

立法會
Legislative Council

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(These minutes have been
seen by the Administration)

Ref : CB2/PL/WS

Panel on Welfare Services

Minutes of meeting
held on Monday, 12 July 2021, at 11:00 am
in Conference Room 1 of the Legislative Council Complex

Members present : Dr Hon CHIANG Lai-wan, SBS, JP (Chairman)
Hon YIU Si-wing, SBS (Deputy Chairman)
Hon Starry LEE Wai-king, SBS, JP
Hon Michael TIEN Puk-sun, BBS, JP
Hon LEUNG Che-cheung, SBS, MH, JP
Hon KWOK Wai-keung, JP
Hon POON Siu-ping, BBS, MH
Hon Holden CHOW Ho-ding
Hon Wilson OR Chong-shing, MH
Dr Hon Pierre CHAN
Hon LUK Chung-hung, JP
Hon LAU Kwok-fan, MH, JP
Dr Hon CHENG Chung-tai
Hon Vincent CHENG Wing-shun, MH, JP

Public Officers attending : Items III and IV

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

Item III

Ms Nancy KWAN Shuk-yee
Assistant Director (Licensing and Regulation)
Social Welfare Department

Item IV

Mr David LEUNG, JP
Deputy Secretary for Labour & Welfare (Welfare)1
Labour and Welfare Bureau

Mr Gordon LEUNG, JP
Director of Social Welfare

Mr KOK Che-leung
Deputy Director of Social Welfare (Services)
Social Welfare Department

Clerk in attendance : Ms Maisie LAM
Chief Council Secretary (2) 3

Staff in attendance : Ms Catherina YU
Senior Council Secretary (2) 3

Mr Roger CHUNG
Council Secretary (2) 3

Miss Alison HUI
Legislative Assistant (2) 3

Mr William LEE
Legislative Assistant (2) 8

Action

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

[LC Paper No. CB(2)1279/20-21(01)]

Members noted that a letter dated 7 July 2021 from Dr CHENG Chung-tai requesting the Panel to discuss support services for students with hearing impairment had been issued since the last meeting.

II. Items for discussion at the next meeting

[LC Paper Nos. CB(2)1261/20-21(01) and (02)]

2. Members agreed to discuss the subjects “Progress report of Elderly Services Programme Plan” and “Support services for students with hearing

impairment” at the next regular meeting scheduled for 13 September 2021. In respect of the latter, members agreed that representatives from the Education Bureau, the Food and Health Bureau and the Hospital Authority should also be enlisted to attend the discussion to answer questions from members, and members of the Panel on Education and the Panel on Health Services should be invited to join the discussion.

3. The Chairman sought confirmation on whether the Administration would maintain its commitment to briefing the Panel on the progress of purchase of premises for welfare uses at the October regular meeting scheduled for 11 October 2021. Secretary for Labour and Welfare (“SLW”) replied in the affirmative.

(Post-meeting note: At the request of the Administration and with the concurrence of the Chairman, the item “Proposed mandatory reporting requirement for suspected child abuse cases” had been added to the agenda for the September regular meeting. Separately, the Administration indicated in August 2021 that the discussion of the item “Progress of purchase of premises for welfare uses” had to be deferred to a future meeting of the Panel.)

III. Drug management at residential care homes

[LC Paper Nos. CB(2)1261/20-21(03), (04), CB(2)1240/20-21(01) and CB(2)1279/20-21(02)]

4. At the invitation of the Chairman, SLW briefed members on measures taken by the Social Welfare Department (“SWD”) in respect of drug management in residential care homes for the elderly (“RCHEs”), details of which were set out in the Administration’s paper (LC Paper No. CB(2)1261/20-21(03)).

5. Members noted the information note prepared by the Legislative Council (“LegCo”) Secretariat (LC Paper No. CB(2)1261/20-21(04)), a submission from The Hong Kong Pharmaceutical Care Foundation Ltd. and a joint submission from the Society for Community Organization and Elderly Rights League (Hong Kong) (LC Paper Nos. CB(2)1240/20-21(01) and CB(2)1279/20-21(02)) on the subject under discussion.

