

For information
on 11 December 2006

LEGCO PANEL ON WELFARE SERVICES

System for Processing Applications for Disability Allowance under the Social Security Allowance Scheme

Purpose

This paper informs Members of the Social Welfare Department (SWD)'s system for processing applications for Disability Allowance under the Social Security Allowance Scheme.

Background

2. Disability Allowance (DA) includes Normal Disability Allowance (NDA) and Higher Disability Allowance (HDA). The allowance is non-contributory and non-means tested. It is designed to provide an allowance to Hong Kong residents who are severely disabled to meet their special needs arising from disability. DA applicants must be certified by a public medical officer to be 'severely disabled' within the meaning of the scheme. The definition of 'severely disabled' is at Annex I, which includes visceral diseases resulting in total disablement. An updated pamphlet of the scheme is at Annex II.

3. At the end of October 2006, there were 115 500 recipients of DA, of which 100 830 were recipients of NDA and 14 670 were recipients of HDA. Recipients of NDA receive a monthly allowance of \$1,125 while those of HDA receive \$2,250. In 2005-06, government expenditure on DA was \$1.68 billion, accounting for 0.8% of the total government recurrent expenditure.

Processing of applications

4. DA applicants have the responsibility to provide SWD with accurate information and to make timely report on changes to information provided. All applications and reports are duly signed by the applicants. SWD has put in place various cross-checking mechanisms, periodic case reviews and random checks to detect unreported changes to minimize the chances of overpayment.

5. To facilitate the processing of HDA cases, there is a built-in section in the Application/Review Form which specifically enquires whether or not the applicant/recipient has been admitted into a government or subvented residential institution. The Investigating Officer must go through this question before the applicant/recipient signs the declaration.

Overpayment

6. Since DA is paid in advance, overpayment is unavoidable due to unreported changes or late reporting of changes particularly in cases involving hospitalization of severely disabled persons who understandably cannot report promptly to SWD.

7. DA payments are public money funded entirely by general revenue. SWD will seek to recover the overpaid amount when cases of overpayment come to light in order to safeguard public funds. In working out the repayment arrangements, SWD takes into consideration the financial situation of the recipients concerned to ensure that the repayment will not lead to undue hardship.

The Ombudsman's direct investigation

8. The Ombudsman has completed a direct investigation into SWD's system for processing DA cases and published a report on 16 November 2006. A number of recommendations were made with regard to dissemination of information, mechanisms for approving applications, and mechanisms for detecting errors. SWD will follow-up the Ombudsman's recommendations with a view to improving the system for processing DA cases.

9. To safeguard the public purse, SWD will seek reimbursement in overpayment cases. In doing so, SWD will review the circumstances of individuals cases including all evidence brought to its attention, with a view to working out a reasonable arrangement with the recipients concerned so as not to cause them undue hardship.

10. As regards the share of HDA overpayment cases quoted in the Ombudsman's report, the percentage of 8.44% is based on comparing the number of instances of overpayment with the HDA caseload. As one HDA case may involve more than one overpayment instances due to situations like frequent and repeated admissions to hospital, it would be more appropriate to look at the amount of HDA overpayment as compared with the total HDA expenditure, which is 1.09%.

11. SWD will continue its efforts to minimize the chances of overpayment and will continue to keep under review its services to DA recipients including the processing and handling procedures as well as internal workflow.

12. Members are invited to note the contents of this paper.

Health, Welfare and Food Bureau
Social Welfare Department
December 2006

Definition of ‘severely disabled’

A person will be considered as severely disabled within the meaning of this Scheme if he/she is certified by the Director of Health or the Chief Executive, Hospital Authority (or under exceptional circumstances by a registered medical practitioner of a private hospital) as falling into one of the following categories :

a. Disabling physical condition or blind

This means that a person is 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) :

- (1) Loss of functions of two limbs
- (2) Loss of functions of both hands or all fingers and both thumbs
- (3) Loss of functions of both feet
- (4) Total loss of sight
- (5) Total paralysis (quadriplegia)
- (6) Paraplegia
- (7) Illness, injury or deformity resulting in being bedridden
- (8) Any other conditions including visceral diseases resulting in total disablement

b. Disabling mental condition

This means that a person is suffering from a mental condition which produces a degree of disability broadly equivalent to that in category (a) above :

- (1) Organic brain syndrome
- (2) Mental retardation
- (3) Psychosis
- (4) Neurosis
- (5) Personality disorder
- (6) Any other conditions resulting in total mental disablement

c. Profoundly deaf

This means that a person, who suffers from a perceptive or mixed deafness with a hearing loss of 85 decibels or more in the better ear for pure tone frequencies of 500, 1 000 and 2 000 cycles per second, or 75 to 85 decibels with other physical handicaps such as lack of speech and distortion of hearing.

