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**Subcommittee on Poverty**

**Background brief prepared by the Legislative Council Secretariat  
for the meeting on 24 February 2015**

**Poverty situation of persons with disabilities**

**Purpose**

This paper summarizes past discussions at meetings of the Council and its committees on the poverty situation of persons with disabilities.

**Background**

2. According to the "Hong Kong Poverty Situation Report on Disability 2013" ("the Report") released by the Government in December 2014, the poverty rates of persons with disabilities<sup>1</sup> in 2013 were notably higher than the overall levels both before and after policy intervention. Before policy intervention, there were 190 000 poor households with members with disabilities, with 226 200 persons with disabilities living therein and having a poverty rate of 45.3%. After recurrent cash policy intervention, the corresponding indicators were 120 300 households, 147 400 persons and a poverty rate of 29.5%. The Government's recurrent cash items lifted 78 800 persons with disabilities out of poverty and reduced the corresponding poverty rate by 15.8%.

3. The Report provided an analysis of the socio-economic characteristics of persons with disabilities living in poor households, which revealed that -

- (a) in regard to poor persons with disabilities, 27.3% or 40 300 persons were working-age persons aged 18 to 64, and their poverty rate (22.4%) was more than double the overall figure of the same age group (10.5%). For working-age persons

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<sup>1</sup> In the "Hong Kong Poverty Situation Report on Disability 2013", the analysis of persons with disabilities did not include persons with intellectual disabilities unless otherwise specified.

with disabilities who participated in the labour market, their unemployment rate (6.7%) was notably higher than that of the overall population in the same age group (3.7%);

- (b) nearly 70% (102 100 persons) of poor persons with disabilities were elderly persons aged 65 and above, and they were also members of the poor households with elderly persons. The socio-economic characteristics of the former were common to those of poor elderly people in general, e.g. most of them were economically inactive and lacking employment income, and thereby facing a higher poverty risk. A vast majority of them (95% or 97 000 persons) were already benefitting from the Comprehensive Social Security Assistance ("CSSA") Scheme, Old Age Living Allowance, Old Age Allowance or Disability Allowance ("DA"); and
- (c) the number of poor children with disabilities (5 000 persons) was relatively small and their poverty rate (20.5%) was similar to the corresponding level of the overall population (18.6%).

## **Members' deliberations**

### Employment assistance

4. Members had expressed from time to time their grave concern about the all-time high unemployment rate of persons with disabilities. At its meeting on 27 November 2013, the Council passed a motion ("the Carried Motion") on "Facing up to the needs of persons with disabilities" urging the Administration to establish a quota system for employing persons with disabilities. Having reservation over the aforesaid suggestion, the Administration pointed out that according to international experience, an employment quota system had not been proven successful in helping persons with disabilities to secure employment, and some countries had abolished their quota system. There was also concern about creating a labelling effect on employees with disabilities. The Administration considered that persons with disabilities should be assisted to find appropriate jobs on the basis of their abilities. In this regard, apart from providing vocational training, the Administration would strengthen employment support for persons with disabilities and continue to adopt positive encouragement measures to enhance the job opportunities of persons with disabilities.

5. Members noted that the Administration had implemented the

Enhancing Self-Reliance Through District Partnership Programme and the Enhancing Employment of People with Disabilities through Small Enterprise Project, and set up the Social Innovation and Entrepreneurship Development Fund under the Commission on Poverty ("CoP") to promote the development of social enterprises ("SEs") and create job opportunities for the socially disadvantaged, including persons with disabilities. Members called on the Administration to implement supportive measures for SEs, such as providing premises at concessionary rent, offering concession tax to SEs, according priority to procuring SE services and products, setting up an SE corporation by the Government to facilitate small SEs in joining their efforts in bidding certain government service contracts, facilitating cross-sector collaboration and encouraging the private sector to develop SE projects, etc.

