

立法會
Legislative Council

LC Paper No. CB(2)553/06-07

(These minutes have been
seen by the Administration)

Ref : CB2/PL/WS

Panel on Welfare Services

Minutes of meeting
held on Monday, 13 November 2006, at 10:45 am
in Conference Room A of the Legislative Council Building

Members present : Hon CHAN Yuen-han, JP (Chairman)
Dr Hon Fernando CHEUNG Chiu-hung (Deputy Chairman)
Hon Albert HO Chun-yan
Hon LEE Cheuk-yan
Dr Hon YEUNG Sum
Hon TAM Yiu-chung, GBS, JP
Hon LI Fung-ying, BBS, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon LEUNG Kwok-hung
Dr Hon KWOK Ka-ki

Members absent : Hon Bernard CHAN, GBS, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Hon Frederick FUNG Kin-kee, SBS, JP
Hon Alan LEONG Kah-kit, SC

Public Officers attending : Agenda item IV

Mrs Mary MA
Commissioner for Rehabilitation
Health, Welfare and Food Bureau

Mr MO Kim-ming
Assistant Director/New Buildings 1
Buildings Department

Mr Alex CHOW
Chief Building Surveyor/Kowloon
Buildings Department

Mr Samson WONG
Managing Director
Samson Wong & Associates Property Consultancy Ltd

Agenda item V

Ms Carol YIP
Deputy Secretary for Health, Welfare and Food
(Elderly Services and Social Security)

Mr D C CHEUNG
Principal Assistant Secretary for Health, Welfare and Food
(Elderly Services and Social Security) 2

Miss Cherie YEUNG
Assistant Secretary for Health, Welfare and Food
(Elderly Services and Social Security) 4

Miss Nancy LAW, JP
Deputy Director of Social Welfare (Administration)

Mr CHENG Chok-man
Chief Social Security Officer (Social Security) 1
Social Welfare Department

Mr Kenneth NG Wing-cheung
Senior Statistician (Social Welfare)
Social Welfare Department

**Deputations
by invitation** : Agenda item IV

Retina Hong Kong

Mr TSANG Kin-ping
President

The Hong Kong Council of Social Service

Mr KUO Chun-chuen
Rehabilitation Officer

Hong Kong Association for Parent of Persons with Physical Disabilities

Ms LING Ching-ha
Executive Member

Ms LAM Suk-yu
Executive Member

Hong Kong Occupational Therapy Association

Ms Sanne FONG Siu-lai

The Parents' Association of Pre-school Handicapped Children

Ms CHEUNG Kwok-chun
Parent Representative

Hong Kong Blind Union

Mr Raco CHENG Tak-wah
Director

1st Step Association

Mr SIU Tung-choi
Group Member

Mr LUNG Hiu-hong
Social Worker

Rehabilitation Alliance Hong Kong

Mr CHEUNG Kin-fai
Chairperson

Mr Henry HUNG
Vice Chairperson

The Direction Association for the Handicapped

Mr LAW Wai-cheung
Vice Chairman

Clerk in attendance : Miss Betty MA
Chief Council Secretary (2) 4

Staff in attendance : Mr Chris LAI
Senior Council Secretary (2) 7

Miss Maggie CHIU
Legislative Assistant (2) 4

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I. Confirmation of minutes

[LC Paper Nos. CB(2)221/06-07 and CB(2)262/06-07]

The minutes of the meetings held on 12 and 13 October 2006 were confirmed.

II. Information paper(s) issued since the last meeting

[LC Paper No. CB(2)292/06-07(01)]

2. Members noted that the Administration had provided an information paper entitled "Implementation of Phase II of the Information Systems Strategy of the Social Welfare Department – Technical Infrastructure and Client Information System" since the last meeting.

III. Items for discussion at the next meeting

[LC Paper No. CB(2)263/06-07(01) and (02)]

3. Members agreed to discuss the following items at the next regular meeting to be held on 11 December 2006 at 10:45 am –

- (a) Progress of the Partnership Fund for the Disadvantaged; and
- (b) Development of arts for people with disabilities.

