

The Legislative Council Meeting on 9 November 2011
Motion on “Comprehensively reviewing the Disability Allowance scheme”

Progress Report

Purpose

At the Legislative Council meeting on 9 November 2011, the motion on “Comprehensively reviewing the Disability Allowance (DA) scheme” moved by the Hon WONG Kwok-hing and amended by the Hon WONG Sing-chi, the Hon TAM Yiu-chung and the Hon Ronny TONG was carried. The wording of the motion carried is at Annex.

2. This report sets out the Administration’s follow-up actions taken in respect of the above motion.

Objective and eligibility criteria of DA

3. DA is a monthly cash allowance provided under the Social Security Allowance (SSA) Scheme to help Hong Kong residents who have severe disability meet their special needs arising from that disabling condition. As the allowance is non-contributory and non-means-tested, to ensure the proper use of public funds, its target recipients are those in greater need and medically assessed to have severe disability.

4. In respect of DA applicants with visceral diseases, medical practitioners will adopt the professional practice of considering comprehensively the cause of the disease, the clinical physical condition of the applicant and the severity of the disease, and then conduct a medical assessment on the severity of the medical condition of the applicant. To specify the criteria on ‘visceral diseases’ in the Medical Assessment Form and the Checklist would contradict the principle of assessing applications according to the degree of disability rather than the type of disease.

5. As DA does not aim at addressing all the various needs of persons with disabilities (such as financial support, rehabilitation services, job-seeking and transport), eligibility for DA is based on medical assessment results without regard to other factors such as the social background, family, employment and financial status of the applicant. In tandem, the Government has put in place a

holistic system to provide a wide range of support measures for persons with disabilities through the Social Welfare Department (SWD), Labour Department, Housing Department and the Hospital Authority, etc. to help persons with disabilities develop their potential and facilitate their integration into society. These measures include financial assistance, employment services, compassionate housing, medical services and suitable rehabilitation services (such as pre-school services, day care services, community support services, residential care services, vocational training, supported or sheltered employment, etc.).

Review of DA

6. To further enhance the implementation arrangements for DA under the system, SWD set up an inter-departmental working group in late 2009 to conduct a review having regard to the Ombudsman's recommendations in his Direct Investigation Report. SWD endeavours to complete the review in the first half of this year (2012).

DA and Old Age Allowance

7. DA and Old Age Allowance (OAA) are both under the SSA Scheme. Their designs have already taken into account the special needs of their respective target beneficiaries. For instance, persons who have severe disability, regardless of age, generally have greater need for assistance and care from others when compared with elders who do not have such disability. DA payment is therefore higher than OAA payment. A person may only receive either DA or OAA but not both at the same time. This is to avoid the receipt of double benefit. The Administration has no plan to review or change this rule.

Receiving DA on the Mainland

8. The standards of rehabilitation service on the Mainland and in Hong Kong are different. Without the support of appropriate rehabilitation service, granting DA alone to persons with disability who have moved to the Mainland cannot meet the objective of our rehabilitation policy. Moreover, it is difficult to conduct medical assessment for recipients on the Mainland at regular intervals to ascertain eligibility. Therefore, from the policy and administrative perspectives, there are difficulties in granting DA to Hong Kong people who

have moved to the Mainland. As for the Guangdong Scheme, it is introduced on the basis of the existing OAA. Its target beneficiaries are elders. Our most pressing task at present is to implement the Guangdong Scheme for the elderly first.

Transport concessions

9. The Government has been encouraging public transport operators to reduce fares or introduce concessions as far as possible, taking into account various factors (including the operating and financial conditions of the public transport operators, the socio-economic environment, market situation and passenger demand), so as to lower the public transport expenses borne by members of the public (including persons with disabilities). In line with the spirit of free enterprise, whether and what fare concessions are offered are commercial decisions of individual public transport operators. At present, some public transport operators have offered fare concessions to persons with disabilities. Among these, the MTR Corporation Limited has launched a fare concession scheme since 22 December 2009 for Comprehensive Social Security Assistance recipients aged between 12 to 64 with 100% disability and DA recipients of the same age group.