Manpower for drug management

6. The Chairman asked whether there were any statutory qualification requirements for RCHE staff responsible for handling drugs. Noting that

some RCHEs were supported by certain parties to employ pharmacists or dispensers to dispense drugs, she asked whether the Administration would provide subsidy to RCHEs for the above employment purpose or provide visiting pharmacist service for RCHEs. In her view, those RCHEs of a considerable size should be given an option under the law to employ a dispenser in lieu of a health worker. Mr LEUNG Che-cheung remarked that while some contract RCHEs had recruited dedicated personnel such as pharmacists for drug management, it was difficult for those private RCHEs which were of a smaller scale to make similar arrangement. Expressing concern that many residents of RCHEs needed to take different types of medications for chronic disease management but some health workers might lack the knowledge to handle complicated medication regimens, he called on the Administration to enhance outreaching services for monitoring and supporting RCHEs in the dispensation of drugs.

7. SLW advised that under the Residential Care Homes (Elderly Persons) Regulation (Cap. 459A) (“the Regulation”), operator of an RCHE had to, according to the particular type of home (high care level, medium care level or low care level), employ, among others, such persons as nurses, health workers and care workers to be on duty at the specified periods based on the number of residents. The Administration did not see the need to statutorily require RCHEs to employ dispensers at this stage. That said, subvented and contract RCHEs had the flexibility in deploying resources to recruit suitable staff other than that required under the Regulation for meeting their operational needs. Separately, SWD had since October 2018 commissioned non-governmental organizations (“NGOs”) to provide Visiting Medical Practitioner Service for residents in all private and self-financing RCHEs. The visiting medical practitioners would, among others, advise the RCHEs concerned on issues relating to drug management. It should however be noted that the regular duties of RCHE staff to prepare drugs according to the prescriptions of medical practitioners and assist residents in taking medication safely could not be dispensed with by the visiting service. It was essential for RCHEs to put in place effective drug management systems and ensure that the relevant staff had received proper training.

8. The Chairman and Dr CHENG Chung-tai did not subscribe to the Administration’s view. The Chairman opined that the visiting medical practitioners, who were mainly responsible for providing timely on-site medical services to residents with episodic illnesses, could hardly spare effort to provide concrete advice on drug management issues. Dr CHENG Chung-tai held the view that pharmacists and dispensers could enhance the standard of care of RCHEs by performing an overall responsibility for the

management and the use of drugs, conducting regular medication review for individual residents and providing support for residents starting a new medicine for a chronic disease. He criticized that the paper provided and the response given by the Administration had failed to demonstrate its determination to enhance drug management in RCHEs. SLW stressed that SWD had implemented a number of measures as set out in the paper to continuously raise awareness of drug safety and strengthen capability in drug management of RCHEs, with a view to facilitating residents in need to use medication properly and safely so as to safeguard their health.

9. Mr Holden CHOW cautioned that manpower shortage and heavy workload of RCHE staff was the underlying factor causing errors in drug management. He asked how the Administration would attract more people to join the care sector. The Deputy Chairman noted that the Working Group on the Review of Ordinances and Codes of Practice for Residential Care Homes had recommended to include in the Regulation provisions relating to drug management so that RCHEs had to properly manage drugs and strictly follow doctors' prescription in assisting residents to use drugs. He urged the Administration to maintain communication with the sector and ensure that the proposed requirement would not render RCHEs not able to recruit qualified personnel to discharge the duties concerned.

10. SLW advised that the responsibility for handling drugs in RCHEs was mainly taken up by nurses and health workers. While there had long been a shortage of nursing manpower in the welfare sector, there was relatively adequate manpower supply of health workers. Training courses were available for in-service health workers to enhance their knowledge on drug management. To minimize human errors, the Administration had been promoting the use of drug management technology products in RCHEs, e.g. automatic tablet dispensing and packaging system and drug management system.

11. In response to the Chairman and Mr POON Siu-ping's enquiries about the timetable for the legislative amendment referred to in paragraph 9 above, SLW advised that it was expected that the relevant bill would be introduced into LegCo in 2022.