4. Dr YEUNG Sum enquired about the Administration's timetable for introducing legislative amendments to the Domestic Violence Ordinance. The Chairman advised that the Administration would brief the Panel on the legislative proposal in January 2007. In connection with the recent incident of family violence in Wong Tai Sin, the Chairman said that the Subcommittee on Strategy and Measures to Tackle Family Violence would convene a meeting to discuss the

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subject of housing assistance for victims of domestic violence.

IV. Review of the design manual : barrier free access 1997

[LC Paper Nos. CB(2)263/06-07(03), CB(2)337/06-07(01) to (03) and CB(2)350/06-07(01)]

5. Assistant Director/ New Buildings 1 of Buildings Department (AD(NB)1) briefed members on the major comments received during the six-month public consultation on the draft revised Design Manual : Barrier Free Access (the draft revised DM) as well as the Administration's initial responses to the comments, as set out in the Administration's paper [LC Paper No. CB(2)263/06-07(03)].

Views of deputations

6. The Chairman welcomed representatives of deputations to the meeting. The views of deputations were summarised as follows.

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7. Mr TSANG Kin-ping considered that the minimum illumination level for corridors, accessible paths and staircases should be set at 85 lux to meet the needs of people with disabilities (PWDs) and elderly who required high illumination level. He believed that meeting the needs of PWDs and energy conservation were not mutually exclusive, as the latter concern could be addressed by applying advanced technology.

The Hong Kong Council of Social Service
[LC Paper No. CB(2)337/06-07(02)]

8. Mr KUO Chun-chuen presented the views of the Hong Kong Council of Social Service (HKCSS) relating to the minimum illumination level in common areas, provision of tactile guide paths in buildings, method of measuring the luminous contrast, provision of clear manoeuvring space inside toilets for PWDs, installation of automatic doors at major entrances, access and facilities of pre-1997 buildings, as well as the inspection and prosecution actions against improper use of facilities for PWDs, as detailed in its submission.

Hong Kong Association for Parent of Persons with Physical Disabilities

9. Ms LAM Suk-yu said that clear manoeuvring space of 1 500mm x 1 500mm should be provided inside toilets for PWDs, irrespective of whether such toilets were fitted with automatic doors. She also expressed concern about the lack of clear signage leading to entrances accessible to PWDs and the inconvenient locations of entrances and lifts which could be used by PWDs.

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*Hong Kong Occupational Therapy Association
[LC Paper No. CB(2)337/06-07(03)]*

10. Ms Sanne FONG Siu-lai pointed out that according to the findings of a survey jointly conducted by the Hong Kong Occupational Therapy Association and the Polytechnic University on the provision of barrier-free access in major shopping arcades, more than half of the respondents considered that the facilities therein were not entirely barrier free for the general public, not to mention PWDs. Ms FONG said that the draft revised DM should meet the international standards. If the facilities for PWDs in Hong Kong did not comply with international standards, the image of Hong Kong as a barrier-free access city would be adversely affected when the 2008 Olympic and Paralympic Equestrian Events was held.

The Parents' Association of Pre-school Handicapped Children

11. Ms CHEUNG Kwok-chun requested the provision of unisex accessible toilets for PWDs on each floor of new shopping arcades, and the conversion of the existing toilets for PWDs into unisex toilets where practicable. She considered that the Administration should step up inspections against improper use and maintenance of toilets for PWDs in some shopping arcades.

Hong Kong Blind Union

12. Mr Raco CHENG expressed dissatisfaction at the Administration's slow progress of taking forward the recommendations of the consultancy study and not heeding to the strong requests from PWDs. He did not agree that tactile guide paths leading to escalators would pose potential risk to visually impaired persons in using escalators. He was of the view that installation of audible devices near the escalators could greatly reduce the risk.

1st Step Association

13. Mr SIU Tung-choi said that at some public places, toilets for PWDs were usually locked and users had to collect keys from information counters for use of the toilets. Sometimes they had to wait for 10 minutes before getting the key. Apart from this, the design of some toilets for PWDs also required improvement. For instance, the construction of one footstep outside the toilet had created great difficulties for PWDs to gain access to the toilet.

