



Research Office  
Legislative Council Secretariat

## Fact Sheet

# Disability assessment under social security in selected places

FS06/15-16

## 1. Introduction

1.1 In Hong Kong, people with severe disabilities have been eligible for the Disability Allowance ("DA") since 1973, if their physical or mental impairments are equivalent to "100% loss of earning capacity". At present, local disability assessment for the purpose of DA is largely conducted on medical grounds, with government doctors assessing DA applicants against a total of 15 disabling conditions specified in the Medical Assessment Form ("MAF").<sup>1</sup> Yet consideration of the functional capability of DA applicants may also be taken into account if the DA applicants need "substantial help from others" to perform certain activities in daily living.<sup>2</sup> In his investigation report released in 2009, the Ombudsman raised concerns on the disability assessment, including the definition of severe disability and associated eligibility of DA, overall consistency of disability assessment and transparency of the appeal process.<sup>3</sup>

1.2 In 2013, the Government set up the Inter-departmental Working Group on Review of the Disability Allowance and commissioned a consultancy study on the overseas practices on provision of financial assistance for persons

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<sup>1</sup> In MAF, the eight specified physical disabling conditions include (a) loss of functions of two limbs; (b) loss of functions of both hands or of all fingers and both thumbs; (c) loss of functions of both feet; (d) total loss of sight; (e) total paralysis (quadriplegia); (f) paraplegia; (g) illness, injury or deformity resulting in being bedridden; and (h) any other conditions including visceral diseases resulting in total disablement. The six specified mental disabling conditions include (a) organic brain syndrome; (b) mental retardation; (c) psychosis; (d) neurosis; (e) personality disorder; and (f) any other conditions resulting in total mental disablement. On top of these 14 disabling conditions, profound deafness is also eligible for DA as stated in MAF, but it is subject to a different medical assessment form.

<sup>2</sup> In the checklist for "any other conditions resulting in total disablement", the four areas of activities under consideration include (a) working in original occupation and other relevant kind of work; (b) coping with self-care and personal hygiene; (c) maintaining one's posture and dynamic balance while standing or sitting for daily activities, managing indoor transfer (bed/chair or toilet transfer) and travelling to clinic, school, place and work; and (d) expressing oneself and communicating with others. It is estimated that more than 50% of applications have been approved on the grounds of "any other conditions resulting in total disablement" in recent years. See Part II of the checklist of MAF and Labour and Welfare Bureau (2013a).

<sup>3</sup> See Ombudsman (2009).

with disabilities. Review findings are scheduled for discussion at the Panel on Welfare Services on 15 February 2016. As background and supplementary information for Members' reference, this fact sheet focuses on the disability assessment process in the four selected places, namely the United Kingdom ("UK"), the United States ("US"), Australia and Taiwan.<sup>4</sup>

## 2. Disability assessment in selected places

2.1 In the **UK**, persons with disabilities have been eligible for non-means-tested and non-contributory Personal Independence Payment ("PIP") since April 2013.<sup>5</sup> As PIP comprises two payment components namely "daily living" and "mobility", the disability assessment pays more attention to how the health or impairment conditions affect day-to-day living of PIP applicants. Apart from checking of medical evidence, nearly all the applicants need to attend face-to-face assessment conducted by government-contracted health professionals. Applicants will be assessed in terms of 10 functional categories under "daily living" and two functional categories under "mobility".<sup>6</sup> Each activity contains a series of descriptors with different levels of difficulty, and a numeric score is marked to each descriptor, giving rise to two separate scores on "daily living" and "mobility". In the light of the assessment results, the Department for Work and Pension will then decide whether the applicants are eligible for PIP, and if so, the amount of financial assistance with respect to the scores of these two activity components.

2.2 In the **US**, persons with disabilities are eligible for the Social Security Disability Insurance ("SSDI") under a federal insurance programme. The disability assessment procedure is administered by a state agency named State Disability Determination Services, with a focus on whether the conditions of SSDI applicants prevent them from engaging in "any substantial gainful activity"

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<sup>4</sup> The UK, Australia and Taiwan are selected because changes or enhancements in the disability assessment process have taken place in recent years, while the US has one of the largest population of persons with disabilities in the world. These four places were also selected in the consultancy study in respect of financial assistance for persons with disabilities commissioned by the Government in 2013.