Staff training

12. The Deputy Chairman considered that strengthening the training of RCHE staff could promote professionalism to facilitate RCHE's compliance with the present guidelines and the future statutory requirements on drug management. He sought information about the

participation rate and the effectiveness of the five-year Training Subsidy Scheme for Staff of Residential Care Homes (“the Scheme”) launched in March 2019 to provide subsidies for RCHE staff to enrol in Qualification Framework-recognized training courses in relation to drug management. Raising a similar question, Mr LUK Chung-hung suggested that paid training leave should be provided to in-service health workers and care workers of RCHEs to incentivize them to enrol in these courses as opportunities for salary increment or promotion after training were not common. Mr POON Siu-ping sought information about the participation rate of and the amount of subsidy so far provided under the Scheme. Dr CHENG Chung-tai was concerned that frontline staff might lack financial incentive to take the training courses.

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13. SLW advised that he did not have the requisite statistics on hand and would provide the information in writing. On the suggestion to provide paid training leave for participants of the Scheme, Assistant Director (Licensing and Regulation), SWD (“AD(LR)”) advised that in addition to reimbursing the course fees in full, training allowance would be provided to the RCHEs concerned in order to maintain their operation through appropriate manpower deployment when the health workers and care workers attended the courses.

Technological support

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14. Mr LUK Chung-hung and Mr POON Siu-ping sought information about the number of applications from RCHEs receiving subsidies from SWD for procurement, rental or trial use of drug management technology products under the Innovation and Technology Fund for Application in Elderly and Rehabilitation Care (“the I&T Fund”). Mr LUK Chung-hung was particularly concerned about the number of small and medium-sized RCHEs involved. Mr Holden CHOW asked whether there would be any change in staffing requirement of RCHEs in the light of increasing application of information technology on drug management in RCHEs. SLW agreed to provide the requisite information on the I&T Fund in writing. He added that before the launch of the I&T Fund in December 2018, SWD had already been providing funding support to subvented RCHEs for implementing drug management projects under the Social Welfare Development Fund which was set up in 2009.

15. Mr Michael TIEN considered that as an effort to build Hong Kong into a smart city in the face of an ageing population, the Administration should encourage RCHEs to employ digital solution in drug management. He asked whether the scope of the I&T Fund covered procurement of

automatic tablet dispensing and packaging service with centralized support of pharmacists. SLW advised that subvented and contracted RCHEs could enhance the effectiveness and quality of care through flexible deployment of resources as long as the relevant requirements set out in the legislation and the Code of Practice for Residential Care Homes (Elderly Persons) (“CoP”) were complied with.

Inspection and law enforcement

16. Mr LUK Chung-hung asked about the penalties for non-compliance with the drug management requirements set out in CoP and whether the Administration would make public information of non-compliant RCHEs. Dr CHENG Chung-tai expressed concern that while there had been past incidents related to improper distribution of medicines to residents in RCHEs, operators of the RCHEs concerned had in many cases shirked the responsibility to frontline staff and no RCHEs had had their licences revoked or refused for renewal because of non-compliance with the drug management requirements.

17. SLW stressed that operator of a RCHE was responsible for putting in place an effective drug management system and ensuring that staff would perform their duties diligently. The Licensing and Regulation Branch of SWD had issued management letters to RCHEs from time to time to remind them to comply with statutory requirements in managing drugs safely. In case of non-compliance, advice, warnings or written directions would be issued to the RCHEs concerned having regard to the nature of non-compliance. If private RCHEs participating in the Enhanced Bought Place Scheme did not comply with the relevant requirements, scores would be deducted in the purchase exercise. To enhance transparency, SWD had uploaded the warning records of non-compliant cases to its website. It would not be necessary to revoke or suspend their licences if the RCHEs concerned had rectified the irregularities.

18. In response to Mr POON Siu-ping’s enquiry about the number of convicted cases for non-compliance in relation to drug management, AD(LR) advised that for serious and repeated non-compliant cases, SWD might instigate prosecution actions against the RCHEs concerned. Among the 118 convicted cases for non-compliance in the past four years, about 3% was related to drug management.

Other issues of concern

19. The Chairman suggested that the Administration should strengthen the pharmacist service provided under district health centres, including providing elderly persons in the community with counselling on the use of drugs and medication packaging services. SLW advised that the use of medication reminder tools could facilitate elderly persons in the community to use medication properly.

