

## **Subcommittee on Children's Rights**

### **List of follow-up actions arising from the discussion at the meeting on 24 July 2017**

The Subcommittee has requested the Government to provide the following information with reference to the Subcommittee on Children's Rights' meetings held on 24 July 2017 –

#### **The response of the Security Bureau, Immigration Department and Social Welfare Department**

1. The assistance-in-kind items and amount of transportation allowance provided by the International Social Service Hong Kong Branch ("ISS-HK") to non-refoulement claimants under the humanitarian assistance programme

- 1.1 Assistance items provided under the humanitarian assistance programme ("the assistance programme") include accommodation, utilities, food, clothing, other basic necessities, transportation allowance and counselling services. Each eligible non-refoulement claimant ("claimant") will be offered assistance on a monthly basis, with the level and items of assistance varying based on the needs and circumstances of individual claimant. Except food assistance in the form of e-tokens and transportation allowance in cash, all other items offered are in-kind assistance. Humanitarian assistance items provided to claimants are tabulated below:

<b>Assistance item</b>	<b>Details (per claimant)</b>
<b>Food</b>	Monthly food allowance of \$1,200 per month, non-cashable and non-transferable, for purchase of food only. For emergency cases and service users with justifiable needs, in-kind food assistance will be provided as a contingency arrangement.
<b>Accommodation</b>	Monthly rent allowance of \$1,500 per adult and \$750 per child; rental deposits of up to \$3,000 or an amount equivalent to two months of rent (whichever is the less); and property agent fees of up to \$750 or an amount equivalent to half month of rent (whichever is the less).

<b>Assistance item</b>	<b>Details (per claimant)</b>
<b>Utilities (water, electricity and fuel)</b>	\$300 per month.
<b>Transportation allowance</b>	Ranging from \$200 to \$420 per month, depending on the location of residence and the number of routine journeys of the claimant.
<b>Other basic necessities</b>	In-kind assistance.

For special cases with extra needs (including transportation allowance), ISS-HK may adjust the amount of assistance, subject to an assessment of the actual situation based on justifications and documental proofs provided.

2. The reasons for commissioning ISS-HK to offer humanitarian assistance to non-refoulement claimants for more than 10 years

- 2.1 Since 2006, the non-governmental organisation operating the assistance programme has been selected by the Social Welfare Department (SWD) through tendering exercises, which strictly follow the rules and procedures as stipulated in the Government Stores and Procurement Regulations in selecting the successful tenderer. Recommended by the Tender Assessment Panel and supported by the Central Tender Board, ISS-HK is the only conforming tenderer. It has been awarded service contracts in previous tendering exercises.
- 2.2 To encourage submissions from more tenderers, the Government relaxed tenderers' essential requirements in the tender documents for the two rounds of tendering exercises in 2014 and 2016, split the single contract into three smaller ones, and arranged briefing sessions to brief tenderers on and explain about the content of tenders.

3. The views and concerns on the provision of humanitarian assistance services

- 3.1 Since early 2016, the Government has been conducting a comprehensive review of the strategy of handling non-refoulement claims from four dimensions, including: (1) stepping up pre-arrival control to reduce the number of claimants arriving in Hong Kong;

(2) streamlining screening procedures and amending the law in the long run to prevent abuse of the mechanism; (3) considering more stringent detention measures; and (4) enhancing enforcement and expediting removal, with a view to reducing the number of non-refoulement claims.

- 3.2 The objective of our policy is to process all claims and remove rejected claimants as soon as practicable. In this regard, we will expedite the screening of backlogs and strengthen our liaison with relevant consulates to ensure timely removal, with a view to shortening rejected claimants' length of stay in Hong Kong.
- 3.3 Given that some non-refoulement claimants may not be able to cope with their basic needs while awaiting screening/removal, the Government has been offering in-kind assistance to them on humanitarian grounds since 2006, so as to prevent them from becoming destitute. ISS-HK will assess the eligible items and level of assistance based on individual claimant's needs, health condition and availability of resources. Such assistance covers accommodation-related assistance (e.g. rent allowance), utilities allowance, food, clothing, other basic necessities, appropriate transportation allowance and counselling services. If there are extra needs, service users may submit justifications and documental proofs for consideration by ISS-HK on a case-by-case basis.
- 3.4 The objective of the assistance programme is to ensure that claimants will not, during their presence in Hong Kong, become destitute. It is not intended to provide them with assistance more than necessary to meet their basic needs, so as to avoid any magnet effect which may have serious implications on the long-term sustainability of the assistance programme and the immigration control of Hong Kong.

