

立法會
Legislative Council

LC Paper No. CB(2)2050/15-16
(These minutes have been
seen by the Administration)

Ref : CB2/PL/WS

Panel on Welfare Services

**Minutes of special meeting
held on Tuesday, 3 May 2016, at 5:00 pm
in Conference Room 1 of the Legislative Council Complex**

- Members present** : Hon CHEUNG Kwok-che (Chairman)
Hon CHAN Yuen-han, SBS, JP (Deputy Chairman)
Hon Albert HO Chun-yan
Hon Frederick FUNG Kin-kee, SBS, JP
Dr Hon LEUNG Ka-lau
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Hon Frankie YICK Chi-ming, JP
Hon YIU Si-wing, BBS
Hon Gary FAN Kwok-wai
Hon CHAN Chi-chuen
Hon LEUNG Che-cheung, BBS, MH, JP
Dr Hon Fernando CHEUNG Chiu-hung
Hon POON Siu-ping, BBS, MH
Hon TANG Ka-piu, JP
Hon Alvin YEUNG Ngok-kiu
- Members absent** : Hon LEUNG Yiu-chung
Dr Hon Helena WONG Pik-wan
Hon CHUNG Kwok-pan
- Member attending** : Hon WONG Kwok-hing, BBS, MH

Public Officers attending : Item I

Miss Annie TAM, JP
Permanent Secretary for Labour and Welfare
Labour and Welfare Bureau

Mr David LEUNG, JP
Commissioner for Rehabilitation
Labour and Welfare Bureau

Mr Donald CHEN, JP
Deputy Secretary for Labour and Welfare
(Welfare) 2
Labour and Welfare Bureau

Mr Gordon CHONG
Principal Assistant Secretary for Labour and Welfare
(Welfare) 4
Labour and Welfare Bureau

Miss Cecilla LI
Deputy Director of Social Welfare (Administration)
Social Welfare Department

Mr FONG Kai-leung
Assistant Director of Social Welfare (Rehabilitation &
Medical Social Services)
Social Welfare Department

Mr Daniel LEUNG
Senior Labour Officer (Selective Placement)
Labour Department

Dr Christina MAW
Chief Manager (Primary and Community Services)
Hospital Authority

Ms Marion CHAN
Assistant Commissioner for Census and Statistics
(Social)
Census and Statistics Department

Professor Terry LUM
Associate Director
Sau Po Centre on Ageing
The University of Hong Kong

**Attendance by
invitation** : Item I

The Thalassaemia Association of Hong Kong

Mr AU Cheuk-kwong
Vice Chairman

Grace Parent Association

Mr YIP Kie-chun
主席

Mr HAN Yung-sheng

Mr Simon KO Chong

Ms YEUNG Fung-yee

The Hong Kong Society for Rehabilitation

Ms Anchor HUNG Tak-fung
Senior Manager (Advocacy, Communication and
Resource Development)

Mr YEUNG Ka-keung

地中海貧血病患者

Ms Ann LAU
家長

殘疾人士及長期病患者就業關注組

Mr CHIU Ho-lam
主席

The Hong Kong Society for Rehabilitation Centre on
Research and Advocacy

Mr NG Siu-lun
Project Officer

The Hong Kong Society for Rehabilitation Community
Rehabilitation Network

Mr Lucian CHAN Tsz-hei
Social Worker

Hong Kong Parkinson's Disease Association

Mr CHONG Tat-shing
Internal Vice President

1st Step Association

Mr YIP Kin-keung
Social Worker

聽障人士就業促進會

Miss Eva LEUNG
主席

Miss WONG Tsz-yan

人手比例不符最低工資關注組

Mr WONG Kwai-sang

肌肉萎縮症患者

Mr CHAN Wing-ho

肌肉萎縮症倡議小組

Mr YAN Chun-kit

Hong Kong Neuro-Muscular Disease Association
Limited

Miss Jintana SAE SOW
Senior Organizing Officer

Miss KWAN Kit-man

Miss Joanne YUNG Man-ching

Miss KWOK Wing-shan

輕度智障權益關注組

Mr CHIU Pak-nin

ELCHK, Kwai Chung District Support Centre

Ms Wendy LEUNG Ying-wai
Social Worker

梁劍翔先生

Hong Kong Blind Union

Mr WONG Chun-hang
Vice President

The Association of Parents of the Severely Mentally
Handicapped

Mr LEE Chi-yung
Chairman

Hong Kong Alliance for Rare Diseases

Mr TSANG Kin-ping
President

Jelly Bean Society Limited

Mr TAI Wing-ting
President

Alliance For Renal Patients Mutual Help Association

Miss Joey CHAN Pui-nam

Hong Kong Federation of Handicapped Youth

Ms Portia TSUI
Board Member

Hong Kong Joint Council for People with Disabilities /
Hong Kong Council of Social Service