<sup>5</sup> In April 2013, the UK government introduced PIP for people aged 16 to 64, replacing the now-defunct Disability Living Allowance in the context of fiscal austerity. One of the policy objectives of this reform was to tighten the disability assessment process and encourage some of the beneficiaries of disability benefits to participate in the workforce. Instead of the medical-based assessment before 2013, the new assessment procedure pays more attention to functional capability of applicants.

<sup>6</sup> In the functional assessment, it ascertains whether the applicant needs help in "daily living" such as preparing or eating food, getting dressed, cleaning, communicating, as well as in "mobility" aspects like going out or moving around.

especially in work. In the medical assessment, it ascertains whether the impairment conditions of the SSDI applicants fall into the designated list of severe impairments covering more than 130 conditions under 14 categories. If not, the SSDI applicants need to go through a series of "employment capacity assessment", which determines how far the alleged impairments affect the work capacity of applicants, including their previous jobs and other relevant jobs. The disability determination process requires a synthesis of clinical and nonclinical information preferably provided by the applicant's treating physicians.

2.3 In **Australia**, persons with long-term disabilities are eligible for Disability Support Pension ("DSP") which is means-tested in most of the cases. In medical assessment, the government-contracted doctors first identify the disabling conditions and the resultant impacts on functional impairment of DSP applicants. It is followed by the Job Capacity Assessment during which the government-contracted health professionals will establish how far the impairment will impact on the applicants' ability to work, checking the submitted medical evidence against the Impairment Tables.<sup>7</sup> The assessment will then categorize the work impacts into five levels, ranging from no impact to extreme impact.

2.4 In **Taiwan**, people with severe disabilities are eligible for Disability Pension ("DP") under the National Insurance Program. As regards its disability assessment procedure, it has been under a transition process from a largely medical-based model to a more integrated model since July 2012, upon adoption of the International Classification of Functioning, Disability and Health ("ICF") promulgated by the World Health Organization ("WHO") in 2001.<sup>8</sup> In a nutshell, the new assessment procedure pays more regard to the ability of DP applicants in daily living, participation in society and other environmental factors in medical evaluation, on top of disabling conditions and body functions. Moreover, a multi-disciplinary assessment team<sup>9</sup> is tasked to identify the service needs of the applicants, such as nursing care,

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<sup>7</sup> The 65-page-long Impairment Tables ensure consistency throughout assessment. Each Table describes the functional activities, abilities, symptoms and limitations in detail, enabling the assessor to objectively assign ratings to determine the level of functional impact of the impairment on the applicant.

<sup>8</sup> In 2001, WHO promulgated ICF to balance against the traditional medical-based view on disability, which is deemed to be too narrowly defined as impairment or capacity limitations of people, failing to acknowledge social factors (like discrimination and prejudice), environmental factors and assistive technology in the overall experience of disability. By contrast, the ICF framework views disability as a result of the interplay between the disabling conditions, human functioning and environmental factors.

<sup>9</sup> The team comprises health professionals from medicine, social work, special education and employment counselling.

rehabilitative services and housing. Putting the evaluation of both the medical and service needs together, the assessment team will categorize DP applicants into four levels of severity, ranging from mild to extreme. As the new assessment will be extended to all existing DP beneficiaries only by 2019, the overall effectiveness of the new assessment is subject to further evaluation.

2.5 Key features of the disability assessment procedures in the four selected places are shown in the summary table in the **Appendix**.

