

立法會

Legislative Council

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

Purpose

1 This report gives an account of the work of the Panel on Welfare Services during the 2014-2015 Legislative Council session. It will be tabled at the Council meeting of 24 June 2015 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 19 members, with Hon CHEUNG Kwok-che and Hon CHAN Yuen-han elected as its Chairman and Deputy Chairman respectively. The membership list of the Panel is in **Appendix II**.

Major work

Social welfare planning and administration

Progress of implementation of special scheme on privately owned sites for welfare uses

4. The Panel was briefed on the progress of implementing the Special Scheme on Privately Owned Sites for Welfare Uses ("Special Scheme"). Members noted that under the Special Scheme, the Administration was processing 63 preliminary proposals submitted by 43 welfare organizations. As at end-March 2015, five projects had entered the implementation stage and

were expected to be completed in or before 2017-2018. The remaining 58 proposals were at various planning stages. If the relevant projects were found technically feasible, they were expected to be completed in phases after 2017-2018.

5. Whilst supporting the use of public funding for the Special Scheme with a view to providing urgently needed services as soon as possible, a majority of the members of the Panel urged that such services should be dominated by publicly funded services and supplemented by self-financing services. They called on the Administration to adopt a ratio of 8:2 as the benchmark, so as to ensure that public resources were put to use for needy groups in an equitable manner, rather than placing more emphasis on those who could afford the charges. The Administration was requested to update the Panel in writing every six months on the progress of the Special Scheme.

Salary adjustment arrangement for staff in non-governmental organizations receiving Lump Sum Grant Subvention

6. Members discussed with the Administration the salary adjustment arrangement for staff in non-governmental organizations ("NGOs") receiving Lump Sum Grant ("LSG") subvention. Members noted that NGOs in general provided backpay on salary adjustment to serving staff. Some NGOs provided backpay on salary adjustment also for ex-staff who had departed the organizations before the payment date of salary adjustment, whilst some did not do so. Some members considered that so long as NGOs acted according to the terms and conditions of the employment agreements or contracts, the non-provision of backpay for ex-staff was not a major cause of concern. These members took the view that allowing NGOs to have flexibility under the LSG subvention system was appropriate as it would facilitate better use of resources. A majority of members, however, took the view that as annual Civil Service Pay Adjustment was made having regard to changes in cost of living, salary adjustment should be provided for both serving and ex-staff. Factors such as staff performance, the spirit of employment agreements/contracts, etc. were irrelevant in considering the provision of backpay. The Administration should uphold this principle and impose conditions in service contracts with NGOs to ensure that the problem of non-provision of backpay would be rectified.

7. Members also noted that the additional funding for salary adjustments and LSG reserve were used by some NGOs for giving incentive payments to good performers. Some members did not see any problem with such use of funding as it could motivate good performers to do even better. A majority of members, however, expressed their strong objection to the provision of incentive payments which were in essence bonus payments. They were gravely concerned that in order to save up a larger sum of money for giving bonus to staff, some NGOs might recruit fewer people and reduce staff

remuneration resulting in a deterioration of the NGOs' service quality. These members considered that when NGOs wished to use the LSG reserve on bonus payments, they would not keep up their service quality.

Setting up social welfare facilities (excluding welfare blocks) in public housing premises

8. The Panel was briefed on the existing arrangements regarding the provision of welfare facilities in public rental housing ("PRH") developments. Members were gravely concerned about the deteriorating problem of lacking suitable premises for welfare services. To mitigate the problem, some members called on the Administration to consider constructing higher welfare blocks in future and making use of lower floors of PRH domestic blocks for welfare uses. Vacant domestic and non-domestic units as well as some empty bays which were designed for ventilation for PRH estates should also be deployed for the provision of welfare facilities. As many welfare facilities (such as integrated community centres for mental wellness and community district support centres for persons with disabilities ("PWDs")) were accommodated in temporary premises, these facilities should be allowed to be accommodated in PRH developments. The Panel would further discuss the subject.

Social Security

Annual adjustment of social security payment rates under Comprehensive Social Security Assistance Scheme and Social Security Allowance Scheme

9. The Panel supported the Administration's proposal to adjust the standard payment rates under the Comprehensive Social Security Assistance ("CSSA") Scheme and the Social Security Allowance ("SSA") Scheme with effect from 1 February 2015, having regard to the latest Social Security Assistance Index of Prices. As there was a backlog of funding proposals awaiting consideration by the Finance Committee ("FC"), some members called on the Administration to adjust the FC agenda, otherwise FC's approval of the funding proposal could not be obtained in December 2014 rendering the new rates unable to take effect from 1 February 2015. Some other members suggested that the Administration should seek delegated authority from FC to ensure that social security payment rates could be adjusted timely according to the established mechanism in the future. According to the Administration, all the FC agenda items were important and urgent and the Administration had no intention to alter the sequence of the agenda items at this juncture. Nevertheless, the Administration would explore the feasibility of the suggestion to seek delegated authority from FC, and would consider putting forward the suggestion for consideration by FC if necessary.