Mr KUO Chun-chuen
Rehabilitation Chief Officer

The Forthright Caucus

Mr LO Ho-yuen
Representative

Operation «Set me free»

Mr LEUNG Hoi-fu
Missioner

The Hong Kong Society for the Deaf

Mr LAU Ka-ming

Clerk in attendance : Mr Colin CHUI
Chief Council Secretary (2) 4

Staff in attendance : Mr Kari CHU
Chief Research Officer (Research)2

Miss Kay CHU
Council Secretary (2) 4

Miss Maggie CHIU
Legislative Assistant (2) 4

Ms Ada TANG
Clerical Assistant (2) 4

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I. Review of Disability Allowance

[LC Paper Nos. CB(2)826/15-16(05) to (06), CB(2)929/15-16(01), CB(2)1379/15-16(01) to (19), CB(2)1391/15-16(01), CB(2)1392/15-16(01), CB(2)1424/15-16(01) to (06) and FS06/15-16]

At the invitation of the Chairman, Permanent Secretary for Labour and Welfare ("PS(LW)") briefed members on the major recommendations of the Inter-departmental Working Group on Review of the Disability Allowance ("the Working Group"). Expressing appreciation for the views on Disability Allowance ("DA") given by members and stakeholders in the past, she appealed for their support for the implementation of the nine recommendations put forward by the Working Group. She pointed out that the provision of the non-contributory and non-means-tested DA was not the only assistance provided by the Government for persons with disabilities and chronic illnesses. Views from members and stakeholders which fell outside the scope of DA would be carefully considered and followed up as appropriate.

2. The Chairman invited a total of 34 deputations/individuals to express their views which were summarized in the **Appendix**. He requested the Administration to provide a paper in the Fifth Legislative Council ("LegCo"), setting out its response to (i.e. whether it would accept) the views and suggestions on DA given by the deputations/individuals at the meeting.

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(Post-meeting note: As advised by the Administration after the meeting, it had provided its response to the views and suggestions raised by deputations at the meeting.)

(At 6:16 pm, the Deputy Chairman took the chair in the absence of the Chairman.)

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The Administration's response to deputations' views

3. In response to the deputations' concerns about the objectives of DA, the adjustment mechanism for DA, the definition of disabilities and the employment situation of persons with disabilities, PS(LW) drew the attention of members and deputations to the relevant content of the Administration's paper issued for the Panel meeting on 15 February 2016 (LC Paper No. CB(2)826/15-16(05)). She said that the Administration would invite the Community Care Fund to fund three pilot schemes to further encourage persons with disabilities to engage in employment and enhance the support for their carers. A non-governmental organization would also be engaged by the Labour Department under a pilot scheme to strengthen the employment support for job seekers with disabilities in need of counselling services.

4. In response to other concerns on DA raised by the deputations, PS(LW) stressed that the Administration did not propose tightening the eligibility criteria for DA, and she made the following points:

- (a) the Working Group had been set up to follow up on the subject of allowing people with "loss of one limb" to apply for DA as mentioned by the Chief Executive in his Manifesto and related issues. One of the nine recommendations made by the Working Group was to standardize the arrangements for the use of rehabilitation and mechanical devices in medical assessments. It was expected that more people with loss of one limb and fitted with a prosthesis would be eligible for DA after the aforesaid standardized arrangement was implemented;
- (b) under the assessment criterion of "working in the original occupation and performing any other kind of work for which he/she is suited" ("the work-related criterion") in Part (II)(1) of the Checklist for Medical Assessment of Eligibility for Normal Disability Allowance for Disabilities other than Profound Deafness ("the Checklist"), an applicant would not be considered severely disabled within the meaning of DA if he/she was able to either work in the original occupation or perform any other kind of work for which he/she was suited without substantial help from others. The aforesaid interpretation was consistent with the advice rendered by the Legal Adviser to the Panel. Having regard to the fact that the granting of DA was not related to an applicant's employability, the Working Group proposed removing the work-related

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criterion as a criterion for assessment for DA. Having consulted stakeholders, including some Panel members, the Administration could hardly envisage how a person could satisfy the work-related criterion but could not meet any of the criteria under the prescribed daily living activities;

