operation before intake of residents. AD(Elderly) responded that the Administration would endeavour to compress the procedures with a view to providing welfare services as soon as possible after the intake of residents.

30. Dr Fernando CHEUNG said that some domestic units in PRH estates should be used as RCHEs so as to foster a homelike environment for elderly persons. Provision of RCHEs should move towards this direction and locating RCHEs in social welfare facilities blocks should be avoided. AD(Elderly) responded that factors such as manpower requirements and size of the sites should be taken into account in considering the scale of RCHEs. The Administration would adopt homely designs for RCHEs as far as practicable.

31. Given that the social welfare facilities block in the Tai Po site would be located at hillside, Dr Fernando CHEUNG called on the Administration to liaise with the Transport Department at an early stage to ensure that service users would have convenient access to the block. AD(Elderly) responded that the operator of the Day Care Centre for the Elderly ("DE") in the Tai Po site would be provided with centre buses for arranging shuttle services for service users. In response to Dr Fernando CHEUNG's enquiry about the reasons for not providing a DE in the Fanling site, AD(Elderly) responded that in considering the provision of DEs, the Administration would take into account, inter alia, the demand for and supply of DEs in the district concerned. Some sites in Fanling had been earmarked for provision of DEs, e.g. a 60-place DE would be provided in the PRH development in Queen's Hill, Fanling.

IV. Welfare support for grassroots facing energy poverty [LC Paper Nos. CB(2)1825/16-17(06) to (08)]

32. At the invitation of the Chairman, Principal Assistant Secretary for Labour and Welfare (Welfare)4 ("PAS(W)4") briefed members on the existing support for grassroots families to cope with energy expenses.

Deterring landlords of sub-divided units from overcharging tenants for energy consumption

33. Expressing concern that many tenants of subdivided units ("SDUs") were overcharged for use of electricity and/or water by their landlords, Mr KWOK Wai-keung said that the Administration should take steps to deter landlords from reselling electricity or water. He enquired whether

the Administration would impose penalty on resale of electricity or water by amending the respective Supply Rules of the CLP Power Hong Kong Limited ("CLP") and Hongkong Electric Company Limited ("HEC") as well as relevant legislation.

34. Principal Assistant Secretary for the Environment (Energy) ("PAS(Energy)") responded that under the Supply Rules, which set out the terms of the service contracts between the power companies and their customers, a customer should not resell electricity obtained from the relevant power company to any third party without the prior consent of that power company. Evidence would be required to prove the resale of electricity and the main remedy for the resale of electricity for a profit would be termination of supply. The power companies might not be allowed to impose a fine on landlords who overcharged their tenants for energy consumption under the law. Even if the power companies were allowed to do so, the landlords concerned might transfer their loss to their tenants. She further said that the power companies had offered concessionary tariffs to the disadvantaged to reduce their electricity tariffs. CLP had been working with social welfare organizations to explore the free installation of individual meters for SDU households and HEC had also explored ways in this regard. In response to Mr KWOK Wai-keung's enquiry about whether the Administration had information on the number of overcharging cases involving SDU tenants, PAS(Energy) said that landlords were not required to inform the power companies that their premises were SDUs.

35. The Chairman said that the Administration was stating the situation rather than proposing any concrete measures to address the issue. Although the Administration had been asked to arrange for installation of separate electricity meters for SDU tenants since 2014, only four such meters would be installed. PAS(Energy) responded that as SDUs might involve legal and building safety issues, the relevant electrical installations must comply with the safety requirements of relevant legislation and the requirements set out in the Supply Rules.

36. Mr Nathan LAW said the problem of SDU tenants being overcharged by landlords for energy consumption had previously been discussed by the Panel on Economic Development ("EDEV Panel") and the Panel on Housing but the Administration had made no attempts to solve the problem. The Administration should consider introducing new legislation to require landlords of SDUs to make the electricity/water bills available to their tenants and specify in the tenancy agreements how tenants would be charged for use of electricity/water. Policies should also be formulated to address the overcharging problem. He asked

whether the Administration considered that SDU tenants were facing energy poverty.

37. PAS(W)⁴ responded that the power companies and the Water Supplies Department had been following up on the suggestion of installing individual electricity/water meters for SDU tenants. A mechanism was in place to help the disadvantaged groups and the Administration would continue to provide assistance for the grassroots. Families with financial difficulties might approach SWD's Integrated Family Service Centres for assistance.

