

立法會

Legislative Council

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Report of the Panel on Welfare Services for submission to the Legislative Council

Purpose

This report gives an account of the work of the Panel on Welfare Services ("the Panel") during the 2019-2020 session of the Legislative Council. It will be tabled at the Council meeting of 8 July 2020 in accordance with Rule 77(14) of the Rules of Procedure.

The Panel

2. The Panel was formed by a resolution of the Council on 8 July 1998 and as amended on 20 December 2000, 9 October 2002, 11 July 2007 and 2 July 2008 for the purpose of monitoring and examining Government policies and issues of public concern relating to welfare (including women welfare) and rehabilitation services, poverty, social enterprise and the Family Council. The terms of reference of the Panel are in **Appendix I**.

3. The Panel comprises 17 members, with Hon KWONG Chun-yu and Hon SHIU Ka-chun elected as its Chairman and Deputy Chairman respectively. The membership list of the Panel is in **Appendix II**.

Major work

Social security

4. Social security has always been one of the major areas of concern of the Panel. Following up such work in the last session, the Panel discussed with the Administration the review of pro-employment measures and other improvement measures under the Comprehensive Social Security Assistance ("CSSA") Scheme. The Panel was also briefed by the Administration on its proposal to adjust the standard payment rates and

maximum rent allowance ("MRA") under the CSSA Scheme and the rates of allowances under the Social Security Allowance Scheme with effect from 1 February 2020 according to the established mechanism.

5. Members considered that the existing levels of CSSA payments were inadequate in meeting the basic needs of CSSA recipients. Members urged the Administration to conduct a comprehensive review of the CSSA Scheme. They also urged the Administration to conduct a study on the basic living expenses of households under the CSSA Scheme, and draw up a timetable for conducting the study. The Administration advised that on top of the CSSA standard rates, special grants and supplements were provided for eligible CSSA recipients to meet their special needs. The Administration had completed a review of the pro-employment measures and looked into all supplements and special grants under the CSSA Scheme. It would enhance the pro-employment and other related measures under the CSSA Scheme with a view to strengthening the support for CSSA recipients.

6. Members expressed concern that many CSSA households had to use the CSSA payments to pay for rental expenses as the actual rent paid by them had exceeded the MRA payable to them. There was a call for the Administration to implement rental support measures for CSSA recipients in tandem with rent control, which should start with subdivided units. The Administration advised that an increase in MRA might induce CSSA recipients to rent more expensive units. As a result, the number of CSSA recipients living in private housing and paying rents which were higher than MRA might increase. The Administration, therefore, had to be cautious in setting and adjusting MRA. The Administration would keep in view the rental trends of CSSA households living in private rental housing.

7. The Panel also discussed the Administration's initiatives to provide one-off extra allowance to recipients of social security payments, Working Family Allowance and Work Incentive Transport Subsidy. Members took the view that the provision of one-off extra allowance to recipients of social security payments as announced by the Financial Secretary in August 2019 could not address the financial difficulties faced by many CSSA households. Members called on the Administration to increase the CSSA standard rates and consider providing another round of one-off extra allowance in the 2019-2020 financial year. The Administration advised that in the light of the impact of the social incidents which started in June 2019 on local economy, the Administration had launched two rounds of one-off relief measures in the 2019-2020 financial year to assist the needy groups. Various government bureaux and departments ("B/Ds") would adopt a multi-pronged approach to assist the needy groups.

Services for the elderly and persons with disabilities

Support measures for persons aged between 60 and 64

8. In this session, members continued to follow up the support measures for persons aged between 60 and 64. At a Panel meeting in November 2019, members criticized the Administration for not providing adequate support for persons aged between 60 and 64 and urged the Administration to enhance the provision of employment support services and community services for persons aged between 60 and 64. Some members suggested that the Administration should introduce a "silver age card" scheme for persons aged between 60 and 64 and offer them public transport fare concessions and other benefits, such as free basic physical examination, under the scheme. Some members called on the Administration to extend the the Senior Citizen Card Scheme to cover persons aged between 60 and 64, and liaise with the private sector on the provision of new concessions to eligible persons under the Senior Citizen Card Scheme.