IV. Review on enhancement of the Lump Sum Grant Subvention System

[LC Paper Nos. CB(2)1261/20-21(05) and (06), CB(2)1279/20-21(03) and CB(2)1284/20-21(01) to (03)]

20. At the invitation of the Chairman, SLW briefed members on the findings and recommendations of the review on enhancement of Lump Sum Grant Subvention System (“the Enhancement Review”), details of which were set out in the Administration’s paper (LC Paper No. CB(2)1261/20-21(05)).

21. Members noted the updated background brief prepared by the LegCo Secretariat (LC Paper No. CB(2)1261/20-21(06)) and four submissions from The Hong Kong Council of Social Service (“HKCSS”), Hong Kong Social Workers Association, Evangelical Lutheran Church Social Service - Hong Kong and Hong Kong Christian Service respectively (LC Paper Nos. CB(2)1279/20-21(03) and CB(2)1284/20-21(01) to (03)) on the subject under discussion.

Implementation of recommendations of the Task Force for Review on Enhancement of Lump Sum Grant Subvention System

22. Mr LEUNG Che-cheung and Mr LUK Chung-hung declared that they were members of the Task Force for Review on Enhancement of Lump Sum Grant Subvention System (“the Task Force”). Mr LEUNG Che-cheung remarked that some of the Task Force’s recommendations were only recapitulation of what NGOs had been doing and hence could not serve the purpose of enhancing the effective utilization of lump sum grant (“LSG”) subvention and service quality of the subvented NGOs.

23. SLW advised that NGOs would be required to follow the Task Force’s recommendations in a systematic manner through, for example, upon the corresponding revision of the Best Practice Manual for NGOs

(“BPM”) under the Lump Sum Grant Subvention System (“LSGSS”). The Administration would monitor the progress of implementing the Task Force’s recommendations and compliance with BPM of individual NGOs. Expressing agreement that there was a need to review LSGSS after years of implementation to ensure proper use of public money, the Deputy Chairman suggested that the Administration should reward NGOs which were performing well in the five domains and make public their achievements. SLW advised that SWD would take into account NGOs’ performance when considering the commissioning of new service initiatives.

24. Mr POON Siu-ping said that there were views that the piecemeal recommendations had failed to address the crux of the problems of LSGSS, particularly the concerns about salary structure and salary benchmark. He enquired about the Administration’s discussion with stakeholders on taking forward the recommendations gradually starting from 2022-2023, and whether there was any room for adjusting the implementation timeline for those recommendations which were controversial or required additional resources. SLW and Director of Social Welfare assured members that the Administration would work with stakeholders on the implementation details, such as working out the guidelines for cost apportionment for subvented and self-financing services and drawing up more clearly the criteria for delineating Funding and Service Agreement (“FSA”)-related and non-FSA activities. As regards those recommendations which required additional resources, the implementation schedule would hinge on various factors including the financial position of the Government.

Service review

25. Mr LUK Chung-hung welcomed the Task Force’s recommendation 6 on conducting systematic reviews on notional staffing establishments, service targets, service nature and service performance standards so as to enhance the service quality of the NGOs concerned. Mr Michael TIEN noted that the Task Force had recommended that when conducting the service review of FSAs, two service types/service type groups at most under individual service areas should be reviewed in the same period, aiming to complete the review of each service type/service type group within a year. If that could not be done within a year, the review of another service type/service type group under the same service area should not be commenced. Expressing concern that it would take decades to complete the review of the existing 160-odd service types, he urged the Administration to increase the manpower so that the service review could be completed in five years.

26. SLW explained that as some services involved several FSAs, the review of the same service types in different FSAs would be conducted in tandem. In some cases, review of more than two service types could be conducted at the same time. The Administration would set the priority of service review. In response to Mr Michael TIEN's enquiry about the target completion time of the service review of FSAs, SLW said that it was recommended that the output standards and outcome standards of time-defined FSAs should be reviewed once every five years and the review of output standards and outcome standards of non-time-defined FSAs would be conducted subject to availability of resources. In response to the Chairman's enquiry about how performance of NGOs was monitored, SLW said that NGOs' performance was evaluated by the achievements in output standards and outcome standards of FSA activities. NGOs which were unable to meet these standards were required to provide explanations and follow up plans.