38. Dr Fernando CHEUNG said that it was estimated that at least 140 000 to 150 000 grassroots families were paying energy expenses which accounted for more than 10% of their household income. The Administration should not evade its responsibility and rely on the power companies to assist these families who were facing energy poverty. He urged the Administration to provide a solution to the energy poverty problem faced by the disadvantaged.

39. PAS(Energy) said that the power companies implemented a progressive tariff structure that was applicable to all residential customers. In 2016, the maximum residential net tariff of CLP and HEC was \$2.01 and \$1.849 per unit respectively. As SDUs usually had multiple tenants that shared the same electricity account and meter of the flat, the total electricity consumption of SDUs in the same flat might be higher than that of an ordinary residential flat, resulting in a net tariff that was higher than the average tariff. She further said that collection of electricity charges by landlords from tenants was not just an energy or electricity issue but involved tenancy arrangements between landlords and tenants as well as building structure, etc. She also said that the Administration had entered into the post-2018 Scheme of Control Agreements ("SCAs") with the power companies. Under the post-2018 SCAs, the power companies would set up a new Community Energy Saving Fund to help the underprivileged groups. The Administration would continue to make efforts within its ambit to assist families in need.

40. In response to Dr Fernando CHEUNG's enquiry about the number of SDU tenants which were charged \$2 per unit for electricity fees, PAS(Energy) said that as landlords were not required to inform the power companies whether there were SDUs in their property, the Administration did not have the required information. Mr CHU Hoi-dick took the view that the power companies should require their customers to indicate whether their properties were SDUs when they applied for electricity supply. PAS(Energy) said that the Administration could not respond on

behalf of the power companies but generally, if a landlord informed the relevant power company that his/her property was SDUs, that power company would still supply electricity to the premises for the benefits of the tenants.

41. The Deputy Chairman and Mr POON Siu-ping said that the long-term solution to overcharging of electricity consumption by landlords was to install separate electricity meters for tenants. The Administration should therefore endeavor to remove the barriers to such installations. The Deputy Chairman said that heavier penalty for overcharging of electricity consumption should be imposed to deter landlords from reselling electricity. PAS(Energy) responded that while installation of separate meters might be the best option, there were certain constraints. Consent from landlords should be obtained and the units concerned should comply with relevant prerequisites and safety standards. Suitable locations in the common areas of the buildings for installing meters should be identified and modifications to the structure of the rental premises might be required. The power companies had launched different programmes in recent years to help the disadvantaged such as persons with disabilities, low-income families, etc. For example, CLP had introduced the "Power Your Love Programme" since 2015 and helped 20 000 households.

42. In response to the enquiries of the Chairman and Mr POON Siu-ping about which government bureau was responsible for coordinating assistance for SDU tenants who were facing energy poverty, PAS(W)4 responded that the issue involved various government bureaux and departments. The Labour and Welfare Bureau had been implementing welfare programmes for the needy.

43. Mr LEUNG Kwok-hung said that as the supply of electricity and water was subsidized by the Government, it should be an offence to resell electricity or water to get profit. He asked whether the Administration had consulted the Department of Justice on taking legal actions against the landlords who overcharged their tenants for energy consumption. He also enquired whether the Administration would consider imposing heavier penalty (e.g. imprisonment) on such landlords for a stronger deterrent effect. PAS(Energy) reiterated that under the Supply Rules, a customer should not resell electricity obtained from the relevant power company to any third party without the prior consent of that power company. Upon receipt of complaints about resale of electricity, the power companies would investigate into the cases. It was however difficult to determine whether landlords had overcharged tenants over the use of electricity.

44. Dr Pierre CHAN said that according to the Administration, as SDUs might involve legal and building safety issues, it was difficult in practice to establish a different electricity tariff structure for SDUs and collection of electricity charges by landlords from tenants involved tenancy arrangements between them. He asked how the Administration would deal with legal and building safety issues of SDUs (including those SDUs which were not covered by insurance such as fire insurance) in order to safeguard the interests of the tenants. PAS(Energy) responded that these issues were not within the purview of the Environment Bureau. To her understanding, the Landlord and Tenant (Consolidation) Ordinance (Cap. 7) dealt with matters relating to the rights and obligations of landlords and tenants. In case of disputes over the level of and basis for calculating rent, water or electricity charges, tenants might make use of the free advisory service on tenancy matters provided by the Rating and Valuation Department ("RVD"). RVD could also provide mediation services subject to the agreement of both the landlord and the tenant.

