

立法會
Legislative Council

LC Paper No. CB(2)576/18-19

(These minutes have been
seen by the Administration)

Ref : CB2/PL/WS

Panel on Welfare Services

Minutes of meeting
held on Monday, 12 November 2018, at 10:30 am
in Conference Room 3 of the Legislative Council Complex

Members present : Hon KWONG Chun-yu (Chairman)
Hon SHIU Ka-chun (Deputy Chairman)
Hon LEUNG Yiu-chung
Hon CHAN Chi-chuen
Hon LEUNG Che-cheung, SBS, MH, JP
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung, JP
Dr Hon Fernando CHEUNG Chiu-hung
Hon POON Siu-ping, BBS, MH
Hon Alvin YEUNG
Hon CHU Hoi-dick
Hon Wilson OR Chong-shing, MH
Hon YUNG Hoi-yan
Dr Hon Pierre CHAN
Hon LUK Chung-hung, JP
Dr Hon CHENG Chung-tai

Members absent : Hon Michael TIEN Puk-sun, BBS, JP
Hon Andrew WAN Siu-kin

Public Officers attending : Item IV
Mr Caspar TSUI, JP
Under Secretary for Labour and Welfare
Labour and Welfare Bureau

Ms Michelle LAM Wai-yip
Assistant Director (Social Security)
Social Welfare Department

Miss Rita LAU Choi-ha
Chief Social Security Officer (Social Security)1
Social Welfare Department

Mr Andrew KWAN Kai-ming
Senior Statistician (Social Welfare)
Social Welfare Department

Item V

Dr LAW Chi-kwong, GBS, JP
Secretary for Labour and Welfare
Labour and Welfare Bureau

Mr David LEUNG, JP
Commissioner for Rehabilitation
Labour and Welfare Bureau

Mr KOK Che-leung
Assistant Director (Rehabilitation and Medical
Social Services)
Social Welfare Department

Item VI

Ms WONG Yin-yee
Assistant Director (Licensing and Regulation)
Social Welfare Department

Ms Anna LEUNG Wing-sum
Assistant Secretary (Security) E1
Security Bureau

Clerk in attendance : Mr Colin CHUI
Chief Council Secretary (2) 4

Staff in attendance : Ms Catherina YU
Senior Council Secretary (2) 4

Miss Alison HUI
Legislative Assistant (2) 4

Action

I. Confirmation of minutes of the meeting held on 11 October 2018

[LC Paper No. CB(2)131/18-19]

The minutes of the meeting held on 11 October 2018 were confirmed.

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

[LC Paper No. CB(2)102/18-19(01)]

2. Members noted that the letter dated 12 October 2018 from Mr Michael TIEN requesting the Panel to add items to its list of outstanding items for discussion ("the List") had been issued since the last meeting.

III. Items for discussion at the next meeting

[LC Paper Nos. CB(2)197/18-19(01) to (02)]

3. Members agreed to discuss at the next meeting scheduled for 10 December 2018 the following items:

- (a) Evaluation Study of the Pilot Scheme on On-site Pre-school Rehabilitation Services;
- (b) Redevelopment of the Client Information System and the Service Performance Management Information System of the Social Welfare Department ("SWD");
- (c) Consultancy Study on the Long-term Development of Child Care Services; and
- (d) Proposal for enhancing the secretariat support for the Commission on Children.

(Post-meeting note: At the Administration's request and with the concurrence of the Chairman, the discussion of item (a) above would be deferred to the next regular meeting on 14 January 2019 (LC Paper No. CB(2)364/18-19).)

4. Given that the Administration had advised that "Setting up a hostel for moderately mentally handicapped persons, an integrated vocational rehabilitation services centre and an integrated children and youth services centre in the Comprehensive Development Area development at Yau Tong Bay" (item 45 of the List) would be discussed under "Annual briefing on welfare facility projects funded by Lotteries Fund", the Chairman suggested that item 45 should be removed from the List. Members agreed.

IV. Annual adjustment of social security payment rates under the Comprehensive Social Security Assistance Scheme and the Social Security Allowance Scheme, and issues relating to rent allowance under the Comprehensive Social Security Assistance Scheme

[LC Paper Nos. CB(2)197/18-19(03) to (04) and ISSH16/17-18]

5. The Chairman drew members' attention to Rule 83A of the Rules of Procedures regarding personal pecuniary interest to be disclosed. He reminded members to declare interests in the matter under discussion, if any.

6. At the invitation of the Chairman, Under Secretary for Labour and Welfare ("USLW") briefed members on the Administration's proposal to seek the approval of the Finance Committee ("FC") to adjust the standard payment rates under the Comprehensive Social Security Assistance ("CSSA") Scheme and rates of allowances under the Social Security Allowance Scheme with effect from 1 February 2019, having regard to the latest movement of the Social Security Assistance Index of Prices ("SSAIP"). Members were also briefed on the latest position of the Consumer Price Index ("CPI")(A) rent index for private housing and the estimated corresponding adjustment to maximum rates of the rent allowance ("MRA") under the CSSA Scheme starting from 1 February 2019 as well as relevant information on MRA.

