

香港的反歧視法例如何保障照顧者？

How do Hong Kong's anti-discrimination laws protect carers?



照顧者的角色一點也不容易，加上社會仍存有各種偏見，令她／他們的處境難上加難。

每當談到法律如何保障照顧者免受不平等的待遇，不少人會想到《家庭崗位歧視條例》。這條法例固然為照顧直系家庭成員的人士提供了重要保障，但其實在某些情況下，照顧者亦可循《殘疾歧視條例》作出申訴。

這篇文章透過具體例子，解釋反歧視法例如何從不同層面保障照顧者。隨著人口急劇老化、更多學生在年幼時被診斷有學習困難，以至多項研究均顯示香港人的精神健康每況愈下，可預見越來越多人將要承擔照顧者的角色。市民宜及早認識有關法例，在有需要時捍衛自己的權利。

首先，讓我們認識何謂「照顧者」。

Caregiving is hard, and only harder when prejudice gets in the way.

For many, the Family Status Discrimination Ordinance (FSDO) is the law that springs to mind when talking about legal protection for carers against less favourable treatment. While the FSDO serves as an important safeguard for those looking after an immediate family member, the Disability Discrimination Ordinance (DDO), perhaps less apparently, can provide another avenue of redress in some situations.

This explainer breaks it down for you with example scenarios. Indeed, various trends are pointing towards a future where more and more of us will assume the role of a carer: the rapidly ageing population, earlier diagnoses of learning difficulties among children, alarming signs of deterioration in Hongkongers' mental health as revealed in multiple studies... With a better grasp of the law, we will be able to perform that role with greater peace of mind, knowing how and when our rights are protected.

But let's take a step back first and ask the seemingly obvious question: who do we refer to when we speak of "carers"?

誰是照顧者？ Who are carers?



雖然《家庭崗位歧視條例》沒有採用「照顧者」一詞，卻界定了何謂具有「家庭崗位」的人士。家庭崗位是指照顧直系家庭成員的責任，而某人的直系家庭成員則指因血緣、婚姻、領養或姻親而與此人有關係的人。

Although the FSDO does not use the word “carer” per se, it provides for a definition of a person with “family status” as meaning someone who has responsibility for the care of an immediate family member, who can be anyone related to that person by blood, marriage, adoption or affinity.

- 血緣——你的親生父母、兄弟姊妹、兒女、（外）祖父母、（外）孫、姨母、姑母、叔伯、舅父、堂（表）兄弟姊妹、姪、姪女、甥及甥女等；
- 婚姻——你的配偶；
- 領養——合法領養的子女；
- 姻親——因婚姻而產生的關係，如你的岳母、岳父等。

- People related to you by blood may include your biological mother, father, sister, brother, daughter, son, grandmother, grandfather, grandchild, aunt, uncle, cousin, niece and nephew;
- A person related to you by marriage is your spouse;
- A person related to you by adoption may be a child whom you have lawfully adopted;
- People related to you by affinity include your in-laws, such as your mother- and father-in-law.

處境一

你的岳母最近搬入你家同住，需要你照料她的日常起居生活。你的僱主得知後立即把你降至薪酬較低的職位，因她／他認為你會因照顧岳母而不能維持以往的工作表現。

SCENARIO 1

Your mother-in-law recently moved in with you, and needs your daily care. Your employer finds out and immediately demotes you to a lower-paid position because she/he thinks that you have to look after your mother-in-law and won't be able to deliver the same quality of work as before.

上述行為可對你構成直接的家庭崗位歧視，或屬違法。

This is likely to be unlawful direct discrimination based on your family status.

- 如你需要照顧岳母，那麼你便具有《家庭崗位歧視條例》所定義的家庭崗位。
- 直接歧視是指基於一個人的受保障特徵（例如家庭崗位），對其作出較差的待遇。

- If you have to take care of your mother-in-law, then you would be regarded as a person with family status under the FSDO.
- Direct discrimination occurs when a person with a protected characteristic, such as family status, is treated less favourably on the ground of that characteristic.