*Rehabilitation Alliance Hong Kong
[LC Paper No. CB(2)337/06-07(01)]*

14. Mr Henry HUNG presented the views of the Rehabilitation Alliance

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Hong Kong as detailed in its submission. He held the view that the minimum illumination level for corridors, accessible paths, staircases and lift lobbies of upper floors should be set at 120 lux. For the 16 types of buildings to be exempted from the application of the draft revised DM, other facilities should be provided in the buildings to ensure barrier-free access for PWDs.

The Direction Association for the Handicapped

15. Mr LAW Wai-cheung said that clear manoeuvring space inside toilets for PWDs should be large enough to accommodate the special needs of PWDs, lifts for PWDs should be a passenger lift connecting all floors in the building, and automatic doors should be installed at the main entrances and exits of buildings to facilitate access of PWDs and elderly.

Discussion

Specific design requirements in the manual

16. Mr TAM Yiu-chung said that the draft revised DM should be implemented expeditiously to meet the growing needs of the elderly. Noting that the major entrances of new commercial buildings were fitted with heavy doors which PWDs and elders would find it difficult to push open, he considered that automatic doors should be installed at the main entrances of buildings. Mr TAM added that the illumination level of common areas in public housing and government buildings was acceptable. However, the illumination level of common areas in old private buildings was far from satisfactory.

17. Dr Fernando CHEUNG was dissatisfied that the Administration had not acceded to the repeated strong requests of the Panel and deputations for further improvements to the draft revised DM. While welcoming the Administration's proposal to make the provision of unisex toilets for PWDs mandatory, he considered the proposal to enlarge the internal clear space to a size of 1 500 mm x 1 500 mm only if no automatic door was fitted unreasonable, as the size was barely enough for a disabled on wheel-chair to move inside the toilet. He asked the Administration to provide justifications for not giving due regard to the deputations' views and non-compliance with the international standards.

18. Commissioner for Rehabilitation (C for R) responded that the draft DM had been revised taking into account the views of members and deputations. Reference had also been made to the international practices in the consultancy study. She stressed that when considering the viability of adopting international practices, the Administration had to strike a right balance between the needs of PWDs and the practicability of the design requirements.

19. AD(NB)1 supplemented that according to the consultancy study, the

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provision of tactile guide paths inside buildings was not statutorily required in the five countries selected for study. Of these countries, a minimum illumination level of 108 lux in staircases was only required in the United States after the 9-11 Incident. A survey conducted by the consultant showed that if the proposed illumination levels in the draft revised DM were adopted, the illumination levels of common areas in the 15 sample building blocks could be greatly improved. He said that the subject mandatory design requirements proposed in the draft revised DM did represent standards higher than the international mandatory requirements.

20. Dr YEUNG Sum expressed support for the deputations' views on the design requirements in respect of the provision of more tactile guide paths leading to escalators in shopping arcades, minimum illumination levels for common areas of buildings, provision of sufficient clear space inside toilets for PWDs and allowing PWDs to use passenger lifts. He said that to foster social inclusion and to comply with provisions in the Disability Discrimination Ordinance and the White Paper on Rehabilitation, the Administration should speed up its pace in finalising the draft revised DM having regard to the views of deputations.

21. Mr LEUNG Kwok-hung considered that the Administration should set a good example by setting the design requirements at a higher standard than the international practices. He expressed doubt about the reliability of the consultant's study in relation to the overseas practices in providing barrier-free access and appropriate facilities for PWDs and whether property developers had exerted undue influence on the drafting of the revised DM. He asked the Administration to provide information on the consultation with property developers on the draft revised DM during the six-month consultation period and the consultant's report relating to overseas practices in providing barrier-free access for PWDs.

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22. AD(NB)1 clarified that in the steering committee of the consultancy study, only one of the members was with real estate background while a few participants with real estate background did join some of the discussion forums during the consultancy study. In response to the Chairman, AD(NB)1 agreed to provide the information requested by Mr LEUNG Kwok-hung after the meeting.

23. Dr KWOK Ka-ki echoed the views of some deputations that the main entrance of a building should be accessible by PWDs with clear signage. To strike the balance between the needs of PWDs and energy conservation, Dr KWOK considered that installation of sensor-operated lighting system in the common areas of buildings could achieve both objectives.