Social Security Allowance Scheme



INTRODUCTION

This pamphlet explains the main features of the Social Security Allowance Scheme which includes Normal Disability Allowance, Higher Disability Allowance, Normal Old Age Allowance and Higher Old Age Allowance.

The Scheme is non-contributory. It is designed to provide a monthly allowance to Hong Kong residents who are severely disabled or who are 65 years of age or above to meet special needs arising from disability or old age.

Except for the Normal Old Age Allowance, the allowances paid under the Scheme are non-means-tested.

ELIGIBILITY CRITERIA

A person is eligible for an allowance under the Scheme if he/she:

a. satisfies the following residence requirements:

- (1) he/she must have been a Hong Kong resident for at least seven years; and
- (2) he/she must have resided in Hong Kong continuously for at least one year immediately before the date of application (absence from Hong Kong up to a maximum of 56 days during the one-year period is treated as residence in Hong Kong).

Note:

- (i) Persons whose presence in Hong Kong is unlawful or persons who are permitted to stay in Hong Kong for a purpose other than residence (for example, imported workers or visitors) are excluded from the Scheme.
- (ii) Persons who have become Hong Kong residents before 1 January 2004 are exempted from the residence requirement in a(1) above.
- (iii) Hong Kong residents aged below 18 applying for Disability Allowance are exempted from the residence requirements in a(1) and a(2) above.
- (iv) In determining whether an applicant has resided in Hong Kong continuously for at least one year immediately before the date of application, consideration can be given to disregarding absences arising from full-time study (for Disability Allowance applicants only) or paid work outside Hong Kong during the one-year period, subject to there being sufficient documentary proof. Where an applicant has been absent from Hong Kong for more than 56 days during the one-year period because of the need to receive medical treatment outside Hong Kong, the Director of Social Welfare can consider exercising his discretion to disregard the absences exceeding the 56-day limit, subject to the reason for and evidence of receiving medical treatment outside Hong Kong being established.

- b. continues to reside in Hong Kong (see "Permissible limit of absence from Hong Kong during receipt of allowance" at page 5) ;**
- c. is not in receipt of any other allowance under the Scheme or assistance under the Comprehensive Social Security Assistance Scheme;**
- d. is not under detention or imprisonment; and**

e. fulfils the following eligibility criteria required by the individual allowance:

(1) Normal Disability Allowance

- ◆ he/she is certified by the Director of Health or the Chief Executive, Hospital Authority (or under exceptional circumstances by a registered medical practitioner of a private hospital) to be severely disabled (see definition of 'severely disabled' at Annex on page 7); and
- ◆ his/her disabling condition will persist for at least 6 months.

(2) Higher Disability Allowance

- ◆ in addition to meeting the eligibility criteria for Normal Disability Allowance above, he/she must be certified by the Director of Health or the Chief Executive, Hospital Authority (or under exceptional circumstances by a registered medical practitioner of a private hospital) to be in need of constant attendance from others in his/her daily life; and
- ◆ he/she is not receiving care in a government or subvented residential institution (including a government subsidized place in a contract home or purchased from a residential care home for the elders under the Enhanced Bought Place Scheme) or a medical residential institution under the Hospital Authority, or boarding in a special school under the Education and Manpower Bureau.

(3) Normal Old Age Allowance

- ◆ he/she is aged between 65-69 and is having an income and assets below the prescribed limits (information on the levels of resources limits is obtainable from any social security field unit of the Social Welfare Department).

(4) Higher Old Age Allowance

- ◆ he/she is aged 70 or above.