Review of the Comprehensive Social Security Assistance Scheme

7. In response to the Chairman's enquiry, USLW said that according to the statistics as at end-September 2018, there was room for an upward adjustment of 2.6% to the relevant social security payment rates, for instance the CSSA standard payment rate for elderly persons, the monthly rates for Normal Disability Allowance ("DA") and Higher DA would be increased by \$90, \$45 and \$90 a month respectively. The Administration would adjust the rates based on the statistics as at end-October 2018. The Chairman opined that the proposed adjustments failed to keep up with

the pace of changes in living costs.

8. Dr Fernando CHEUNG said that currently, elderly persons, persons with disabilities and ill-health persons accounted for 80% of CSSA cases and 30% of these persons were still living in poverty. Although CSSA was a major poverty alleviation policy, it was ineffective in alleviating poverty. He called on the Administration to conduct a comprehensive review of the CSSA system which should cover the following matters: allowing elderly persons and persons with disabilities to apply for CSSA on an individual basis, redefining the basic needs, relaxing disregarded earnings ("DE") arrangements, increasing the level of rent allowance and shelving the arrangements for raising the eligible age for elderly CSSA to 65.

9. USLW responded that when comparing the average monthly CSSA payments with the average monthly expenditure of non-CSSA households in the lowest 25% expenditure group, the former was higher in all household categories. The cumulative increase in the 12-month moving average of SSAIP for the period ending September 2018 was higher than the increase in the 12-month moving average of CPI(A) for the same period. Dr Fernando CHEUNG opined that it was a wrong statistical concept to use a percentage of non-CSSA households in the lowest expenditure group to compare with the average monthly CSSA payments. A percentile of non-CSSA households in the lowest expenditure group should be used instead.

10. Dr CHENG Chung-tai and Mr CHAN Chi-chuen shared the view that an overall review of the CSSA system should be conducted. Based on the increase in the elderly population from 0.85 million in 2006 to 1.17 million in 2016, Dr CHENG Chung-tai gathered that the number of elderly persons on CSSA might increase by 30 000 to 40 000. He took the view that while raising the eligible age for elderly CSSA might bring down the caseload in the aforesaid category statistically, such a rise could neither address the poverty problems faced by needy elderly persons nor reduce the size of the poor population. He said that according to the Statistical Highlights on CSSA and rent allowance prepared by the Research Office of the Legislative Council ("LegCo") Secretariat (LC Paper No. ISSH16/17-18), the CSSA caseload of the old age category had increased from 51% in 2005 to 62% in 2017. Considering the increase was substantial, he sought the Administration's views and stance in this regard.

11. USLW responded that the overall CSSA cases had dropped while noting the ageing population in Hong Kong. On average, elderly

singletons on CSSA received over \$6,000 a month and those with special needs could receive over \$10,000 a month. In addition to standard rates, supplements and special grants were provided for eligible CSSA recipients. The Administration had also enhanced the arrangements for the CSSA Scheme (e.g. abolishing the requirement of a declaration on whether the elderly CSSA applicants were provided with financial support by their children (the so-called "bad-son statement")). In the light of an ageing population, targeted measures had been adopted to better address the needs of elderly persons. The implementation of Higher Old Age Living Allowance ("OALA") to enhance the financial support for needy elderly persons was one of the examples. Furthermore, various pilot schemes under the Community Care Fund ("CCF") had been launched. CCF had launched a total of 47 assistance programmes so far and 12 of them had been regularized. CCF assistance programmes had benefited 1.6 million persons and the amount of subsidy involved was \$9 billion.

12. Mr LEUNG Che-cheung expressed concern that CSSA was inadequate to meet the recipients' living expenses as it did not cover some items (e.g. mobile phone expenses) which had become necessities in the light of changes in the living environment. He said that as he had suggested before, the Administration should consider setting another poverty line based on household expenditures. Taking the view that the CSSA Scheme failed to reflect changes in expenditure patterns, he urged the Administration to conduct a comprehensive review of the CSSA Scheme.

13. The Deputy Chairman said that when the Panel discussed "Review of CSSA Scheme" at its meeting on 12 February 2018, he mentioned that there were a number of loopholes in the CSSA system. He recapped these loopholes as follows:

- (a) the standard payment rates were insufficient to meet the basic needs;
- (b) the CSSA mechanism lacked transparency and the participation of society;
- (c) the medical assessment mechanism failed to identify persons with difficulties taking up employment;
- (d) the rent allowance was inadequate to cover rental of private housing;
- (e) CSSA recipients were stigmatized;

- (f) elderly persons were required to apply for CSSA on a household basis;
- (g) the asset limit for elderly CSSA was too low;
- (h) the raising of the eligible age for elderly CSSA;
- (i) family members were unable to support elderly CSSA recipients to acquire better quality residential care services;
- (j) persons with disabilities were required to apply for CSSA on a household basis;
- (k) the asset limit for persons with disabilities under the CSSA Scheme was too low;
- (l) the rent allowance was insufficient for persons with disabilities to rent suitable housing;
- (m) the grant to cover costs of medical, rehabilitation, surgical appliances and hygienic items were unable to cover the costs of newer appliances and items;
- (n) the special diet allowance was unable to cater for the needs of different groups;
- (o) able-bodied CSSA recipients were not eligible for (i) basic housing and relevant grant such as grant for rent deposit and domestic removal grant; (ii) basic medical and rehabilitation grants; (iii) grant to cover monthly telephone charges; and (iv) long-term supplement;
- (p) employment support services provided for CSSA recipients lacked continuity;
- (q) the amount of DE had not been adjusted for many years;
- (r) arrangements for DE were unable to encourage people to provide financial support for their parents;
- (s) CSSA recipients were required to be on CSSA for not less than two months in order to be eligible for DE benefits;

- (t) young persons who worked for the first time had not been taken into account under the arrangement of disregarding the first month's total income earned by a CSSA recipient aged 15 or above from a new job; and
- (u) children from CSSA households did not have the opportunity to participate in extra curriculum activities.

