

For information on  
19 February 2009

## **Legislative Council Panel on Manpower**

### **Statutory minimum wage - Views of stakeholders on special arrangement for persons with disabilities**

#### **Purpose**

This paper briefs Members on the views of the rehabilitation sector and other relevant stakeholders on the treatment for persons with disabilities (PWDs) under the statutory minimum wage (SMW) regime including the special arrangement, if required.

#### **Background**

2. At the Panel meeting held on 21 February 2008, Members discussed the preparatory work for introducing a statutory SMW and noted the respective practices on the treatment of PWDs under the minimum wage regimes in Australia, the United States, France and Germany. Special arrangements were in place in Australia and the United States to allow PWDs to be exempted from the SMW whereas there was no comparable exemption for PWDs in France and Germany. Members also opined that, while the information on overseas' practices provided a useful reference in formulating our own system, we should bear in mind Hong Kong's unique circumstances. The Labour Department (LD) undertook to further solicit views of the rehabilitation sector and relevant stakeholders so as to map out the way forward.

#### **Consultation conducted and views collected**

3. Since early 2008, LD has conducted more than 10 formal and informal sessions with the participation of about 100 representatives from more than 50 rehabilitation organisations including non-governmental organisations (NGOs) providing vocational rehabilitation services with subvention from the Social Welfare Department (SWD), self-help groups and parents groups (list at Annex A) as well as the Equal Opportunities Commission (EOC). In the two large-scale sessions held in November and December 2008, members of the Labour Advisory Board (LAB) were also present to listen to their views.

4. The views collected from rehabilitation organisations so far are wide-ranging. While consensus has been reached on some issues, there are diverse views on others. The main views collected are summarised below:

- exemption or otherwise of certain categories of PWDs - like other labour legislation, SMW would only apply to persons with employer-employee relationship. The rehabilitation sector generally agrees that PWDs in sheltered workshops run by the NGOs<sup>1</sup> should be exempted from the SMW regime as they are trainees. Similarly, PWDs undergoing training as an integral part of SWD-subsented vocational rehabilitation services are also trainees and should be excluded from the application of the SMW regime. However, PWDs who have undergone training and are placed into employment (though with NGOs as employers) should, like other PWDs taking up open employment, be covered by the SMW regime;
- the wage rate - some support that flexibility should be built in to allow PWDs to receive wages lower than the SMW in order to safeguard their employment opportunities while some reckon that PWDs, like their able-bodied counterparts, should be paid at at least the SMW rate;
- productivity assessments - some propose to introduce a simple productivity assessment to determine the applicable rates of pay of individual PWDs, which could be lower than the SMW, but others cast doubts on the validity of such productivity assessment in view of the diverse nature and demands of different jobs. Despite the different views, there is general consensus for introducing a productivity assessment. The question remains whether such an assessment should be general on an occupation basis for an individual PWD and divorced from his actual work setting, or whether it should be specific to the particular job of the concerned PWD. Some comment that a general assessment per occupation basis may have application problems since this could be significantly different from the productivity at the actual workplaces, thus undermining the credibility of the whole system. Others support a pragmatic job-specific assessment in which the assessment should be conducted in the actual workplace concerned; and

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<sup>1</sup> There are currently 36 NGOs with subvention from SWD to provide vocational rehabilitation services.

- social enterprises as employers - some consider that social enterprises should be exempted from paying the SMW rate so that they can better survive and compete with other non-social enterprises. Others, however, consider that any wage rate below the SMW rate should be applied in tandem with the extent of reduction in abilities of individual PWDs to perform their jobs regardless of who the employers are. The general view is that both social enterprises and private companies should be treated alike under the SMW regime since private companies may also operate social enterprises. A general exemption made for social enterprises could be susceptible to abuse and lead to complaints of unfair treatment.

5. In addition, we have also met with representatives from over 30 employers who have ample experience in employing PWDs to tap their views on this topic. Their opinions include:

- wage rate - some employers pay the same level of wage irrespective of whether the employee is disabled or not. Some, nevertheless, consider that there is a genuine need for different wage rates if PWDs' productivity and performance are impaired by their disabilities. In their view, such differential is not without merits. First, co-workers would consider such an arrangement fair. In addition, having lower pay for a lower output would facilitate PWDs' integration with co-workers, thus preserving workplace harmony; and
- productivity assessment - some employers also stress that if a special arrangement in the form of an assessment is to be put in place, it should be conducted by a third party. Employers should not be burdened with the responsibility to administer the assessment.