6. The Administration advised that it was fully aware of the challenges including the problem of high rental faced by SEs in running sustainable business and achieving social objectives. However, as SEs should run like a business, it would give rise to the concern about unfair competition with the business sector if too much government support, e.g., rent concession, was provided for the SE sector to run business on a commercial basis. During 2008 to 2012, the Administration had introduced a pilot scheme on giving eligible SEs priority in bidding government services contracts. The Administration would continue to take various measures to promote the development of SEs, which included providing seed grants for establishment of SEs, promoting cross-sector collaboration, promoting young social entrepreneurship, enhancing public awareness of SEs, etc.

7. Since the implementation of the Minimum Wage Ordinance (Cap. 608) ("MWO") in 2011, Members kept in view the operation and effect of the special arrangement for employees with disabilities under the Statutory Minimum Wage ("SMW") regime. Some Members expressed dissatisfaction about the productivity assessment mechanism under which the wage rate of the assessed employees would, according to their productivity level, be set at a level below the SMW rate. They urged the Administration to provide wage subsidy to top up the difference between the SMW rate and the wage rate of those employees with disabilities whose productivity was assessed to be less than 100%, with a view to safeguarding their basic livelihood and encouraging them to join the workforce.

8. The Administration advised that the objective of setting up the SMW regime under MWO was to provide a wage floor with a view to forestalling excessively low wages of employees, which was different from safeguarding the basic livelihood of the employees concerned. The

Administration had no plan to implement the suggestion of wage subsidy since it was not the policy intent of MWO. The suggestion would involve major policy considerations with far-reaching implications on public finance. Persons with disabilities who had financial difficulties could apply for assistance under the social security system to meet their basic needs as necessary.

### Financial assistance

9. Under the Carried Motion, the Administration was urged to allow persons with disabilities to apply for CSSA on an individual basis. The Administration advised that families constituted the core units of a community, hence members of the same family should render assistance and support to each other. Based on this principle, CSSA applicants, including persons with disabilities, living with their families were required to submit applications on a household basis. Under special circumstances, the Director of Social Welfare might allow needy persons with disabilities to apply for CSSA on their own according to the merits of individual cases.

10. Under the Carried Motion, the Administration was also urged to -
- (a) comprehensively review and raise the amounts of DA to enable persons with disabilities to adequately meet medical and health expenses, etc.;
  - (b) introduce a special DA at a rate higher than that of the existing Higher DA, so as to target persons with severe disabilities who required intensive care to help them meet the related expenses; and
  - (c) allow persons with loss of one limb to receive DA.

11. The Administration advised that the Inter-departmental Working Group on Review of DA ("the Review Group") was set up in early 2013 to explore the suggestion mentioned in paragraph 10 (c) above. Given that the issue was rather complex, which involved, among others, the criteria for assessing the disability levels as well as the projection of the number of beneficiaries and relevant financial implication, the review was expected to complete by the end of 2014.

12. The Panel on Welfare Services ("the Panel") examined the Administration's proposed revisions to the Medical Assessment Form ("MAF") and the Checklist used in medical assessments for DA. The proposal included the removal of the reference to "100% loss of earning

capacity" from MAF, and removal of the applicant's condition regarding his/her ability to "work in the original occupation and perform any other kind of work for which he/she is suited" ("the condition") from the Checklist. The Panel supported the proposed removal of the reference as the proposal was in line with the recommendation of the Ombudsman who considered the reference misleading and irrelevant. The Panel, however, objected to the proposed removal of the condition. It considered that the removal of the condition would render persons with severe disability (e.g. loss of one limb), who were currently assessed by doctors to be eligible for DA, become ineligible. The Panel therefore considered it necessary to retain the condition in the Checklist.