Pointing out that the CSSA Scheme had not been reviewed for many years, he asked whether the Administration considered that there was a need to review the Scheme. The Chairman also asked whether, and if so, when the Administration would conduct a comprehensive review of the CSSA Scheme.

14. USLW responded that the Administration did not have any plan to conduct a comprehensive review of the CSSA Scheme at the moment. The Administration had introduced targeted measures to better address the needs of CSSA recipients. For example, from the 2014-2015 school year, the grants for school-related expenses for primary and secondary students of CSSA households had been increased by \$1,000. A pilot scheme under CCF was launched in 2016 to encourage disabled CSSA recipients to engage in employment by raising the maximum level of DE. Given that one of the ways to improve the poverty situation in Hong Kong was to encourage employment, the Administration had been encouraging CSSA recipients to join the labour force. The Administration would keep in view the arrangements under the CSSA Scheme and take measures to enhance the support for CSSA recipients, if necessary. Separately, since the implementation of the Working Family Allowance ("WFA") Scheme in April 2018, the Working Family and Student Financial Assistance Agency ("WFSFAA") had received applications from over 47 000 households. Among the processed applications, about 93% were approved, benefiting about 140 000 persons, including about 59 000 children and youth.

15. Mr LEUNG Yiu-chung opined that rather than enhancing certain arrangements, the Administration should conduct a comprehensive review of the CSSA Scheme. In this connection, he enquired about the circumstances under which the Administration would conduct a comprehensive review of the Scheme. USLW reiterated that the Administration would continue to review and consider making adjustments to various components of the CSSA Scheme as appropriate.

16. In response to Mr CHU Hoi-dick's concern about exclusion of post-secondary students of CSSA households who received financial

assistance through WFSFAA from the calculation of standard payment rates under the CSSA Scheme, USLW said that WFSFAA's financial assistance schemes and the CSSA Scheme were two separate systems.

Rent allowance

17. Given that many CSSA households were paying an actual rent higher than MRA, Mr CHAN Chi-chuen urged the Administration to review the level of MRA. Noting that in 2016, about 3 536 CSSA families living in public rental housing ("PRH") incurred rental expenses higher than the rent allowance and from 2012 to 2015, there was an increase in the number of CSSA families living in private housing and having a monthly shortfall of at least \$1,000 in rent allowance, Mr LEUNG Yiu-chung expressed concern about the inadequacy of rent allowance to cover the actual rent paid by CSSA families.

18. USLW responded that according to the record of SWD (as at the end of September 2018), MRA could cover the actual rent paid by about 120 000 CSSA households living in PRH (97%) and over 10 000 CSSA households living in private housing. The Administration had enhanced the CCF programme named "Subsidy for CSSA Recipients Living in Rented Private Housing" ("the Programme") to relieve the financial burden of CSSA households living in private housing in face of rent increase. Under the enhanced Programme which was launched in November 2017, the maximum level of subsidy available to eligible CSSA households was significantly higher.

19. Opining that the amount of rent allowance lagged far behind the rent paid by CSSA recipients living in private housing, Mr LEUNG Che-cheung called on the Administration to review the rent allowance. Meanwhile, the Administration should take immediate measures to relief the rental burden of those CSSA households living in private housing. In this connection, he enquired whether the Administration would consider providing subsidy to all CSSA households living in private housing through the enhanced Programme. Mr POON Siu-ping enquired about the total amount of disbursement under the Programme and the enhanced Programme, when the enhanced Programme would be regularized and the total amount of subsidy incurred after its regularization.

20. USLW responded that a total of 15 081 CSSA households benefitted from the Programme relaunched in 2017 and the total amount of disbursement was around \$119 million for two years. The Administration would keep in view the implementation of the enhanced Programme as the basis of a possible model for regularization in future.

21. Mr CHU Hoi-dick asked whether the Administration had set a target to fully cover the actual rent paid by CSSA households with the rent allowance under the CSSA Scheme and the subsidy provided through the enhanced Programme. USLW responded that it was logical to think that some landlords would increase the rent if there was an increase in the rent allowance. As such, the CSSA households concerned could not benefit in the end. The housing needs of persons who were unable to afford private housing should be addressed through boosting the supply of PRH.