- 如你的僱主基於你的家庭崗位，給予你的待遇差於一名沒有家庭崗位（或沒有你的特定家庭崗位，即沒有照顧岳母的責任）的僱員的待遇，例如解僱你、將你降職，又或不予晉升，相關行為即構成直接的家庭崗位歧視。
- 當家庭崗位歧視在條例訂明的範疇內發生，即屬違法，例如僱傭、教育、貨品、設施及服務的提供、處所的處置和管理，以及政府執行職能或行使權力等。
- 僱主不應基於僱員或求職者的家庭崗位，假設她／他們無法勝任工作。如出差或在周末工作是某職位的固有要求，僱主宜直接詢問僱員或求職者能否符合該要求。

- If your employer, because of your family status, treats you less favourably than she/he would treat another employee who does not have family status (or your particular family status, i.e. the responsibility to take care of one's mother-in-law), such as by dismissing you, demoting you, or passing you over for a promotion, then it would constitute direct family status discrimination.
- Family status discrimination is unlawful in employment, education, provision of goods, facilities or services, disposal or management of premises, and the exercise of Government powers and functions, among other areas prescribed under the FSDO.
- Employers should not make assumptions based on the family status of their employees and job applicants. If going on business trips or working on weekends is an inherent requirement of a certain position, a good practice is to ask the employee or applicant directly whether she/he is willing to do so.

處境二

你在一間電話服務中心工作。最近管理層宣布延長你組別的值班時間，下班時間由下午三時延至下午六時。管理層指所有人須遵從規定，卻沒有提出任何理據。由於你和同組的兩名員工均需接小孩放學，有關政策對你們造成不利。

上述規定可構成間接的家庭崗位歧視，或屬違法。

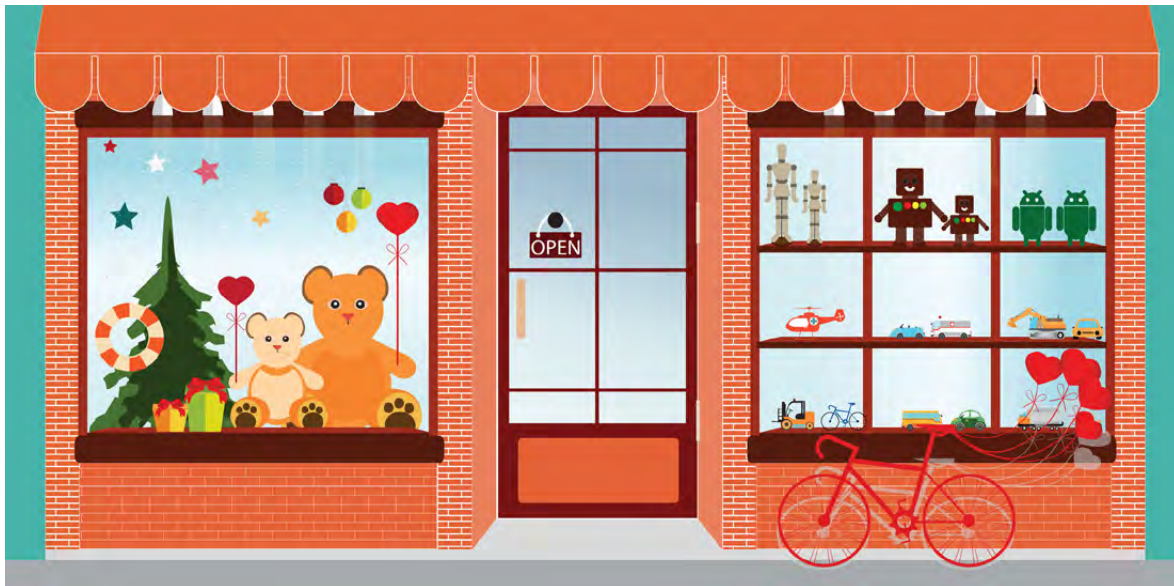
- 間接歧視是指向所有人施以同一要求或條件，但實際上持有某項受保障特徵（例如家庭崗位）的人會因為不能符合該要求或條件，而蒙受不利。
- 如間接歧視發生於法例訂明的範疇（如僱傭等），而有相关要求或條件並無充分理據，即屬違法。
- 上述的新值班政策雖然適用於你組別內的所有同事，但卻對你及其他需要照顧小孩的員工（即有家庭崗位的員工）造成不利。如你於區域法院向公司作出申索，而公司未能顯示相關政策有充分理據，法院便有可能裁定公司對你作出了違法的間接家庭崗位歧視。
- 即使沒有證據顯示公司有意圖歧視負有家庭崗位的員工，法庭亦可判予損害賠償。

