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Panel on Welfare Services

Background brief prepared by the Legislative Council Secretariat

**Addressing the needs of people with disabilities
who are not CSSA recipients**

Purpose

This paper gives an account of the past discussions of the Panel on Welfare Services (the Panel) about the financial assistance and support for people with disabilities living in the community who are ineligible for assistance under the Comprehensive Social Security Assistance (CSSA) Scheme.

Existing financial assistance and support for people with disabilities not eligible for CSSA

Financial assistance

2. Non-CSSA people with disabilities are eligible for Disability Allowance (DA) under the Social Security Assistance Scheme if they are certified by a public medical officer to be in a position broadly equivalent to a person with a 100% loss of earning capacity according to the criteria in the First Schedule of the Employees' Compensation Ordinance (Cap. 282). The allowance, which is non-contributory and non-means tested, comprises Normal Disability Allowance (NDA) and Higher Disability Allowance (HDA). To be eligible for HDA, the person must also be certified by the Director of Health or the Chief Executive of the Hospital Authority to be in need of constant attendance from others in his/her daily life and not receiving care in a government or subvented residential institution. Recipients of NDA receive a monthly allowance of \$1,125, while those of HAD receive \$2,250.

3. Apart from the DA, non-CSSA people with disabilities in financial

needs may apply to relevant charitable funds for subsidy to buy medical supplies and daily necessities. They may also apply for a full or partial medical fee waiver from public hospitals and clinics, subject to an assessment of their family income and assets. Under the existing mechanism, the amount of DA received is not counted as income, and the residential property owned and occupied by the applicants or their families does not count towards the asset limit.

Community support services

4. Home care and support is currently provided by the Social Welfare Department (SWD) to people with disabilities living in the community and their families through the Home-based Training and Support Service. The range of services provided include home-based intensive occupational therapy and physiotherapy services for the disabled and network support service for this group of people and their families. The Integrated Home Care Services (Frail cases) have also been extended to the severely disabled persons to provide holistic care and support services to these persons according to their individual needs, ranging from meals, home-making, escort to personal care and nursing care.

5. To relieve the burden of the carers from the caring role and to give them a break, respite services are available in the residential rehabilitation homes for those with temporary residential needs.

Past discussions

Providing assistance to tetraplegic patients

6. During the discussion on the issue of providing assistance to tetraplegic patients at the meeting of the Panel on 18 February 2005, some members were of the view that the Administration should not pass on the responsibility to provide financial assistance to this group of patients to outside charitable organisations. They pointed out that the nature of financial assistance from charitable organisation was generally one-off or temporary in nature, whereas the needs of tetraplegic patients were invariably long term. In the light of this and having regard to the fact that the DA was generally inadequate to meet the special needs of people with disabilities not on CSSA, Dr Fernando CHEUNG urged the Administration to seriously consider adopting a social insurance scheme for this group of people under its Rehabilitation Programme Plan (RPP).

7. To address the present inconsistency in assessing the needs of people with disabilities, Dr CHEUNG further suggested that the Administration should consider incorporating in its RPP the development of a standardised needs

assessment tool for this group of people which could be used for admission to residential homes as well as for granting DA and other funds. Mrs Sophie LEUNG expressed opposition to developing such a tool, as this would take away the flexibility currently enjoyed by individual charitable funds in giving out grants to people with disabilities.

8. The Administration responded that the suggestion of introducing a social insurance scheme would be put to the Working Group on RPP 2005 for its consideration. However, the Administration had no plan to develop a standardised needs assessment tool to cover both residential services and DA because the two schemes were separate mechanisms to meet the different needs of people with disabilities.

9. At the special meeting of the Panel on 17 October 2005 to discuss the initiatives on the welfare side in the 2005-06 Policy Address and Policy Agenda, Mr LEE Cheuk-yan asked whether assistance could be provided to severely disabled persons living in the community who were not eligible for CSSA to hire helpers to relieve the burden of family carers, as in the case of severely disabled CSSA recipients who could be provided with a special grant to hire personal carers.