Old Age Living Allowance

22. Mr CHAN Chi-chuen said that when OALA was implemented, he had called for a substantive review of the means test requirement for OALA. Considering the means test necessary, many Members belonging to the pro-establishment camp suggested that the asset limits should be substantially increased. Although the former SLW had promised that the asset limits for OALA would be reviewed, the Administration had not conducted a substantive review of the asset limits since its implementation. Taking the view that OALA should be non-means-tested so as to benefit more needy elderly persons, he said that the Administration should not only examine the income and asset limits according to the established mechanism but should conduct a substantive review of the means test requirement. USLW responded that Higher OALA was implemented in June 2018 and the Administration would closely monitor the implementation of the allowance.

Special grants

23. The Chairman said that the Administration had removed some items (e.g. purchase of spectacles, relocation expenses, etc.) from special grants in 1999. The Chairman, Mr CHAN Chi-chuen and Mr CHU Hoi-dick asked whether the Administration would resume the provision of special grants for dental care, purchase of spectacles and relocation expenses. USLW responded that the Administration had no plan to review the items under the special grants at this stage.

Motions

24. Dr Fernando CHEUNG moved the following motion:

"綜合社會保障援助("綜援")制度是香港的主要扶貧措施，但多年沒有檢討。今天，綜援個案有八成是老弱傷殘人士。本委員會促請政府以科學方法重新界定基本生活需要；立即擱置將長者綜援年齡收緊至 65 歲；容許長者及殘疾人士以獨

立身份申請綜援；放寬豁免入息、大幅改善租金津貼；及恢復健全人士的搬遷、牙科、眼鏡津貼及長期個案補助金等。全面檢討綜援，實在刻不容緩！"

(Translation)

"The Comprehensive Social Security Assistance ("CSSA") system, despite being a major poverty alleviation measure, has not been reviewed for many years. Currently, elderly persons and persons with disabilities account for 80% of CSSA cases. This Panel urges the Government to redefine the basic needs in a scientific way; immediately shelve the arrangement of raising the eligible age for elderly CSSA to 65; allow the elderly and persons with disabilities to apply for CSSA on an individual basis; relax the disregarded earnings arrangements; substantially increase the level of rent allowance; and resume the provision of grants for relocation, dental treatment and spectacles as well as the long-term supplement to able-bodied persons. An overhaul of the CSSA system should brook no delay!"

25. The Chairman put the motion to vote. As the majority of members present voted for the motion, he declared that the motion was carried.

26. The Deputy Chairman moved the following motion:

"鑒於政府於 1999 年削減健全成人各項特別津貼及長期個案補助金，令健全成人綜援個案的綜援金額不能應付基本生活需要，按年調整不能解決他們的生活困難。本委員會要求政府立即增加健全成人綜援個案的特別津貼項目，以滿足他們搬遷、牙科保健、購買眼鏡、上網、使用流動電話等生活所需。政府亦應重新為他們設立長期個案補助金，以滿足他們購買耐用品的需要。"

(Translation)

"Since the Government reduced the provision of various special grants and the long-term supplement to able-bodied adults in 1999, the CSSA payment rates to able-bodied adult CSSA recipients cannot meet their basic needs, nor can the annual adjustment resolve the difficulties in their living. This Panel calls on the Government to immediately include more items under the special grants for able-bodied adult CSSA recipients, so as to enable them to cover necessities such as relocation, dental care, purchase of spectacles,

use of Internet service and mobile phones. The Government should also resume the provision of the long-term supplement to them, so as to meet their needs of buying durable goods."

27. The Chairman put the motion to vote. All members present voted for the motion. He declared that the motion was carried.

28. In response to the Chairman's invitation of views, members present supported in principle the submission of the relevant funding proposal to FC for consideration.

V. Hong Kong Rehabilitation Programme Plan
[LC Paper Nos. CB(2)197/18-19(05) to (06)]

29. At the invitation of the Chairman, Secretary for Labour and Welfare ("SLW") briefed members on the progress of the formulation of a new Hong Kong Rehabilitation Programme Plan ("RPP") and its early deliverables.

Expanding the scope of review of Hong Kong Rehabilitation Programme Plan

30. Dr CHENG Chung-tai wondered why the review of the Residential Care Homes (Persons with Disabilities) Ordinance (Cap. 613) ("RCHD Ordinance") was not covered by the RPP review although there was concern that some residential care homes for persons with disabilities ("RCHDs") did not meet the licensing requirements and operated under Certificates of Exemption. SLW responded that the SWD's Working Group on the Review of Ordinances and Codes of Practice for Residential Care Homes ("Working Group"), whose membership included, inter alia, LegCo Members, had commenced the review of the RCHD Ordinance, the Residential Care Homes (Elderly Persons) Ordinance (Cap. 459) ("RCHE Ordinance") and related codes of practice in 2017. As such, while the review of the RCHD Ordinance had been undertaken by the Working Group which was expected to complete its work in mid-2019, the RPP review would focus on the future planning of RCHDs.

31. Dr Fernando CHEUNG said that the RPP review should have a wider coverage on law reform including the definition of persons with disabilities, guardianship system for and supported decision-making of mentally incapacitated persons, revamp of the contents of the "Design Manual: Barrier Free Access", and inclusion of "reasonable accommodation" for persons with disabilities in the Disability

Discrimination Ordinance (Cap. 487) as suggested by the Equal Opportunities Commission. In addition, life-long learning and continuous educational needs of persons with disabilities, setting up of small RCHDs, medical-social collaboration and articulation of services for elderly persons with disabilities should also be discussed during the RPP review.