### **Preliminary consideration**

6. As a matter of principle, we consider PWDs no different from their able-bodied counterparts and thus PWDs taking up employment should be protected by the minimum wage legislation. Nevertheless, we are aware that some PWDs whose productivity is impaired by their disabilities are more prone to be displaced in certain circumstances as compared to their able-bodied counterparts. Under the SMW, if a wage rate commensurate with the reduced productivity of a PWD is allowed, the chances of the PWD being displaced could be reduced. The majority view gauged so far is that, in order to strike a reasonable balance between providing wage protection to PWDs

and safeguarding the employment opportunities of those PWDs whose productivity is adversely affected by their disabilities, a special arrangement should be put in place for those PWDs with lower productivity due to their disabilities.

#### *Assessment mechanism as a special arrangement*

7. Overseas countries like the United States and Australia have provided for a reduced rate of the SMW through a productivity assessment while employers in New Zealand are allowed to negotiate a reduced rate with the PWDs and their advocates following a set of well-defined procedures. In drawing reference from the experience of other countries, we should bear in mind the need to design a system optimal for the circumstances of Hong Kong.

8. Views collected so far reveal that the special arrangement should include a mechanism assessing a PWD's productivity which would form the basis of determining whether he should be remunerated at at least the SMW rate; and if not, the extent of the discount from SMW. To avoid abuse by unscrupulous employers, the assessment should be initiated by the PWD. The assessment should not be too cumbersome and, to be fair to the PWD and his employer, should be situational and conducted in the actual performance of his job duties. A few weeks to allow a PWD to acclimatise with the workplace and his duties should be allowed before the assessment is conducted. The assumption is that an assessment, conducted this way, should be objective, reflecting the actual circumstances and thus credible. Implementation details would be further explored. In addition, those consulted also feel that the practices and procedures currently adopted by NGOs in training and placing PWDs have good referential value and should be allowed to continue notwithstanding the introduction of a productivity assessment.

#### *Criteria for seeking special arrangement*

9. If any special arrangement is to be introduced, consideration must be given to the criteria defining the eligibility of those who may avail themselves of the arrangement. We have drawn reference from related existing legal and administrative instruments. First, the Disability Discrimination Ordinance (Cap. 487) (DDO). Its definition on "disability" (at Annex B) states that, disability, among others, should include a disability that exists presently, ***previously and in the future***, and means the presence in the body of organisms ***capable of*** causing disease or illness. Stakeholders consulted find this too broad and may contain no-longer-existing and latent disabilities; and such may not be related at all to the productivity a PWD now exhibits in performing his work. Therefore, the DDO definition is considered neither practicable nor

operational as a criterion to determine eligibility for the special arrangement provided for PWDs under the SMW regime. Moreover, the resultant legal uncertainty would imply compliance problems for employers and employees, as well as enforcement uncertainty.

10. Another possible criterion considered is the possession of a valid Registration Card for PWDs (the Card). The Card is issued to persons who suffer from a disability or multiple disabilities<sup>2</sup> of a permanent nature, or of a temporary nature but the severity of the disability affects one's major life activities, participation in economic and social activities, and/or mobility, and which takes significantly longer than normal to rehabilitate. Documentary evidence such as certificates issued by doctors or allied health personnel is required for application for the Card. Such documentary evidence would specify the type(s) and degree of disability as well as the duration for which the disability condition is likely to last. The Card enables its cardholder to produce, when necessary, as a proof of his/her disability status. Application for the Card is voluntary. An application form and the Guidance Notes are at Annex C.

11. The Card has been in place for a decade and is widely recognised by the rehabilitation sector. No fee is charged for the issue and renewal of the Card. If possession of the Card is adopted as the eligibility criterion, the Card would then be a standardised proof of disability status, implying that eligibility is in fact determined by the certification issued by doctors and allied health personnel that underpins the issue of the Card. If possession of the Card is adopted as the eligibility criterion for the special arrangements for PWDs under the SMW legislation, this would likely induce more PWDs to apply for the Card. Over time, this may help to build up the database of the Central Registry for Rehabilitation (CRR)<sup>3</sup>.