10. Members were concerned that the existing level of CSSA payment was inadequate to meet the basic needs. Some members urged the Administration to conduct a study on basic needs and revert to adjusting the CSSA and SSA payment rates based on inflation forecast. Noting that the maximum rates of the rent allowance ("MRA") under the CSSA Scheme could only cover the actual rent paid by about 50% of CSSA households living in rented private housing, these members also called on the Administration to review the adjustment mechanism of MRA.

Additional provision for social security recipients

11. Members supported the Administration's proposal to provide an extra payment for recipients of CSSA, Old Age Allowance (including the Guangdong Scheme), Old Age Living Allowance and Disability Allowance ("DA"). Members were, however, concerned that the Government had not conducted a detailed review of the CSSA Scheme in connection with the social changes and economic growth since 1996. They pointed out that the commodity prices and rents had increased by folds during that period. The Panel therefore urged the Administration to initiate a comprehensive review of the CSSA Scheme in the current financial year.

Review of Disability Allowance

12. The Panel was briefed on the progress of the consultancy study commissioned by the inter-departmental working group ("Working Group") set up under the Labour and Welfare Bureau ("LWB") on the practices outside Hong Kong regarding financial assistance for PWDs. Members were informed that the Working Group was examining the findings of the consultancy study and looking into issues relating to allowing people with loss of one limb to apply for DA. The Working Group would suitably consult the relevant organizations and individuals in due course and would consider the need to report to the Commission on Poverty ("CoP"). The Administration would work on the improvements to the Medical Assessment Form and re-examine the Ombudsman's Direct Investigation Report on DA. The Administration hoped to complete the aforesaid work by the end of 2015. Members requested the Administration to report to the Panel on the outcome of the review of DA in due course.

Services for the elderly

Pilot scheme on community care service voucher for the elderly

13. The Panel was briefed on the progress of implementation of and the mid-term evaluation on the first phase of the Pilot Scheme on Community Care Service Voucher for the Elderly ("the CCS Voucher Scheme"). Members were

advised that taking into account the initial findings and recommendations of the evaluation study, Social Welfare Department ("SWD") would examine possible areas for refinement and draw up implementation details for the second phase of the CCS Voucher Scheme which was expected to be launched in the first half of 2016 for a period of two years.

14. Noting that services not meeting users' needs, unattractive service packages and high service fee were major reasons for low participation rate in the first phase of the CCS Voucher Scheme, members called on the Administration to make improvements to the Scheme in the second phase. Some members considered that the voucher value should be increased in the second phase so that voucher holders could receive better services and join more service sessions. The Administration was also requested to review the scope of target service beneficiaries and provide family members of eligible elderly persons with more information on the CCS Voucher Scheme.

15. Some members expressed concern that recognized service providers which had only received a small number of vouchers might have difficulty in sustaining their operation. The Administration was requested to increase the number of vouchers in expanding the service providers' pool in the second phase of the CCS Voucher Scheme.

Pilot scheme on residential care service voucher for the elderly

16. The Panel was briefed on the progress of the Elderly Commission ("EC")'s study on the feasibility of introducing a Residential Care Service ("RCS") Voucher Scheme. The Panel also received deputations' views on the Scheme. Some members expressed concern about the participation rate and the service quality of the RCS Voucher Scheme if the service under the Scheme would be provided mainly by the residential care homes for the elderly ("RCHEs") which met the standards of the Enhanced Bought Place Scheme. While the RCS Voucher Scheme could improve the unit subsidy and occupancy rate of participating RCHEs, these members took the view that it was not an effective solution to the problem of acute shortage of RCS. Noting that a means test was suggested for users on individual basis under the Scheme, these members took the view that users of the RCS Voucher Scheme should not be subject to a means test. They were worried that the Scheme would pave the way for the introduction of a means test to the existing subsidized community care services ("CCS") and RCS in future. They were also concerned that the introduction of the RCS voucher scheme would affect the popularity of the CCS Voucher Scheme.

17. At its special meeting on 28 March 2015, the Panel passed a motion urging the Government to, among others, temporarily suspend the implementation of the RCS Voucher Scheme in view of the objection raised by

the social services sector and many elderly people, and reinitiate in-depth discussions with various stakeholders.

New contract residential care homes and day care centres/units for the elderly

18. The Panel supported the Administration's funding proposals to set up new contract RCHEs and day care centres/units for the elderly in PRH developments.