32. SLW responded that the scope of the RPP review sought to set out the strategic directions for the development of various rehabilitation and care services for persons with disabilities and measures to address the demand for such services, and the Labour and Welfare Bureau ("LWB") would follow up law-related matters (e.g. EOC's suggestion about "reasonable accommodation") concerning persons with disabilities with the relevant bureaux/departments separately. While the 36 key issues for the next stage of public engagement exercise ("Key Issues") were not exhaustive, they had covered the major issues of concern to the rehabilitation sector. SLW also clarified that the issues of education for persons with disabilities, different modes of providing RCHDs and medical-social collaboration had been covered under the 36 Key Issues.

33. Commissioner for Rehabilitation ("C for R") supplemented that a consultant would be engaged in studying accessibility of community/living environment through improvement of environment/facilities and application of innovative technology and use of assistive devices (Key Issue 22). Different modes of providing RCHDs and promotion of "reasonable accommodation" measures in the workplace would be studied under Key Issues 9 and 26 respectively. Key Issues 31 to 33 covered pre-school rehabilitation services, special education in primary and secondary schools and support for graduates with SEN (including continuous educational needs and career planning). The Consultant Team had recommended in the Report on Scoping Stage ("the Report") that LWB should refer the issues on legal capacity of persons with disabilities to relevant policy bureaux/departments for follow-up actions.

34. Noting that the Administration had not invited the Consultant Team to attend this meeting, the Deputy Chairman said that Prof. Hector TSANG, Principal Investigator of the Consultant Team, should attend future Panel meetings to brief members on the Consultant Team's work and listen to members' view on the RPP review. He further said that the Consultant Team's non-provision of consultant paper(s) in Braille for the public engagement exercise in the first place but only provided it later had reflected the orientation of the Consultant Team. Given the profiles of members of the Consultant Team, he was concerned that a medical model would be adopted for conducting the RPP review, thereby overlooking the

legal, education and employment aspects. In the light of a high expectation on the RPP review, he hoped that the new RPP would address the problems faced by persons with disabilities and promote a caring attitude towards persons with disabilities in society.

35. SLW responded that given the extensive scope and complexity of matters relating to rehabilitation, the RPP review required cross-discipline professionals to conduct the review. In the selection process, LWB considered the Consultant Team, in its current composition, was the most suitable for performing the task. Task Forces were also set up under the Rehabilitation Advisory Committee ("RAC") to study specialised topics related to accessibility, employment support, mental wellness, special needs and disability inclusive culture.

36. Pointing out that there was an entire chapter on legislative measures in the 1995 White Paper on Rehabilitation ("1995 White Paper"), the Deputy Chairman and Dr Fernando CHEUNG said that the Administration should not exclude law reform from the RPP review. Dr Fernando CHEUNG said that some areas in the scope of the review (e.g. education, health care, employment, housing and residential care services, participation of the community, parents and mentally handicapped persons, road designs, transport, public education and information, manpower planning and training, technology and research, legislative measures, administration and coordination, etc.) contained in the 1995 White Paper had not been included in the RPP review. Unlike the 1995 White Paper which set the goal of "Equal Opportunities and Full Participation", the Administration had not set any goal for the new RPP. The Administration should base on the scope of the 1995 White Paper in reviewing RPP.

37. SLW responded that the new RPP might set directions for specific legal issues (e.g. definition of mentally incapacitated persons) having regard to the views collected during the public engagement exercise. However, it might be difficult to engage the public in amending relevant legislation. If consensus on making amendments to relevant legislation had been reached at the Consensus Building Stage, LWB and relevant policy bureaux/departments would follow up the matter. Upon completion of the RPP review, goals and directions of the new RPP would be set. Dr Fernando CHEUNG opined that goals should be set so as to lead the discussion of RPP. SLW responded that the Administration might be criticized for conducting a bogus consultation exercise if the discussions therein were bound by preset goals and directions.

38. Mr LUK Chung-hung said that many patients with dementia and their carers reflected that dementia services should not target at elderly persons as demented persons aged below 60 also required relevant services. Given that the conditions of persons with dementia could be improved if they were provided with suitable support services, he held the view that services for demented persons should be studied from the rehabilitation perspective. He called on the Administration to study dementia services for persons aged below 60 and relevant policies under the RPP review.

39. SLW responded that the scope of the RPP review did not cover dementia-related issues. Since most persons with dementia were elderly persons, provision of dementia services were being followed up by LWB and the Food and Health Bureau. Indeed, the two bureaux were working closely to provide suitable services for persons with dementia. The Elderly Commission ("EC") would also look into the subject matter. While persons with disabilities with early onset of dementia were not the target users of existing dementia services, LWB would continue to examine the support for them.

Renaming Rehabilitation Programme Plan

40. Opining that the Administration should not adopt a treatment-of-illness approach to deal with service needs of persons with disabilities, Dr Fernando CHEUNG strongly urged the Administration to rename RPP as, say, "Plan on issues relating to disabilities" or "Policies and planning for issues relating to disabilities". SLW responded that RAC would discuss and give its view on the suggestion of renaming RPP having regard to the views collected in the public engagement exercise and the definition of persons with disabilities.