24. AD(NB)1 responded that the existing DM had stipulated that "the

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entrance which was commonly used by the public of the building" should be suitable for use by PWDs. The draft revised DM further required that clear signage to be installed to indicate the location of such access. AD(NB)1 added that the Administration was open-minded on the installation of sensor-operated lighting system in buildings and envisaged that there would not be much technical problem in the installation of the system. However, the sensor would be triggered frequently if the frequency of usage of the common areas was very high. As such, whether the system was suitable for development would depend on the frequency of usage and the possible nuisance caused to residents.

25. Dr KWOK Ka-ki suggested that the Administration should consider setting a standard on the frequency of usage. AD(NB)1 said that he would convey Dr KWOK's suggestion to the relevant departments for consideration.

Progress of the consultancy study and way forward

26. The Chairman, Mr TAM Yiu-chung, Dr Fernando CHEUNG, Dr YEUNG Sum, Mr LEUNG Kwok-hung, Dr KWOK Ka-ki, Ms LI Fung-ying and Mr Albert HO were disappointed at the slow progress of the consultancy study on DM. They held the view that the consultancy study had already taken more than five years for completion and the Panel had held lengthy discussions on the subject matter. Members strongly urged the Administration to take heed of the views of deputations and provide a concrete timetable for introducing the legislative proposal to the Legislative Council (LegCo) to implement the revised DM.

27. C for R responded that the Administration had revised the draft DM, having regard to the views of members and deputations. C for R agreed that early implementation of the revised DM would bring the greatest benefit to PWDs. She stressed that there was a need to balance the needs of PWDs and interests of various parties. When a consensus was reached among the various parties, the Administration would proceed to effect amendment to the Buildings (Planning) Regulations. The legislative amendments would be in the form of a subsidiary legislation which was subject to LegCo's negative vetting and would be tabled in LegCo once there was an agreed version of the revised DM. She would convey the views of members and deputations expressed at the meeting to the relevant departments for consideration.

28. Dr YEUNG Sum held the view that a consensus had been reached among members and deputations present at the meeting in respect of design requirements in the manual. Members echoed Dr YEUNG's views. They also expressed dissatisfaction at the Administration's reluctance to take on the views of members and deputations. Dr Fernando CHEUNG moved the following motion –

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"就有關檢討《設計手冊：暢通無阻的通道1997》的顧問研究，本事務委員會要求政府納入以下改善：

- (1) 引路徑不應只限於「大型綜合性商場」，而應擴展至所有商場，引路徑亦應可通往自動電梯，而自動電梯亦必須裝有發聲裝置；
- (2) 建築物的「走廊、暢通易達的小路及樓梯」的照明光度最低應為85勒克斯；
- (3) 建築物的「公眾通常使用的入口」必須符合適宜殘疾人士使用的要求。傷殘人士可使用的升降機須為客運升降機而非貨運升降機；
- (4) 殘疾人士廁所的可轉動空間應達1500毫米乘1500毫米，有關建築物亦應在每樓層設有至少一個無性別的殘疾人士廁所；及
- (5) 在有關建築物的主要出入口安裝自動門。

[Translation]

"That, with regard to the review of the *Design Manual: Barrier Free Access 1997*, this Panel requests the Government to include the following improvement measures:

- (1) the provision of tactile guide paths should not be limited to 'large shopping complexes'; instead, they should be extended to all shopping complexes and such paths should also lead to escalators where audible devices are compulsorily installed;
- (2) the minimum illumination level for 'corridors, accessible paths and staircases' of the buildings should be 85 lux;
- (3) the 'entrance which is commonly used by the public' of the building concerned must satisfy the requirement that it is suitable for use by people with disabilities (PWDs); the lift available for PWDs must be a passenger lift, not a goods lift;
- (4) the clear space in toilets for PWDs should be up to 1 500mm x 1 500mm and there should at least be one unisex toilet for PWDs on each floor of the building concerned; and
- (5) automatic doors should be installed at the main entrance(s) and exit(s) of the building concerned."