- (c) the proposed removal of the reference to "100% loss of earning capacity" and the six conditions (i.e. organic brain syndrome, mental retardation, psychosis, neurosis, personality disorder, and any other conditions resulting in total mental disablement) in Part I(B) of the medical assessment form ("MAF") was meant to clarify that the granting of DA was not related to an applicant's employability, and that there was no need to highlight these categories of disabilities under the above-mentioned six conditions;
- (d) while a few deputations were worried that some people who were currently on DA might become ineligible after the implementation of the proposed amendments to the Checklist and MAF mentioned at (b) and (c) above, the Administration had not restricted the eligibility criteria of DA and that the effects of "multiple disabilities" would continue to be taken into account in medical assessment;
- (e) the Registration Card for People with Disabilities ("RC") was a documentary proof of the categories of disabilities of the cardholders. However, RC did not contain the cardholders' information about their degree of disabilities. Cardholders were required to undergo medical assessment if they wanted to apply for DA;
- (f) the Administration considered the current arrangement for one doctor to assess an applicant's eligibility for DA appropriate. Given the nature of DA, engaging other professional bodies in medical assessment as suggested by some deputations might incur disproportionate costs and extra time resulting in delay in the application process;
- (g) taking into account some members' view, the Administration had decided to continue to provide a monthly Transport Supplement ("TS") for DA recipients aged between 12 and 64 after implementation of the Government Public Transport Fare Concession Scheme for the Elderly and Eligible Persons with

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Disabilities ("the Fare Concession Scheme"). As a result, DA recipients in the above age group could now benefit from both TS and the Fare Concession Scheme; and

- (h) currently, if an applicant was receiving care in a residential services unit subsidized by the Government or public hospital, or boarding in a special school under the Education Bureau, he/she would only be granted Normal DA even if he/she might be eligible for Higher DA. As for existing Higher DA recipients, their allowance would be adjusted to Normal DA if they had been admitted to the aforesaid institutions for more than 29 days.

(At 7:30 pm, the Deputy Chairman extended the meeting for 15 minutes beyond the appointed ending time to allow sufficient time for discussion.)

Discussion

5. Mr LEUNG Kwok-hung said that the work-related criterion was only one of the four activities in daily living for assessing whether a DA applicant was severely disabled within the meaning of the DA Scheme. As an applicant would be eligible for DA if he/she satisfied any of these criteria, the proposed removal of the work-related criterion would reduce an applicant's opportunities to receive DA. Noting that many stakeholders objected to the proposal to remove the work-related criterion, he urged the Administration to take into account stakeholder's view and retain it.

6. Sharing Mr LEUNG Kwok-hung's view, the Deputy Chairman urged the Administration to consider increasing the amount of DA in order to strengthen the support for persons with disabilities. She also called on the Administration not to deduct the monthly job income of CSSA recipients with disabilities from their CSSA entitlement in order to recognize their efforts in staying in employment.

7. Dr LEUNG Ka-lau considered that DA, which symbolized a form of care, should be provided for persons with disabilities in a more lenient manner. According to his understanding, a majority of public medical officers would consider an applicant who had taken up any employment ineligible for DA, having regard to the reference to "100% loss of earning capacity" in MAF. However, when public medical officers referred to the work-related criterion set out in Part (II)(1) of the Checklist, they should understand that there was no linkage between an individual's eligibility for DA and his/her employment status or ability to work. With the proposed

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removal of the work-related criterion, some persons with disabilities, who only satisfied the work-related criterion but could perform any of the remaining three activities in daily living set out in Part (II)(2), (3) and (4) of the Checklist, would become ineligible for DA.

8. Sharing the concerns about the proposed removal of the work-related criterion expressed by Mr LEUNG Kwok-hung and Dr LEUNG Ka-lau, Dr Fernando CHEUNG was also concerned about the small proportion (i.e. about one fifths) of persons with disabilities granted with DA.

9. Regarding members' concern about the proposal to remove the work-related criterion, PS(LW) stressed that it was not the Administration's intention to tighten the eligibility criteria for DA. At present, medical doctors making assessment for DA had not hitherto been required to tick whether a DA applicant met the work-related criterion or any one or more of the other three daily activities criteria. She did not see how the deletion of the work-related criterion from MAF could result in existing DA recipients becoming ineligible for DA.

10. Dr LEUNG Ka-lau said that according to the PS(LW)'s response, the Administration's interpretation of the work-related criterion meant that an applicant would not be considered severely disabled if he/she could perform any work. This interpretation was in conflict with the Administration's explanation that there was no linkage between an individual's eligibility for DA and his/her employment status or ability to work. Noting that the Administration put forward the proposal to remove the work-related criterion with an aim to ensure consistency in medical assessment, he expressed concern that such a proposal would render some persons with disabilities who were currently on DA ineligible for DA. He called on the Administration to be more lenient in providing DA for persons with disabilities.