SCENARIO 2

You work at a call centre. Management announce that they are changing your team's shifts to finish at 6pm instead of 3pm and insist that everyone must adhere to the policy without providing any justification. This puts you as well as two other employees who have to collect their children from school at a disadvantage.

This may amount to unlawful indirect discrimination based on family status.

- Indirect discrimination occurs when a requirement or condition is imposed on everyone, but in practice adversely affects a group of people who share a protected characteristic (e.g. family status) that makes them unable to comply with the requirement or condition.
- Indirect discrimination is unlawful when: (i) it takes place in one of the areas regulated by the law, such as employment; and (ii) the relevant requirement or condition is not justifiable.
- The new policy, while applicable to everyone in your team, has a disproportionate and adverse impact on those who are responsible for the care of their children, i.e. people with family status. As such, it may constitute indirect family status discrimination. If you file a claim against the company in the District Court and the company is unable to provide sufficient explanation to show that the policy is justifiable, the Court may rule that the company committed unlawful indirect family status discrimination against you.
- The Court can award damages even if there is no proof that the company intended to discriminate against employees with family status.



處境三

你的女兒患有妥瑞症，有時會不由自主地發出聲響和抽搐。有天你倆一起逛玩具店，期間她發出咕噥聲音和不斷搖頭。其後你前往收銀處付款，並安排女兒在店外等候。收銀員對你說：「你的女兒是有病的怪物，你不應帶她外出」，更在你離開時向一名售貨員模仿你女兒的舉動，哈哈大笑。

上述行為可對你（作為你女兒的「有聯繫人士」）構成殘疾騷擾，或屬違法。

- 根據《殘疾歧視條例》，殘疾的定義之一，是「身體或心智方面的機能的全部或局部喪失」。妥瑞症符合此定義，故屬殘疾的一種。
- 雖然收銀員未必知道你女兒的實際病情，但她／他可能已察覺或猜測到你女兒喪失了部分身體機能。
- 你作為母親，是你女兒的「有聯繫人士」。在《殘疾歧視條例》下，一個人的「有聯繫人士」包括其配偶及親屬；與該人在真正的家庭基礎上共同生活的人；以及與該人有業務、體育或消閒關係的人；以及其照料者（包括社會福利署署長；獲社會福利署署長以書面授權的社會福利署的任何人員；以及《殘疾歧視條例》附表 1 指明的任何人）。

SCENARIO 3

Your daughter has Tourette syndrome, which causes involuntary sounds and movements. While the two of you are in a toy store, she grunts and twitches her head several times. As you buy her a toy and she waits outside the store, the cashier says to you, "Your daughter is a sick freak. You shouldn't be taking her out." While you are leaving, the cashier mimics your daughter's movements in front of an assistant and laughs aloud.

This is likely to be unlawful disability harassment by association against you.

- Tourette syndrome falls within one of the definitions of disability under the DDO, namely a total or partial loss of bodily or mental functions.
- While the cashier is probably unaware of your daughter's specific condition, she/he might have perceived or guessed that your daughter suffers from some form of loss of bodily functions.
- As your daughter's mother, you are her "associate". Under the DDO, an associate of a person may be a spouse or relative of that person; someone living with that person on a genuine domestic basis; someone who is in a business, sporting or recreational relationship with that person; or a carer of that person (which is further defined to include the Director of Social Welfare, any officer of the Social Welfare Department authorised in writing by the Director of Social Welfare, and any person specified in Schedule 1 of the DDO).

