

立法會
Legislative Council

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seen by the Administration)

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Panel on Welfare Services

**Subcommittee on Review of the
Comprehensive Social Security Assistance Scheme**

**Minutes of the 19th meeting
held on Tuesday, 22 May 2007, at 2:30 pm
in Conference Room A of the Legislative Council Building**

Members present : Dr Hon Fernando CHEUNG Chiu-hung (Chairman)
Hon Albert HO Chun-yan
Hon LEE Cheuk-yan
Hon CHAN Yuen-han, JP
Hon TAM Yiu-chung, GBS, JP
Hon Frederick FUNG Kin-kee, SBS, JP
Hon LEUNG Kwok-hung

Member absent : Hon Alan LEONG Kah-kit, SC

Public Officers attending : Item II
Mr D C CHEUNG
Principal Assistant Secretary for Health, Welfare and Food
(Elderly Services and Social Security) 2

Mr Tony YIP
Assistant Secretary for Health, Welfare and Food
(Elderly Services and Social Security) 4

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Mr NG Wai-kuen
Chief Social Security Officer (Social Security) 2
Social Welfare Department

Ms WONG Yin-yee
Acting Chief Social Work Officer
(Family and Child Welfare) 1

**Deputations
by invitation** : Item II

Hong Kong Chinese Civil Servants' Association, Social
Work Officer Grade Branch

Mr LEUNG Kin-hung
Chairman

Mr CHEUNG Kam-ki
Vice Chairman (External Affairs)

Hong Kong Chinese Civil Servants' Association, Social
Security Assistants Branch

Mr CHAN Chun-wah
Chairman

Concerning CSSA Review Alliance

Mr LEE Tai-shing
Community Organizer

The Against Elderly Abuse of Hong Kong

Ms Kennex YUE
Chief Executive Director

Mr FOO Wai-lok
Consultant

Society for Community Organization

Mr NG Wai-tung
Community Organizer

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Elderly Right League

Ah Leung
Representative

Concern for Singleton Right Group

Ah Man
Representative

Concern for Return Hong Kong Group

Peter
Representative

Hong Kong Association for the Survivors of Women Abuse
(Kwan Fook)

Ms LIU Ngan-fung
Chairman

Association Concerning Sexual Violence Against Women -
RainLily

Ms TAN Kong-sau
Counsellor

Christian Action

Ms Carol LEE
Centre-in-charge
Mong Kok Service Centre

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

Staff in attendance : Ms Maisie LAM
Council Secretary (2) 2

Miss Maggie CHIU
Legislative Assistant (2) 4

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I. Confirmation of minutes

[LC Paper No. CB(2)1888/06-07]

The minutes of the meeting held on 2 April 2007 were confirmed.

II. One-year-continuous-residence requirement under the Comprehensive Social Security Assistance Scheme

[LC Paper Nos. CB(2)1879/06-07(01), (04) to (05), (07) to (09) and CB(2)1915/06-07(01)]

2. The Subcommittee deliberated (Index of proceedings attached at **Annex**).

Views of deputations

3. The Subcommittee received views from 11 deputations on the one-year-continuous-residence requirement under the Comprehensive Social Security Assistance (CSSA) Scheme. The major views of the deputations are summarised as follows –

- (a) many Hong Kong residents, who had stayed in the Mainland for work and marriages in the past decade, had returned to Hong Kong empty-handed because of having lost their jobs or marriage failures. These Hong Kong residents were not eligible for applying for CSSA immediately upon their return to Hong Kong because they did not satisfy the one-year-continuous-residence requirement, even if they were in genuine hardship. The Administration should abolish the one-year residence requirement;
- (b) although charitable/trust funds administered by the Social Welfare Department (SWD) and non-governmental organisations would be tapped to provide short-term financial assistance for the needy who did not satisfy the one-year-continuous-residence requirement, the amount of grants was insufficient for them to meet the basic living expenses, such as rental for singleton hostels and transport costs involved in job searches;
- (c) to facilitate the frontline SWD's social workers to provide appropriate assistance for those CSSA applicants who did not meet the eligibility criteria, guidelines should be provided to SWD's social workers on exercising discretion for waiving the one-year-continuous-residence requirement;
- (d) SWD should expedite the processing of applications for discretionary CSSA payment by, say, delegating the discretionary power to the frontline Social Security Assistants (SSAs) in the Social Security

