



## Right to Social Security

There were no recommendations made on the Hong Kong Special Administrative Region, China (HKSAR) in the Second UPR Cycle.

### Framework in HKSAR

*In HKSAR, the wealth gap has reached an historic high. The Gini Coefficient has been steadily rising in recent years, well above the warning level of 0.4. In 2016 it was sitting at 0.539. The ageing population is a significant contributing factor to this upwards trend in the disparity between high income groups and the impoverished.*

*The Social Welfare Department is responsible for implementing HKSAR's policies on social welfare and for developing and coordinating social welfare services. The Old Age Living Allowance (OALA) and the Disability Allowance are means tested measures under which the elderly and persons with a disability may apply for financial assistance. However, given HKSAR's high living costs, the means tests and allowances are insufficient, leaving many living in poverty.*

*The International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) have been extended to HKSAR. Article 39 of the Basic Law provides that they shall be implemented through HKSAR laws. Additionally, the Convention on the Rights of Persons with Disabilities (CRPD) applies in HKSAR.*

### Challenges

- The HKSAR's increasing elderly population has not been matched by adequate old age allowance, nor assistance. HKSAR does not sufficiently fulfil its obligations to protect the right to social security under Article 9 of ICESCR.
- The HKSAR Government has not taken effective measures, utilising its maximum available resources, to realise the right to social security in a manner consistent with ICESCR general comment 19.

### Cases, facts and comments

- At 1.16 million, the number over 65 rose by 2.6% to 15.9% of the total population from 2011 to 2016. In the same period, the share of economically inactive households has risen, to 19% in 2016. Further, the proportion of elderly persons will increase to 24.6% of the HKSAR's total population by 2026.
- Actual spending on elderly services stood at 11% for 2018-2019, unchanged from 2014-2015, despite the rise in elderly population.
- The stagnant elderly spending was despite growth in total recurrent social welfare expenditure rising from 16.3% in 2012-2013 to 19.6% in 2018-2019; highlighting the elderly as a class increasingly forgotten.
- At the same time, the HKSAR has approximately HK\$1,092bn in total reserves and is forecast to reach HK\$1,138.6bn by the end of March 2019. This is equivalent to 40.3% of GDP, one of the highest figures of any developed economy.
- Poverty rates for the elderly are more than double the overall poverty rate.
- Monthly payments as of 1 February 2018 on the Normal OALA are HK\$2,600 and \$3,485 under the Higher OALA.



<ul style="list-style-type: none"><li>• The definition of ‘disability’ to qualify for the HKSAR government’s Disability Allowance is strict, limiting the realisation of the right to social security under Article 9 of ICESCR, as well as general comments 5 and 19 of ICESCR.</li></ul>	<ul style="list-style-type: none"><li>• The criteria for the Disability Allowance requires that the applicant’s disability renders a 100% loss of earnings due to (1) a disabling physical condition or blindness; (2) a disabling mental condition; or (3) profoundly deaf. This contrasts with the definition in the CRPD, which covers persons “<i>who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.</i>”</li><li>• The number of unemployed persons suffering from a physical or mental disability is 8 times the official published number; being 48% compared to the government published report of 6%.</li><li>• Poverty rates for persons with a disability are more than double the overall poverty rate.</li><li>• Monthly payments as of 1 February 2018 on the Normal Disability Allowance are HK\$1,720 and HK\$3,440 under the Higher Disability Allowance.</li></ul>
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#### Recommendations

- **HKSAR should introduce a universal pension scheme to support persons above 65 within 3 years. HKSAR should immediately increase contribution rates for employers to 10% for the Mandatory Provident Fund and remove offset arrangements.**
- **HKSAR should conduct a comprehensive review of the current classification of persons with disabilities for the purposes of receiving the disability allowance, making reference to the International Classification of Functioning, Disability and Health, within one year.**

#### Questions to ask in advance

- *What measures will the HKSAR Government take in the next three years to fulfil the right to social security under Article 9 of ICESCR, especially for persons aged over 65?*
- *What measures will the HKSAR Government take in the next three years to ensure that social security benefits provided to persons with a disability are consistent with Article 9 of ICESCR and the CRPD?*

#### Contact

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