- 如 X 因為 Y 的殘疾或 Y 的「有聯繫人士」的殘疾而向 Y 作出不受歡迎的行為，而一名合理的人在顧及所有情況後，會預期 Y 因該行為而感到被冒犯、侮辱或驚嚇，有關行為即構成殘疾騷擾。這些行為可包括口頭或書寫陳述，例如針對某人的殘疾而作出的侮辱性言論或笑話。
- 如貨品、設施或服務提供者向顧客作出殘疾騷擾，不管該貨品、設施或服務是否收費，有關行為均屬違法。反之，如顧客對提供者作出殘疾騷擾，亦屬違法。
- 殘疾騷擾在其他公共生活領域，如僱傭、教育及會社等亦屬違法。
- Disability harassment occurs when X engages in unwelcome conduct on account of Y's disability or on account of the disability of Y's associate where a reasonable person, having regard to all the circumstances, would have anticipated that Y would be offended, humiliated or intimidated by the conduct. Such conduct may include verbal or written statements, such as insulting remarks or jokes about a person's disability.
- It is unlawful for a provider of goods, facilities or services, whether paid or unpaid, to engage in any act of disability harassment against a customer (and vice versa).
- Disability harassment is also unlawful in other areas of public life, such as employment, education and clubs.

處境四

你育有一名五歲大兒子，他有行動困難。由於他體重已不輕，你難以把他抱在手上，遂外出時你會將他放在嬰兒車。某個早上，你們倆等候巴士回校。巴士到達時，司機堅持你必須將兒子抱起、摺起嬰兒車才會讓你們上車。司機並指，所有攜帶嬰兒車的乘客均須遵從規定。即使你已告訴司機你的兒子是殘疾人士，他亦不理會。

上述規定可對你的兒子和 you（作為他的「有聯繫人士」）構成間接殘疾歧視，或屬違法。

SCENARIO 4

You have a five-year-old son with mobility challenges. As he has grown too heavy for you to hold, you always put him in a stroller when you two go out. One morning the two of you are waiting for a bus to get to school. When it arrives, the driver insists that you and your son cannot get on the bus unless you fold the stroller and hold him, adding that it is a requirement that applies to all passengers who travel with a child in a stroller. This is despite the fact that you have already told him about your son's disability.

This may amount to unlawful indirect disability discrimination against your son and you as his associate.





- 如處境二所述，間接歧視是指向所有人施以同一要求或條件，但實際上持有某項受保障特徵（例如殘疾）的人會因為不能符合該要求或條件，而蒙受不利。
 - 如間接歧視發生於法例訂明的範疇，包括貨品、設施或服務的提供（例如交通服務）等，而有關要求或條件並無充分理據，即屬違法。
 - 雖然巴士司機表示所有乘客均須遵守摺起嬰兒車的規定，但受肢體殘疾影響、需要坐嬰兒車的孩童，以及他們的「有聯繫人士」（例如陪同他們的親屬）均會因為不能符合規定而容易蒙受不利。
 - 如有關規定根本無需劃一執行，卻依然在所有情況下實施（例如巴士上只有少量乘客，有足夠空間容納打開的嬰兒車），那麼便有可能被視為沒有理據，構成違法的間接殘疾歧視。
 - 事實上，不少服務提供者即使已訂下類似規定，亦會就不同情況作彈性處理，以顧及殘疾人士及其有聯繫人士的需要。然而，部分前線員工或未必知悉。服務提供者宜利用不同途徑，如內部備忘錄、指引，以及為新入職和現任員工安排培訓等，讓他們明白應盡量為殘疾人士及其有聯繫人士提供合理便利。
- As illustrated in Scenario 2, indirect discrimination occurs when a requirement or condition is applied to everyone, but in practice has a disproportionate and detrimental impact on people sharing a protected characteristic (e.g. disability) that makes them unable to comply with it.
 - Indirect discrimination is unlawful when: (i) it takes place in one of the areas regulated by the law, such as provision of goods, facilities or services (e.g. transport services); and (ii) the relevant requirement or condition is unjustifiable.
 - Although, according to the bus driver, the ban on unfolded strollers applies to every passenger, children with physical disability who use strollers, as well as their associates, such as an accompanying relative, are more likely to suffer detriment because they are unable to comply with the ban.
 - If the ban is unnecessarily implemented in all circumstances – e.g. even when there are very few passengers, leaving ample space for an unfolded stroller on the bus – then it may be considered unjustifiable and amount to unlawful indirect disability discrimination.
 - In reality, it is not uncommon for service providers to have already made allowances for the need to lift such restrictions in order to accommodate people with disabilities and their associates. However, some frontline staff members may remain unaware of it. Service providers should consider leveraging different means, such as internal memos, guidelines, training for new recruits and refreshers for existing staff, to better communicate the need to provide reasonable accommodation for people with disabilities and their associates.