APPLICATION PROCEDURES

The applicant or his/her relative/friend can make an application directly to a social security field unit near to his/her place of residence by phone, by fax, by e-mail, by post or in person. An application may also be made through a referral to the Social Welfare Department by another government department or non-governmental organization. As soon as an application is received, an officer of the Social Welfare Department will make arrangements for an interview with the applicant. After completion of investigation, a formal notification letter will be sent to the applicant. All the application procedures are to be processed in Hong Kong. It will speed up the process of an application if the applicant or his/her guardian/appointee can produce the following documents during the interview:

- a. relevant documents confirming the applicant's age and residence in Hong Kong (e.g. Hong Kong Identity Card, Birth Certificate, other acceptable proofs of identity and travel documents);
- b. for Disability Allowance application, in addition to the above documents, any previous hospitalization records or hospital/clinic attendance cards to facilitate the arrangement of a medical assessment.

PERSONS UNFIT TO APPLY

If an applicant is aged below 18 without a parent or legal guardian or is an adult aged 18 or above who has been medically certified to be unfit to make a statement on his/her own, an appointee will be appointed by the Director of Social Welfare to act on his/her behalf.

PAYMENT OF ALLOWANCE AND RATE OF ALLOWANCE

Payment will be calculated from the date of receipt of application by the Department (or the date of application or referral if the application is referred by another organization) or the date of eligibility, whichever is the later. Allowances are paid at a flat rate to eligible applicants. Leaflets on the rates of allowance are obtainable on request.

PAYMENT METHOD

Allowance is usually credited to the applicant's/guardian's/appointee's designated bank account monthly. Under exceptional circumstances, special delivery of cash directly to the applicant can be arranged.

PERMISSIBLE LIMIT OF ABSENCE FROM HONG KONG DURING RECEIPT OF ALLOWANCE

Where a recipient has resided in Hong Kong for not less than 90 days in a payment year, his/her temporary absences from Hong Kong will not affect the payment of allowance on condition that the total number of days of absence in the year does not exceed 240 days (applicable to payment years commencing on or after 1 October 2005).

If a recipient has resided in Hong Kong for less than 90 days in a payment year, he/she is not entitled to any 'absence' allowance in that year. In other words, he/she is eligible to receive allowance only for the periods during which he/she has resided in Hong Kong.

- Note:
- (i) For the purpose of calculating a recipient's absence from Hong Kong, the first payment year refers to the 12-month period from the date when the recipient starts to receive allowance. For example, if a person started to receive allowance from 3 October 2005, the first payment year is from 3 October 2005 to 2 October 2006, the second payment year from 3 October 2006 to 2 October 2007 and so forth.
 - (ii) Subject to there being sufficient documentary proof, consideration can be given to disregarding a Disability Allowance recipient's absences from Hong Kong arising from full-time study and a recipient's absences from Hong Kong arising from paid work outside Hong Kong.
 - (iii) Where a recipient's total number of days of absence from Hong Kong in a payment year has exceeded the permissible limit because of the need to receive medical treatment outside Hong Kong, the Director of Social Welfare can consider exercising discretion to disregard absences exceeding the permissible limit on condition that the recipient has resided in Hong Kong for not less than 90 days in that payment year and that he/she can provide sufficient reason for and evidence of receiving medical treatment outside Hong Kong.

OTHER WELFARE NEEDS

If, during the course of enquiries into an application for Social Security Allowance, it becomes apparent that the applicant has other welfare needs (e.g. financial assistance or other welfare services), the Social Welfare Department will look into these needs and render appropriate assistance.

APPEALS

If an applicant disagrees with a decision made by the Social Welfare Department, he/she has the right to lodge an appeal with the Social Security Appeal Board, which is composed of non-officials appointed by the Chief Executive. An appeal must be lodged within four weeks immediately following the date of notification of the decision from the Director of Social Welfare. Enquiries about the appeal procedures can be made to any social security field unit.

RESPONSIBILITIES OF THE APPLICANT/GUARDIAN/APPOINTEE

The applicant or his/her guardian/appointee must provide true, correct and complete information to the Social Welfare Department. In case of any change in circumstances, such as change of address, admission to a residential institution (applicable only to those claiming Higher Disability Allowance) and absence from Hong Kong exceeding the permissible limit, the applicant or his/her guardian/appointee must report the change immediately to the Social Welfare Department. The Department conducts data matching with other Government Departments and organizations (including the Immigration Department, Treasury, Correctional Services Department, Land Registry, Companies Registry, Transport Department and the Hospital Authority) to cross-check the information given by the applicant or his/her guardian/appointee. The Department will also conduct random checks on cases through home visits as and when necessary. The applicant or his/her guardian/appointee should cooperate fully with the visiting officers of the Department.