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Field Unit (SSFU) who were approached by the applicants in the first place;

- (e) given that many applicants were not aware that the Director of Social Welfare could exercise discretionary power to waive the residence requirement and grant CSSA to those who were in genuine hardship, most applicants did not proceed with their applications upon learning of the residence requirement. The Administration should enhance the publicity on the discretion mechanism; and
- (f) the one-year-continuous-residence requirement for CSSA was in breach of Article 36 of the Basic Law.

Discussion with the Administration

4. Principal Assistant Secretary for Health, Welfare and Food (Elderly Services and Social Security)2 (PAS(ES)2) advised that the residence requirement under the CSSA Scheme was introduced on 1 January 2004 on the basis of the recommendations in the Report of the Task Force on Population Policy. The residence requirement aimed to discourage people who had lived outside Hong Kong for a long time from relying on CSSA as soon as they returned to Hong Kong. Where a CSSA applicant was in genuine hardship, SWD might consider exercising discretion to waive the residence requirement and grant assistance to the applicant.

5. Members generally considered that the one-year-continuous-residence requirement was both unfair and unreasonable to those permanent residents who, for various reasons, had lived outside Hong Kong for a period of time. Members strongly urged the Administration to review the policy. Members sought clarification on the calculation of the maximum period of absence from Hong Kong for meeting the one-year residence requirement, and made the following suggestions for the Administration's consideration –

- (a) frontline SWD's social workers should be provided with the internal guidelines on exercising discretion for waiving the one-year-continuous-residence requirement; and
- (b) the operation of the mechanism for waiving the residence requirement should be further streamlined so as to expedite the processing of applications for discretionary CSSA payment.

6. The Administration made the following responses –

- (a) the CSSA Scheme was non-contributory and funded entirely from the general revenue. It was necessary to have a rational basis, i.e. the residence requirement, for the allocation of public resources. SWD

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might consider exercising discretion to waive the requirement and grant assistance to applicants who were in genuine hardship. Hong Kong residents aged below 18 were exempted from any prior residence requirement. According to the Administration's legal advice, the requirement was in conformity with the Basic Law;

- (b) absence from Hong Kong up to a maximum of 56 days during the one-year period immediately before the date of application was treated as residence in Hong Kong;
- (c) the CSSA Scheme provided a safety net of last resort for the financially vulnerable. Other forms of welfare support were available to the needy who did not satisfy the one-year-continuous-residence requirement, such as employment support services, emergency relief, grants from charitable/trust funds, medical waivers, referrals to singleton hostels for accommodation and day relief centres for meals;
- (d) the discretionary power was delegated to Senior Social Security Officers (SSSOs) at the district level to ensure that discretion to waive the residence requirement would be exercised fairly, sensibly and consistently. In considering the exercise of discretionary power, SSSOs would examine each case on its own merits and take into account all the resources available to the applicant and his/her family members, including savings and assistance from friends and relatives;
- (e) under normal circumstances, it would take about four weeks to complete the CSSA application process if the applicants concerned had provided all the requisite information. SWD's social workers would exercise their professional judgement to decide whether charitable/trust funds should be granted to assist the applicants to tide over short-term financial hardship in special and emergency situations; and
- (f) District Social Welfare Officers were already provided with the internal guidelines on exercising discretion for waiving the one-year-continuous-residence requirement.

7. The Chairman requested the Administration to consider ways to further improve the communication between the social workers of Integrated Family Service Centres (IFSCs) and the caseworkers of SSFUs in handling cases relating to non-compliance with the one-year-continuous-residence requirement. The Administration advised that it would provide the background information on exercising discretion for waiving the one-year-continuous-residence requirement to the officers-in-charge of IFSCs in addition to District Social Welfare Officers for reference.