Utilization of lump sum grant subvention

27. Noting that it took time to implement the 30 recommendations in a systematic manner, the Deputy Chairman opined that the Administration should in the meantime arrange representatives to sit in on the governing boards of those NGOs which were found to have high staff turnover due to the practice of "fattening the top and thinning the bottom" or improper use of subvention so as to address their problems individually. Mr LEUNG Che-cheung remarked that the increase in transparency of the remuneration of the senior executives of the subvented NGOs in recent years should have prevented the situation of "fattening the top and thinning the bottom".

28. SLW advised that under LSGSS, the Administration no longer arranged representatives to sit on the governing boards of NGOs receiving subvention. Mechanisms had been put in place to monitor the performance of NGOs and targeted actions would be taken to address the problems identified, such as having huge accumulated LSG reserve. On remuneration of the senior executives, SWD currently required all subvented NGOs, unless being exempted, to disclose the remuneration packages of their senior executives in the top three tiers. The Administration's observation was that the high remuneration received by certain senior executives was commensurate with their level of responsibilities including the number of staff members they had to manage. It was also noted that the actual staffing establishment of the NGOs receiving LSG was comparable with, or even greater than, the notional staffing establishment set by SWD for major types of services. That said, high staff turnover was observed in a small number of NGOs, mostly being small NGOs. Since most of the staff of small NGOs

were non-subvented staff with lower salary, many of these NGOs would align the pay levels of subvented staff with those of non-subvented staff in order to avoid pay discrepancies, which had partly contributed to non-optimal use of subvention. Under LSGSS, the level of cumulative reserve at the end of the financial year should not exceed 25% of the NGO's operating expenditure (excluding Provident Fund expenditure) for that year. Each year, around 30 NGOs had to return to the Administration the amount of reserve above the 25% cap of the annual operating expenditure, which accounted for around 0.2% of the total LSG subvention of the year.

29. Mr LEUNG Che-cheung called on the Administration to explain clearly the recommended arrangements for cost apportionment to NGOs. He said that HKCSS had raised concern that any rigid restrictions in respect of utilization of LSG subvention for the cost apportionment arrangements and benchmarks would diminish NGOs' flexibility in meeting the changing service needs. SLW reiterated that the Administration would work closely with the subvented NGOs on how to take forward the recommendations. NGOs had been and would continue to be given sufficient flexibility in soliciting other funding sources for provision of self-financing services which would be beneficial to the overall development of welfare services.

30. In response to the Chairman's enquiry about whether NGOs were required to submit annual estimates for applying for LSG subvention, SLW said that the amount of LSG subvention to an NGO was determined by the Administration. Adjustments to LSG would be made for meeting payment for new service needs, and in line with annual salary movement on the basis of civil service pay adjustment and annual price movement.

Human resources management

31. Dr CHENG Chung-tai said that many frontline staff of NGOs were concerned about the slow pace in reviewing the staffing establishment under LSGSS and the non-recognition of professional qualifications and relevant work experience in determining salaries of social workers. Holding the view that it was unfair for experienced social workers to receive only entry salary when taking up employment of the same grade in another NGO, he called on the Administration to put in place a mechanism with due recognition of work experience of social workers under LSGSS for the adoption of NGOs to ensure equal pay for equal work.

32. SLW advised that it would be difficult for the Administration to do so. Under LSGSS, the salary structures and pay scales of NGOs had been delinked from those of the civil service and the setting of these rested with

individual NGOs. The perception that the salaries of some postholders in NGOs were not commensurate with their qualifications was partly due to the fact that 70% of the sub-degree holders in the field of social work were not holding a post under the social worker grade and 50% of the holders of a degree in social work held a post which only required a sub-degree qualification. As a reference, the current practice of SWD was that all new recruits for social worker posts would be offered the starting-point salaries of the rank regardless of whether they had exceeded the entry qualification and/or experience requirements.

33. Holding the view that there had been an over-supply of social work degree graduates in the past such that many fresh graduates were employed at low salary level, the Chairman asked whether the Administration had studied the difference between the salaries of social workers of NGOs and those of social workers grade in the civil service in order to improve the salary structure and salary benchmark under LSGSS. SLW explained that it would be difficult to make such a comparison as some NGOs had established ranks of staff and pay structures which were delinked from the civil service.

