

Social Welfare Department
Brief on “Scheme on providing subsidy for Higher Disability Allowance recipients in paid employment to hire carers”

Background and Objectives

The Community Care Fund (CCF) has launched a “Pilot scheme on providing subsidy for Higher Disability Allowance (HDA) recipients in paid employment to hire carers” since October 2016. The Pilot Scheme aims to provide HDA recipients in paid employment with a subsidy for hiring carers to assist them in travelling between their home and workplace (not applicable to persons who work from home) and/or taking care of their activities in the workplace (including providing care for daily living) (**Note 1**) with a view to encouraging them to sustain employment. The Social Welfare Department (SWD) has regularised the above programme (Subsidy Scheme) with effect from 1 October 2023 to provide continuous support for eligible disabled persons in need.

Eligibility Criteria

An applicant must satisfy the following criteria (**Note 2**):

- he/she is receiving HDA under the Social Security Allowance (SSA) Scheme (excluding persons who are medically certified to be mentally unfit for making a statement);
- he/she has secured paid employment (not applicable to persons engaged in self-employment or working from home) with a monthly income (**Note 3**) of not less than \$7,800 and not exceeding \$31,200 (**Note 4**); and
- being gainfully employed but his/her relatives or friends are unable to provide care for him/her, and is in need of hiring a full-time carer (**Note 5**) to assist him/her in travelling between his/her home and workplace (not applicable to persons who work from home) and/or taking care of his/her activities in the workplace (including providing care for daily living) (**Note 1**).

Application Procedures

- SWD will issue letters to invite applications from existing HDA recipients who may meet the eligibility criteria of the Subsidy Scheme. If an applicant is aged below 18, the application should be made by the parent/guardian currently approved by SWD to receive HDA under the SSA Scheme on the applicant’s behalf; and

- Applicants/guardians are required to submit the completed application form together with the necessary documents listed below by post to the Carer Allowances and Subsidies Team (CAST) of SWD:
 - ◆ a copy of the identity document of the applicant;
 - ◆ a copy of the identity document of the guardian (if the applicant is aged below 18);
 - ◆ documentary evidence of the applicant's employment and relevant income (**Note 6**);
 - ◆ a copy of the employment contract and relevant visa of the hired carer (**Note 7** and **Note 8**); and
 - ◆ a copy of the identity document and travel documents of the hired carer.

Vetting of Applications and Payment of Subsidy

- SWD will process the applications based on the information submitted by the applicants/guardians. Upon completing vetting of the applications, SWD will issue notification letters to the applicants/guardians and disburse the subsidy to eligible persons accordingly.
- Each eligible person will be granted a monthly subsidy of \$5,000 to hire a carer. The subsidy will be disbursed through bank payment to eligible beneficiaries on a quarterly basis. The subsidy will be payable starting from the month in which SWD receives an application from an applicant/guardian and is subject to all the specified criteria being met. In other words, if an applicant satisfies all the eligibility criteria when he/she submits an application, the subsidy will be calculated from the month upon SWD receives the application at the earliest.
- During disbursement of the subsidy, SWD will regularly verify whether the beneficiaries remain eligible for the subsidy. The beneficiaries are required to submit once every 6 months the relevant proof of income from paid employment, the employment contract with the hired carer and records of salary payments to the carer for checking.
- On receipt of the subsidy, if the beneficiary fails to meet the eligibility criteria due to his/her being temporarily ineligible for HDA, the monthly income of the paid employment being less than \$7,800 (**Note 9**) or termination of employment of the carer, etc., a grace period up to a maximum of 3 months will be granted, during which the payment of subsidy will continue. After the grace period, if the above-mentioned circumstance(s) remain unchanged, the payment of subsidy to the beneficiary will cease in the first month following the end of the grace period.

- In case the beneficiary, whose payment of subsidy has been ceased, becomes eligible again, he/she may contact SWD and make a fresh application (he/she should fill in a new application form and submit necessary documents, including documentary evidence of income from the paid employment and the employment contract with the carer for checking).

Responsibilities of the Applicant/Guardian

- ◆ Applicants/guardians should read carefully the “Declaration and Undertaking by Applicant/Guardian” (Part 7) of the application form and sign for confirmation. Moreover, information provided by the applicant/guardian must be accurate and complete. In case of any change of the relevant information, the applicant/guardian must notify the SWD as soon as possible. During disbursement of the subsidy, the beneficiary is required to submit relevant documents regularly for checking and verifying his/her continuous eligibility. The beneficiary must refund any overpaid subsidy to SWD once confirmed.

Enquiries

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SWD website: www.swd.gov.hk

Notes

- Note 1:** The hired carer is required to assist in providing daily care for the applicant in the workplace but should not assist or participate in the gainful employment of the applicant.
- Note 2:** The applicant cannot make an application as a person being taken care of together with a carer with no employment relationship for either one of the two schemes on the allowance for carers, namely the “Scheme on Living Allowance for Carers of Elderly Persons from Low-income Families” and the “Scheme on Living Allowance for Low-income Carers of Persons with Disabilities”, to avoid double benefit.
- Note 3:** Employment earnings include salary, double pay/leave pay, work allowance, bonus/prize/commission/tips, income from rendering services, etc.

- Note 4:** The requirements on employment earnings are set with reference to the Median Monthly Domestic Household Income (MMDHI) for one-person household published in the Quarterly Report on General Household Survey for the Fourth Quarter of 2023 by the Census and Statistics Department (the MMDHI for one-person household is \$10,400), i.e. the income should be not less than 75% and not exceeding three times of MMDHI for one-person household. Under the Subsidy Scheme, only the applicant's employment earnings will be taken into account but not his/her assets.
- Note 5:** The hired carer, who must not be a relative or friend of the applicant, should be a foreign domestic helper. If for any special reasons the applicant is unable to hire a foreign domestic helper, he/she must provide sufficient justifications in writing together with relevant information to SWD for consideration.
- Note 6:** The employment contract made between the applicant and his/her employer shall comply with the prevailing labour legislation in Hong Kong.
- Note 7:** When the applicant and the hired carer enter into an employment contract, the terms and conditions must be in compliance with the prevailing employment and immigration (if applicable) legislation in Hong Kong. The employment contract made should be in compliance with the employment and immigration laws in Hong Kong, including in particular the Employment Ordinance, the Employees' Compensation Ordinance and the Immigration Ordinance. Moreover, the employment contract should stipulate that the employer under the contract is the applicant (i.e. the applicant under this Subsidy Scheme) and that the employee is required to take care of a person who requires constant care and attendance.
- Note 8:** For an applicant already being taken care of directly by a carer hired by family members living together (i.e. the carer who is taking care of the applicant is not hired by the applicant) at the launch of the Subsidy Scheme, if the current employer of the carer agrees to disclose his/her personal data to SWD for verification, SWD may consider processing the application in which the carer has been hired to take care of the applicant and his/her families before the applicant's participation in the Subsidy Scheme, based on the principle of giving provisional approval. It means that if the carer is hired mainly for taking care of the applicant of the Subsidy Scheme (with a written declaration signed by the current employer in the employment contract for confirmation) and the applicant also satisfies all the other eligibility criteria under the Scheme, SWD may consider giving provisional approval for subsidy to be disbursed during the validity period of the current employment contract. Upon the expiration of the current employment contract, a new employment contract in compliance with **Note 7** above will have to be submitted by the applicant, based also on the understanding that the terms in the new employment contract will also comply with relevant legislation in Hong Kong.
- Note 9:** The grace period is not applicable to the beneficiary whose monthly income of the paid employment exceeds \$31,200.