誠然，並非所有照顧者的照料對象均屬於《家庭崗位歧視條例》所定義的直系家庭成員。舉例來說，不少外籍家庭傭工均分擔了僱主照顧子女或年邁父母的責任，協助他們的起居甚至醫療需要。

外傭雖是支薪僱員，照顧工作常屬其職責一部分，但這並不意味著她／他們不會面對任何困難。在以下例子中，僱主便基於僱員感染冠狀病毒病而作出解僱；雖然有關決定並不涉及家庭崗位歧視，卻有可能違反《殘疾歧視條例》。

The people caregivers look after are not always their immediate family members as defined by the FSDO. For example, foreign domestic workers often share the responsibility of attending to the everyday and medical needs of their employers' children or ageing parents.

It is true that as employees, they are paid for their caregiving work, but this does not mean that they do not face their own share of challenges. The scenario below, for example, looks at a COVID-related dismissal. While the dismissal is not based on family status, it may constitute unlawful disability discrimination under the DDO.

處境五

你是一位家庭傭工，負責照顧你僱主的 70 歲母親。你不幸感染了 2019 冠狀病毒病並正留院治療，你的僱主因此將你解僱。

如你的僱主不能證明解僱你對於保障公眾健康而言屬「合理地需要」，以上行為即可構成違法的直接殘疾歧視。

- 根據《殘疾歧視條例》，殘疾的定義包括「體內存在有機體而引致疾病」及「體內存在可引致疾病的有機體」。2019 冠狀病毒病符合此定義，故屬殘疾的一種。

SCENARIO 5

You are a domestic worker looking after your employer's 70-year-old mother. Unfortunately, you have contracted COVID-19 and are now staying at a hospital. Your employer fires you because you have been infected.

This may amount to unlawful direct disability discrimination if your employer cannot show that the dismissal is reasonably necessary for protecting public health.

- Infection with COVID-19 falls within one of the definitions of disability under the DDO, namely the presence of organisms causing or capable of causing disease or illness in the body.

- 直接歧視是指基於一個人的受保障特徵（例如殘疾），對其作出較差的待遇。
- 一般而言，如僱主基於僱員的殘疾而作出直接歧視的行為，例如解僱該僱員，即屬違法。然而，《殘疾歧視條例》亦訂明，如有關殘疾屬於《預防及控制疾病條例》所列的傳染病（例如「2019 冠狀病毒病」），而相關的歧視性行為對於保障公眾健康而言屬「合理地需要」，便不屬違法。
- 《殘疾歧視條例》並未明文界定何謂「合理地需要」；這需視乎每宗個案的實際情況而定。在上述處境下，你已入院接受治療，並很大機會已根據《僱傭條例》申請病假，要待病毒測試結果呈陰性和身體康復後，你才可恢復工作。在這些情況下，如你的僱主仍解僱你，對於保護公眾健康而言便未必屬於「合理地需要」的做法。
- 如僱主在你康復後，純粹因為你曾經感染病毒而解僱你，則更大機會不屬於「合理地需要」的做法。值得注意的是，《殘疾歧視條例》所定義的殘疾，並不單指現存的殘疾，更包括曾經存在、將來可能存在，或被認為存在的殘疾。
- Direct discrimination occurs when a person with a protected characteristic, such as disability, is treated less favourably on the ground of that characteristic.
- While it is generally unlawful for employers to engage in any act of direct discrimination against employees on the ground of their disability, such as by dismissing them, the DDO provides for an exception where the disability is an infectious disease listed under the Prevention and Control of Disease Ordinance (e.g. COVID-19) and the discriminatory act is reasonably necessary for protecting public health.
- The DDO does not define what a reasonably necessary act refers to, as it would depend on the specific circumstances of each case. In this scenario, you have been hospitalised and are likely to have taken sick leave to which you are entitled under the Employment Ordinance. You would not be able to return home or resume employment until you have tested negative for the virus and have physically recovered. In such circumstances, it is unlikely to be reasonably necessary for your employer to dismiss you while you are infected.
- This is even more so if your employer, after you have recovered, dismisses you simply because you were previously infected with the virus. Indeed, the DDO's definition of disability includes not only existing disability, but also disability that previously existed, may exist in the future, or is imputed to a person.