19. Noting the long lead time for the contract RCHEs to commence service, some members called on the Administration to carry out the construction works and the related tendering exercises for selecting suitable operators for running these contract RCHEs in tandem, so as to enable an early commencement of service. They also urged the Administration to provide RCHEs in both the existing and new PRH estates. They took the view that the provision of RCHEs in PRH blocks, vis-a-vis provision in welfare blocks, would better help elderly persons to integrate into the community. The Administration was also requested to increase the ratio of subsidized to non-subsidized places in contract RCHEs from 6:4 to 8:2.

Promoting active ageing

20. The Panel was briefed on the progress of various initiatives of LWB on promoting active ageing. Given that some training programmes conducted by the Employees Retraining Board were placement-tied and priority might be accorded to younger applicants, some members called on the Administration to ensure that elderly persons could participate in these training programmes. Given that the poverty rate of elderly persons in Hong Kong was around 30% after policy intervention, these members also called on the Administration to capitalize on elderly persons' experience and engage them in policy formulation. The Administration was requested to establish a system to facilitate elderly persons to participate in policy formulation.

21. The Panel was advised that the Public Transport Fare Concession Scheme for the Elderly and Eligible Persons with Disabilities ("\$2 Scheme") would be extended to green minibuses in phases starting from the first quarter of 2015. Some members called on the Administration to expand the \$2 Scheme to cover persons aged between 60 and 64. They also suggested that the \$2 Scheme should be extended to trams, red minibuses and "kaito".

Elderly Services Programme Plan

22. The Panel was briefed on the progress of the preparation of the Elderly Services Programme Plan by EC's Working Group on Elderly Services Programme Plan ("WGESPP") which had engaged a consultant team to provide

assistance. The Panel also received deputations' views on the Programme Plan. Noting that policies under the purview of LWB would form the core of the consultant team's study, members called on EC to extend the scope of the Programme Plan. The consultant team was also requested to extend its scope of study to cover social welfare services, medical services, housing and needs after retirement.

23. The Panel was advised that the formulation of the Programme Plan was structured into three stages (namely Scoping, Formulation and Consensus Building) and public engagement exercises would be arranged in each stage. Members suggested that reports should be prepared upon completion of each of the public engagement exercises so that the public would have an opportunity to give views at each stage. Noting that the consultant team would submit its report for each of the three stages to WGESPP which would decide whether and how the information contained in the reports could be made public, members hoped that WGESPP would make its work as transparent as possible and make public its reports so as to facilitate public participation.

24. As EC was tasked to prepare the Programme Plan by 2016, the Panel requested the Administration to prepare an interim report on the Programme Plan and brief the Panel on the report in November or December 2015. The Panel also appointed a subcommittee to follow up EC's preparation of the Programme Plan and study the policies and measures relating to the future development of elderly services schemes. The subcommittee was currently on the waiting list pending activation.

Inspection and licensing system for monitoring residential care homes for the elderly

25. Given the recent incident at Tai Po Cambridge Nursing Home, members cast doubt on the effectiveness of the inspection and licensing system for monitoring RCHEs. They considered that as no major amendments had been made to the Residential Care Homes (Elderly Persons) Ordinance (Cap. 459) since its enactment almost 20 years ago, some provisions of the Ordinance were outdated. The Administration should review the relevant specific requirements, e.g. staffing ratio, average per capita space, service needs based on impairment levels of the elderly persons, methods for regulating inspections and penalties.

26. The Panel urged the Administration to immediately review the Ordinance and the related Code of Practice. SWD was also requested to strictly enforce the Ordinance and the Code of Practice to ensure that the service quality of both private and subvented RCHEs could reach a reasonable level. The Panel would further discuss the monitoring and quality of private RCHEs and receive deputations' views thereon at its regular meeting in July 2015.

Services for people with disabilities

Progress of implementation of home care service for persons with severe disabilities

27. The Panel was briefed on the implementation of home care service for persons with severe disabilities ("HCS"). Some members pointed out that while many PWDs were satisfied with the content of HCS, those who were using integrated and enhanced home care services had reservations in using HCS because its fees were higher than those of integrated and enhanced home care services. The Administration was requested to consider rationalizing the fee levels and the scope of various types of services for PWDs so as to increase the utilization of HCS.

28. Some members opined that the Administration should ensure that the various types of subsidized home care services for PWDs were moving towards the same direction, i.e. to facilitate users to live at home or in the community independently and in dignity. In considering the provision of services for PWDs, the Administration should take into account users' needs for home care and day care services as well as the extent of support the users' families could provide. These members called on the Administration to draw up a work plan for conducting a holistic review of policies on home and community care services for PWDs and rationalize such services. Views of service providers, users and their carers should be taken into account in the review. The Administration should start with a review of CCS for PWDs and set a policy direction for such services. The Administration was requested to amalgamate home and community care services, if necessary, so as to fill the service gaps and deploy resources more effectively.