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29. The Chairman put the motion to vote. Seven members present at the meeting voted for the motion and Mr Tommy CHEUNG abstained from voting. No member voted against the motion. The Chairman declared that the motion was carried. She urged the Administration to include the above improvement measures in the revised DM and expedite its implementation.

V. Annual adjustment of the standard payment rates under the Comprehensive Social Security Assistance Scheme and Social Security Allowance Scheme

[LC Paper Nos. CB(2)263/06-07(04) and (05)]

30. Deputy Director of Social Welfare (DDSW) briefed members on the estimated adjustment for the standard payment rates under the Comprehensive Social Security Assistance (CSSA) Scheme and the Disability Allowance (DA) of the Social Security Allowance (SSA) Scheme from February 2007, as set out in the Administration's paper [LC Paper No. CB(2)263/06-07(04)]. DDSW said that according to the movement of the Social Security Assistance Index of Prices (SSAIP) as at September 2006, there was scope for an upward adjustment of CSSA / DA standard payment rates of 1.1%. The Administration would present the latest SSAIP figure as well as the exact financial implications and effect on CSSA and DA standard payment rates in its submission to the Finance Committee in December 2006. It was expected that the SSAIP would edge up mildly.

Special grant for school-related expenses under the CSSA Scheme

31. Dr YEUNG Sum said that the special grant for school-related expenses might not be adequate to meet the expenses. Also, it was usually paid in late summer, and CSSA recipients would need to meet the expenses for textbook and other school-related items for the new school year out of their own pockets first in June or July. This would create hardship for families on CSSA. Dr YEUNG considered that the special grant should be disbursed as early as possible to provide timely assistance to the needy families.

32. Deputy Secretary for Health, Welfare and Food (Elderly Services and Social Security) (DS(ES)/HWFB) explained that a special grant was payable to children on CSSA for meeting selected items of school-related expenses such as books and stationery. She said that additional payment would be considered upon production of the relevant receipts if the actual expenses exceeded the amount of the grant paid.

33. Chief Social Security Officer (Social Security) 1, Social Welfare Department (CSSO/SWD) supplemented that the special grant was a flat-rate

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subsidy, and the amount would depend on the children's educational level. For example, a child attending lower secondary school would receive \$3,810 per school year. The grant would be paid to the CSSA families before the commencement of the school year. CSSO/SWD stressed that the grant was non-accountable, and production of relevant receipts for reimbursement was required only when additional payment on top of the flat-rate grant was applied for.

34. Dr YEUNG Sum and Mr LEUNG Kwok-hung held the view that it remained uncertain to the CSSA families when they could receive the special grant for school-related expenses. They pointed out that some schools would ask their students to purchase textbooks for the next school year in as early as late June.

35. Echoing the views of Dr YEUNG Sum and Mr LEUNG Kwok-hung, Dr Fernando CHEUNG said that the Administration should spell out explicitly in the relevant guidelines for reimbursement that the special grant would be paid in June to July, instead of before the commencement of the school year. Dr CHEUNG further said that the Administration should step up publicity on the eligibility criteria for additional payment under the special grant. To his knowledge, some CSSA recipients were advised that no additional payment would be granted even if they could produce the relevant receipts.

36. CSSO/SWD explained that according to the guidelines on special grant for school related expenses, the grant would be paid before the commencement of the school year, normally in June or July. Approval would be given for paying the grant on an earlier date in June where justified. He added that the actual payment date varied according to the CSSA payment date in individual cases. CSSO/SWD said that a leaflet on how to apply for additional payment under the special grants was given to CSSA recipients with school children. The leaflet was also posted at the reception area of Social Security Field Units, and SWD staff would provide advice and assistance to CSSA recipients in this respect.

Provision of disregarded earnings under CSSA Scheme

37. Dr YEUNG Sum was of the view that raising the level of disregarded earnings under the CSSA Scheme would encourage the able-bodied recipients to find and stay in employment. He asked about the progress of the review. DS(ES)/HWFB responded that the Administration was reviewing the provision of disregarded earnings under the CSSA Scheme, and the results were expected in early 2007. She added that various measures had been rolled out in recent years to encourage and assist able-bodied CSSA recipients to move towards self-reliance.