Increasing manpower supply for rehabilitation and care services for persons with disabilities

41. Mr POON Siu-ping enquired about the timetable for completing the public engagement exercise for the formulation of the new RPP and the measures to increase manpower supply for rehabilitation and care services for persons with disabilities. SLW responded that the Administration aimed to complete all the three stages of public engagement exercise in end-2019. The Administration would explore novel and better measures to increase the manpower supply for services for persons with disabilities. These measures included increasing training places for allied health professionals with such training provided through relevant publicly-funded degree programmes, discussing with tertiary institutions

Admin

the possibility of offering blister Master degree programmes so that supply of allied health staff for the welfare sector could be increased faster and sponsoring tuition fees of students recruited by non-governmental organizations ("NGOs"). At Mr POON Siu-ping's request, SLW undertook to provide a projection of additional manpower requirements for rehabilitation and care services.

Strengthening community support services for persons with disabilities

42. Given the shortage of manpower and suitable premises for provision of services for persons with disabilities, Mr LEUNG Yiu-chung expressed concern about whether the Administration would be able to provide additional service places as announced in the 2018 Policy Address. SLW responded that while the Administration still encountered difficulties in obtaining support from residents in some districts for providing community support services for persons with disabilities, the situation had improved when compared with that 10 years ago. Having assessed the situation, the Administration considered it feasible, though challenging, to meet the target set in the 2018 Policy Address.

43. Mr LEUNG Che-cheung said that he had come across a case in which an autistic person with disabilities was still waiting for an RCHD place although he had been on the waiting list for 12 years. In view of the acute shortage of services for persons with disabilities, he considered that the Administration should be bolder and set a higher target for additional service places. The Administration should consider setting up service facilities for persons with disabilities in new PRH estates such as those in Hung Shui Kiu and Kwu Tung. He also enquired about the planning parameters and basis for service facilities for persons with disabilities.

44. SLW responded that the Administration would strive to meet the additional provision set out in the 2018 Policy Address but it would be very difficult to achieve a higher target. He further said that it was a challenge to project the demand for RCHDs as the demand might decrease if there was adequate provision of community support services for persons with disabilities. Given the long waiting time for RCHDs, many parents started to apply for RCHDs before their children were in need of such services. As a result, some of these waitlistees were institutionalized prematurely. In the course of conducting the RPP review, the Consultant Team would examine the existing demand and project the future demand for rehabilitation services. The Consultant Team would also collect more information on the service needs of person with disabilities to facilitate the Administration to formulate a better provision plan for rehabilitation services.

45. Dr KWOK Ka-ki took the view that a concrete timetable for implementing the new RPP should be provided in the final report of the RPP review. SLW responded that the Administration would adopt short, medium and long term measures, as appropriate, to take forward the recommendations of the Consultant Team. With the implementation of the new phase of the Special Scheme on Privately Owned Sites for Welfare Uses and some major upcoming development projects, the Administration would have a clearer picture of the future supply of service places for persons with disabilities. The RPP review would study the demand for rehabilitation services taking into account factors such as the longer life expectancy and ageing of persons with disabilities. Such information would enable the Administration to come up with a more accurate projection of the demand for rehabilitation services, thereby formulating plans to replenish the shortfall of such services. Citing on-site pre-school rehabilitation services as an example, he said that upon completion of the RPP review, the Administration would have a better idea on when zero waiting time for a particular service could be achieved.

Provision of services for children with special educational needs

46. In response to Dr KWOK Ka-ki's enquiry about the number of ethnic minority ("EM") children with SEN, the services provided for these children and the waiting time for these services, SLW said that the Administration did not have such information. Since additional resources would be provided for special child care centres ("SCCCs") and early education and training centres ("EETCs") to strengthen support for pre-school EM children with SEN, these centres would be required to provide the relevant information in future. Taking the view that it was important to identify EM children with SEN so that they could receive the required services, Dr KWOK Ka-ki asked how information on these children was collected. SLW responded that the information could be provided by SCCC and EETCs.

47. Noting that the Hospital Authority ("HA") would stop providing services for children with SEN when they proceeded to Primary One, Mr LUK Chung-hung said that HA should continue with such services, albeit the Education Bureau ("EDB") also provided services for primary school students with SEN. SLW responded that subvented pre-school rehabilitation services were provided by SWD and NGOs, with the collaboration of medical personnel, to children as assessed mainly by the Department of Health to be in need of professional intervention. To strengthen the support for children with special needs, it was announced in the 2018 Policy Address that the number of places for pre-school rehabilitation services would be increased. In addition, EDB and SWD

had enhanced the mechanism for information transfer from operators of pre-school rehabilitation services to primary schools. This allowed primary schools to provide support for the children and the parents concerned. LWB was exploring ways to provide appropriate bridging and support services for children with SEN when they proceeded to Primary One. It was hoped that the relevant preparatory work could be completed in the third or fourth quarter of 2019.