Providing subsidy for grassroots facing energy poverty

45. Mr LEUNG Che-cheung opined that although the power companies were willing to do more to help SDU tenants, they were unable to do so because of the law. As it might take one to two years to amend the relevant legislation, the Administration should take short-term measures to assist SDU tenants. Given that the high temperature in SDUs in summer would pose health danger to tenants, particularly elderly persons and babies, he suggested that, as an interim measure, the Administration should provide energy subsidy for SDU tenants during summer. Expressing similar concern, the Deputy Chairman asked whether the Community Care Fund ("CCF") would provide energy subsidy for SDU tenants swiftly and how the Administration would tackle the overcharging problem.

46. PAS(W)4 responded that in the light of tight supply of private housing, providing subsidy for certain private housing tenants might trigger a rise in the private housing rental. In the end, the landlords rather than the tenants would benefit. In the long run, the problems should be addressed by increasing the supply of public housing. Chief Executive Officer (Community Care Fund) ("CEO(CCF)") supplemented that CCF had received suggestions for providing subsidy on energy expenses to SDU residents previously and the relevant suggestion had been discussed by the CCF Task Force. Some members of the CCF Task Force were concerned that such subsidy might trigger an increase in energy charges collected by some landlords and hence the relevant households could not benefit eventually. The Chairman said that he did

not see the reasons why the Administration accepted the views of the CCF Task Force but not the suggestion of members of the Panel on provision of energy subsidy for SDU tenants, notwithstanding that the suggestion had been put forward to the Administration many times. Dr Fernando CHEUNG said that to ease the worry about landlords pocketing the energy subsidy, new law should be made or relevant legislation should be amended to prevent SDU tenants from being overcharged for energy consumption and to mandate the power companies to provide concessionary tariffs for needy families.

47. In response to Mr CHU Hoi-dick's enquiry about whether any members of the CCF Task Force supported the provision of energy subsidy for SDU tenants, CEO(CCF) said that members of the CCF Task Force had different views on the subject matter and the conclusion it made was not to take forward the relevant suggestion. The Chairman and Mr CHU Hoi-dick requested the Administration to provide the Panel with the minutes of the meeting of the CCF Task Force at which the proposal for providing subsidy on energy expenses to SDU residents was discussed. CEO(CCF) undertook to follow up the matter.

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48. Dr LAU Siu-lai said that the Administration had waived rates for landlords but refused to provide energy subsidy for the needy. The Administration had turned a blind eye to overcharging of energy consumption by landlords. Mr POON Siu-ping said that in the light of the difficulties in installing separate electricity meters for SDU tenants, the Administration should seriously consider providing SDU tenants with energy subsidy. PAS(W)4 responded that the Administration had launched various assistance schemes for the needy. CCF had also launched an assistance programme to help recipients of Comprehensive Social Security Assistance ("CSSA") living in rented private housing and paying a rent exceeding the maximum rent allowance under the CSSA Scheme. The Administration would continue to provide assistance to the disadvantaged groups.

Motions

49. Mr LEUNG Che-cheung moved the following motion which was seconded by Mr KWOK Wai-keung:

"鑒於目前法例所限，劏房戶遭濫收能源費，本委員會建議，政府應盡快修訂法例，制止無良業主濫收能源費，以及盡快向劏房戶發放夏季能源津貼。"

(Translation)

"Given that tenants of sub-divided units are overcharged for energy consumption as a result of the limitations of existing legislation, this Panel proposes that the Government should amend legislation expeditiously to stop unscrupulous landlords from overcharging for energy consumption, and provide a summer energy subsidy to tenants of sub-divided units as soon as possible."

50. The Chairman put the motion to vote. All members present voted for the motion. The Chairman declared that the motion was carried.