12. Views collected from rehabilitation organisations so far support adopting the possession of the Card as the eligibility criterion, even though a few have concerns about the labelling effect. Nevertheless, noting that the production of the Card for everyday purpose is entirely voluntary, most consider the labelling effect more apparent than real. They thus, on balance, regard possession of the Card the best approach for the following reasons:

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<sup>2</sup> Any person who has been found to suffer from a disability, including Hearing Impairment, Visual Impairment, Speech Impairment, Physical Handicap, Autism, Mental Illness, Mental Handicap, Visceral Disability/Chronic Illness, Attention Deficit/Hyperactivity disorder, and Specific Learning Difficulties may apply for the Card.

<sup>3</sup> The CRR of the Labour and Welfare Bureau collects and compiles data on people with disabilities in Hong Kong with a view to providing statistics on disability to government departments and NGOs for planning rehabilitation services and research purpose.

- (a) whether to reveal possession of the card is the volition of the disabled;
- (b) in place of the Card, there would be a need to design another form of medical certification and documentary proof of the disability; and the eventual approach would, in essence, be little different from the Card; and
- (c) this could help in the long run to capture useful statistics on the disabled population in Hong Kong to facilitate better planning to serve their needs.

### **Views of the Labour Advisory Board**

13. The LAB discussed on 5 February 2009 LD's preliminary observations arising from sessions with the rehabilitation sector and employers experienced in employing disabled workers in respect of the treatment of PWDs under the SMW regime. LAB shared the view that, as a matter of principle, PWDs, as employees, should be no different from their able-bodied counterparts and thus PWDs taking up employment in the open market should also be protected by the minimum wage legislation. Nevertheless, recognizing the possible employment difficulties encountered by some disabled, LAB also shared views of the rehabilitation sector that if some well-defined and safeguarded flexibility on the wage rate taking into account the productivity of a PWD is allowed, the chances of the PWD being displaced could be reduced. But the mechanism should be simple and pragmatic to avoid dampening employers' willingness to employ PWDs. On the possible design features of a possible mechanism, LAB Members gave valuable suggestions and views from diverse perspectives. In view of the complexity of the issues involved, the LAB agreed that LD should continue the discussion with stakeholders on the details of the special arrangement for the PWDs under the SMW regime.

### **Way Forward**

14. The LD would, in consultation with the rehabilitation sector and other stakeholders including employer and worker groups, formulate details of the special arrangement and other related matters for PWDs for incorporation into the SMW Bill.

**List of rehabilitation organisations  
which Labour Department met with**

1. Fu Hong Society
2. Hong Chi Association
3. The Salvation Army
4. The Hong Kong Stroke Association
5. The Self Help Group for the Brain Damaged
6. Stewards Limited
7. Amity Mutual-Support Society
8. Hong Ling Renal Club
9. Hong Kong Joint Council for People with Disabilities
10. Rehabilitation Alliance Hong Kong
11. SAHK
12. Association of Women with Disabilities Hong Kong
13. Hong Kong Adult Blood Cancer Group Limited
14. Hong Kong Council of Social Service
15. Baptist Oi Kwan Social Service
16. The Hong Kong Down Syndrome Association
17. The Hong Kong Society for the Deaf
18. The Parents' Association of Pre-school Handicapped Children
19. Chinese Young Men's Christian Association of Hong Kong
20. Hong Kong Lutheran Social Service, the Lutheran Church - Hong Kong Synod Limited
21. The Hong Kong Joint Council of Parents of the Mentally Handicapped
22. Association for Engineering & Medical Volunteer Services
23. Christian Oi Hip Fellowship Ltd.
24. St. James' Settlement Rehabilitation Division Family Club
25. Chosen Power
26. Po Leung Kuk