#### Accommodation assistance

At present, over 90 percent of service users choose to seek accommodation by themselves. Generally, both singleton and family claimants are able to secure suitable accommodation in private flats of the urban area and the New Territories or in rural houses. In view of the difficulties claimants may encounter in searching for suitable accommodation, starting from February 2014, the Government has increased the monthly rent allowance to \$1,500, and additionally provided rental deposits of up to \$3,000 or

an amount equivalent to two months of rent (whichever is the less) and property agent fees of up to \$750 or an amount equivalent to half month of rent (whichever is the less). ISS-HK also provides claimants in genuine need with temporary accommodation equipped with electricity and water supplies as well as other basic utilities.

#### Other basic necessities

According to the gender and age group of service users (including infants), ISS-HK provides them with pre-packaged daily necessities every month. Pregnant service users will receive a pack of ten cloth diapers and replenishment upon request. Cloth diapers are chosen for such reasons as environmental, hygienic and financial considerations.

#### Transportation allowance

Transportation allowance is provided on a prepaid basis. Given that service users may have genuine travelling need for various purposes, including reporting to the ImmD, attending medical appointments, attending spiritual worship, meeting with lawyers, collecting food and basic necessities as well as meeting with ISS-HK, a monthly transportation allowance ranging from \$200 to \$420 is offered by ISS-HK according to their residing district for them to afford the lowest-charging modes of transportation, including the MTR, minibus, tram and bus. A small amount has been included in the transportation allowance to cater for unexpected situations and needs. If service users have additional needs, they may make retrospective applications to the social workers concerned or ISS-HK supervisors afterwards.

#### Medical services

In accordance with the current practice for waiving of medical charges for non-eligible persons, approval for one-off waiver of medical expenses at public clinics or hospitals will be given to claimants on a case-by-case basis, subject to the assessment by the Hospital Authority/service units of the SWD. In case of doubt regarding the identity of claimants, relevant departments or organisations may seek verification from ImmD under the existing mechanism. ImmD also operates a hotline to answer their enquiries and provide relevant information.

## **The response of the Education Bureau**

1. Placement arrangements to primary and secondary schools
  - 1.1 If placement assistance is required by children of non-refoulement claimants, consideration may be given on a case-by-case basis to allow them to receive education temporarily. When approached by parents of these children, the Education Bureau (EDB) will seek comments of Immigration Department (ImmD). Upon confirmation from ImmD that there are no comments on allowing these children to attend schools in Hong Kong, EDB will provide placement assistance as appropriate having regard to their district of residence and learning level.
  - 1.2 Children of non-refoulement claimants may seek placement assistance at EDB's Regional Education Offices, or approach schools preferred directly for application. On receipt of applications from parents of these children, schools would refer the applications to EDB for follow-up.
  - 1.3 Except those who were subject to removal within short periods, EDB successfully placed all school-age children of non-refoulement claimants in the past five years.
2. Adaptation programmes for newly-arrived children
  - 2.1 EDB provides 6-month full-time Initiation Programme. Parents may choose to arrange their newly-arrived children (including children of non-refoulement claimants who are confirmed "no comments" from ImmD on allowing them to attend schools) to attend Initiation Programme prior to admission to schools. They may also arrange their children to attend 60-hour Induction Programme in parallel, after entering primary/secondary schools. Programmes contents include Chinese, English, social adaptation, etc., in order to help them adapt to education of Hong Kong.
3. Placement arrangement for kindergarten
  - 3.1 For children who claim to have the right to remain in Hong Kong or children of non-refoulement claimants liable to removal, if they wish to study in kindergartens (KG) and have obtained permission from ImmD to receive education in Hong Kong, EDB will issue a "Kindergarten Admission Pass" to these children for admission and registration to KGs.