如你曾經歷以上任何個案的情況，你可以：

- 在事件發生後 12 個月內聯絡平機會，透過郵遞信件、傳真或平機會的網上表格提出書面投訴；或
- 在事件發生後 24 個月內入稟區域法院，作民事索償。

If you have encountered a situation similar to any of the scenarios above, you may:

- Contact the EOC within 12 months of the incident and lodge a complaint in writing by post or fax, or by using the online form on the EOC website; or
- Issue civil proceedings at the District Court within 24 months of the incident.

以照顧者為本 建立全面支援

Building a holistic and humane support system for carers

照顧者為照料親人弄至心力交瘁，最終精神崩潰，了結親人和自己的生命……這些叫人心碎的報導，並不陌生。

We have all heard them before – heart-rending reports of embattled carers being pushed to the brink of sanity, killing someone in the family under their care, and finally ending their own lives.

如此家庭慘劇看似個別事件，但照顧者長期身心疲累、面對沉重壓力，恐已成廣泛性的問題。

根據香港大學於 2018 年的一項調查，受訪的護老者當中，有四分之一屬於容易出現健康及情緒問題的「高危群組」。

香港堪稱全球最長壽地區之一，但在支援照顧者方面，又能否交出亮麗的成績表？



Isolated as the tragic incidents may seem, the fatigue and distress among carers are endemic. According to a 2018 study by The University of Hong Kong, a quarter of the surveyed carers who had to look after their elderly family members were at a high risk of having physical and mental health issues.

With one of the world's longest life expectancy rates, how can Hong Kong turn quantity into quality, and show carers that they are not alone in their struggles?

平機會於 2020 年 9 月向立法會福利事務委員會提交意見書，倡議多項措施，以加強支援照顧者，並紓解她／他們在 2019 冠狀病毒病疫情下的困境。

In September 2020, the EOC made a submission to the Legislative Council Panel on Welfare Services, advocating for various measures to enhance support for carers amid the COVID-19 pandemic.

了解詳情 Learn more : www.eoc.org.hk/eoc/upload/202092317316182903.pdf

掌握數據 對症下藥 Paint a better picture with better data

照顧者並非單一組別。她／他們的照料對象不盡相同，可能是有特殊教育需要的兒童、受認知障礙症影響的長者，又或是行動不便的家庭成員等，而不少照顧者本身也是年長或殘疾人士。若要制訂切合照顧者需要的政策，必先準確掌握處於不同情況的照顧者數目。

目前，香港政府並沒有專門就照顧者發布統計數字，遑論更詳細的資料，例如被照顧的家庭成員數目、年齡和健康狀況，以及照顧者本身的年齡和健康狀況、她／他們有否申請政府津貼或使用非政府機構服務、是否家中唯一照顧者等。

因此，我們只能從過往一些零散的調查數據作出粗略估算，而這些研究亦往往並非從照顧者的角度出發。例如，根據政府統計處於 2015 年發布的《香港統計月刊：香港的殘疾

人士及長期病患者》，有 203,700 名居家的殘疾人士和 175,600 名居家的長期病患者表示有別人照顧其日常生活。然而，全港的照顧者人數不止於此，因為智障人士的照顧者並未納入上述計算。

根據行政長官於 2020 年 11 月公布的施政報告，勞工及福利局正進行一項深入研究，為擬定全面的照顧者政策提供實證基礎。此舉是邁往正確方向的一步；政府需專門就照顧者蒐集全面數據，以辨識她／他們面對的各種困難，進而制訂更適切的支援措施。

Carers are not a homogeneous group. Some look after children with special educational needs; some take care of elders affected by dementia; some attend to family members with mobility challenges; and many are senior citizens or people with disabilities themselves. Without an accurate grasp of the number of carers facing different situations, it is futile to speak of a policy that suits their needs.