Application of technology products in service units

48. Dr CHENG Chung-tai said that according to the Report, some technology products did not fully meet the needs of persons with disabilities, the need for basic rehabilitation equipment in district support centres and RCHDs was more obvious and aged persons with disabilities and aged carers required more time to learn how to use and adapt to new technology products. He enquired whether the Administration had consulted the stakeholders to understand their situation and basic needs so that the Innovation and Technology Fund for Application in Elderly and Rehabilitation Care would be used gainfully.

49. SLW responded that SWD had worked with the Hong Kong Council of Social Service ("HKCSS") to consult various stakeholders, including allied health professionals, in drawing up a reference list of "Recognized Technology Application Products". The reference list should cover suitable products for users. Unlike some conventional products the design of which did not necessarily tie in with the setting of elderly and rehabilitation service units and therefore could not be used, new technology products were more adaptable to the environment of these service units because their greater mobility could overcome space restrictions. Staff of the service units would be provided with adequate training on how to use the technology products and time should be allowed for them to adapt to these products. Dr CHENG Chung-tai said that in promoting use of technology products in service units, the Administration should not overlook monitoring of service quality and retention of staff.

Provision of sign language interpretation services

50. The Chairman said that around 150 000 persons with hearing impairments were in need of sign language interpretation services but there were only some 50 sign language interpreters in Hong Kong. Expressing concern about the serious shortage of sign language interpreters, he enquired about the measures the Administration would take to address the problem.

51. C for R responded that with the assistance of LWB, the Hong Kong Joint Council for People with Disabilities and HKCSS compiled a List of Sign Language Interpreters in Hong Kong ("the List") in June 2016, which contained information of more than 50 experienced sign language interpreters. When a person had obtained professional sign language interpretation qualifications, his or her information could be included in the List. He said that some recent developments of sign language interpretation services might help promote sign language interpretation services. Starting from 1 July 2018, sign language interpretation services were provided in one of the TV news programme. This might help attract more people to become sign language interpreters. This apart, an organization was exploring the development of a mobile application to provide sign language interpretation services via mobile phones. LWB had given its support for promoting sign language interpretation services with technology. The Administration would keep in view how technology would assist persons with hearing impairments in using sign language interpretation services. In view of the severe shortage of sign language interpreters, the Chairman urged the Administration to draw up concrete plans for increasing the provision of sign language interpretation services.

Allowing guide dogs to have access to restaurants

52. Noting that some restaurant operators had refused to let guide dogs under training have access to restaurants, the Chairman said that the Administration should take steps to improve the situation. C for R responded that while restaurant operators might refuse guide dog trainers with no visual impairment to bring dogs under training to restaurants, they might contravene the law if they refused to allow persons with visual impairments to bring their guide dogs to restaurants, irrespective of whether the guide dogs were under training or not. In 2017, the Food and Environmental Hygiene Department reminded all restaurant operators to advise their frontline staff of such requirement. The Chairman took the view that it would hinder the training of guide dogs if trainers could not bring guide dogs to restaurants. C for R responded that there were a number of restaurants and shopping malls which were known for welcoming trainers to bring guide dogs to their restaurants and shopping malls.

Allowing persons with disabilities to apply for Comprehensive Social Security Assistance on an individual basis

53. The Deputy Chairman moved the following motion:

"據悉，聯合國殘疾人權利委員會曾向香港政府提出建議，容

許與家人同住的殘疾人士，能以個人身份獨立申請綜援。本委員會促請政府盡快採納聯合國殘疾人權利委員會之建議，不用等待《香港康復計劃方案》的諮詢工作完成。”

(Translation)

"It is learnt that the United Nations Convention on the Rights of Persons with Disabilities ("UNCRPD") had recommended that the Hong Kong Government should allow persons with disabilities living with their family members to apply for Comprehensive Social Security Assistance on an individual basis. This Panel urges the Government to expeditiously adopt the UNCRPD's recommendation without waiting for the completion of the consultation on the Hong Kong Rehabilitation Programme Plan."

54. The Chairman put the motion to vote. All members present voted for the motion. The Chairman declared that the motion was carried.

VI. Briefing on the proposed Members' bills to amend the Residential Care Homes (Elderly Persons) Ordinance (Cap. 459), the Residential Care Homes (Persons with Disabilities) Ordinance (Cap. 613) and the Offences against the Person Ordinance (Cap. 212)

[LC Paper Nos. CB(2)1869/17-18(01), CB(2)1935/17-18(01) to (02), CB(2)210/18-19(01) and CB(3)9/16-17]

55. Dr Fernando CHEUNG briefed members on his proposed amendments to the RCHE Ordinance, the RCHD Ordinance and the Offences against the Person Ordinance (Cap. 212) ("OAP Ordinance") which were set out in his letter issued to members vide LC Paper No. CB(2)210/18-19(01) on 6 November 2018 and LC Paper No. CB(2)1935/17-18(01) on 15 August 2018. He hoped that members would support his proposed Member's bills, viz. the Residential Care Homes (Elderly Persons) (Amendment) Bill 2018, Residential Care Homes (Persons with Disabilities) (Amendment) Bill 2018 and Offences against the Person (Amendment) Bill 2018, for submission to the President of LegCo for approval of their introduction to LegCo.