51. Mr Nathan LAW moved the following motions:

Motion 1

"在未有法例保障不適切居所住戶遭業主濫收水電費的情況下，政府應盡快促請關愛基金推出'夏季能源補貼'，向租住私人分間單位(包括劏房、板間房的低收入住戶)的租戶直接發放能源補貼，以減輕對租戶在能源支出的壓力。"

(Translation)

"In the absence of legislation to protect households residing in inadequate housing against being overcharged by landlords for water and electricity consumption, the Government should urge the Community Care Fund to introduce expeditiously 'summer energy subsidy' for provision of energy subsidies directly to tenants of private sub-divided units (including low-income households living in sub-divided units and cubicle apartments), so as to ease their pressure in meeting energy expenses."

52. The Chairman put the motion to vote. All members present voted for the motion. The Chairman declared that the motion was carried.

Motion 2

"政府應主動就租戶用水及用電模式作出調查及撰寫報告，收集不適切居所住戶的能源貧窮數據，以提出更加到位的支援措施。"

(Translation)

"The Government should proactively investigate into and prepare a report on the water and electricity consumption practice of tenants, and collect data on energy poverty from households residing in inadequate housing, so as to put forward more relevant support measures."

53. The Chairman put the motion to vote. All members present voted for the motion. The Chairman declared that the motion was carried.

54. The Chairman said that this Panel and the EDEV Panel had passed motions at the meeting on 9 January 2017 and 23 January 2017 respectively urging the Administration to, inter alia, adopt measures to tackle the overcharging problem. He urged the Administration to face up to the problem and take effective measures to solve the problem.

V. Review of services and policies relating to hostels for children
[LC Paper Nos. CB(2)1825/16-17(09), CB(2)1839/16-17(02) to (03) and CB(2)1850/16-17(01)]

55. At the invitation of the Chairman, Assistant Director of Social Welfare (Rehabilitation and Medical Social Services) ("AD(R&MSS)") briefed members on the current position of residential child care services ("RCCS") and their development in recent years.

Setting target waiting time for residential child care services

56. Expressing concern about the long waiting time for residential special child care centres ("RSCCCs") and small group homes for mildly mentally handicapped children ("SGHs for MMH children")/integrated small group homes ("ISGHs"), Mr POON Siu-ping enquired whether a target waiting time would be set for these services. AD(R&MSS) responded that there were 33 children on the waiting list for RSCCCs and placements had been offered to 27 of them recently. Under the Administration's training subsidy programme, children who were on the waiting list of special child care centre including RSCCC would be provided with a training subsidy of around \$6,000 per month to acquire self-financing rehabilitation services run by recognised service providers to facilitate early intervention. The means test for these children to receive the training subsidy would be waived from October 2017, and the Administration had earmarked additional funding to provide an additional 1 500 places under the programme in 2017-2018. As many parents had

preference for a specific district or service unit, it would be difficult to set a target waiting time for RCCS. That said, the Administration would make its best efforts to increase the supply of these services.

57. Mr POON Siu-ping enquired about whether manpower shortage was one of the causes for the long waiting time for RSCCCs, SGHs for MMH children and ISGHs. He also asked about the manpower required to shorten the waiting time for these services. AD(R&MSS) responded that the Administration conducted a survey on the manpower situation of the welfare sector regularly and the findings of the recent surveys revealed that there was a serious shortage of physiotherapists and occupational therapists in rehabilitation services including RSCCCs. To address the manpower shortage, SWD had implemented a training sponsorship scheme to sponsor the tuition fees of students enrolled in the two-year Master Programmes in Occupational Therapy and in Physiotherapy of the Hong Kong Polytechnic University. Students were required to serve at relevant NGOs in the welfare sector upon graduation for three years. To reduce the waiting time, an additional 12 RSCCC places would be provided in 2017-2018.

Inadequate provision of residential child care services

58. Dr Fernando CHEUNG said that according to the Hospital Authority, as at June 2016, 38 children aged below 18 who did not have medical needs were hospitalized in public hospitals due to lack of emergency RCCS places. Noting that SWD would only provide five additional places of emergency/short-term care in SGHs in 2017-2018, he expressed concern about how and when the Administration would address the lack of emergency places. Acting Assistant Director of Social Welfare (Family and Child Welfare) ("Acting AD(Family and Child Welfare)") responded that as an increase in the number of long-term residential care places would help alleviate the pressure on the demand for emergency places, the Administration would examine the overall provision of RCCS. Apart from increasing the supply of emergency/short-term care places in SGHs, 240 additional foster care places would be provided by phases commencing 2017-2018 and 60 of which were foster care (emergency) places.