9. In January 2020, the Administration proposed to lower the eligible age of the Government Public Transport Fare Concession Scheme for the Elderly and Eligible Persons with Disabilities (commonly known as "the \$2 transport fare concession scheme") from the current 65 to 60. Details of the implementation timetable would be announced upon completion of the review of the scheme by the Administration in the first half of 2020.

10. To enable more focused discussion on the subject, the Panel appointed a subcommittee in May 2020 to study and follow up welfare benefits to which members of the public aged between 60 and 64 were currently entitled, as well as the feasibility of introducing the "silver age card". The subcommittee was placed on the waiting list for activation when a vacant slot arose.

Pilot Scheme on Home Care and Support for Elderly Persons with Mild Impairment

11. The Panel discussed with the Administration the progress of the Pilot Scheme on Home Care and Support for Elderly Persons with Mild Impairment ("Pilot Scheme"). Relevant deputations/individuals were invited to give views on the issue. Members noted that the Social Welfare Department ("SWD") had commissioned the Sau Po Centre on Ageing of The University of Hong Kong to evaluate the effectiveness of the Pilot Scheme. SWD would study the evaluation report upon receipt and consider the way forward for the Pilot Scheme.

12. Members expressed concern that many elderly persons in need of home care services ("HCS") were not eligible for participating in the Pilot Scheme because their incomes or assets had exceeded the respective threshold. Members called on the Administration to abolish the means test of the Pilot Scheme. Some members were concerned that HCS was capped at a maximum of 12 hours per month and the number of meal service was limited to 50 meals per month under the Pilot Scheme. These members took the view that the Administration should remove the cap for HCS and increase the provision of meal service under the Pilot Scheme.

13. The Administration advised that the caps for HCS and meal service were set with reference to the utilization of these services by elderly persons. According to the information collected by the Administration, there were only a very small number of elderly persons who had utilized these services up to the caps. The Administration also advised that service providers were given the flexibility in the provision of HCS and meal service to elderly persons according to their individual circumstances. The Administration would review the service volume and consider how extra services would be provided for eligible elderly persons having regard to the evaluation results of the Pilot Scheme.

Formulation of a new Hong Kong Rehabilitation Programme Plan

14. Hong Kong Rehabilitation Programme Plan ("RPP") sets out the strategic directions and measures to address various service needs of persons with disabilities. The Panel was briefed by the Administration on the progress of the formulation of a new RPP, and the strategic directions, themes and strategic recommendations of the new RPP. Members of the public were invited to give views on the issues.

15. Some members took the view that the new RPP had not made concrete recommendations on how to address some long-standing problems, such as the exceedingly long waiting time for residential care services ("RCS") and community care services, as well as substandard quality of private residential care homes for persons with disabilities ("RCHDs"). Some members shared some deputations' concern that many children with special educational needs ("SEN children") had no alternative but to study at ordinary kindergartens ("KGs") or ordinary child care centres ("CCCs") due to serious shortage of places in special child care centres ("SCCCs"). As a result, these SEN children were unable to receive suitable training and appropriate support. There was a call for the Administration to, through on-site pre-school rehabilitation services, provide additional special child care workers for ordinary KGs which had admitted SEN children with severe disabilities, so as to enhance rehabilitation training and assist such

KGs in providing suitable support for these children.

16. The Administration advised that the total number of places of SCCCs as well as that of Early Education and Training Centres would be increased by about 1 200 to about 6 700 from the 2019-2020 financial year to the 2021-2022 financial year. The Administration had also implemented a pilot project, through the Lotteries Fund ("LF"), on the provision of support for children who showed signs of special needs and were waiting for assessment in KGs or KG-cum-CCCs. The RPP review would consider ways to address the service needs of SEN children.

17. Members noted that the new RPP had recommended the introduction of a care service voucher scheme for persons with disabilities. Some members had reservation about this recommendation because they doubted the effectiveness of the existing care service voucher schemes implemented by the Administration. Some members opined that care service vouchers with a co-payment mechanism should not be introduced for persons with disabilities because it was a basic need of persons with disabilities to receive care services. The Administration advised that it would listen to views of the community on the provision of care service vouchers for persons with disabilities during the public engagement exercise for the formulation of the new RPP.

