

**LEGISLATIVE COUNCIL
PANEL ON WELFARE SERVICES**

Follow-up to meeting on 14 November 2011

“Public Transport Concessions of \$2 per Trip for Persons with Disabilities and Definition of Persons with Disabilities”

At the meeting of the Legislative Council (LegCo) Panel on Welfare Services on 14 November 2011, Dr Hon PAN Pey-chyou tabled his comments on the public transport concessions of \$2 per trip for persons with disabilities and definition of persons with disabilities. This paper provides the Administration’s response to the above issues.

Overall Rehabilitation Policy

2. It has all along been the objectives of Hong Kong’s rehabilitation policy to help persons with disabilities develop their potential, create a barrier-free environment and enable them to lead an independent life so that they can participate in various activities on an equal basis with others, thereby facilitating their full integration into society.

Definition of Persons with Disabilities

3. Given the diversity of disability types, persons with different disabling conditions may have different needs for rehabilitation services and support. Even persons with the same disabling condition may have different needs for services, having regard to their specific abilities and circumstances at different stages of rehabilitation. To cope with the varying needs of persons with different disability types and severity of impairment, there is a need to set out different coverage and service targets under relevant legislation, policies and measures having due regard to their specific objectives, in order to provide the appropriate protection, support and services commensurate with their needs. For illustration, some examples are provided below.

Disability Discrimination Ordinance (Cap. 487)

4. The Disability Discrimination Ordinance (DDO) aims to safeguard persons with disabilities against discrimination, harassment and vilification. To afford maximum protection for persons with disabilities against discrimination on the basis of their disabilities, a broad definition of “disability” is adopted under DDO. It encompasses not only minor and temporary disabilities, but also disabilities that currently exist and previously existed, and even disabilities that may exist in future. A very broad spectrum of persons with disabilities are covered under the DDO. For instance, they may include hepatitis B virus carriers, persons suffering from myopia, and persons recovered from disability etc.

Disability Allowance and Comprehensive Social Security Assistance

5. The policy objective of Disability Allowance (DA), which is non-means-tested, is to provide financial support for the severely disabled to help them meet their special needs. Under the DA system, “severely disabled” is defined as being medically certified to be broadly equivalent to a 100% loss of earning capacity, with reference to the percentages stipulated in Schedule 1 of the Employee’s Compensation Ordinance (Cap. 282) (details are provided at [Annex](#) for reference).

6. The above definition of “severely disabled” is also applicable to the means-tested Comprehensive Social Security Assistance (CSSA) Scheme. Unlike DA, which is provided with reference to the disabling condition only, the CSSA Scheme aims to help families in financial hardship meet basic needs. Therefore, CSSA recipients are not limited to the severely disabled, and the CSSA Scheme provides different standard rates for persons with disabilities at three levels (medically certified as 50% disabled, 100% disabled and requiring constant attendance respectively), and special grants and supplements.

Registration Card for People with Disabilities

7. The Central Registry for Rehabilitation under the Labour and Welfare Bureau issues Registration Cards for People with Disabilities (RC) to persons with disabilities. The purpose of the RC is to enable the cardholder to produce, when necessary, as a documentary proof of his/her disability status to facilitate the provision of prompt and appropriate assistance to them. For example, the disability of persons suffering from hearing impairment, speech impairment or mental illness may not be easily discernible from the outlook. The RC may facilitate service providers (such as the police, staff of the Immigration Department or medical staff, etc.) to provide the necessary assistance to cardholders as soon as practicable.

8. Any person who is found to be suffering from a disability (including hearing impairment, visual impairment, physical disability, speech impairment, intellectual disability, mental illness, autism, visceral disability/chronic illness, attention deficit/hyperactivity disorder, and specific learning difficulties), which is permanent or temporary in nature and the severity of the disability affects one's daily life activities, participation in economic and social activities, and/or mobility, and takes significantly longer than normal to rehabilitate, may apply for the RC. Cardholders may include persons suffering from mild disability such as persons with mild hearing impairment, mild intellectual disability and mild low vision, etc. The RC is not associated with provision of any welfare benefits. The objective, target service users and eligibility threshold of the RC are different from that of the DA Scheme.

9. Indeed, various schemes for providing legal protection, financial assistance and support services for persons with disabilities have their specific objectives and service targets. The relevant government bureaux/departments will formulate corresponding policies and measures having regard to the service nature and target service users to cater for the varying needs of persons with disabilities.

Public Transport Fare Concessions

10. It is the Government's transport policy to encourage public transport operators to, having regard to various factors (including the operational and financial situation of transport operators, socio-economic environment, market conditions and the needs of commuters, etc.), provide fare concessions as far as possible, so as to lower the public transport expenses borne by members of the public, including persons with disabilities.

11. Under the rehabilitation policy, the Government has all along been taking special care of the basic transport needs of persons with disabilities and has been offering financial assistance through the CSSA and DA Schemes. A monthly transport supplement has also been provided to recipients under the CSSA Scheme aged between 12 and 64 with 100% disability and recipients of DA in the same age group since July 2008 in order to facilitate their integration into society. Having considered the severity of disability and financial situation of these groups of persons with disabilities, a relevant LegCo Subcommittee formed in 2005 also agreed that they had greater needs for support and encouragement for facilitating their integration into society.

12. The MTR Corporation Limited (MTRCL) has also launched a fare concession scheme since 22 December 2009 for the same groups of persons with disabilities.

13. On the basis of the above principle, the Government has further proposed in the 2011-12 Policy Address to provide fare concessions to the elderly aged 65 or above and the aforementioned groups of persons with disabilities 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 non-means-tested financial assistance provided to persons with disabilities by the Government and fare concessions for persons with disabilities offered by MTRCL also adopt the same eligibility criteria.

14. In order to implement the Scheme as early as practicable, the Labour and Welfare Bureau, Transport and Housing Bureau and Transport Department have proactively kick-started the relevant preparatory work. These include confirming the coverage of the Scheme and the continued provision of the existing concessions which are 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 next year.

15. The Government plans to submit the detailed proposal of the Scheme to the LegCo Panels on Welfare Services and Transport for discussion in the second quarter of 2012.

Labour and Welfare Bureau
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**Definition of ‘Severely Disabled’
under the Social Security Allowance Scheme**

A person will be considered as severely disabled within the meaning of the Social Security Allowance Scheme if he/she is certified by the Director of Health or the Chief Executive, Hospital Authority (or under exceptional circumstances by a registered medical practitioner of a private hospital) as falling into one of the following categories :

(a) Disabling Physical Condition or Blind

This means that a person is in a position broadly equivalent to a person with a 100% loss of earning capacity according to the criteria in the First Schedule of the Employees’ Compensation Ordinance (Cap. 282):

1. Loss of functions of two limbs
2. Loss of functions of both hands or all fingers and both thumbs
3. Loss of functions of both feet
4. Total loss of sight
5. Total paralysis (quadriplegia)
6. Paraplegia
7. Illness, injury or deformity resulting in being bedridden
8. Any other conditions including visceral diseases resulting in total disablement

(b) Disabling Mental Condition

This means that a person is suffering from a mental condition which produces a degree of disability broadly equivalent to that in category (a) above :

1. Organic brain syndrome
2. Mental retardation
3. Psychosis
4. Neurosis
5. Personality disorder
6. Any other conditions resulting in total mental disablement

(c) Profoundly Deaf

This means that a person, who suffers from a perceptive or mixed deafness with a hearing loss of 85 decibels or more in the better ear for pure tone frequencies of 500, 1 000 and 2 000 cycles per second, or 75 to 85 decibels with other physical handicaps such as lack of speech and distortion of hearing.