Admin

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8. Members were disappointed at the Administration's reluctance to review the policy on the one-year-continuous-residence requirement under the CSSA Scheme. Members enquired about the number of cases where discretionary CSSA payment was granted to those who failed to meet the one-year-continuous-residence requirement.

Admin

9. PAS(ES)2 advised that SWD had not kept separate statistics on cases involving discretion being exercised to waive the one-year-continuous-residence requirement. At the request of members, PAS(ES)2 agreed to keep such records from June 2007 onwards and provide the relevant statistics to the Subcommittee in due course.

10. PAS(ES)2 stressed that the Administration had consulted the Social Welfare Advisory Committee, the Elderly Commission, the Rehabilitation Advisory Committee, Chairmen and Vice-chairmen of District Councils on the proposal to revise the residence requirement for CSSA in the context of the Report of the Task Force on Population Policy. The Administration did not see a need for revising the residence requirement.

11. The Chairman advised that discussion on the population policy was beyond the purview of the Subcommittee; members might wish to pursue the matter at other forums.

III. Any other business

Clerk

12. Members agreed that the Subcommittee should follow up discussion with the next Administration on the outstanding issues raised by members at previous meetings. To facilitate discussion, the Clerk was requested to prepare a list of outstanding issues and follow-up action.

13. There being no other business, the meeting ended at 4:46 pm.

Council Business Division 2
Legislative Council Secretariat
11 July 2007

**Proceedings of the 19th meeting of the
Subcommittee on Review of the
Comprehensive Social Security Assistance Scheme
on Tuesday, 22 May 2007, at 2:30 pm
in Conference Room A of the Legislative Council Building**

Time marker	Speaker(s)	Subject(s)	Action required
000000 – 000510	Chairman	Opening remarks	
000511 – 001010	Hong Kong Chinese Civil Servants' Association, Social Work Officers Grade Branch	Presentation of views by Hong Kong Chinese Civil Servants' Association, Social Work Officer Grade Branch [LC Paper No. CB(2)1879/06-07(04)]	
001011 – 001443	Hong Kong Chinese Civil Servants' Association, Social Security Assistants' Branch	Presentation of views by Hong Kong Chinese Civil Servants' Association, Social Security Assistants Branch [LC Paper No. CB(2)1879/06-07(05)]	
001444 – 001729	Concerning CSSA Review Alliance	Presentation of views by Concerning CSSA Review Alliance	
001730 – 002038	The Against Elderly Abuse of Hong Kong	Presentation of views by The Against Elderly Abuse of Hong Kong [LC Paper No. CB(2)1879/06-07(07)]	
002039 – 002538	Hong Kong Association for the Survivors of Women Abuse (Kwan Fook)	Presentation of views by Kwan Fook [LC Paper No. CB(2)1879/06-07(09)]	
002539 – 002806	Association Concerning Sexual Violence Against Women – RainLily	Presentation of views by RainLily [LC Paper No. CB(2)1915/06-07(01)]	
002807 – 003032	Christian Action	Presentation of views by Christian Action	
003033 – 003150	Elderly Right League	Presentation of views by Elderly Right League	
003151 – 003337	Concern for Singleton Right Group	Presentation of views by Concern for Singleton Right Group	
003338 – 003528	Concern for Return Hong Kong Group	Presentation of views by Concern for Return Hong Kong Group	
003529 – 004039	Society for Community Organization	Presentation of views by Society for Community Organization [LC Paper No. CB(2)1879/06-07(08)]	
004040 – 004447	Chairman Administration	Administration's response to views of the deputations, highlighting that - (a) where CSSA applicants were in genuine hardship, the Director of Social Welfare (DSW) might consider exercising discretion to waive the one-year-continuous-residence requirement and grant assistance to applicants; (b) apart from providing CSSA for the financially vulnerable, other forms of welfare support	