13. The Administration advised that according to the Hospital Authority ("HA"), many doctors of HA had all along requested the Administration to remove the condition from the Checklist as they found it difficult to assess a DA applicant's ability to "work in the original occupation and performing any other kind of work for which he/she is suited" because it involved social and environmental consideration. The Ombudsman opined that although doctors had expressed difficulty in making assessment in this regard, the Social Welfare Department ("SWD") maintained that doctors were fully competent to make all necessary assessments prescribed in MAF and that SWD staff were not in a position to challenge a medical assessment. This had left a void in the assessment of this eligibility criterion and raised a question whether this criterion had actually been taken in account in assessments. Having regard to the Ombudsman's observation and doctors' views collected by the Review Group, the Administration therefore proposed to remove the condition as a criterion for assessment. As the Panel had objected to the proposal, the Review Group would further discuss the matter taking into account Members' views and concerns. The Administration would also consult the Rehabilitation Advisory Committee ("RAC").

14. While persons with disabilities were target beneficiaries of some assistance programmes under the Community Care Fund ("CCF") of CoP, some Members called on the Administration to enhance the assistance programmes concerned, such as extending the dental assistance programme to cover persons with disabilities and extending the "Pilot scheme on living allowance for carer of the elderly persons from low income families" to cover carers of persons with disabilities, etc. Members held the view that persons with disabilities, regardless of age, had the same needs for many types of care services as elderly persons. The Administration's conventional approach, under which service recipients were segregated by age, had rendered many persons with disabilities unable to receive the required services. CCF should lead the Administration in making changes in this regard.

15. The CCF Task Force advised that it might consider the feasibility of providing dental care services for persons with disabilities, particularly for mentally handicapped persons, after experience was gained from a pilot project run by non-governmental organizations ("NGOs") and the Hong Kong Dental Association Ltd. In addition, it would continue to explore the feasibility of providing a living allowance for carers of persons with disabilities. Given the diversified care needs of persons with disabilities, the establishment of a standardized care needs assessment mechanism for persons with disabilities could help formulate policies to better meet their needs and facilitate discussion by CCF.

16. Some Members were of the view that the Low-income Working Family Allowance ("LIFA") Scheme, which provided child allowance in addition to the basic allowance, should also be extended to needy families with persons with disabilities. The Administration advised that the objective of the LIFA Scheme was to provide financial assistance for working poor families not receiving CSSA, and special attention would be paid to the children and youths of these families. Child allowance therefore was provided under the LIFA Scheme. Persons with disabilities would be assisted by other measures such as DA.

17. Regarding the Public Transport Fare Concession Scheme for the Elderly and Eligible Persons with Disabilities ("the Fare Concession Scheme"), Members noted that it was extended to eligible children with disabilities aged below 12 in May 2014 and would be extended to green minibuses in phases starting from the first quarter of 2015. To enhance support for persons with disabilities, Members strongly urged the Administration to extend the Fare Concession Scheme to persons with less than 100% disabilities (e.g. loss of function of one limb), and in a broader perspective review the definition of "severely disabled" under the DA Scheme.

18. The Administration advised that the eligibility criteria for the provision of fare concession to persons with disabilities were in line with the Government's rehabilitation policy to enable persons with disabilities to lead an independent life, so that they could participate in various activities on an equal basis with others. It would take into account Members' concern about the term "disability" under the DA Scheme in the review of the Fare Concession Scheme and the DA Scheme.

#### Shortage of public rental housing and residential care services

19. Some Members were concerned that non-elderly single persons with disabilities had to wait for quite a long time for the allocation of

public rental housing ("PRH") under the Quota and Points System for non-elderly one-person applicants. They wondered if the Administration would, by drawing reference from the Single Elderly Persons Priority Scheme which was put in place by the Hong Kong Housing Authority, take measures to shorten the waiting time for the allocation of PRH to single persons with disabilities.

20. The Administration advised that if a non-elderly single applicant with disability would like to be allocated with a PRH unit as quickly as possible, he/she might consider applying through the Express Flat Allocation Scheme or the Compassionate Rehousing ("CR"). Under CR, SWD recommended cases to Housing Department ("HD"). HD would immediately arrange for PRH allocation after completion of the normal procedures. Unless the applicant had special allocation request, such as the need to reside in a particular district/estate, in general HD could offer a PRH unit to the applicant for consideration within a short period of time.