Provision of facilities for persons with disabilities

29. The Panel examined the Administration's proposals to construct an integrated rehabilitation services complex ("IRSC") in Kwun Tong and Tuen Mun respectively. Whilst supporting these proposals, members were concerned about whether sufficient subvention would be provided for operators of the IRSC in Tuen Mun to employ drivers for providing transport services for users of and visitors to that IRSC. Noting that some organizations had applied to the Administration for changing the use of their vacant schools or sites in Tuen Mun for providing RCS but did not receive active response from the Administration, members called on SWD to impress upon the Planning Department and the Lands Department to actively consider these applications so as to increase the supply of RCS places in Tuen Mun.

Services for young people

30. The Panel was briefed on the latest progress of Child Development Fund ("CDF") projects and the enhancement measures for pursuing new projects to be funded under an additional financial commitment of \$300 million pledged by the Chief Executive ("CE") in his 2014 Policy Address. Noting that one of the enhancement measures was to increase the administrative fee per participant to \$2,200, some members considered the increase insufficient to cover the costs incurred by operating NGOs. Taking into account inflation and the new "one-plus-one" approach under which each selected NGO would be awarded two consecutive projects in one go and could proceed to launch the second project without further bidding, these members considered that the administrative fee should be further increased. They pointed out that many frontline staff of operating NGOs and schools had to spend a lot of time on administrative work. As schools were closed after office hours and parents of participants could only avail themselves after work, the frontline staff had great difficulties in looking for suitable venues to organize activities for parents of participants. These members urged the Administration to take into account the resources NGOs and schools required for operating CDF projects in setting the administrative fee.

Family and child welfare

31. The Panel was consulted on two options for the Administration's proposed revisions to two guardian ad litem ("GAL") fee items related to adoption service. Members noted that one of the options was to increase the two GAL fees from \$2,840 to \$3,970 on 1 June 2015 in one go. Members supported the other option which would implement the fee revisions incrementally. Under such an option, the fees would be increased from \$2,840 to \$3,170 with effect from 1 June 2015, from \$3,170 to \$3,550 with effect from 1 June 2016 and from \$3,550 to \$3,970 with effect from 1 June 2017. Some members also called on the Administration to relax the adoption criteria as well as review its policies and services in relation to adoption, foster care and children's homes. According to the Administration, whilst the prevailing adoption criteria were appropriate under the existing circumstances, it would carefully consider members' suggestion of conducting a review on adoption services and care services.

Welfare of non-refoulement claimants¹

32. The Panel discussed with the Administration the humanitarian assistance for non-refoulement claimants who were unable to meet their basic needs when their claims were being assessed. According to the Administration, in-kind

¹ Non-refoulement claimants include mandated refugees, asylum seekers and torture claimants.

assistance had been offered to these claimants to prevent them from becoming destitute. The service package in terms of accommodation, food, transportation and utilities allowances had been enhanced since February 2014. Some members were concerned that the rent allowance grid per adult claimant, although increased to \$1,500 per month, was insufficient to cover the high rental. Expressing grave concern about the long time for processing non-refoulement claims, these members called on the Administration to speed up the assessment process and make performance pledges for such assessments.

Meetings held

33. During the period between October 2014 and June 2015, the Panel held a total of 14 meetings. Another meeting has been scheduled for July 2015.

Council Business Division 2
Legislative Council Secretariat
18 June 2015

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 2014 - 2015 session

Chairman	Hon CHEUNG Kwok-che
Deputy Chairman	Hon CHAN Yuen-han, SBS, JP
Members	Hon Albert HO Chun-yan Hon LEUNG Yiu-chung Hon TAM Yiu-chung, GBS, JP Hon Frederick FUNG Kin-kee, SBS, JP Hon Ronny TONG Ka-wah, SC Dr Hon LEUNG Ka-lau Hon Alan LEONG Kah-kit, SC Hon LEUNG Kwok-hung Hon Frankie YICK Chi-ming Hon CHAN Chi-chuen Hon CHAN Han-pan, JP Hon LEUNG Che-cheung, BBS, MH, JP Dr Hon KWOK Ka-ki Dr Hon Fernando CHEUNG Chiu-hung Dr Hon Helena WONG Pik-wan Hon POON Siu-ping, BBS, MH Hon TANG Ka-piu, JP

(Total : 19 members)

Clerk	Mr Colin CHUI
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Legal adviser	Miss Mimi CHANG
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Date	9 October 2014
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