Time marker	Speaker(s)	Subject(s)	Action required
		<p>were available to the needy who did not satisfy the residence requirement; and</p> <p>(b) it had been the established practice for the frontline staff in the Social Welfare Department (SWD) to give a copy of the pamphlet on residence requirements for applicants and permissible limits of absence from Hong Kong to each applicant</p>	
004448 – 005147	<p>Chairman Administration Hong Kong Chinese Civil Servants' Association, Social Security Assistants' Branch Society for Community Organization</p>	<p>The Chairman's enquiry about the meaning of "absence from Hong Kong up to a maximum of 56 days" during the one-year period immediately before the date of application</p> <p>The Administration's elaboration on the one-year-continuous-residence requirement that the applicant had to reside in Hong Kong until the total number of days of residence in Hong Kong from the date of application was no less than the number of days of absence exceeding the 56-day limit during the one-year period</p>	
005148 – 010024	<p>Mr LEE Cheuk-yan Administration Chairman</p>	<p>Mr LEE Cheuk-yan's query whether the introduction of the one-year-continuous residence requirement had constituted discrimination against those Hong Kong residents who had to live outside Hong Kong for work for a period of time</p> <p>The Administration's explanation that –</p> <p>(a) the one-year-continuous- and the seven-year residence requirements were introduced in 2004 on the basis of the recommendations in the Report of the Task Force on Population Policy. It was necessary to have a rational basis for the allocation of the public money having regard to the fact that the CSSA Scheme was non-contributory and was funded from the general revenue;</p> <p>(b) the Administration had no intention to revise the residence requirement, which aimed at discouraging people who had lived outside Hong Kong for a long time from relying on CSSA as soon as they returned to Hong Kong; and</p> <p>(c) the Intensive Employment Assistance Projects (IEAPs) commissioned by SWD provided assistance for both the able-bodied employable CSSA recipients and the near-CSSA recipients to rejoin the workforce and move towards self-reliance. "Temporary Financial Aid" was also provided to the needy participants to tide them over short-term financial hardship or to meet employment-related expenses</p>	

Time marker	Speaker(s)	Subject(s)	Action required
010025 – 010039	Society for Community Organization	Concern about the way forward of IEAPs upon the completion of the last batch in September 2008	
010040 – 010320	Mr LEE Cheuk-yan Administration	<p>Views of Mr LEE Cheuk-yan that the Administration should review the residence requirement as it was discriminatory against those Hong Kong residents who had been absent from Hong Kong simply because of taking up employment outside Hong Kong</p> <p>The Administration reiterated that the rationale for the residence requirement was to ensure that a rational basis was adopted for the allocation of public resources. Where CSSA applicants were in genuine hardship, SWD might consider exercising discretion to waive the residence requirement</p>	
010321 – 010710	Mr TAM Yiu-chung Administration Chairman	<p>Mr TAM Yiu-chung's enquiry about the impact of relaxing the one-year-continuous-residence requirement, e.g. the estimated number of CSSA applicants who did not satisfy the residence requirement for applying for CSSA would become eligible as a result of the relaxation</p> <p>The Administration's advice that it was difficult to estimate the number of Hong Kong residents having financial hardship and had to resort to CSSA after their return to Hong Kong. The proposal to revise the residence requirement for CSSA was introduced in the context of the Report of the Task Force on Population Policy</p>	
010711 – 011143	Mr LEE Cheuk-yan Administration	<p>Mr LEE Cheuk-yan's concern about the grounds for setting 56 days as the maximum number of days of absence during the one-year period immediately before the date of application for CSSA, and whether the one-year-continuous-residence requirement was in breach of Article 36 of the Basic Law</p> <p>The Administration's response that the residence requirement for CSSA had been introduced since 1970s. The Administration had consulted the stakeholders on the proposal to revise the residence requirement for CSSA in the context of the Report of the Task Force on Population Policy. According to the Administration's legal advice, the revised requirement was in conformity with the Basic Law</p>	
011144 – 011244	The Against Elderly Abuse of Hong Kong	Request for enhancing the transparency in the operation of the discretion mechanism as many CSSA applicants were not aware that SWD could exercise discretionary power to waive the residence requirement	