10. The Administration advised that all people with disabilities were eligible for DA regardless of their means, and there were other funds to which severely disabled patients not on CSSA could turn for financial assistance to meet their special needs. The Administration further advised that the new rehabilitation services, such as providing severely disabled patients with transitional residence, day training, nursing and support to facilitate their early return to the community, should further help this group of patients and their families to cope with their difficulties. The SWD would also continue to offer counselling and support services to severely disabled patients and their families, connecting them to the new service provision, assisting them to achieve their rehabilitation plan through collaborating with the multi-disciplinary team in hospitals, as well as to realise their plan of reintegrating into the community with the enhanced financial and community support services.

11. In response to Mr WONG Kwok-hing's enquiry about whether consideration could be given to providing half price public transport fares to people with disabilities, the Administration advised that it would not be possible to convince public transport operators to grant concessionary fares to this group of people as the population involved was still debatable. Even the disabled community had yet to reach a consensus on the matter. The Administration considered the best way forward at this stage was to strengthen the rehabus service on the one hand, and exploring the viability of providing rehataxi service on the other for the disabled who had difficulties in using public transport.

Subcommittee to Study the Transport Needs of and Provision of Concessionary Public Transport Fares for Persons with Disabilities

12. Members are invited to note that a subcommittee was formed by the House Committee on 18 November 2005 to study the transport needs of and provision of transport concessions to persons with disabilities.

DA arrangements

13. The Panel discussed the existing DA arrangements on two occasions on 14 November 2005 and 12 December 2005. Members and representatives of disability groups attending these meetings urged the Administration to expeditiously conduct a comprehensive review of the DA arrangements, including making the approving and vetting procedures more transparent, relaxing the eligibility criteria for DA, and creating a separate set of eligibility criteria and a higher amount of allowance for people suffering from malfunctioning of human organs.

14. The Administration agreed to review the policy intent of DA to see how people with disabilities not eligible for CSSA could best be served in an equitable, reasonable and viable manner. As to the suggestion of relaxing the definition of severely disabled as an eligibility criterion for DA, the Administration advised that this would undoubtedly give rise to a range of complicated questions, such as the criteria of different percentages of loss of earning capacity and the different amount of allowance which should be accorded to them. If this group of people were in dire financial situation, they could apply for means-tested CSSA.

15. The Panel requested the Administration to provide a response to the views and suggestions raised by members and deputations as well as a preliminary timetable on the measures to be implemented to improve the existing DA arrangements. While the Administration undertook to strive to provide a response as far as practicable, it had informed members that it would be very difficult to come up with any meaningful response in the short term, in view of the complexity of the issues involved in the review of DA.

Review of the Design Manual : Barrier Free Access 1997

16. The Panel discussed the draft new Design Manual on providing barrier-free access and appropriate facilities for use by people with disabilities as well as by the elderly and people with other forms of physical infirmities or limitations, such as pregnant women and families with young children, on 9 January 2006. Some members hoped that the existing Design Manual or the to be updated Design Manual could also apply to private buildings constructed or substantially altered before 1997. The Administration advised that the suggestion needed to be carefully examined, having regard to the fact that

many private buildings were already sold off to individual owners by the developers.

17. Although the relevant building regulations requiring provision of access and facilities for people with disabilities did not cover Government buildings and public buildings, members were of the view that the Administration should set a good example to the community by expeditiously coming up with a workplan to make all Government and public buildings comply with the requirements set out in the Design Manual or the to be updated Design Manual.

18. To ensure the draft new Design Manual could aptly meet the needs of people with disabilities, members agreed to hold a joint meeting with the Panel on Planning, Lands and Works prior to the expiration of the consultation period of the draft to listen to the views of deputations, including property developers, architects, engineers, the Equal Opportunities Commission and public transport companies.

Relevant papers

19. Members are invited to access the LegCo website (<http://www.legco.gov.hk>) to view the minutes and relevant papers of the meetings of the Panel held on 18 February 2005, 17 October 2005, 14 November 2005, 12 December 2005 and 9 January 2006.

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