3.2 KG student admission is a school-based matter. EDB has reminded KGs that they should ensure equal opportunities for all children (regardless of their race, gender and ability) including proper handling of applications for admission from non-Chinese speaking (NCS) parents and students with regard to the differences in their culture and customs. Their school-based admission mechanism and procedure should be fair, just and open, and in compliance with the existing legislation (including the anti-discrimination ordinances like Race Discrimination Ordinance) as well as circulars and guidelines issued by EDB. In addition, KGs should inform parents in advance of the details of their school-based admission mechanism through effective channels (e.g. guidance notes in application forms, admission guidelines/leaflets, school websites, etc.). Relevant information announced by KGs and the application forms should also be in both Chinese and English. KGs may, as necessary, arrange interpretation and/or translation service for applicants, for example, by capitalising on the interpretation and/or translation service for major ethnic minority languages provided by the Centre for Harmony and Enhancement of Ethnic Minority Residents (CHEER) funded by the Home Affairs Department. On the other hand, EDB will provide related information to parents, such as the list of KGs with vacancies in each district, so as to help parents find KG places for their children. Starting from the 2017/18 school year, for NCS students (including children of non-refoulement claimants) having genuine difficulties in seeking admission to KGs, parents may seek assistance from EDB. We will make referrals as appropriate to KGs under the Free Quality Kindergarten Scheme with vacancies.

#### 4. Issues related to student financial assistance

4.1 The Student Finance Office of the Working Family and Student Financial Assistance Agency (SFO) administers financial assistance schemes for kindergarten, primary and secondary students. Financial assistance schemes provided for primary and secondary students include the Student Travel Subsidy Scheme, School Textbook Assistance Scheme and Subsidy Scheme for Internet Access Charges. For kindergarten students, financial assistance schemes provided include Kindergarten and Child Care Centre Fee Remission Scheme (KCFRS) and Grant for School-related Expenses for Kindergarten Students. For upfront payment required to be paid by parents, kindergartens are encouraged to handle such collections with flexibility in case individual students

have encountered financial difficulties. Parents who have such difficulties may approach EDB for assistance, and EDB would liaise with schools to offer assistance to needy parents.

- 4.2 To qualify for monthly fee remission under KCFRS, student-applicants must have attended school in that month in accordance with the established arrangements under KCFRS. Some kindergartens may consider suspending the collection of school fees from the non-refoulement claimants who have applied for KCFRS until they have been disbursed with fee remission, having regard to their special circumstances. In addition to fee remission under KCFRS, SFO will provide an additional grant for school-related expenses for kindergarten students who can pass the means test and meet the same eligibility criteria under KCFRS to defray school-related expenses (i.e. books, stationery, school uniforms, miscellaneous and minor one-off expenses) incurred from the students' kindergarten education with effect from the 2017/18 school year. The full-grant rate for each eligible kindergarten student for the 2017/18 school year is \$3,885.
- 4.3 For processing of KCFRS applications from first time applicants before the commencement of a school year, if they submit their applications with complete information and necessary supporting documents to SFO and the documents for verifying student information to schools for processing by end August, SFO will arrange disbursement of the monthly fee remission to the eligible students starting from end September. The time required for processing the applications is around two months. However, the processing time may vary depending on the circumstances of each case.

## 5. Arrangement in ordinary and special schools

- 5.1 Schools using Chinese as the medium of instruction would adopt the Chinese Language Curriculum Second Language Adapted Learning Framework introduced by EDB to support the NCS students, including children of non-refoulement claimants, in learning Chinese language with a view to enhancing their learning effectiveness. All teachers have been equipped with professional knowledge, pedagogy and attributes in teaching students of different backgrounds and learning needs through initial teacher education programmes for prospective teachers.

- 5.2 To step up the support for students whose spoken language at home is not Chinese, starting from the 2014/15 school year, aided special schools admitting 6 or more of the students concerned, irrespective of whether an adapted curriculum or an ordinary school curriculum is adopted, are provided with an additional funding to facilitate creation of an inclusive learning environment in schools (including appointment of additional assistants, procurement of interpretation services to strengthen communication with students concerned and their parents), and to enhance Chinese learning and teaching so that students concerned can adapt to school environment. In tandem, teachers' professional development programmes are provided, coupled with sharing sessions organised in collaboration with Equal Opportunities Commission to raise teachers' awareness of cultural sensitivity with a view to creating an inclusive environment.
- 5.3 Special schools operate with a relatively better teacher to student ratio, ranging from around 8 to 15 students per class. In general, the schools offer ordinary curriculum or adapted ordinary curriculum to students according to their ability and provide tailor-made special education curriculum to students with intellectual disability (ID). These schools also formulate individual education plans in accordance with the special needs of individual students, including NCS students. Moreover, different types of special schools are provided with different specialist staff and additional teachers for delivering diverse support services to students. Although the existing medium of instruction in aided special schools is Chinese, our teachers are still able to communicate with individual NCS students with ID in English to facilitate them to learn the school curriculum. EDB has been working closely with special schools and offering professional advice as appropriate.