34. Mr LEUNG Che-cheung said that the welfare sector was concerned that the salaries of NGO staff, particularly those of snapshot staff (i.e. serving staff as at 1 April 2000), might be affected by the Enhancement Review. He urged the Administration to explain how NGO staff's interest would be safeguarded. SLW advised that the Administration had provided NGOs with a Tide-Over Grant from 2001-2002 to 2005-2006 to facilitate them to honour contractual commitments to snapshot staff whose terms and conditions of employment were guaranteed after the implementation of LSGSS. With a substantial reduction in the number of snapshot staff due to retirement, the NGOs concerned would have greater flexibility in staffing establishment and remuneration. Recommendations 20 to 30 made by the Task Force aimed at ensuring the accountability and good corporate governance of NGOs through, among others, enhancing transparency of their staff remuneration policies, including disclosing the pay structure and/or starting salary points of their regular posts under LSG.

35. The Chairman said that some members had relayed to her that an advisory body should be set up for monitoring the salary structure of NGOs receiving LSG subvention. SLW advised that apart from the Lump Sum Grant Independent Complaints Handling Committee, which was established to handle LSG-related complaints including complaints about salaries, the Lump Sum Grant Steering Committee was set up to, among others, monitor the implementation of LSGSS.

(At 12:59 pm, the Chairman extended the meeting for 10 minutes beyond the appointed ending time to allow sufficient time for discussion.)

Remuneration of senior executives

36. Mr Michael TIEN enquired about the actions to be taken by the Administration if the disclosed remunerations of the senior executives in the top three-tiers of the subvented NGOs were considered too high. He was concerned that NGOs which had paid exceedingly high salaries to their senior management staff might underpay their frontline staff or new recruits, resulting in “fattening the top and thinning the bottom”. SLW advised that subvented NGOs were required to observe the “no better than” principle (i.e. the terms of service for subvented staff should not be better than that for staff at comparable ranks in the civil service). The Administration found that the disclosed remunerations of the senior executives were in order under cost comparison.

37. In response to Mr Michael TIEN’s enquiry about whether NGOs which failed to comply with the “no better than” principle would be banned from bidding for subvented services, SLW said that the Administration would look into the service types of the NGOs concerned. If the services provided by the NGOs concerned were mostly subvented services and the salaries of their senior executives were far higher than those of the officers at comparable grades in the civil service, the Administration would follow up and take actions as necessary. At present, subvented NGOs were required to disclose the remunerations of its top three-tier staff if it received not less than \$10 million recurrent subventions a year and more than 50% of its total operating income came from the Government. The relevant issues pertaining to the above requirement were discussed in detail in Part 4 of the Public Accounts Committee Report No. 69A. The Task Force went further to recommend under recommendation 22 that all NGOs receiving LSG subvention should do so in order to enhance their public accountability and promote public understanding of their financial position. At the request of the Chairman and Mr Michael TIEN, SLW undertook to set out in table form a comparison between the remunerations of staff in the top three tiers of the NGOs which were receiving recurrent subventions of not less than \$10 million a year from SWD and such amount accounted for more than 50% of their total operating income pertaining to services/programmes within the welfare purview and those of the civil servants in comparable ranks.

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Organizations eligible for receiving lump sum grant subvention

38. Mr LUK Chung-hung said that many NGOs receiving LSG subvention had a long history and a few of them were criticized of having substandard performance or a practice of “fattening the top and thinning the bottom” in terms of remuneration. In his view, LSG subvention should be granted not only to the well-established NGOs but also to those self-help groups, community organizations and patriotic charitable organizations which were experienced in providing welfare services. He called on the Administration to review the eligibility criteria for receiving LSG subvention. SLW advised that apart from LSG subvention, other modes of subvention were available for organizations providing recognized welfare services. The Administration would not rule out the inclusion of more organizations to provide recognized welfare services in LSGSS in future.

Other issues of concern

39. Mr LUK Chung-hung asked whether the Administration would consider requiring senior management staff of NGOs receiving LSG subvention to take an oath to uphold the Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China and swear allegiance to the Hong Kong Special Administrative Region of the People’s Republic of China (“oath taking requirement”). SLW explained that for some NGOs receiving subvention, the subvention only accounted for a portion of their total operating income under welfare purview. For these NGOs, their status in terms of the oath taking requirement was no different from the contractors of government services.

V. Any other business

40. There being no other business, the meeting ended at 1:11 pm.