10. To build a caring and inclusive society, the Chief Executive proposed in the 2011-12 Policy Address the provision of public transport concessions for the aforementioned groups of persons with disabilities and elders aged 65 or above to travel on the general lines of MTR, franchised buses and ferries at a concessionary fare of \$2 per trip (the Scheme) on all days and at all times. It is expected that the Scheme will benefit around 1 100 000 persons, including 130 000 eligible persons with disabilities. Having regard to the severity of impairment, these groups of persons with disabilities have greater needs for assistance and encouragement to participate in activities away from home, thereby enhancing their integration into society. At present, the different types of non-means-tested financial assistance provided to persons with disabilities by the Government also adopt the same eligibility criteria.

11. In order to implement the Scheme as early as practicable, the Government has pressed ahead with the relevant preparatory work. This includes confirming the coverage of the Scheme and the continued provision of existing concessions being voluntarily offered by the public transport operators to the elderly and persons with disabilities, and discussing with the Octopus

Cards Limited and public transport operators various implementation details, with a view to launching the Scheme soonest possible in the latter half of this year (2012).

12. Furthermore, through subvention to a non-governmental organisation for the operation of Rehabus, the Government provides transport services to persons with disabilities who have difficulties in using normal modes of public transport. In 2011-12, the Government has provided funding for replacing 17 old rehabuses and procuring four additional ones, thereby increasing the fleet to 123 vehicles, to better meet the demand and upgrade the Rehabus service. The Government will continue to keep in view the transport needs of persons with disabilities, and regularly review the relevant policies to facilitate their integration into society.

Compassionate rehousing

13. Compassionate rehousing aims to provide housing assistance to individuals and families with genuine, imminent and long term housing needs but are not able to solve the problems by themselves. In considering whether to make recommendations for compassionate rehousing, social workers will make their professional assessment according to the actual situation of the applicants by taking into account, among others, their medical grounds (such as an applicant's health / disability condition) or social grounds (such as the resources available to the applicant).

Labour and Welfare Bureau
January 2012

(Translation)

**Motion on
“Comprehensively reviewing the Disability Allowance scheme”
moved by Hon WONG Kwok-hing
at the Legislative Council meeting of 9 November 2011**

Motion as amended by Hon WONG Sing-chi, Hon TAM Yiu-chung and Hon Ronny TONG

That, given that Hong Kong’s existing Disability Allowance (‘DA’) scheme was formulated in 1973 and, after some 30 years of operation, the protection provided by the scheme has become outdated; some people with disabilities (‘PWDs’) (such as people with loss of one limb) are even not entitled to the allowance and not issued with the Registration Card for People with Disabilities because the scheme was inflexible, thus rendering them unable to enjoy MTR half-fare concessions for PWDs, this Council urges the Administration to comprehensively review the DA scheme, so as to meet the needs of society today; the relevant review should include:

- (a) to review the criteria for the granting of DA, including granting an allowance proportionate to the degree of disability of the applicant;
- (b) to consider including professional social workers’ ‘whole-person assessment’ as one of the criteria in the vetting and approval process, rather than relying solely on medical practitioners for determining applicant’s eligibility or otherwise based on the degree of disability of the applicant;
- (c) to review the Medical Assessment Form and the checklist used for assessing a DA applicant’s degree of disability, and clearly specify the definition of and criteria on ‘visceral diseases’;
- (d) to comprehensively review the definition of ‘severely disabled’ under the existing DA scheme, and relax the criteria in the First Schedule to the Employees’ Compensation Ordinance (Cap. 282 of the Laws of Hong Kong), i.e. a degree of disability broadly equivalent to a 100% loss of earning capacity, so as to strengthen the protection of PWDs;
- (e) to comprehensively review the applicability of the various public

- transport concessions available at present to PWDs and the payment arrangements; and
- (f) to apply the concept of Portable Comprehensive Social Security Assistance Scheme to DA and remove the permissible limit of absence from Hong Kong, so that eligible PWDs residing in Guangdong and Fujian can also receive DA; and
 - (g) to allow elderly recipients of DA to receive the Old Age Allowance at the same time; and
 - (h) to include proof of disabilities as an eligibility criterion for approving compassionate rehousing to public rental housing ('PRH'), so that PWDs can be rehoused to PRH units as early as possible and resolve their housing difficulties.