Support for the elderly, the chronically-ill, persons with disabilities and the grass-roots during the Coronavirus Disease 2019 epidemic

18. Having regard to the development of the Coronavirus Disease 2019 ("COVID-19") epidemic and to ensure that essential and urgent services were maintained, SWD had adjusted the operation arrangements of subsidized welfare services in order to reduce the risk of infection arising from the gathering of people. Some members were concerned that residential care homes for the elderly ("RCHEs") and RCHDs might not have adequate face masks for use by their staff and residents during the COVID-19 epidemic. According to the Administration, since late-February 2020, SWD had distributed a total of five million face masks to the subsidized, contract, self-financing and private residential service units (including RCHEs and RCHDs licensed by SWD) in six batches.

19. Some members pointed out that with the suspension of training services, some pre-school children with special needs had regressed in their abilities in physical, social, cognitive, speech, emotional and behavioral aspects. These members called on service providers to enhance their communication with the parents of these children by phone or via electronic means. These members further suggested that the Administration should better prepare SCCCs for service resumption by

providing sufficient personal protective equipment for their staff, arranging transportation for service users and drawing up operational guidelines for SCCCs.

20. The Administration advised that to strike a balance between protecting the health of staff of service providers as well as service users and maintaining training services, SWD had, on 28 February 2020, requested service providers to resume training for pre-school children with special needs on a one-on-one basis in a progressive manner subject to parents' consent. Service providers would also provide home-based video training and e-training for these children and give advice to parents over the phone on how the training for their children could be provided at home.

Family and child welfare

Protection for children against abuse

21. The Panel was briefed by Dr Fernando CHEUNG on his proposed Member's Bill to amend the Protection of Children and Juveniles Ordinance (Cap. 213) and the Juvenile Offenders Ordinance ("JOO") (Cap. 226) ("Member's bill") to enhance the protection for children against abuse.

22. Members noted that The Ombudsman had pointed out in its Direct Investigation Report on "Mechanism for Identifying and Reporting Suspected Child Abuse Cases" that there were inconsistencies in the contents of the Procedural Guide for Handling Child Abuse Cases ("Procedural Guide") issued by SWD and that of the School Administration Guide/circular on handling suspected cases of child abuse and domestic violence issued by the Education Bureau ("EDB's guidelines"). Dr Fernando CHEUNG expressed concern that as SWD had regarded some reported child abuse cases as enquiries and some principals of KGs did not report some suspected child abuse cases, some of these cases had not been handled properly. As such, the Member's bill had proposed to make it mandatory for persons who were responsible for the care and welfare of children to report child abuse. Expressing support for the proposed mandatory reporting mechanism for child abuse, some members suggested that the Administration should provide persons who were responsible for the care and welfare of children with clear guidelines on fulfilling the proposed statutory duty of reporting child abuse.

23. According to the Administration, The Ombudsman had suggested that the Administration should explore the feasibility of establishing a reporting mechanism for suspected child abuse cases. In addition, the Law Reform Commission ("LRC") had been reviewing the feasibility of

introducing a new offence of "failure to protect a child or vulnerable person where the child's or vulnerable person's death or serious harm results from an unlawful act or neglect". In the same LRC review, the mandatory reporting mechanism for child abuse was also explored. According to LRC, it would need to consult the public and the legal sector on the above "failure to protect" offence as well as the mandatory reporting mechanism given their complex nature and wide ranging implications. Upon receipt of LRC's final report, the Administration would carefully consider the recommendations therein. The Administration also advised that SWD was revising the contents of the Procedural Guide with a view to improving its clarity and consistency with EDB's guidelines.

24. Referring to Dr Fernando CHEUNG's proposal to introduce a new section to JOO under which no persons over the age of 10 and under the age of 16 could be guilty of any offence except an offence of serious personal violence ("proposed new section"), some members pointed out that the Government had added a new provision to the Crimes Ordinance (Cap. 200) to implement the recommendation of the report of LRC published in December 2010 that the irrebuttable common law presumption that a boy under the age of 14 was incapable of sexual intercourse should be abolished. These members were concerned that the proposed new section to JOO might contradict the intent of the aforesaid provision of the Crimes Ordinance. Moreover, as persons who were over the age of 14 and under the age of 16 might be capable of committing serious offences such as criminal damage or theft, these members wondered whether the proposed new section should be applicable to offenders between the age of 14 and 16. Dr Fernando CHEUNG explained that as rape was an offence of serious personal violence, his proposed amendment to the age of criminal responsibility was not in contradiction to the intent of the relevant provision in the Crimes Ordinance.