11. PS(LW) reiterated that the granting of DA was not related to an applicant's employability. She also emphasized that the Administration cared about persons with disabilities and all needy persons, and would continue to build an inclusive society and provide appropriate support for them. As there was no particular urgency to implement the revised MAF, she said that the Administration would temporarily defer the implementation of the proposed amendments to MAF and the Checklist. The Administration would focus on implementing the other eight recommendations of the Working Group.

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12. The Deputy Chairman suggested that the subject of the review of DA should be revisited in the term of the Sixth LegCo.

II. Any other business

13. There being no other business, the meeting ended at 8:10 pm.

Council Business Division 2
Legislative Council Secretariat
15 September 2016

Panel on Welfare Services

Special Meeting on Tuesday, 3 May 2016 at 5:00 pm

Review of Disability Allowance

Summary of views and concerns expressed by deputations/individuals

No.	Deputation/individual	Views
1.	The Thalassaemia Association of Hong Kong	[LC Paper No. CB(2)1379/15-16(08)]
2.	Grace Parent Association	<ul style="list-style-type: none"> Expressed concern about the inconsistency of public medical officers in assessing the applicants' eligibility for Disability Allowance ("DA"). DA recipients with intellectual disabilities, whose disabling conditions were permanent, should not be subject to medical reviews. The restriction that eligible elderly persons could receive either DA or Old Age Allowance was not reasonable as the aforesaid allowances had different objectives.
3.	Mr HAN Yung-sheng	<ul style="list-style-type: none"> Queried about the function of obtaining the Registration Card for People with Disabilities as the cardholders might not be eligible for DA and the Government Public Transport Fare Concession Scheme for the Elderly and Eligible Persons with Disabilities ("the Fare Concession Scheme"). Expressed concern about the high unemployment rate of persons suffering from kidney failure. Persons suffering from kidney failure should be eligible for DA to facilitate their integration into the community.
4.	Mr Simon KO Chong	[LC Paper No. CB(2)1379/15-16(02)]
5.	Ms YEUNG Fung-yee	<ul style="list-style-type: none"> Review of the definition of disabilities would render some persons with disabilities ineligible for DA. Expressed concerns about inadequacies of DA, the Fare Concession Scheme and barrier-free facilities in the community, as well as the high medical expenses of persons with disabilities.
6.	The Hong Kong Society for Rehabilitation	<ul style="list-style-type: none"> Agreed to remove the reference to "100% loss of earning capacity" ("the Reference") from the medical assessment form ("MAF"). Provision of DA could help facilitate persons with disabilities to integrate into the community, alleviate their financial burden and maintain their health conditions.

No.	Deputation/individual	Views
		<ul style="list-style-type: none"> Many physicians reflected that they encountered difficulties in filling in the revised MAF as the six conditions set out in Part I(B) of the old MAF ("the Six Conditions") were removed. The Administration should follow up in this regard.
7.	Mr YEUNG Ka-keung	<ul style="list-style-type: none"> Expressed concerns about the request for DA applicants with intellectual disabilities to have medical reviews and the inconsistency of public medical officers in making medical assessment. Queried about how public medical officers could assess the eligibility for DA for an applicant with autism and/or intellectual disabilities if the Six Conditions were removed from MAF.
8.	地中海貧血病者	<ul style="list-style-type: none"> Many applications for DA by persons suffering from Thalassaemia were not approved. The Administration should consider revising MAF so that the use of external and internal mechanical devices could be taken into account in medical assessment.
9.	殘疾人士及長期病患者 就業關注組	[LC Paper No. CB(2)1379/15-16(03)]
10.	The Hong Kong Society for Rehabilitation Centre on Research and Advocacy	<ul style="list-style-type: none"> Agreed to remove the Reference but objected to remove the Six Conditions. The Administration should consider adjusting the levels of the Normal DA and Higher DA to alleviate the heavy financial burden on medical expenses of DA recipients, and revising MAF so that the effects of multiple disabilities and multiple diseases could be taken into account in medical assessment.
11.	The Hong Kong Society for Rehabilitation Community Rehabilitation Network	<ul style="list-style-type: none"> Expressed concerns about the low level of DA and inadequacy of barrier-free facilities in the community. The Administration should conduct a comprehensive review of the definition of disabilities under the DA Scheme to facilitate persons with disabilities to integrate into society.
12.	Hong Kong Parkinson's Disease Association	<ul style="list-style-type: none"> Needy persons suffering from Parkinson's disease might encounter difficulties in applying for DA as public medical officers who were responsible for making medical assessment might not be familiar with these patients' health conditions. The health conditions of persons suffering from Parkinson's disease were usually adversely affected by their employment.
13.	1 st Step Association	<ul style="list-style-type: none"> Objected to remove the assessment criterion of "work in the original occupation and perform any other kind of work for which he/she is suited" ("the work-related criterion"), which could serve as a reference for public medical officers to assess daily needs of DA applicants. Removal of the Six Conditions would impose an adverse impact