ENQUIRIES

Enquiries about the Social Security Allowance Scheme may be made at the social security field units. For more information on other social security schemes, please visit our Departmental Homepage at <http://www.swd.gov.hk>.

REPORTING FRAUD AND ABUSE

Obtaining social security allowance by deception or providing false information is a criminal offence. Reports of suspected fraud and abuse cases can be made through the Social Welfare Department's special hotline 2332 0101.

Definition of 'severely disabled'

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- | | |
|--|---|
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| (3) Loss of functions of both feet | (7) Illness, injury or deformity resulting in being bedridden |
| (4) Total loss of sight | (8) Any other conditions including visceral diseases resulting in total disablement |

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| (1) Organic brain syndrome | (4) Neurosis |
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This means that a person, who suffers from a perceptive or mixed deafness with a hearing loss of 85 decibels or more in the better ear for pure tone frequencies of 500, 1 000 and 2 000 cycles per second, or 75 to 85 decibels with other physical handicaps such as lack of speech and distortion of hearing.

Addresses and telephone numbers of social security field units

Office	Address	Tel. No.
Hong Kong		
Central and Western/Islands Social Security Field Unit	3/F, Tung Che Commercial Centre, 246 Des Voeux Road West, Sai Ying Pun	2546 8003
Chai Wan Social Security Field Unit	Level 3, Government Offices, New Jade Garden, 233 Chai Wan Road, Chai Wan	2557 7868
Causeway Bay Social Security Field Unit	Room 1105-1107, 11/F, Stanhope House, 734-738 King's Road, North Point	2562 4788
Wan Chai Social Security Field Unit	Room 2201, 22/F, Southorn Centre, 130 Hennessy Road, Wan Chai	2835 1907
Aberdeen Social Security Field Unit	Unit 1105, 11/F & Unit 1522, 15/F, Tower A, Southmark, 11 Yip Hing Street, Wong Chuk Hang, Aberdeen	2554 6324
East Kowloon		
Lam Tin Social Security Field Unit	G/F, Ping Mei House, Ping Tin Estate, Lam Tin	2346 7583
Ngau Tau Kok Social Security Field Unit	Room 16-19, 17/F, Nan Fung Commercial Centre, 19 Lam Lok Street, Kowloon Bay	2750 2659
Sau Mau Ping Social Security Field Unit	Shop CX310, 3/F, Sau Mau Ping Shopping Centre, Sau Ming Road, Sau Mau Ping	2348 9312
Kwun Tong Social Security Field Unit	Unit 1301-1305, 13/F, Telecom Tower; Wharf T&T Square, 123 Hoi Bun Road, Kwun Tong	2775 1158

Office	Address	Tel. No.
San Po Kong Social Security Field Unit	Unit 701, 7/F, Stelux House, 698 Prince Edward Road East, San Po Kong	2322 9999
Tseung Kwan O Social Security Field Unit	Shop 201A, 2/F, Hau Tak Shopping Centre, Hau Tak Estate, Tseung Kwan O	2701 8843
Tsz Wan Shan Social Security Field Unit	Unit 101, 1/F, Lung Cheung Office Block, 138 Lung Cheung Road, Wong Tai Sin	2327 5002
Wong Tai Sin Social Security Field Unit	Unit 103-106, 1/F, Stelux House, 698 Prince Edward Road East, San Po Kong	2382 3738
West Kowloon		
Kowloon City Social Security Field Unit	Unit 2, 2/F, Chung Hwa Plaza, 5B-5F Ma Hang Chung Road, To Kwa Wan	2760 1679
To Kwa Wan Social Security Field Unit	7/F, To Kwa Wan Government Offices, 165 Ma Tau Wai Road, To Kwa Wan	2334 5442
Sham Shui Po Social Security Field Unit	Room 1310, 13/F, Cheung Sha Wan Government Offices, 303 Cheung Sha Wan Road, Sham Shui Po	2725 5658
Shek Kip Mei Social Security Field Unit	6/F, West Coast International Building, 290-296 Un Chau Street, Sham Shui Po	2776 3443
Lai Chi Kok Social Security Field Unit	G/F, Cheung Sha Wan Community Centre, 55 Fat Tseung Street, Cheung Sha Wan	2720 8613
Yau Tsim Social Security Field Unit	G/F, Yaumatei Carpark Building, Stage II, 250 Shanghai Street, Yau Ma Tei	2384 6707