Time marker	Speaker(s)	Subject(s)	Action required
011245 – 011811	Society for Community Organization Administration	Discussion on the operation of the discretion mechanism and the consideration factors for determining whether discretion would be exercised to exempt applicants from the one-year-continuous residence requirement	
011812 – 013115	Hong Kong Chinese Civil Servants' Association, Social Work Officers Grade Branch Chairman Administration	<p>Difficulties faced by the frontline social workers in assisting CSSA applicants who had genuine financial hardship but failed to meet the one-year-continuous-residence requirement for CSSA</p> <p>Availability of other forms of welfare support, including the charitable/trust funds administered by SWD and the non-governmental organisations, and the temporary shelter/urban hostel for single persons, in meeting the basic needs of CSSA applicants not satisfying the residence requirement</p>	
013116 – 013311	Chairman Administration	<p>The Chairman's enquiry about the average time to process applications for discretionary CSSA payments and the assistance available for the applicants when awaiting the result of their applications</p> <p>The Administration's advice that it would take about four weeks if the applicants concerned had provided all the requisite information. The social workers of SWD would exercise their professional judgement to decide whether charitable/trust funds should be granted to assist the applicants in need to tide over short-term financial difficulties in special and emergency situations, and each case would be considered on its own merits</p>	
013312 – 014025	Chairman Administration	<p>The Chairman's suggestion to streamline the process for granting waiver of the residence requirement, e.g. the discretionary power should be delegated to the frontline SSAs; or SSAs could submit their recommendations directly to the Senior Social Security Officers (SSSOs) for approval</p> <p>The Administration's response that -</p> <ul style="list-style-type: none"> (a) the discretionary power was delegated to the SSSOs at the district level to ensure that discretion would be exercised fairly, sensibly and consistently; and (b) the process for approving applications for discretionary CSSA payments had not been prolonged under the existing mechanism, as the submission and approval of cases were processed via electronic means 	
014026 – 014519	Mr FUNG Kin-kee Administration Chairman	Views of Mr FUNG Kin-kee that in the absence of supporting statistics, it was unjustifiable for the Administration to impose the one-year-continuous-	

Time marker	Speaker(s)	Subject(s)	Action required
		<p>residence requirement</p> <p>The Administration's remark that CSSA provided a safety net for the financially vulnerable. As CSSA Scheme was non-contributory and funded by general revenue, SWD should adopt a prudent approach in approving CSSA applications to ensure that assistance would go to people genuinely in need</p>	
014520 – 014907	Kwan Fook The Against Elderly Abuse of Hong Kong	The one-year-continuous-residence requirement had imposed unnecessary restrictions on CSSA applications, as most of which had been turned down by SSFU frontline staff at the outset	
014908 – 015931	Chairman Hong Kong Chinese Civil Servants' Association, Social Security Assistants' Branch	<p>Follow-up discussion on the mechanism for approving application for waiver of the one-year-continuous-residence requirement immediately before the date of application for CSSA</p> <p>Suggestion of providing the frontline social workers of SWD with guidelines on exercising discretion for waiving the one-year-continuous-residence requirement, and considering ways to improve communication between the social worker and social security assistant grades in handling cases not meeting the residence requirement</p> <p>The Administration's response that the District Social Welfare Officers were already provided with a copy of the internal guidelines for reference</p>	Admin to follow up (para. 7 of the minutes refers)
015932 – 020510	Chairman Mr FUNG Kin-kee Administration Mr LEE Cheuk-yan Mr LEUNG Kwok-hung	Number of cases involving discretion be exercised to waive the one-year-continuous-residence requirement	Admin to follow up (para. 9 of the minutes refers)
020511 – 021409	Chairman Mr LEE Cheuk-yan Mr FUNG Kin-kee Administration	Follow-up discussion on outstanding issues with the Administration	Clerk to follow up (para. 12 of the minutes refers)