27. Richmond Fellowship of Hong Kong
28. Hong Kong Rheumatoid Arthritis Association
29. Caritas - Hong Kong
30. Tung Wah Group of Hospitals
31. Yan Chai Hospital
32. Kwai Chung Hospital
33. The Hong Kong Society for Rehabilitation
34. Hong Kong PHAB Association
35. St. James' Settlement
36. The Hong Kong Society for the Blind
37. The Mental Health Association of Hong Kong
38. New Life Psychiatric Rehabilitation Association
39. Concord Mutual-Aid Club Alliance
40. Hong Kong Blind Union
41. Hong Kong Federation of Handicapped Youth
42. Wai Ji Christian Service
43. Alliance of Self-help Group for the Occupational Injuries & Diseases
44. Christian Family Service Centre
45. Hong Kong Sheng Kung Hui Welfare Council
46. Alliance of Ex-mentally Ill of Hong Kong
47. Retina Hong Kong
48. Hong Kong Association for Specific Learning Disabilities
49. Direction Association for the Handicapped
50. Employees' Safety Training and Rehabilitation Services Limited
51. Hong Kong Association for Parents of Persons with Physical Disabilities
52. Hong Kong Down Syndrome Association Parents Committee
53. TWGHs Jockey Club DAC cum Hostel
54. 長洲傷健會

## **Section 2 of the Disability Discrimination Ordinance**

“disability”, in relation to a person, means-

- (a) total or partial loss of the person’s bodily or mental functions;
- (b) total or partial loss of a part of the person’s body;
- (c) the presence in the body of organisms causing disease or illness;
- (d) the presence in the body of organisms capable of causing disease or illness;
- (e) the malfunction, malformation or disfigurement of a part of the person’s body;
- (f) a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or
- (g) a disorder, illness or disease that affects a person’s thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour,

and includes a disability that-

- (i) presently exists;
- (ii) previously existed but no longer exists;
- (iii) may exist in the future; or
- (iv) is imputed to a person.

## 「殘疾人士登記證」申請表

 編號：   
 No.:   
 (供有關部門填寫 Official Use Only)

## Application for "Registration Card for People with Disabilities"

備註：本證是發給自願提供個人資料的人士，申請人如未能提供所需的個人資料，本申請表可能會不獲受理。

Note: Provision of personal data in this form is entirely voluntary. Your application may not be considered if you fail to provide the personal data required.

個人資料 Personal Particulars	
姓名(中文)	Name (English)
姓氏先行	Surname first
(姓名以下述的香港身份證 / 出生證明書 / 其他身份證明文件為準) (Enter the same name as appears on your Hong Kong Identity Card / Birth Certificate / other document(s) of identity shown below)	
香港身份證 / 護照 / 出生證明書*號碼 (請提供有關身份證明文件的副本)	
Hong Kong Identity Card / Passport / Birth Certificate* No.	( )
(Please provide a copy of the relevant document of identity)	
或其他身份證明文件 (請註明) Other document(s) of identity (Please specify)	
性別	出生日期
Sex	Date of Birth
男 Male <input type="checkbox"/>	日 Day
女 Female <input type="checkbox"/>	月 Month
	年 Year
住址 Address	
(為方便紀錄，請盡量提供英文地址)(Please enter in block letters)	
Flat/Room 室	Floor 樓
	Block 座
Building 大廈	
Road/Street No., Road/ Street/ Housing Estate 街道號碼，街道/屋邨	
District/Area 區	HK 香港 KLN 九龍 NT 新界
通訊地址 Correspondence Address (如與上址不同) (If different from the address given above)	
	HK 香港 KLN 九龍 NT 新界
聯絡電話號碼 Tel. No.	傳真號碼 Fax No.
供有關部門填寫 Official use only	
PE TM (EDate: )	

 請貼上  
 彩色近照一張  
 (約 25x31 毫米)  
 recent photo  
 (approx.  
 25x31mm)@

## 殘疾類別 Type(s) of Disability

(申請人必須提供每類殘疾的證明文件副本，例如由醫生或專業醫療人員簽發的證明書等，該證明文件須註明殘疾類別及程度，以及有關殘疾情況可能持續的時間。如屬多類殘疾人士，可選「✓」兩個或以上方格。)

(Please attach copy(ies) of documentary evidence for each reported disability, e.g. certificates issued by doctors or allied health personnel. Such documentary evidence should specify the type(s) and degree of disability and the duration for which the disabling condition is likely to last. If multi-disabled, select "✓" two or more boxes.)