To date, there is no official tally of the total number of carers in Hong Kong, let alone a detailed breakdown according to the number of family members under their care, the age and health conditions of the cared-for, the carer's own age and health conditions, whether the carer has applied for Government allowances or used NGO-run services, and whether he or she is the sole carer, among other relevant factors.



Consequently, only a sketchy picture can be made out of the bits and pieces of data from past studies that were not carer-centric. For instance, in *Hong Kong Monthly Digest of Statistics: Persons with Disabilities and Chronic Diseases in Hong Kong*, published by the Census and Statistics Department in 2015, it was found that nearly 203,700 persons with disabilities and

175,600 persons with chronic diseases had someone to take care of their day-to-day living. Nonetheless, the figures were a sure underestimate, as they did not include carers of persons with intellectual disability.

According to the Chief Executive's 2020 Policy Address delivered last November, the Labour and Welfare Bureau is conducting an in-depth study designed to provide empirical support for formulating a comprehensive carer policy. This is a welcome move. Indeed, there is a need to collect data specifically about carers in a more holistic manner, so that their challenges can be better identified, and alleviated with more tailored support.

擴大津貼計劃的對象 Enhance inclusiveness of financial support schemes

政府目前為照顧者提供兩項津貼計劃，分別是「為低收入的殘疾人士照顧者提供生活津貼試驗計劃」及「為低收入家庭護老者提供生活津貼試驗計劃」。

然而，兩項計劃均規定領取傷殘津貼的人士不能申請照顧者津貼，原因是她／他們「不會被視為合適及有能力的照顧者」。平機會認為，符合領取傷殘津貼的資格，並不代表沒有能力擔當任何照顧工作，故政府應重新審視這項假設。事實上，部分殘疾人士會共同生活、建立關係和互相照顧。因此，政府宜避免將所有傷殘津貼受惠者視為不合資格，而應考慮因應殘疾人士的個人能力和情況，作出適當和彈性處理。

另一個不合資格申請照顧者津貼的組別，是「長者生活津貼」的受助人。一如上述情況，「以老護老」是常見現象，不少長者均有照顧身邊的另一位長者或殘疾人士。隨著香港人口急劇老化（根據政府統計處於2016年的推算，2038年每三名香港人中便有一人為長者），可預見照顧者老齡化的趨勢將有增無減。政府應考慮放寬限制，讓年長的照顧者可利用津貼尋求外間協助或服務，以減輕負擔。

值得一提的是，以上兩項照顧者津貼計劃均屬試驗性質。鑑於冠狀病毒病疫情影響未退，加上本港長遠對照顧的需求將不斷增加，政府應考慮將兩項計劃恆常化，並適時提高津貼金額。

The Government currently runs two carer allowance schemes with its Community Care Fund, namely the "Pilot Scheme on Living Allowance for Low-income Carers of Persons with Disabilities" and the "Pilot Scheme on Living Allowance for Carers of Elderly Persons from Low-income Families".

However, recipients of the Disability Allowance are not deemed to be "fit and capable carers" under both schemes, and thus ineligible for the respective allowances. This assumption needs a rethink, since being entitled to the Disability Allowance does not necessarily mean that one cannot perform caring roles and functions. Indeed, cases of people with disabilities being in a relationship and looking after each other are not unheard of. The blanket ban on Disability Allowance recipients from even applying for carer allowance should therefore be revised with due regard to their individual capacity and circumstances.