Office	Address	Tel. No.
Mong Kok Social Security Field Unit	22/F, One Mongkok Road Commercial Centre, 1 Mongkok Road, Mongkok	2396 4052
New Territories East		
Fanling Social Security Field Unit	Room 233, 2/F, North District Government Offices, 3 Pik Fung Road, Fanling	2675 1624
Sheung Shui Social Security Field Unit	Shop 202, 2/F, Tin Ping Shopping Centre, Tin Ping Estate, Sheung Shui	2682 4853
Tai Po (South) Social Security Field Unit	4/F, Tai Po Complex, 8 Heung Sze Wui Street, Tai Po Market, Tai Po	3183 9302
Tai Po (North) Social Security Field Unit	4/F, Tai Po Government Offices Building, 1 Ting Kok Road, Tai Po	2665 3717
Sha Tin (South) Social Security Field Unit	Room 834, 8/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin	2158 6721
Sha Tin (North) Social Security Field Unit	Unit 1, M/F, Yu Chui Shopping Centre, 2 Ngau Pei Sha Street, Siu Lek Yuen, Sha Tin	2605 2112
Yuen Long (East) Social Security Field Unit	6/F, Yuen Long Government Offices and Tai Kiu Market, 2 Kiu Lok Square, Yuen Long	2477 2351
Yuen Long (West) Social Security Field Unit	3/F, Yuen Long Government Offices and Tai Kiu Market, 2 Kiu Lok Square, Yuen Long	2443 2500
Tin Shui Wai (South) Social Security Field Unit	G/F, Yiu Fung House, Tin Yiu Estate, Tin Shui Wai	3595 2351
Tin Shui Wai (North) Social Security Field Unit	G/F, Wah Yuet House, Tin Wah Estate, Tin Shui Wai	2443 2604

Office	Address	Tel. No.
New Territories West		
Kwai Chung (East) Social Security Field Unit	5/F, Kwai Hing Government Offices, 166-174 Hing Fong Road, Kwai Chung	2421 1028
Kwai Chung (South) Social Security Field Unit	Room 3507-3517, 35/F, Metroplaza, Tower 1, 223 Hing Fong Road, Kwai Chung	2429 2614
Kwai Chung (West) Social Security Field Unit	8/F, Kwai Hing Government Offices, 166-174 Hing Fong Road, Kwai Chung	2422 9510
Tsuen Wan Social Security Field Unit	14/F, Tsuen Wan Government Offices, 38 Sai Lau Kok Road, Tsuen Wan	2417 6316
Tuen Mun Social Security Field Unit	4/F, Tuen Mun Government Offices, 1 Tuen Hi Road, Tuen Mun	2441 7910
Butterfly Social Security Field Unit	Unit 11-18, 27/F, Tuen Mun Parklane Square, 2 Tuen Hi Road, Tuen Mun	2469 4424
Tai Hing Social Security Field Unit	Room 304, 3/F, Tai Hing Government Offices, 16 Tsun Wen Road, Tuen Mun	2467 2927

**Social Security Appeal Board /
 Fraud Investigation Teams / Target Investigation Team /
 Data Matching Team / Debt Recovery Team /
 Report Fraud Hotline /
 Departmental Hotline Service Unit**

Office / Address	Tel. No.
Social Security Appeal Board 24/F, Southorn Centre, 130 Hennessy Road, Wan Chai, Hong Kong	2835 1946
Fraud Investigation Teams Target Investigation Team Data Matching Team Room 1002, 10/F, Skyline Tower; 39 Wang Kwong Road, Kowloon Bay	2382 8073 2782 0187 2735 1256
Debt Recovery Team Room 924, 9/F, Yaumatei Carpark Building, 250 Shanghai Street, Yau Ma Tei, Kowloon	3575 8044
Report Fraud Hotline	2332 0101
Departmental Hotline Service Unit	2343 2255
Facsimile No.	2763 5874