- |  |   |  |  |
|--|---|--|--|
| 1. 聽覺受損 Hearing impairment                                 | <input type="checkbox"/> 聽力損失 > 70 分貝<br>Hearing loss > 70dB            | <input type="checkbox"/> 聽力損失 41-70 分貝<br>Hearing loss 41-70dB | <input type="checkbox"/> 聽力損失 26-40 分貝<br>Hearing loss 26-40dB |
| 2. 視覺受損 Visual impairment                                  | <input type="checkbox"/> 嚴重低視力至全盲<br>Severe low vision to totally blind | <input type="checkbox"/> 中度低視力<br>Moderate low vision          | <input type="checkbox"/> 輕度低視力<br>Mild low vision              |
| 3. 肢體傷殘 Physical handicap                                  | <input type="checkbox"/> 嚴重 Severe                                      | <input type="checkbox"/> 中度 Moderate                           | <input type="checkbox"/> 輕度 Mild                               |
| 4. 言語障礙 Speech impairment                                  | <input type="checkbox"/>  |  |  |
| 5. 弱智 Mental handicap                                      | <input type="checkbox"/> 極度嚴重 Profound                                  | <input type="checkbox"/> 嚴重 Severe                             | <input type="checkbox"/> 中度 Moderate                           |
| 6. 精神病 Mental illness                                      | <input type="checkbox"/> 精神病 Psychosis                                  | <input type="checkbox"/> 神經官能病 Neurosis                        | <input type="checkbox"/> 其他心理失常<br>Other mental disorders      |
| 7. 自閉症 Autism  | <input type="checkbox"/>  |  |  |
| 8. 器官殘障/長期病患<br>Visceral disability/Chronic illness        | <input type="checkbox"/> 請註明：<br>Please specify:                        |  |  |
| 9. 注意力不足/過度活躍症<br>Attention Deficit/Hyperactivity Disorder | <input type="checkbox"/>  |  |  |
| 10. 特殊學習困難<br>Specific Learning Difficulties               | <input type="checkbox"/>  |  |  |

@ 相片規定可參閱申請指引第四段(a)項 Please see Section IV(a) of the Guidance Notes for photograph requirement.

本人現 \* 首次申請 / 換領 / 補領# 「殘疾人士登記證」，並授權「康復服務中央檔案室」使用本人的個人資料，包括殘疾類別，作為發證及其他在「殘疾人士登記證申請指引」中所述的用途。

I wish to apply for a \*  new /  renewal /  replacement# issue of the Registration Card for People with Disabilities and authorise the Central Registry for Rehabilitation (CRR) to use my personal data including type(s) of disability for the purpose of issuing the Registration Card, and other purposes and functions as specified in the Guidance Notes for application of the Registration Card for People with Disabilities.

簽署： \_\_\_\_\_ 日期： \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

姓名 (正楷)： \_\_\_\_\_ \* 先生 / 小姐 / 女士 / 太太

Name (Block letters): \* Mr / Miss / Ms / Mrs \_\_\_\_\_

香港身份證號碼： \_\_\_\_\_ 聯絡電話號碼： \_\_\_\_\_  
HK ID Card No.: \_\_\_\_\_ ( ) Tel. No.: \_\_\_\_\_

如屬代申請人申領登記證者，請填報此欄。

Please complete this column if you apply on behalf of the applicant.

本人/我們代表 (申請人姓名) \_\_\_\_\_，香港身份證號碼： \_\_\_\_\_ ( )  
\* 首次申請 / 換領 / 補領# 「殘疾人士登記證」，並已經取得上述申請人的同意授權「康復服務中央檔案室」使用他/她的個人資料，包括殘疾類別，作為發證及其他在「殘疾人士登記證申請指引」中所述的用途。

I/ We, on behalf of (applicant's name) \_\_\_\_\_, HK ID Card No. \_\_\_\_\_ ( ) wish to apply for a \*  new /  renewal /  replacement# issue of the Registration Card for People with Disabilities, and have sought the consent of the applicant to authorise the Central Registry for Rehabilitation (CRR) to use his/her personal data including type(s) of disability for the purpose of issuing the Registration Card, and other purposes and functions as specified in the Guidance Notes for application of the Registration Card for People with Disabilities.