## Key features of disability assessment under social security in selected places

	Hong Kong	The United Kingdom	The United States	Australia	Taiwan
<b>Primary purpose of assessment</b>	<ul style="list-style-type: none"> <li>To assess the eligibility for Disability Allowance.</li> </ul>	<ul style="list-style-type: none"> <li>To assess the eligibility for Personal Independent Payment.</li> </ul>	<ul style="list-style-type: none"> <li>To assess the eligibility for Social Security Disability Benefits.</li> </ul>	<ul style="list-style-type: none"> <li>To assess the eligibility for Disability Support Pension.</li> </ul>	<ul style="list-style-type: none"> <li>To assess the eligibility for Disability Pension.</li> </ul>
<b>Definition of disability</b>	<ul style="list-style-type: none"> <li>15 specified physical or mental conditions equivalent to "100% loss of earning capability".</li> </ul>	<ul style="list-style-type: none"> <li>Physical or mental conditions having substantial and long term adverse effect on "ability to do normal daily activities".<sup>10</sup></li> </ul>	<ul style="list-style-type: none"> <li>Physical or mental impairment that substantially limits their "major life activities".<sup>11</sup></li> </ul>	<ul style="list-style-type: none"> <li>Six specified physical or mental conditions.<sup>12</sup></li> </ul>	<ul style="list-style-type: none"> <li>Eight specified physical or mental impairment conditions<sup>13</sup> that limit "their ordinary living activities and participation in the society".</li> </ul>
<b>Relevant legislation</b>	<ul style="list-style-type: none"> <li><i>Employees' Compensation Ordinance 1997</i>.<sup>14</sup></li> </ul>	<ul style="list-style-type: none"> <li><i>Social Security (Personal Independence Payment) Regulations 2013</i>.</li> </ul>	<ul style="list-style-type: none"> <li><i>42 US Code Chapter 7- Social Security</i>.</li> </ul>	<ul style="list-style-type: none"> <li><i>Social Security Act 1991</i>.</li> </ul>	<ul style="list-style-type: none"> <li><i>People with Disabilities Rights Protection Act in 2007</i>.</li> </ul>

<sup>10</sup> The UK Government does not provide an exhaustive list of conditions that qualify as impairments.

<sup>11</sup> "Major life activities" include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking and standing.

<sup>12</sup> The six specified conditions are: (a) total or partial loss of bodily or mental functions; (b) total or partial loss of a part of the body; (c) organisms causing disease or illness; (d) malfunction, malformation or disfigurement of a part of body; (e) a disorder or malfunction causing learning difficulty; or (f) a disorder affecting thought processes, perception of reality, etc.

<sup>13</sup> The eight specified conditions cover: (a) mental functions; (b) sensory functions and pain; (c) eye, ear and speech functions; (d) functions of the cardiovascular, haematological, immunological and respiratory systems; (e) functions of the digestive, metabolic and endocrine systems; (f) functions of the genitourinary and reproductive systems; (g) neuromusculoskeletal and related functions; or (h) functions of the skin.

<sup>14</sup> Disability conditions for disability assessment are adapted from the Schedule 1 to the *Employees' Compensation Ordinance*.

## Key features of disability assessment under social security in selected places

	Hong Kong	The United Kingdom	The United States	Australia	Taiwan
<b>Vehicle of disability assessment</b>	<ul style="list-style-type: none"> <li>Medical Assessment Form.</li> </ul>	<ul style="list-style-type: none"> <li>Assessment of medical evidence and functional capability.</li> </ul>	<ul style="list-style-type: none"> <li>Medical Assessment and Employment Capacity Assessment.</li> </ul>	<ul style="list-style-type: none"> <li>Disability Medical Assessment and Job Capacity Assessment.</li> </ul>	<ul style="list-style-type: none"> <li>Medical Evaluation and Needs Assessment.</li> </ul>
<b>Assessor</b>	<ul style="list-style-type: none"> <li>A government doctor.</li> </ul>	<ul style="list-style-type: none"> <li>A healthcare professional hired by two service providers appointed by the government.</li> </ul>	<ul style="list-style-type: none"> <li>State disability examiners, assisted by medical and psychological consultants.</li> </ul>	<ul style="list-style-type: none"> <li>Government-contracted doctors and health professionals.</li> </ul>	<ul style="list-style-type: none"> <li>A cross-disciplinary team of health professionals in fields of medical, social work, special education and employment counselling.</li> </ul>
<b>Approving authority</b>	<ul style="list-style-type: none"> <li>Social Welfare Department.</li> </ul>	<ul style="list-style-type: none"> <li>Department for Work and Pensions.</li> </ul>	<ul style="list-style-type: none"> <li>State Disability Determination Services.</li> </ul>	<ul style="list-style-type: none"> <li>Department of Human Services.</li> </ul>	<ul style="list-style-type: none"> <li>Local social welfare bureaus.</li> </ul>
<b>Requirement of means testing</b>	<ul style="list-style-type: none"> <li>No.</li> </ul>	<ul style="list-style-type: none"> <li>No.</li> </ul>	<ul style="list-style-type: none"> <li>No, but requiring prior social insurance contributions.</li> </ul>	<ul style="list-style-type: none"> <li>Yes.</li> </ul>	<ul style="list-style-type: none"> <li>No, but requiring prior social insurance contributions.</li> </ul>