Work progress of the Family Council

25. At a joint meeting of the Panel on Welfare Services and the Panel on Home Affairs, members discussed with the Administration the work progress of the Family Council. Members noted that the Family Council had commissioned a research team from The University of Hong Kong ("Research Team") to conduct a study, namely "Further Study in the Phenomenon of Divorce in Hong Kong" ("the Study"), in June 2018, but the Study would not be completed in late 2019/early 2020 as originally planned. Given that many maintenance payees were having difficulties in recovering arrears of maintenance, members were gravely concerned about the long delay in improving the existing systems of collection of maintenance payments and enforcement of maintenance orders as well as the setting up of a maintenance board. In this connection, members

strongly urged the Family Council to speed up the progress of the Study.

26. According to the Family Council, given the wide range of subject areas covered by the Study, the Research Team required more time to collect data and information. Moreover, as the offices of some organizations/stakeholders were not open for visits or face-to-face discussions during the outbreak of COVID-19, the Research Team had to spend more time to collect data and information from such organizations/stakeholders for further analysis and study. The Research Team was still in the course of conducting the Study and was expected to submit the draft report to the Family Council in mid-2020 for discussion.

27. Some members called on the Administration, in the short term, to set up an emergency relief fund to support families which were facing financial hardship due to unexpected circumstances or family crisis. They further suggested that, in the medium and long run, a maintenance board should be set up to facilitate the enforcement of maintenance orders, recovery of maintenance payments and the investigation into the default cases concerned. The Family Council advised that it would discuss the provision of emergency fund for needy families.

Support for underprivileged groups in the community

Language support services and dedicated outreach services teams for ethnic minorities

28. At the request of the Panel on Welfare Services and the Panel on Home Affairs, the Administration exchanged views with members on the language support services and dedicated outreach services teams for ethnic minorities ("EMs"). Some members held the view that many EMs were not aware of the support services provided by the Administration, in particular the support services provided during the COVID-19 epidemic. Some members expressed concern that the Administration had not provided adequate language support services to EMs to ensure that they had equal access to welfare services. There was a call for government departments and welfare service units to employ more EMs as frontline staff to strengthen language support services for EMs, and provide suitable training for these EM staff so that they could render appropriate assistance to EMs in need to facilitate the latter's access to public services.

Support measures for the homeless

29. When the Panel was briefed on the support measures provided by SWD for the homeless, members criticized the Administration for failing to address the needs of street sleepers. Members called on the

Administration to strengthen the support, including financial, medical and employment support, for street sleepers, and assign a policy bureau to steer the provision of various support services for the homeless and formulate homeless-friendly policies. Members also urged the Administration to promote understanding of and caring for street sleepers in society. The Administration advised that SWD's social workers stood ready to offer assistance to street sleepers in need. Street sleepers might approach the Integrated Family Service Centres or Integrated Services Teams for Street Sleepers for assistance.

Social welfare support provided at community housing after its completion

30. Given that residents of community housing were low-income households or those who had long been on the waiting list for public rental housing ("PRH"), members urged the Administration to earmark funding for setting up dedicated social worker teams in community housing, in particular large-scale community housing projects, to provide services for residents. According to the Administration, non-governmental organizations ("NGOs") implementing community housing projects would provide their residents with various types of support services according to their residents' needs. These NGOs would also refer residents in need to appropriate social welfare services provided by SWD or NGOs subvented by SWD.

Welfare and community support for people affected by social incidents

31. In view of the social incidents that started in June 2019, members of the public were invited to give views on the welfare and community support for people affected by the social incidents at a special meeting of the Panel in November 2019. Some members expressed concern that some social workers were injured or arrested by the Police while they were performing duties at protest scenes of social incidents. These members called on SWD to affirm the legitimate role of social workers in assisting protesters during social incidents. The Administration advised that it was important for social workers to give due consideration to their personal safety and should only discharge duties under lawful situations.