59. Dr Fernando CHEUNG said that according to the survey conducted by The Hong Kong Council of Social Service ("HKCSS"), an average of 324 children were waiting for RCCS per month in 2015-2016. The majority of them were waiting for residential homes for children ("RHCs") and only 22 of them were waiting for foster care places. As such, the additional provision of RCCS could not meet the demand for emergency

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places. Expressing concern that children who were stranded in public hospitals were not provided with any services, he urged the Administration to arrange NGOs to provide transitional services for these children. Acting AD(Family and Child Welfare) responded that SWD had maintained close communication with caseworkers with a view to helping these children. Upon referral from caseworkers, SWD would arrange RCCS for the children concerned as soon as practicable. At the request of the Chairman and Dr Fernando CHEUNG, Acting AD(Family and Child Welfare) undertook to provide information on the number of children who did not have medical needs but were required to stay in public hospitals as at July 2017 and the services provided by SWD for these children.

60. Mr LEUNG Kwok-hung said that Article 23 of the United Nations Convention on the Rights of the Child stated, inter alia, that: "States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community" and "States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child". He took the view that children who were stranded in public hospitals were deprived of their rights to receive the required services and were put at the risk of getting infected. In the light of the chronic shortage of long-term and emergency RCCS places, the Deputy Chairman opined that the Administration should formulate policies and deploy resources to address the problem. The Administration should identify and intervene child abuse cases as early as possible and provide the required assistance to these children.

61. Acting AD(Family and Child Welfare) responded that for children/youth who were in need of RCCS, social workers would assess their care needs and formulate their care plan with them and their families. SWD would take into account factors such as age, emotion and behavior of the children/youth concerned and provide welfare services that best suited their needs. The Deputy Chairman said that some children who were abused by their parents might not wish to stay with their families but some of them might not be able to express their wish clearly because they were too small. SWD had therefore provided these children with RCCS according to its judgment, which was not desirable. Acting AD(Family and Child Welfare) responded that SWD had all along been prudent in handling child abuse cases and attached great importance to the wish of

the children concerned. In considering residential care arrangements, the children concerned would be involved in the process and social workers would explain to them the arrangements. In response to the Deputy Chairman's enquiry about whether there was an increase in the number of child abuse cases, Acting AD(Family and Child Welfare) said that the number of newly reported child abuse cases was around 900 cases a year and no obvious uptrend or downtrend in child abuse cases had been observed in the past five years.

62. The Chairman said that many mildly mentally handicapped children in need of RCCS had to wait for more than a year for placements and some of them had to stay in private residential care homes for persons with disabilities ("RCHDs"). Moreover, mildly mentally handicapped children who were admitted to RCHDs lacked learning and social activities. He wondered whether the Administration had any regard to the children's best interests. The Administration should ensure that the physical, social, emotional and intellectual needs of these children were suitably taken care of.

63. AD(R&MSS) responded that the average waiting time for SGHs for MMH children was 15.6 months which was undesirable. SWD would provide an additional 48 places and 16 places in SGHs for MMH children in 2017-2018 and 2018-2019 respectively in order to meet the service demand. Some parents of mildly mentally handicapped children preferred private homes to subsidized homes because the former were closer to their children's schools. At present, there were 10 children aged below 15 residing in six private homes and they were all closely followed up by caseworkers and school social workers. Family aide service was provided for these children and arrangements for them to attend training or learning activities in district support centres for persons with disabilities were made as appropriate. SWD would keep in touch with the parents concerned and provide them with the required assistance.

64. The Chairman said that some children were required to change their residential placements for reasons such as over-age, changes in service needs, etc. and there was a young person at the age of 17 having lived in three residential homes for children, two SGHs and seven foster homes. Taking the view that frequent changes in the living environment had a profound and adverse impact on the growth and development of children, he called on the Administration to review the existing RCCS and draw up a holistic plan with the vision and target of providing suitable and stable RCCS for needy children.