## Key features of disability assessment under social security in selected places

	Hong Kong	The United Kingdom	The United States	Australia	Taiwan
<b>Assessment procedure</b>					
<b>(a) Medical evidences</b>	<ul style="list-style-type: none"> <li>Face-to-face medical assessment to ascertain the 15 conditions specified for severe disability.</li> </ul>	<ul style="list-style-type: none"> <li>Paper-based review of medical evidences; and face-to-face assessment on how they affect the daily life of the applicants.</li> </ul>	<ul style="list-style-type: none"> <li>Paper-based review of medical evidence supplied by the applicants, with more than 130 conditions.</li> </ul>	<ul style="list-style-type: none"> <li>Face-to-face assessment of medical evidence may be required.</li> </ul>	<ul style="list-style-type: none"> <li>Face-to-face medical assessment of body functions and structure of applicants.</li> </ul>
<b>(b) Functional capability</b>	<ul style="list-style-type: none"> <li>Consideration also made on "activities in daily life" with substantial help from others, like "working in the original occupation" and "coping with self-care".</li> </ul>	<ul style="list-style-type: none"> <li>Functional assessment covers 10 kinds of activities under "daily living" and two kinds of activities under "mobility".</li> </ul>	<ul style="list-style-type: none"> <li>Assessment on whether the applicants are capable of "engaging in previous work" and some other work.</li> </ul>	<ul style="list-style-type: none"> <li>Face-to-face discussion to ascertain whether the condition(s) would "impact the applicant's ability to find and keep a job".</li> </ul>	<ul style="list-style-type: none"> <li>A more elaborate assessment on daily functions such as cognition, mobility, self-care, getting along with others and social participation.</li> </ul>
<b>(c) Using assistive device</b>	<ul style="list-style-type: none"> <li>Optional in the assessment.<sup>15</sup></li> </ul>	<ul style="list-style-type: none"> <li>Optional in the assessment.</li> </ul>	<ul style="list-style-type: none"> <li>Required where appropriate.</li> </ul>	<ul style="list-style-type: none"> <li>Required where appropriate.</li> </ul>	<ul style="list-style-type: none"> <li>Required where appropriate.</li> </ul>

<sup>15</sup> It is not clearly stated whether the applicants should use rehabilitation or mechanical devices compensating for loss of functionality in the assessment process.