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Adjustment of standard payment rates under the CSSA Scheme

38. Dr YEUNG Sum opined that under the current automatic annual adjustment mechanism, he could not see how members could raise objection to the proposed adjustment for the standard payment rates of CSSA and SSA.

39. Mr LEE Cheuk-yan held the view that an upward adjustment of 1.1% to the CSSA standard payment rates was too meagre given the economic growth. It was also insufficient for singleton-elderly to meet their rising living expenses and special needs such as expenses on Chinese medicine. He said that the Government should come up with measures to improve the living conditions of poor elders.

40. DS(ES)/HWFB responded that the purpose of CSSA was to provide a safety net of last resort for those in need. Higher standard rates were provided for the elderly than for able-bodied adults under the CSSA Scheme. Elderly recipients were also entitled to other special grants to meet their special needs, such as glasses, dentures and travelling expenses to hospital/clinic. She added that apart from CSSA, the Government also spent considerable resources in providing welfare services for the elderly. For example, additional resources had been earmarked in 2006-2007 for the Infirmary Care Supplement and the Dementia Supplement to enhance care services for the elderly.

41. Mr LEE Cheuk-yan considered that the Administration should conduct a comprehensive review on the adequacy of the standard payment rates to meet the basic needs of the CSSA recipients. He pointed out that according to a study conducted by the HKCSS, the CSSA standard payment rates were largely inadequate to meet the basic needs of the recipients. In view of the improving Government reserve position, Mr LEE was of the view that the Administration should consider seriously raising the levels of standard payment rates under the CSSA and SSA Schemes. This would bring greater benefits to the disadvantaged and the society as against tax reduction proposed by some members.

42. DS(ES)/HWFB responded that the Administration had studied and provided a response to the research conducted by the HKCSS. She said that the CSSA standard rates were reviewed annually to reflect more accurately the impact of price changes faced by the CSSA recipients. On top of the regular monitoring on the changes of SSAIP, the weighting system of SSAIP was updated every five years on the basis of the findings of the Household Expenditure Survey on CSSA households. She further said that the latest round of survey was conducted in 2004-2005, and the results had been provided to the Subcommittee on Review of CSSA Scheme in August 2006. According to the findings, the average CSSA monthly payment was higher than the average monthly CSSA household expenditure. In addition, the average CSSA monthly

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payment of CSSA households was comparatively higher than the average monthly income of non-CSSA households in the lowest 25% income group.

43. The Chairman pointed out that the crux of members' concern was whether the CSSA payment was adequate to meet the basic needs of recipients. Mr LEE Cheuk-yan concurred with the Chairman. He said that comparing the average monthly payment of CSSA households with the average monthly income of non-CSSA households in the lowest 25% income group was meaningless for assessing whether the CSSA standard rates were adequate to meet the cost of living.

44. Mr LEUNG Kwok-hung expressed support for a comprehensive review of the CSSA standard rates, having regard to the fact that the last comprehensive review was conducted in 1996. He believed that setting a minimum wage was the most effective measure to protect the living standard of the working poor.

45. DDSW reiterated that the CSSA standard rates had been adjusted regularly to keep pace with price changes. DDSW added that the basic needs put forward by the HKCSS, which included religious ritual commodities and expenses for attending funerals and banquets, were beyond the scope of basic needs.

46. Dr Fernando CHEUNG held the view that the standard payment rates of CSSA were determined based on the review of the CSSA Scheme conducted 10 years ago. The basic needs referred to in the review were outdated. For instance, expenses for internet were not involved in the last decade. In addition, the use of SSAIP movements for the past 12 months as the basis of adjusting the standard payment rates under the CSSA and SSA Schemes should be reviewed, as it would lead to a time gap in adjusting payments upward during an inflationary period.

47. In closing, the Chairman said that further discussion on the review of the standard rates under the CSSA and SSA Schemes would be followed up by the Subcommittee on the Review of CSSA Scheme under the Panel. Members agreed.

VI. Any other business

48. There being no other business, the meeting end at 12:50 pm.