21. Members were gravely concerned about the shortfall of residential care services ("RCS") for persons with disabilities. To increase the provision of RCS, they urged the Administration to consider allocating a certain percentage of the total floor area of new PRH projects to residential care homes for persons with disabilities ("RCHDs"), providing residential care places for persons with disabilities ("RCD places") in Home Ownership Scheme flats, and including the provision of RCHDs as a condition in the sale of land. To increase the supply of places for Hostel for Severely Mentally Handicapped Persons ("HSMH"), the Administration should consider introducing Bought Place Scheme for private HSMHs. Members also called on the Administration to seriously consider providing residential care homes and hostels for mentally handicapped persons in government premises such as public housing blocks or Government Office Buildings.

22. The Administration advised that in the coming five years, an additional 1 036 Day Activity Centre ("DAC") places and 896 HSMH cum DAC places would be provided. Apart from the additional 896 HSMH places which would be provided by 2017-2018, another 607 additional HSMH places would be provided through redevelopment or expansion on the sites owned by NGOs, particularly those under the Special Scheme on Privately Owned Sites for Welfare Uses. From 2013-2014 to 2017-2018, SWD had earmarked sites in 14 development projects for the construction of new subsidized RCHDs. The Administration anticipated that about 2 140 additional residential care places and about 1 590 additional day training places would be provided for persons with disabilities between 2014-2015 and 2017-2018.

23. Some Members urged the Administration to formulate a long-term plan and set targets for the provision of RCHDs. They took the view that the Administration should make a pledge for reducing the waiting time for RCD places. According to the Administration, it would be difficult to set such a target as the waiting time would be affected by various factors, such as the location preference of individual waitlistees, the slow turnover of RCD places due to ageing of persons with disabilities, particularly the ageing of persons with intellectual disabilities. The Administration considered it necessary to review the mode of services having regard to the ageing of persons with disabilities. To this end, RAC had set up a Working Group on Ageing of Persons with Intellectual Disabilities to examine in detail the service needs having regard to the ageing of persons with intellectual disabilities as well as the provision and the mode of the related services. A survey on the service users' profiles was being conducted to collect data for studying the supply of and demand for the services. The Administration would continue to bid for vacant premises in government buildings and vacant school premises and actively identify vacant PRH units for the provision of rehabilitation services. The Administration would also enhance community care services, which would help alleviate the demand for RCS.

#### Latest Development

24. As announced by the Chief Executive in the 2015 Policy Address, the Government will continue to enhance RCS and day training and vocational rehabilitation services for persons with disabilities. More resources will be allocated to hostels for moderately mentally handicapped persons and long stay care homes to reinforce the care and support for ageing service users. A pilot scheme will also be launched through the Lotteries Fund to give better support to persons with autism and their parents or carers.

#### **Relevant papers**

25. A list of the relevant papers on the Legislative Council website is in the **Appendix**.



## Appendix

### Relevant papers on the poverty situation of persons with disabilities

Committee	Date of meeting	Paper
Legislative Council	27 November 2013	<a href="#">Official Record of Proceedings Pages 286 to 389</a>
Panel on Welfare Services	9 December 2013 (Item V)	<a href="#">Agenda Minutes</a>
Subcommittee on Poverty	17 December 2013 (Item I)	<a href="#">Agenda Minutes</a>
Subcommittee on Poverty	28 January 2014 (Item II)	<a href="#">Agenda Minutes</a>
Legislative Council	4 June 2014	<a href="#">Official Record of Proceedings Pages 53 to 56</a>
Panel on Welfare Services	10 November 2014 (Item V)	<a href="#">Agenda Minutes</a>
Panel on Welfare Services	8 December 2014 (Item III)	<a href="#">Agenda</a>
Subcommittee on Poverty	16 December 2014 (Item I)	<a href="#">Agenda Minutes</a>
Panel on Manpower	16 December 2014 (Item V)	<a href="#">Agenda Minutes</a>
Subcommittee on Poverty	12 January 2015 (Item II)	<a href="#">Agenda</a>