Another group ineligible for carer allowance are recipients of the Old Age Living Allowance. Again, it is not uncommon for an elderly person to look after another elderly person or a person with disability. The trend is likely to persist as the city's population ages rapidly, with the Census and Statistics Department projecting in 2016 that nearly one in every three Hongkongers will be a senior citizen in 2038. Easing the restriction would mean easing the burden on elderly carers, who could use the additional allowance to hire assistance services.

It is also worth noting that these are pilot schemes only. Given the increasing demand for caregiving in Hong Kong both in the COVID-plagued present and the longer term, the Government should consider regularising them and raising allowance levels when appropriate.



讓照顧者「停一停、抖一抖」 Give carers a time-out

每個人都需要歇息的空間，照顧者尤加需要定時「放空」，以免壓力爆煲。隨之而來的問題是，誰可代替自己進行照顧的工作呢？

一些海外地區便立法訂明，合資格的照顧者每年可享有某日數的暫顧服務，例如日本有 84 天、澳洲有 63 天、以及加拿大 60 天。暫顧服務有不同類型，包括家居照顧、日間中心及院舍照顧。日本和澳洲更提供過夜的家居或鄰舍暫顧服務，以幫助需要夜間照顧的人士，亦為平日徹夜難眠的照顧者提供了珍貴的喘息空間。無論形式如何，暫顧服務旨在讓院舍或專業人員暫時代替照顧者工作，紓緩他們長期照顧的壓力。

在香港，日間護理中心及護理院舍的暫顧服務長期不足。無疑，土地匱乏和護理人手短缺令暫顧服務供不應求的問題難以在短期內解決，但政府可探討更創新和靈活的方案，例如招聘兼職護理員或訓練社區居民，為同區內的長者和殘疾人士提供日間暫顧服務，地點可以是服務提供者的住所，或是被照顧者的住所。

「照顧」絕對是重要的公共健康議題，影響著每個人的生活質素。制訂全面的照顧者支援政策，不單是為了照顧者與被照顧者的身心健康，亦是為了整體社會的福祉，實在不容再拖。

There is no shame in taking a break from it all. Indeed, being able to take time out is essential to avoiding “carer burnout” and directly related to the quality of care. The question is, of course, who can take your place when you are away?

In some overseas jurisdictions, eligible carers are entitled in law to a prescribed period of respite care services every year (e.g. as long as 84 days in Japan, 63 in Australia, and 60 in Canada). The services come in various forms, including at-home, day centres and care homes. In Japan and Australia, overnight in-home or neighbourhood respite services are also available, which are of particular value to carers looking after those suffering from restlessness at night. Whatever the form, the objective is to allow principal carers to rest and destress while care facilities or professional caregivers perform their roles on a temporary basis.

In Hong Kong, the number of places for respite care services at day care centres and residential care homes has been consistently inadequate. While the scarcity of land in the territory and the shortage of healthcare staff may pose significant roadblocks to meeting the demand in the short term, the Government could explore more innovative solutions to fill the gap, such as engaging part-time care workers or training more talents to provide respite day care services for elders and people with disabilities living in the same neighbourhood, either at their own residence or where the service user lives.

At the end of the day, caregiving is an important public health issue that bears on the quality of life of each and every one of us. It is high time we map out and implement a comprehensive carer support strategy – both for the wellbeing of carers and the cared-for, and for the benefit of society as a whole.

與照顧者同行

照顧者咖啡室

由香港婦女中心協會營運，為照顧者提供放鬆和喘息的空間

www.womencentre.org.hk/Zh/Services/carer/carer_cafe

照顧照顧者

由十多個社福機構及民間團體組成的平台，分享照顧經驗及倡議政策改革

www.facebook.com/careforcarershk

照顧者大大聲

網上互助小組，專門支援照顧認知障礙症患者的人士

www.facebook.com/groups/carers.voice

We're all in this together

Carer Cafes

A space for carers to unwind, operated by the Hong Federation of Women's Centres

www.womencentre.org.hk/Zh/Services/carer/carer_cafe

Care for Carers

A platform set up by over 10 civil society groups to share caregiving tips and advocate policy reform

www.facebook.com/careforcarershk

Carers Voice

An online mutual support group for carers of people with dementia

www.facebook.com/groups/carers.voice

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香港婦女中心協會
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