簽名： \_\_\_\_\_ 日期： \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

姓名 (正楷)： \_\_\_\_\_ \* 先生/小姐/女士/太太  
Name (Block letters): \* Mr/Miss/Ms/Mrs \_\_\_\_\_ \*先生/小姐/女士/太太

香港身份證號碼： \_\_\_\_\_ 聯絡電話號碼： \_\_\_\_\_  
HK ID Card No.: \_\_\_\_\_ ( ) Tel. No.: \_\_\_\_\_

與申請者關係 (例如合法監護人，社工)： \_\_\_\_\_  
Relationship with applicant (e.g. legal guardian, social worker): \_\_\_\_\_

機構名稱 (如適用)： \_\_\_\_\_  
Name of Agency (If applicable): \_\_\_\_\_

\* 請刪去不適用者 Delete where appropriate

# 請先參閱指引第四段(c)項有關補領登記證的須知。Please refer to Section IV(c) of the Guidance Notes for details of replacement.

### 查閱個人資料 Access to Personal Data

根據個人資料 (私隱) 條例第 18 和 22 條以及該條例附表一有關保障資料第六原則的規定，你有權要求查閱和修改康復服務中央檔案室所保存關於你的個人資料。在繳交費用後，便可索取你個人資料的副本。如欲查詢有關個人資料的管理，包括要求查閱或修改你的個人資料，請聯絡本檔案室：

You have a right to request access to and correction of your personal data as provided for in sections 18 and 22 and Principle 6 of Schedule 1 of the Personal Data (Privacy) Ordinance. Your right of access includes the right to obtain a copy of your personal data kept in the Central Registry for Rehabilitation subject to payment of a fee. Enquiries on the management of personal data, including making of access and correction to your personal data, should be addressed to:

香港中環  
花園道 3 號花旗銀行大廈 10 樓 1020 室  
勞工及福利局  
康復服務中央檔案室  
電話: 2509 4891  
傳真: 2543 0486

Central Registry for Rehabilitation  
Labour and Welfare Bureau  
Room 1020, 10/F., Citibank Tower, 3 Garden Road  
Central, Hong Kong.  
Tel.: 2509 4891  
Fax: 2543 0486



## **Guidance Notes on Application for the “Registration Card for People with Disabilities”**

### **I. INTRODUCTION**

The Registration Card for People with Disabilities (“the Card”) is issued to persons who have been found to have suffered from a disability(ies) which is permanent in nature, or of a temporary nature but the severity of the disability affects one’s major life activities, participation in economic and social activities, and/or mobility, and which takes significantly longer than normal to rehabilitate. The purpose of the Card is to enable the cardholder to produce, when necessary, as a documentary proof of his/her disability status. It is **NOT** a privilege card or a credit card.

Commencing the second quarter of 2005, a new card bearing the photograph of the cardholder and an expiry date will be introduced (applicable only to cardholders whose disability is temporary in nature and/or children/juveniles below the age of 11 & 18 respectively). Pending replacement, cards issued prior to this date are still valid and enjoy the same status as the new one, until declared null and void.

### **II. WHO CAN APPLY**

Any person who has been found to suffer from a disability, including Hearing Impairment, Visual Impairment, Speech Impairment, Physical Handicap, Autism, Mental Illness, Mental Handicap, Visceral Disability/ Chronic Illness, Attention Deficit/ Hyperactivity disorder, and Specific Learning Difficulties may apply for the Card.

### **III. APPLICATION**

Applications may be made by the disabled persons themselves or by a third party (e.g. any relatives or friend, or staff of relevant government departments or non-governmental organizations) on their behalf. In the case of a disabled child under the age of 18, the application should be made on his behalf by his parent, guardian or an appointee.

### **IV. CARD ISSUE**

a. **For new issue** – Applicant should complete and return the application form (CRR3) together with copy(ies) of relevant document(s) certifying his/her disability(ies), for example, certificates issued by doctors or allied health personnel (or make use of the proforma (CRR4) attached to the application form); a copy of his/her document of identity\* and a recent colour photograph<sup>#</sup> to the following address –

**Central Registry for Rehabilitation (CRR)  
Labour and Welfare Bureau  
Room 1020, 10/F Citibank Tower, 3 Garden Road  
Central, Hong Kong**

\*Applicant can choose to present his/her document of identity in person to the CRR for verification.