No.	Deputation/individual	Views
		<p>on the consistency and objectiveness of medical assessment.</p> <ul style="list-style-type: none"> The Administration should consider exploring the feasibility of implementing the International Classification of Functioning, Disability and Health in Hong Kong, and adding a tier to the DA Scheme to provide a higher level of DA for persons with severe disabilities to alleviate their heavy financial burden.
14.	聽障人士就業促進會	[LC Paper No. CB(2)1379/15-16(04)]
15.	Miss WONG Tsz-yan	[LC Paper No. CB(2)1379/15-16(05)]
16.	人手比例不符最低工資關注組	<ul style="list-style-type: none"> Expressed concerns about a lack of protection for persons, who had contracted a mental disease due to their employment, and neglect of occupational health.
17.	肌肉萎縮症患者	<ul style="list-style-type: none"> The Administration should consider increasing the amount of DA to alleviate the heavy financial burden of DA recipients.
18.	肌肉萎縮症倡議小組	<ul style="list-style-type: none"> Expressed concern about the inconsistency of public medical officers in assessing the applicants' eligibility for DA. The Administration should consider conducting a comprehensive review of the DA Scheme to allow persons with loss of one limb to apply for DA, and adding a tier to the DA Scheme to provide a higher level of DA for persons with severe disabilities to alleviate their heavy financial burden.
19.	Hong Kong Neuro-Muscular Disease Association Limited	[LC Paper No. CB(2)1424/15-16(01)]
20.	Miss KWAN Kit-man	<ul style="list-style-type: none"> Objected to remove the Six Conditions. Applicants' eligibility for DA should be assessed by a team of doctors, case managers, social workers and health professionals. The Administration should consider allowing eligible elderly persons to receive both DA and Old Age Living Allowance, increasing the amounts of the aforesaid allowances, and reviewing the definition of disabilities under the DA Scheme.
21.	Miss Joanne YUNG Man-ching	<ul style="list-style-type: none"> The Administration should enhance the DA Scheme to encourage more persons with disabilities to take up employment instead of applying for the Comprehensive Social Security Assistance.
22.	Miss KWOK Wing-shan	<ul style="list-style-type: none"> Objected to remove the Six Conditions and the work-related criterion. Granting of DA should be determined by public medical officers.
23.	輕度智障權益關注組	[LC Paper No. CB(2)1379/15-16(06)]

No.	Deputation/individual	Views
24.	ELCHK, Kwai Chung District Support Centre	[LC Paper No. CB(2)1379/15-16(06)]
25.	Hong Kong Blind Union	<ul style="list-style-type: none"> The Administration should review the definition of disabilities and the adjustment mechanism for DA, as well as promote the objective of provision of DA and that of the current DA review.
26.	The Association of Parents of the Severely Mentally Handicapped	[LC Paper No. CB(2)1391/15-16(01)]
27.	Hong Kong Alliance for Rare Diseases	[LC Paper No. CB(2)1379/15-16(07)]
28.	Jelly Bean Society Limited	<ul style="list-style-type: none"> Agreed to remove the Reference but expressed disappointment at the removal of the work-related criterion. The Administration should examine the genuine needs of persons with chronic illness before formulating relevant policies.
29.	Alliance For Renal Patients Mutual Help Association	<ul style="list-style-type: none"> Agreed to remove the Reference but objected to remove the work-related criterion, which would render some persons with visceral disabilities ineligible for DA. The Administration should take into account deputations' views in enhancing objectiveness and consistency in medical assessment under the DA Scheme.
30.	Hong Kong Federation of Handicapped Youth	[LC Paper No. CB(2)1379/15-16(09)]
31.	Hong Kong Joint Council for People with Disabilities/Hong Kong Council of Social Service	[LC Paper No. CB(2)1424/15-16(02)]
32.	The Forthright Caucus	[LC Paper No. CB(2)1424/15-16(03)]
33.	Operation «Set me free»	<ul style="list-style-type: none"> Expressed concern about the ineffective system for assessing degrees of disabilities under the DA Scheme.
34.	The Hong Kong Society for the Deaf	[LC Paper No. CB(2)1379/15-16(10)]