32. In the light of the severe shortage of manpower for providing youth outreach services and assistance for people who were arrested as a result of the social incidents, some members considered that the Administration should allocate additional resources to NGOs for meeting the service demand during this critical period. These members also took the view that as it might take a very long time for society to recover from the aftermath of the social incidents and many affected people were having imminent needs for various social welfare services, the Administration

should draw up contingency plans and establish a mechanism for responding to the needs of society as soon as possible.

33. According to the Administration, extra manpower and financial resources had already been provided for some NGOs to meet additional service needs. SWD had maintained close communication with youth outreaching social work teams, Cyber Youth Support Teams, teams under the Community Support Service Scheme and NGOs on the service needs of young people during this period. SWD had also kept in view the number of social service referrals involving young people who were arrested during the social incidents with a view to enhancing the services provided for young people.

Crisis support for sexual violence victims

34. In December 2019, the Panel discussed with the Administration the crisis support services provided for sexual violence victims and the "one-stop" service model for handling sexual violence cases. Relevant deputations were invited to give views on the issue. The Panel also paid a visit to observe the supporting facilities for sexual violence victims.

35. Members expressed concern that under the Administration's "one-stop" service model, sexual violence victims seeking assistance were required to go to various places to undergo the necessary procedures and recount their traumatic experience, which had inflicted further psychological harm on them. Members called on the Administration to formulate relevant policies and the Labour and Welfare Bureau to take the lead in coordinating services of relevant departments with a view to providing genuine one-stop support services for sexual violence victims. Some members called on the Administration to set up three "one-stop crisis support centres", one each in three public hospitals. They suggested that these "one-stop crisis support centres" should be well-equipped with health care facilities and provide a comfort, secure and private environment for sexual violence victims.

36. According to the Administration, the Hospital Authority ("HA"), SWD and other relevant government departments would arrange regular visits to the designated rooms in public hospitals to ensure that the provision of such facilities was in line with the principle of providing a convenient, safe and private environment to the victims. In the long run, HA would actively study the provision and enhancement of the designated rooms or facilities in newly built or renovated hospitals for patients in need, including sexual violence victims.

Social welfare planning

Planning for the provision of welfare facilities in new districts

37. At the Panel's request, the Administration exchanged views with members on the planning for the provision of welfare facilities in new districts. Relevant deputations/individuals were invited to give views on the issue. Some members expressed concern that as the provision of welfare facilities and services in new districts often lagged far behind the intake of residents, there was a serious shortfall in the provision of welfare services, such as whole-day child care services and HCS and RCS for the elderly, in new districts. These members urged the Administration to adopt the principle of "making services available first" in planning for new districts and new PRH estates, i.e. making welfare services available before the intake of residents. Some members urged the Administration to enhance inter-departmental coordination in planning for welfare facilities and services in new PRH estates, reserve suitable premises for social worker teams to use as offices in new PRH estates, and extend the current duration of funding for community support programmes ("CSPs") to six years.

38. According to the Administration, as time was required to set up welfare facilities and for service providers to provide welfare services in new PRH estates, CSPs funded by the Community Investment and Inclusion Fund were launched to facilitate residents to adapt to the new living environment at the early stage of residents intake. The duration of funding for CSPs was "N+36 months", in which "N" represented the time required for residents intake of the new PRH estates concerned, and "36 months" represented the maximum duration of approval. The duration of funding allowed project teams serving new PRH estates to provide support for residents in the interim before relevant welfare facilities and services were made fully available. The Administration would explore the feasibility of identifying space in new PRH estates for social worker teams to set up offices.

Welfare facility projects funded by Lotteries Fund

39. The Panel was briefed by the Administration on its plans to seek funding from LF for construction of welfare facilities in the 2020-2021 financial year and the latest development of the welfare facility projects which were included in the annual briefing for the Panel in April 2019. Members reiterated their concern about the lengthy process of implementing the LF-funded welfare facility projects. They called on the Administration to review the existing procedures and take concrete measures to speed up the implementation of LF-funded welfare facility

projects, in particular projects related to elderly and rehabilitation services. The Administration advised that consultation at district level on provision of welfare facilities could be lengthy, particularly when there was dissenting voice about land uses. Moreover, relevant B/Ds had taken considerable time to collaborate on projects involving several B/Ds. The Administration would continue to take follow-up actions with a view to delivering the projects as soon as possible.