<sup>#</sup>The photograph should have a plain background with requirements similar to that for the application of the HKSAR Passport.

The purpose of printing the name, sex, photograph and type(s) of disability of the cardholder on the Card is to facilitate correct identification of the cardholder and to prevent abuse of the Card by persons other than the cardholder.

The application form can be obtained from the CRR, relevant non-governmental organizations on rehabilitation or District Offices of the Home Affairs Department. It can also be downloaded from the Labour and Welfare Bureau's homepage (<http://www.lwb.gov.hk>). Provision of personal data in the form is entirely voluntary. However, the CRR may not be able to process an application if any of the personal data required on the form is not provided.

b. **For renewal** – This is only required of cardholders whose disability condition is of a temporary nature and their cards bear an expiry date. Normally, upon first issue, a validity period of two years is allowed for cardholders suffering from non-permanent disability, counting from the date of the relevant documentary evidence. Cardholder should submit his/her application for renewal within two months from the expiry date as shown on his/her card else his/her card will be invalidated automatically. Applicant should complete and return the application form together with copy(ies) of valid documentary evidence certifying the named disability(ies) in his/her card, such as certificates issued by doctors, or certification signed by allied health personnel.

The renewal mechanism is also applicable to children/juveniles upon attaining the age of 11 and 18 respectively. The concerned child/juvenile should submit his/her renewal request together with a recent colour photograph<sup>#</sup> within 1 month after his/her 11<sup>th</sup> and 18<sup>th</sup> birthday respectively.

(<sup>#</sup>The photograph should fulfil the requirements as mentioned in Section IV(a)).

*[Note: For the purpose of classification, except proved otherwise medically, Visceral Disability (VD)/Chronic Illness (CI) and Physical Handicap (PH) (except those wheelchair users whose disabling condition has been certified as “permanent”) will be categorised as “temporary”, subject to periodic review upon production of valid documentary evidence as mentioned above.*

*In determining VD/CI or PH, the deciding factor will be the degree of impairment rather than the diagnosis per se, as follows –*

*(i) For VD/CI, the focus will be on the degree of severity of the disease, which should be significant enough to affect major life activities such as participation in social and economic activities e.g. employment, social functions, daily life maintenance, mobility, and the condition should take significantly longer than normal to rehabilitate.*

*(ii) For PH, the focus will be on the disabling physical condition, which is caused by temporary dysfunction of axial skeleton and extremities leading to mobility problems.*

*On the basis of the above definition, stroke, paralysis of limb, rheumatoid arthritis, low back pain and Multiple Sclerosis, Progressive Neuro-muscular Disease, Spino-cerebellar Ataxia and Spina Bifida, will be classified as PH rather than CI.]*

c. **For replacement of lost cards** – Cardholders should complete and return the application form (CRR3) together with a letter stating the reasons for the replacement.

*Subject to meeting the issuing criteria as detailed above, the Card will be sent to the successful applicants by post. The CRR reserves the right to issue, cancel and reclaim the Card from registrants.*

## **V. FEES**

No fee is charged for new issue and renewal of the Card that bears an expiry date.

For replacement of lost cards and change of personal data printed on the Card, a replacement fee of \$35, which is subject to adjustment, has to be paid by cheque. For replacement of lost cards, please send in the cheque payable to “HKSAR Government” together with the completed application form.

## **VI. PURPOSES AND FUNCTIONS OF THE DATA COLLECTED BY CRR**

The CRR of the Labour and Welfare Bureau collects and compiles data on people with disabilities in Hong Kong with a view to providing statistics on disability to government departments and non-governmental organizations for planning rehabilitation services and research purposes. The personal data provided will be kept confidential and will not be disclosed to any other persons or organizations except in the form of summary statistics.

Upon the express agreement of a registrant, his/her own data, including type(s) of disability, may be released to a third party or organizations authorized by the registrant concerned.

## **VII. ENQUIRIES**

Enquiries on matters relating to the Card can be made at telephone numbers 2509 4891, 2509 4904 or 2509 4905.

Rehabilitation Team  
Labour and Welfare Bureau  
Government Secretariat

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