## Key features of disability assessment under social security in selected places

	Hong Kong	The United Kingdom	The United States	Australia	Taiwan
<b>Threshold for disability benefits</b>	<ul style="list-style-type: none"> <li>"100% loss of earning capacity".</li> </ul>	<ul style="list-style-type: none"> <li>Two levels of disability thresholds for each of the components in "daily living" and "mobility".<sup>16</sup></li> </ul>	<ul style="list-style-type: none"> <li>Inability to engage in "any substantial gainful activity".</li> </ul>	<ul style="list-style-type: none"> <li>Five levels of disability thresholds based on functioning capability.<sup>17</sup></li> </ul>	<ul style="list-style-type: none"> <li>Four levels disability thresholds, ranging from mild to extreme.</li> </ul>
<b>Disability allowance benefits</b>	<ul style="list-style-type: none"> <li>HK\$1,580-HK\$3,160.</li> </ul>	<ul style="list-style-type: none"> <li>£87-£559 (HK\$1,031-HK\$6,624).</li> </ul>	<ul style="list-style-type: none"> <li>US\$810-US\$1,820 (HK\$6,279-HK\$14,109).</li> </ul>	<ul style="list-style-type: none"> <li>Up to AUS\$1,734 (HK\$10,109).</li> </ul>	<ul style="list-style-type: none"> <li>Starting from TW\$4,872 (HK\$1,223).</li> </ul>
<b>Frequency of review of disability conditions</b>	<ul style="list-style-type: none"> <li>On a need basis, subject to doctor's advice.</li> </ul>	<ul style="list-style-type: none"> <li>Not clearly specified, but reportedly usually once in several years.</li> </ul>	<ul style="list-style-type: none"> <li>Ranging from six months to seven years.<sup>18</sup></li> </ul>	<ul style="list-style-type: none"> <li>Up to two years.</li> </ul>	<ul style="list-style-type: none"> <li>Up to five years.</li> </ul>
<b>Appeal mechanism against initial assessment</b>	<ul style="list-style-type: none"> <li>Applicant could appeal to the Social Security Appeal Board only once.<sup>19</sup></li> </ul>	<ul style="list-style-type: none"> <li>Applicant could (a) ask for mandatory reconsideration; (b) appeal to the Social Security and Child Support Tribunal; and (c) further appeal to Upper Tribunal.</li> </ul>	<ul style="list-style-type: none"> <li>Applicant could request for (a) reconsideration; (b) hearing by Administrative Law Judge; and (c) review of the decision by the Appeals Council.</li> </ul>	<ul style="list-style-type: none"> <li>Applicant could request for (a) internal review; and (b) hearing by Administrative Appeals Tribunal.</li> </ul>	<ul style="list-style-type: none"> <li>Request for reassessment at the local social welfare bureaus.</li> </ul>

<sup>16</sup> For the standard rate of Personal Independence Payment, the entitlement threshold of the assessment score is 8 points for each component, out of a range of scores 0-12. However for the enhanced rate, the respective threshold is 12 points each.

<sup>17</sup> Out of a total score of 30 in total disability, disability in Australia can be classified into five categories, namely (a) no disability with a score of 0; (b) mild disability with a score of 5; (c) moderate disability with a score of 10; (d) severe disability with a score of 20; and (e) extreme disability with a score of 30. Disability pension varies with these score.

<sup>18</sup> In the US, the frequency of review hinges on likelihood of improvement in medical conditions. For those cases in which doctors "expect" medical improvement, the review will take place within six to 18 months after the start of payment of benefits. If medical improvement is deemed "possible", the review date will be lengthened to three years. If medical improvement is "not expected", the review date will be lengthened further to seven years.

<sup>19</sup> Social Security Appeal Board comprises non-officials. For appeal against medial assessment, the Board will ask the appellant to first attend a meeting with the Medical Assessment Board, comprising a government doctor and two doctors from the Hong Kong Medical Association.



## Key features of disability assessment under social security in selected places

	Hong Kong	The United Kingdom	The United States	Australia	Taiwan
<b>Major issues of concern</b>	<ul style="list-style-type: none"> <li>Misleading eligibility criteria on "100% loss of earning capacity".<sup>20</sup></li> <li>Unclear role of assistive device in assessment process.<sup>21</sup></li> </ul>	<ul style="list-style-type: none"> <li>Long processing time and delay causing distress to applicants.<sup>22</sup></li> <li>Poor communication with applicants on assessment arrangement, decision, frequency of review and the results.<sup>23</sup></li> </ul>	<ul style="list-style-type: none"> <li>Assessment standard unable to reflect changing labour market and medical advances that have redefined capability of people with disability.<sup>24</sup></li> </ul>	<ul style="list-style-type: none"> <li>Assessment criteria not flexible enough to cater for mental disabilities.<sup>25</sup></li> </ul>	<ul style="list-style-type: none"> <li>New assessment procedure only phased in since 2012 and its overall effectiveness can be evaluated only after full implementation till 2019.<sup>26</sup></li> </ul>

<sup>20</sup> See Ombudsman (2009).

<sup>21</sup> See Ombudsman (2009).

<sup>22</sup> See Gray (2014).

<sup>23</sup> See Gray (2014).

<sup>24</sup> See Congressional Research Service (2012).

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