



難民refugee
聯會union

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8 August 2016

Attn. Ms. CHIU Sau-may Venus

Dear Ms. Chiu,

Ref. Request for the urgent increase in levels of assistance

Pursuant to our complaint letter dated 18 July 2016 and your reply dated 27 July 2016, it is regrettable that the Social Welfare Department (SWD) is arbitrarily and stubbornly refusing to acknowledge the reality that refugees are left in a state of destitution, contrary to law.

We repeatedly draw your attention to the High Court judgment in "Usman Butt vs. HKSAR" Judgment (HCMA 70/2010) which states that: "A genuine torture or refugee claimant deserves sympathy and should not be left in a destitute state during the determination of his status. His basic needs such as accommodation, food, clothing and medical care are provided by the Government ... The provision of that assistance clearly removes the need of a genuine claimant to seek employment pending the determination of his claim".

The Refugee Union reiterates, in the strongest possible way, its demand for a review of the current levels of assistance that, through a combination of rent assistance (\$1500), food coupons (\$1200) and utilities/transport (say \$500), fail to meet refugees' legitimate basic needs in contravention to the law, as clearly set out in the above mentioned High Court judgment.

In addition, we lament that the SWD arbitrarily and continuously fails to achieve the goal stated in your letter of 27 July 2016, namely that, "**The objective of the assistance programme is to ensure that non-refoulement claimants will not, during their presence in Hong Kong, become destitute.**"

Further, we kindly seek confirmation that there is a typing error in the next sentence of the same letter which reads, "The assistance programme is not intended to provide the claimants with extra assistance that is necessary to meet their basic needs, so as to avoid any magnet effect ..." We query whether the adverb 'not' is a typing mistake, though the sentence carries an undeniable painful truth, which the Refugee Union is struggling to bring to your attention.

Denial of sufficient rental assistance

Your letter explains that "service users who are in need of allowance higher than the amount in the grid, they can provide justification with supporting documents." With regard to the rental assistance, we take it to signify that refugees who signed Tenancy Agreements with monthly rents higher than \$1500 should submit such documents to SWD with a request for a higher allowance.

In the alternative, said refugees would agree to promptly relocate to any suitable, legal room secured by SWD staff and/or ISS-HK case workers. Any failure by SWD staff and/or ISS-HK case workers to identify adequate housing within the rent allowance of \$1500, would consequently satisfy the SWD criteria of "well-justified social grounds", reflecting the unavailability of such rooms in the present market.

We welcome the statement, "On accommodation assistance, service users assessed to be in genuine need will be provided with temporary accommodation with the supply of electricity, water and other basic utilities." Indeed, there is a growing number of homeless refugees who will greatly benefit from such Emergency Accommodation Assistance. Kindly confirm the most suitable office hours for homeless refugees to register at your office for the provision of such a service.

We agree with your statement, "Service users who have decided on their abode are responsible in fulfilling the tenancy terms and conditions to be signed with the landlord upon their mutual agreement." In this respect, we will advise refugees not to sign Tenancy Agreements in excess of \$1500 since the burden of full payment would rest on their shoulders. Instead, destitute refugees should apply for the above mentioned Emergency Accommodation Assistance by SWD.

As a way of clarification of your statement "Over 90% of service users choose to seek accommodation on their own. Some of them have also reached an agreement with landlord and moved in the accommodation before applying rental assistance from the ISS-HK", kindly be informed that ISS-HK policy requires us to secure Tenancy Agreements prior to applying for housing assistance. Thus, it is unsurprised that over 90% of service users comply with this policy and it is regrettable that their compliance is held against them, as in your letter of 27 July 2016.

Denial of sufficient food assistance

The Refugee Union reiterates that \$1200 in food coupons is insufficient to sustain a reasonable, balanced diet on a long term basis. Indeed, we draw your attention to the fact that \$1200 is equivalent to just \$40 a day, for three meals (or a bare \$13.33 per meal). In addition, we would be grateful if you could provide clarification about the statement, "for those cases which are urgent and/or with justifiable needs, ISS-HK will provide emergency in-kind food to those in need." Kindly confirm the procedures for refugees who finished their food coupons to collect food rations from ISS-HK. Alternatively we shall advice hungry refugees to visit your office for "lunch boxes".

Besides, there is the distressing problem of refugees who wait weeks, if not months, for the ISS-HK to call them after your referral has been duly made. During this period they are left in a state of extreme hunger and destitution, contrary to the above mentioned law.



Denial of adequate toiletries

It appears that the SWD is turning a deaf ear to our frequent complaints that the toiletries packages distributed by the ISS-HK are substandard and a waste of government money. Similarly to the now discontinued in-kind food distribution, these toiletries and detergents are of such abysmal quality that the majority of us do not use them. In fact, some of us do not even bother collecting them, showing a greater sense of responsibility towards the government purse. Risking being banal we query the rationale behind the provision of a single roll of toilet paper per person per month.

Besides, the gender sensible packages are incomplete. For instance, men are provided with one disposable razor, but no shaving cream!

Surely these issues could easily be improved, and as a solution the Refugee Union suggests the SWD give credit to our complaints and judiciously consider the option of replacing the toiletries packages with one \$100 coupon. This would represent a win-win situation after all.

Denial of dental services

Finally, the Refugee Union regretfully reports the severe physical suffering of a number of refugees with ongoing dental problems that cannot be resolved by extractions alone – which some of us have self-performed with pliers and without anesthetic. There are cases of refugees who have only a few teeth left, the extraction of which would reduce them to a dependency on liquid foods. It is important to note that there are currently no options for broader dental services available to refugees at public hospitals. In our opinion, the denial of adequate dental services might constitute cases of cruel, inhumane and degrading treatment contrary to law. As a temporary measure, we shall advise suffering refugees to directly approach your office for emergency assistance.

Conclusion

The Refugee Union respectfully request your immediate intervention to:

1. Have Tenancy Agreements signed by ISS-HK case-workers with rental burden shifted to ISS-HK;
2. Increase the monthly food coupons value;
3. Replace the wasteful distribution of substandard toiletries with one HK\$100 coupon;
4. Include a broader dental program for the refugee community.

We look forward to collaborating with your department to resolve these pressing problems.

Sincerely,
Refugee Union .