Requirements of licensees of residential care homes

56. Mr Alvin YEUNG indicated his support for Dr Fernando CHEUNG's proposals. He said that senior management staff of a residential care home ("RCH") were currently not held any individual

liability in managing or operating the RCH concerned if the licensee of that RCH was registered by a body corporate. Opining that this problem should be addressed as early as possible in the interest of RCH residents, he enquired about the Administration's stance on Dr CHEUNG's proposed amendments to the RCHE Ordinance and RCHD Ordinance.

57. Assistant Director (Licensing and Regulation) responded that the Administration had all along attached importance to the quality of RCHs. SWD had set up the Working Group in June 2017 to review the RCHE Ordinance and RCHD Ordinance and relevant codes of practice. The Working Group, chaired by the Director of Social Welfare, comprised LegCo Members, EC members, RAC members, NGOs operating RCHs, the private sector, academics, service users or carers, independent members and representatives from HKCSS and LWB. The LegCo Members sitting in the Working Group included, inter alia, Dr Fernando CHEUNG and Mr SHIU Ka-chun. The Working Group had held a total of 15 meetings including seven Working Group meetings and eight focus group discussions. The topics discussed included the requirements of licensees of RCHs, training for RCH staff and the minimum area of floor space per resident in RCHs. The Working Group aimed to complete the discussion and submit its recommendations for consideration by LWB in end-May 2019.

58. The Deputy Chairman declared that he was a member of the Working Group. He said that it appeared that many of the recommendations made by him and Dr Fernando CHEUNG on the requirements of licensees of RCHs, the area of floor space per resident and manning ratio in RCHs during the Working Group meetings were difficult to implement without corresponding legal backup. Dr Fernando CHEUNG had therefore proposed amendments to the RCHE Ordinance and RCHD Ordinance hoping that problems in RCHs could be resolved. He said that there were cases in which problematic RCHs were reopened under new names with the licensees registered under other company names. There was grave concern that the person in charge of an RCH could get away with his or her legal responsibilities for wrongdoings because he or she was not the licensee of the RCH concerned. The review conducted by the Working Group should therefore aim to deal with such problem and the Administration's stance on the requirements of licensees of RCHs was important in rectifying the problem.

59. The Deputy Chairman said that some large organizations which also operated RCHs had reservations about requiring the licensee of an RCH to be a natural person as they might need to change their business practices. Some RCH operators also considered it difficult to appoint a person who

would be held liable for the management and operation of an RCH.

60. Dr Fernando CHEUNG said that nearly 90% of RCHE licensees and 97% of RCHD licensees were registered by body corporate. The RCH sector had reservations about requiring the licensee of an RCH to be a natural person because the person had to assume legal responsibility. He said that the Education Ordinance (Cap. 279) also required schools to appoint or elect "Managers" (校董) and "Supervisor" (校監) as part of the management authority and that a Manager or Supervisor was "a person" and was legally liable for malpractices. He considered that the RCH sector should follow suit, given that service users of RCHs were vulnerable persons who could not protect themselves.

Protection for elderly persons and persons with disabilities against ill-treatment or neglect

61. Noting that there was a dedicated provision in the OAP Ordinance to protect children and juveniles from ill-treatment or neglect, Mr CHU Hoi-dick asked whether the Administration would consider Dr Fernando CHEUNG's proposed amendments to the OAP Ordinance to include a similar provision in the OAP Ordinance to criminalize ill-treatment or neglect of an elderly person or a person with disabilities. Assistant Secretary (Security) E1 responded that abusive behaviours should not be tolerated. Members of the public including elderly persons and persons with disabilities were protected from abuses under the law. Depending on circumstances of the case, the OAP Ordinance, the Crimes Ordinance (Cap. 200) and the Theft Ordinance (Cap. 210) might offer protection to persons from abused, harm or assault. According to the records of the Police, there were around 300 suspected elderly abuse cases every year. The Administration would continue to take enforcement actions against abusers. The Administration would listen to members' views on the amendments proposed by Dr CHEUNG and consider the views carefully.

62. Dr Fernando CHEUNG said that elderly persons and persons with disabilities should enjoy the same protection from ill-treatment or neglect as children and juveniles under the OAP Ordinance. The draft OAP (Amendment) Bill 2018 sought to amend the OAP Ordinance to criminalize ill-treatment or neglect of elderly persons or persons with disabilities and impose a penalty on the offenders. Pointing out that the concepts of ill-treatment and neglect had been included in the "Procedural Guidelines for Handling Elder Abuse Cases" and "Guidelines for Handling Mentally Handicapped/Mentally Ill Adult Abuse Cases" issued by SWD, he hoped that SWD would communicate with the Security Bureau ("SB") on the need for protecting children, elderly persons and

persons with disabilities who were the most vulnerable in society. He hoped that SB would support his proposed amendments to the OAP Ordinance.

VII. Any other business

Special meeting

63. The Chairman reminded members that a special meeting would be held on 20 November 2018 at 9:30 am to receive public views on "Looking into the policy on vocational training for persons with disabilities in the light of the plan for redevelopment of the site for Shine Skills Centre (Kwun Tong) into a civil service college".

64. There being no other business, the meeting ended at 12:55 pm.

Council Business Division 2
Legislative Council Secretariat
10 January 2019