## 6. Response to Equal Opportunities Commission (EOC)'s Submission

- 6.1 All along, for children who claim to have the right to remain in Hong Kong or children of non-refoulement claimants who are liable to removal and have entered into recognizance in the prescribed form by ImmD, EDB will provide assistance to them regardless of their nationalities, including seeking comments from ImmD, if they apply to study in local schools temporarily.
- 6.2 Parents may also approach schools preferred directly for application. On receipt of applications from parents of these children, schools should refer the applications to EDB. If these



children choose to attend 6-month full-time Initiation Programme for newly-arrived children (including children of non-refoulement claimants who are confirmed “no comments” from ImmD on allowing them to attend schools), placement to primary/secondary schools will be arranged as appropriate after completion of the programme.

- 6.3 Upon confirmation from ImmD that there are no comments on allowing these children to attend schools in Hong Kong during the time that their cases are still under examination, EDB will inform schools that they could admit these children or offer placement assistance to them.
- 6.4 As regards the 12 cases mentioned in the EOC’s letter, all the applications were referred by the school during the period from April 2016 to March 2017. EDB has duly sent all these cases to ImmD for comments within one week after receiving the applications under the established practice. For the cases in which timely comments were not received from ImmD, EDB has taken follow-up actions, including making phone calls and issuing reminders, to urge for an early reply. At the same time, EDB has also maintained close contact with the school and keep the school posted of the progress. In fact, the school is well aware of the established practice and the latest situation of the cases.
- 6.5 As at 15 August 2017, ImmD has already made no comments on allowing a total of 8 applicants to attend schools and they have also been admitted to the school. For the remaining 4 cases, ImmD has confirmed that due to individual circumstances of the cases, including that a “no comments” reply will unlikely be given owing to the prospect of the children’s removal from Hong Kong within short periods, further clarification/action would be needed before a decision could be made.
- 6.6 EDB will continue to follow up the remaining cases closely with ImmD. Upon receiving “no comments” reply from ImmD, EDB will inform the school soonest possible that it could admit these children.

## **The response of the Food and Health Bureau, Hospital Authority and Department of Health**

1.1 It is the Hospital Authority's (HA) policy that service priority be given to Hong Kong residents, that is Eligible Persons. To ensure rational use of limited public resources, generally the medical charges of Non-eligible Persons (NEP) would not be waived unless under exceptional circumstances. For each application for waiving of medical charges from NEP, the HA will consider the circumstances of each patient and consider whether discretion shall be exercised in granting the NEP a one-off medical fee waiver.

1.2 As refugees and non-refoulement claimants are NEP of Hong Kong, they are charged at NEP rates for using medical services in the public hospitals and clinics. To be in line with the policy of the HKSAR Government and on humanitarian ground, HA will offer medical services to refugees and non-refoulement claimants as appropriate. For the cases of refugees including refugee children, they are only required to produce their refugee certificate during registration for waiving medical charges. As regards the non-refoulement claimants who might have difficulties in paying the charges at public hospitals and clinics, they could approach the Medical Social Workers (MSW) of HA or Social Workers (SW) of Integrated Family Service Centres of Social Welfare Department for application for medical fee waivers. The MSWs/SWs would assess their financial and social condition on a case-by-case basis, and consider granting a one-off waiver to the applicant.

1.3 The time required for confirming the non-refoulement claim of the claimants is uncertain. During the screening period, their financial and social conditions such as marital status and financial assistance received by the applicants are subject to change. In this connection, MSWs/SWs need to assess the eligibility of applicant through examining their financial and social condition, and provide medical fee waiver on a one-off basis.