65. Chief Social Work Officer (Family and Child Welfare)2 ("CSWO(Family and Child Welfare)2") responded that SWD would make reference to the data in the Central Referral System for Residential Child Care Services to plan for the provision of RCCS. SWD had, together with the welfare sector and HKCSS, set up the Residential Child Care Services Development Committee to regularly review the operation and waitlisting of RCCS. In view of the increasing complexity of emotional and behavioural problems of children and young persons receiving RCCS in recent years, SWD had provided additional funding in 2013-2014 to strengthen professional support for RCHs through increasing the number of social workers and introducing clinical psychological service. The social workers followed up regularly conditions of the children and assessed their welfare needs, with a view to reviewing their existing residential care arrangements for achieving the long-term welfare plan. Given that the policies for RCCS had not been reviewed for a long time, the Chairman urged the Administration to review the RCCS and formulate a comprehensive plan on development and provision for RCCS.

66. Dr Fernando CHEUNG said that due to the acute shortage of RCCS places, children who did not have medical needs were forced to stay in public hospitals and some children were required to change their residential care arrangements frequently. According to information on the SWD's website, the waiting time for SGHs for MMH children was three years for ordinary cases and two years for emergency cases. The welfare sector had also reflected that children who had been sexually assaulted were not assessed by psychologists on the types of RCCS that best suited them. He opined that the Administration had not attached importance to the best interests of needy children. Acting AD(Family and Child Welfare) responded that the Administration was very concerned about the well-being of children in need of RCCS and resources had been secured to increase foster care places in 2017-2018 so that RCCS could be provided at the earliest possible time. To encourage foster families to take care of young children, SWD would introduce an extra incentive payment for foster parents for taking care of children under the age of three.

67. CSWO(Family and Child Welfare)2 shared that in 2016, 879 children had ceased using RCCS and 833 of them were restored home for family reunion. Changes of residential care arrangements were sometimes required because some children could not adapt to the residential care services or had behavioral or emotional problems, etc. Social workers recognised that it was important for children to have stable living environment and would avoid changing the existing residential care arrangements as far as possible.

68. The Chairman said that according to SWD's Controlling Officer's Report, the number of foster care places had not been increased in the past five years, save in 2016-2017. The number of foster care places remained at the range of 800 to 900 in the past 10 years. He was given to understand that some foster families had never provided foster care services. CSWO(Family and Child Welfare)2 responded that as at the end of March 2017, 899 families had registered for foster care services and around 700 of them were providing foster care for 923 children. There might be a break of services provided by some of these families for reasons such as foster parent's need for a short break or awaiting suitable matching, etc. In response to Mr LEUNG Kwok-hung's enquiry about the supply of foster care places, CSWO(Family and Child Welfare)2 said that at present, there were a total of 1 070 foster care places. Mr LEUNG Kwok-hung doubted whether the planned provision of foster care places could accommodate all the children who were stranded in public hospitals. At the request of the Chairman, CSWO(Family and Child Welfare)2 undertook to provide the number of foster families who had not provided any foster care services in the past five years and the reasons for not doing so.

Admin

69. In response to Dr KWOK Ka-ki's enquiry about situation of children waiting for admission to RCCS, CSWO(Family and Child Welfare)2 said that for children with urgent need for residential care, social workers might approach the residential care units providing emergency placement direct for enquiries and referrals, and arrange for admission if places were available. For children who required care or protection as stipulated under the Protection of Children and Juveniles Ordinance (Cap. 213) ("PCJO") and had imminent need for out of home care, the social workers might apply to the court under PCJO for admitting them to places of refuge. At Dr KWOK Ka-ki's request, CSWO(Family and Child Welfare)2 undertook to provide the number of children who were in need of RCCS but were not provided with any such services as well as the number of children who were admitted to places of refuge in accordance with the care or protection orders granted by the court in the past three years.

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Motion

70. Dr Fernando CHEUNG moved the following motion:

"本委員會促請政府就兒童住宿照顧服務進行全面檢討，以制訂改善及發展計劃。"

(Translation)

"This Panel urges the Government to conduct a holistic review of residential child care services, so as to formulate improvement and development plans."

71. The Chairman put the motion to vote. All members present voted for the motion. The Chairman declared that the motion was carried.

VI. Any other business

72. There being no other business, the meeting ended at 12:31 pm.

Council Business Division 2
Legislative Council Secretariat
30 October 2017