

Response to the HKSAR Social Welfare Department's Eighth Project, Invitation to Tender for "Provision of Assistance for Non-refoulement Claimants"

Service Tender Reference: SWD/T003/2014

Justice Centre Hong Kong welcomes the opportunity that the HKSAR Social Welfare Department's (SWD) tender bidding process provides to take stock of how the existing contract has been working, what gaps currently exist and how these can be rectified in the next contract. Justice Centre appreciates SWD having met with concerned stakeholders over the course of the past year, and seeks to strengthen these channels of communication further in order to best serve the protection claimant community. We also positively note SWD's enhancements to the food package in early 2014, providing some improvements to transport, food and housing. But these are not enough.

The process of seeking asylum is a long, uncertain and emotional journey – and many protection claimants in Hong Kong, who have survived horrific abuses, are models of patience, resilience and courage. No protection claimant is able to survive in Hong Kong on the existing humanitarian assistance – much less on a long-term basis – without additional support from NGOs, faith-based institutions and good samaritans. They struggle on a daily basis to have even their most basic needs met.

This is unacceptable. Justice Centre Hong Kong firmly believes that win-win solutions in the interest of both claimants and Hong Kong are achievable. Protection claimants are hungry for change – and there is growing support base among the public. Justice Centre launched a campaign "Hungry for Change" in October last year that garnered 1341 signatures from the Hong Kong public (included in this submission) to urge the Hong Kong Government to allow refugees and other protection claimants to eat in dignity. We also enclose five letters from protection claimants detailing their challenges with the existing in-kind food assistance. These letters are a small snapshot of the daily struggles of the almost 10,000 men, women and children seeking protection in Hong Kong.

Justice Centre urges SWD, in the process of awarding the tender and finalising the contract, to incorporate the following three recommendations:

1. Move to a cash or food coupon system that gives dignity and choice to protection claimants

Much evidence has been provided to SWD of the advantages of cash transfer and food coupon schemes over in-kind assistance. The least costly and most dignified mode of assistance would be to implement a cash transfer scheme and Justice Centre will continue to advocate for this. Although cash is the best option, we commend SWD on the introduction of food coupons in the scope of services for the next contract. However, in order for the food coupon system to work, service users must have a genuine choice about where they can redeem the coupons and they should be able to shop in mainstream grocery stores, such as PARKnSHOP or Wellcome.

It states in the tender proposal that the coupons are not redeemable against non-food items. Given that SWD states in the tender that the third objective of the services is to ensure that “no service user is unable to satisfy the most basic requirements of hygiene”, we also urge that extra allowance is made for an adequate supply of non-food items, such as household cleaning and personal hygiene products.

2. Increase assistance annually in line with changes in the cost of living in Hong Kong

In its paper to the Legislative Council on ways forward, the Administration noted that “to provide more flexibility to cater for timely adjustment of the service package where warranted, the Administration will consider building in a regular review mechanism based on objective criteria in the next service contract.”

We urge the SWD to annually increase the price grid for the humanitarian assistance in line with changes in the cost of living. Two give two illustrative examples, Hong Kong’s rental housing amounts are some of the most expensive in the world and have risen relentlessly in the past five years. In June 2014, the MTR increased its fares by 3.6% and KMB Bus increased its fares in July 2014 4.3%.

SWD annually adjusts the amount for other types of assistance, such as the CSSA and SSA schemes, based on movement of the Social Security Assistance Index of Prices. A similar process should be adopted for assistance provided to protection claimants.

3. Ensure all claimants get the same assistance no matter where in Hong Kong they live.

In discussions with SWD, many stakeholders agreed that the existing contract could potentially be broken up geographically and/or by assistance theme (food, housing, counselling, etc.). The new tender divides the service regions into three areas: Hong Kong and Islands; Kowloon and New Territories. While different organisations can bid for each service region, the tender does give scope for one tenderer to bid for more than one contract.

Regardless of whether there is a single or multiple organisations awarded contracts for the three service regions, services must be harmonised so as not to introduce regional disparities in the quality and level of services vis-à-vis the protection claimant's area of residence, as this could eventually result in an uneven enjoyment among services users of their basic human rights. For this reason, it will be important for SWD to ensure the same standards across different areas and proactively monitor and coordinate among the three contract regions.