1.4 As discussed in the meeting of Subcommittee on Children's Rights dated 24 July 2017, since support to refugee and non-refoulement claimants involves cross-departmental collaboration, HA will continue to collaborate with the relevant departments/Bureaux to explore the feasibility of implementing any enhancement measures.

1.5 The Department of Health has provided training on anti-discrimination and equal opportunities for staff. In 2012-2016, over 2,400 staff of the Department of Health at various ranks received training related to anti-discrimination and equal opportunities.

1.6 Student Health Service of the Department of Health provides health promotion and disease prevention services to primary and secondary school students. Enrolled students will receive annual health assessment designed to cater for the health needs at various stages of development, including screening for psychological health problems. Relevant training has been provided to our front-line professional staff to handle and accommodate the special needs of these students.

1.7 The Hospital Authority has organised seminars on anti-discrimination legislation and equal opportunities for staff at various levels. Clinical teams of the HA will be reminded to enhance the professional capability of frontline medical staff and social workers in handling and accommodating special needs of these children.

1.8 Student Health Service of the Department of Health provides health promotion and disease prevention services to primary and secondary school students. Enrolled students will receive annual health assessment designed to cater for the health needs at various stages of development, including vision screening. Students found to have vision problems will be referred to Special Assessment Centre, specialist clinic or other organization for further assessment and management. The scope of service does not include provision of eye glasses regardless of the students' status.

1.9 The Government's policy on dental service seeks to improve oral health and prevent dental diseases through promotion and education. The School Dental Care Service (SDCS) of the Department of Health provides basic and preventive dental care services to all primary school children as well as secondary school students who are studying in special schools for children with physical and/or intellectual disability up to the age of 18. The treatment provided includes dental examination, scaling, fillings and extraction as needed. Students of participating schools can enroll for the service through their schools and the enrollment fee as at 2017-18 school year is HK\$20. All students receive the same service of SDCS regardless of their status.

## **The response of the Leisure and Cultural Services Department**

1. The provision of library services to refugee and asylum seeking children
  - 1.1 At present, the Hong Kong Public Libraries (HKPL) of the LCSD has 70 public libraries and 12 mobile libraries in the 18 districts over the territory. For persons under the age of 18 who wish to apply for a library card, they must be holders of Hong Kong identity documents. Their applications should be made under the guarantee of their father, mother or guardian who is a holder of Hong Kong Identity Card, together with the required document(s) and proof of residential address. Upon verification, a library card will be issued by the HKPL.
  - 1.2 Nevertheless, any persons, regardless of nationality, including non-Hong Kong residents who are minors, can gain free access to public libraries without producing library cards to enjoy various free library services and facilities to enjoy reading, learning and acquiring information. They may, inside libraries, access the rich library collections such as books and newspapers in printed and electronic form; use the internet and digital service workstations to browse the electronic resources as well as the digitised information in the Multimedia Information System (MMIS), such as audio-visual materials, maps, photographs, newspaper clippings and books; and take part in a wide range of extension activities. Outside libraries, they may visit the HKPL website through the internet to gain access to some of the digitised collections in the MMIS.
  - 1.3 Apart from managing its libraries, the LCSD has been committed to promoting the “Libraries@neighbourhood - Community Libraries Partnership Scheme” in collaboration with non-profit making organisations to provide community-based library services. The HKPL offers block loan of library materials and professional advice to the participating organisations for setting up community libraries that meet the needs of their target clients. These community libraries bring quick and convenient library services for those who are unable to access normal library facilities due to various reasons. The LCSD has recently introduced the block loan service scheme to a number of non-governmental organisations serving the non-refoulement claimants (claimants) who are minors and actively invited these organisations to be the HKPL’s partners.

- 1.4 Through the above services, non-Hong Kong residents who are minors can enjoy various public library services and facilities free of charge inside and outside libraries without the requirement of a library card. The HKPL is always ready to offer loan services to non-governmental organisations serving claimants who are minors if they intend to set up community libraries.

**Security Bureau**  
**Education Bureau**  
**Food and Health Bureau**  
**Immigration Department**  
**Social Welfare Department**  
**Department of Health**  
**Leisure and Cultural Services Department**  
**Hospital Authority**  
**September 2017**