Special Scheme on Privately Owned Sites for Welfare Uses

40. Members expressed grave concern that as at end-March 2020, out of 63 project proposals received under Phase One of the Special Scheme on Privately Owned Sites for Welfare Uses ("Special Sites Scheme") in 2013, only five projects had been completed and 13 project proposals were not able to proceed further due to reasons such as site constraints. Members strongly urged the Administration to speed up the implementation progress of the remaining projects.

41. The Administration advised that the projects under the Special Sites Scheme were at various stages of development and different factors, such as requirements prescribed in the land lease conditions and restrictions stipulated in the outline zoning plans on use and development intensity, would affect the progress of the projects. Depending on the time taken to complete the necessary development and planning procedures (e.g. modification of lease, outline zoning plan amendment and planning permission), it might take several years or longer to implement these projects. The Administration would continue to press ahead with the implementation of the Special Sites Scheme and render assistance to the NGO applicants during the planning and development process of their project proposals.

Joint Subcommittee on Long-term Care Policy

42. The Joint Subcommittee on Long-term Care Policy, established under the Panel on Welfare Services and the Panel on Health Services in December 2016, studied long-term care policy and services. The Joint Subcommittee had completed its 12-month period of work in December 2017 and subsequently reactivated its work in March 2020. The Joint Subcommittee had held three meetings from May to June 2020 to discuss with the Administration various issues of concern, including long-term care services being affected under the COVID-19 epidemic, application of gerontechnology in elderly care services, provision of health care vouchers for persons with disabilities, and amendments to the Residential Care Homes (Elderly Persons) Ordinance (Cap. 459) and the Residential Care Homes (Persons with Disabilities) Ordinance (Cap. 613).

Meetings held

43. During the period between 16 October 2019 (on which the 2019-2020 session began) and 30 June 2020, the Panel held a total of 11 meetings and received views from a total of 77 deputations/individuals at four of these meetings.¹ One meeting has been scheduled for July 2020.

Council Business Division 2
Legislative Council Secretariat
29 June 2020

¹ Of the 11 meetings, one was a joint meeting with the Panel on Home Affairs.

Legislative Council

Panel on Welfare Services

Terms of Reference

1. To monitor and examine Government policies and issues of public concern relating to welfare (including women welfare) and rehabilitation services, poverty, social enterprise and Family Council.
2. To provide a forum for the exchange and dissemination of views on the above policy matters.
3. To receive briefings and to formulate views on any major legislative or financial proposals in respect of the above policy areas prior to their formal introduction to the Council or Finance Committee.
4. To monitor and examine, to the extent it considers necessary, the above policy matters referred to it by a member of the Panel or by the House Committee.
5. To make reports to the Council or to the House Committee as required by the Rules of Procedure.

Panel on Welfare Services

Membership list for the 2019 - 2020 session*

Chairman	Hon KWONG Chun-yu
Deputy Chairman	Hon SHIU Ka-chun
Members	Hon LEUNG Yiu-chung Prof Hon Joseph LEE Kok-long, SBS, JP 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 Andrew WAN Siu-kin Hon CHU Hoi-dick Hon Wilson OR Chong-shing, MH Dr Hon Pierre CHAN Hon LUK Chung-hung, JP Dr Hon CHENG Chung-tai (Total : 17 members)
Clerk	Ms Wendy JAN
Legal adviser	Miss Rachel DAI

* Changes in membership are shown in Annex.

Annex to Appendix II

Panel on Welfare Services

Changes in membership

Member	Relevant date
Hon Kenneth LAU Ip-keung, BBS, MH, JP	Up to 20 October 2019
Hon Jeffrey LAM Kin-fung, GBS, JP	Up to 27 October 2019
Hon YUNG Hoi-yan, JP	Up to 30 October 2019