

立法會
Legislative Council

LC Paper No. CB(1)787/05-06
(These minutes have been seen
by the Administration)

Ref: CB1/HS/1/05

**Subcommittee to Study the Transport Needs of and Provision of
Concessionary Public Transport Fares for Persons with Disabilities**

**Minutes of second meeting on
Monday, 9 January 2006, at 2:30 pm
in Conference Room A of the Legislative Council Building**

- Members present** : Hon LEE Cheuk-yan (Chairman)
Hon LEUNG Yiu-chung
Hon LAU Kong-wah, JP
Hon Miriam LAU Kin-ye, GBS, JP
Hon Andrew CHENG Kar-foo
Hon TAM Yiu-chung, GBS, JP
Hon WONG Kwok-hing, MH
Hon LEUNG Kwok-hung
Dr Hon Fernando CHEUNG Chiu-hung
- Public Officers
Attending** : Ms Linda LAI
Deputy Secretary for Health, Welfare & Food
(Family & Women)
- Mrs Mary MA
Commissioner for Rehabilitation, Health, Welfare and
Food Bureau
- Mr CHEUNG Doi-ching
Principal Assistant Secretary for Health, Welfare & Food
(Elderly Services & Social Security)
- Miss Angela LEE
Principal Assistant Secretary for the Environment,
Transport and Works (Transport)
- Mr Don HO
Assistant Commissioner for Transport/
Management & Paratranist

Mr Kenneth MOK
Chief Transportation Officer/Planning/
Disabled Transport & Project
Transport Department

Attendance by invitation : Equal Opportunities Commission

Mr Raymond TANG Yee-bong
Chairperson

Mr Herman POON Lik-hang
Chief Legal Counsel

Dr Ferrick CHU Chung-man
Head, Policy & Research

Clerk in attendance : Ms Anita SIT
Senior Council Secretary (1)9

Staff in attendance : Ms Connie FUNG
Assistant Legal Adviser 3

Ms Rosalind MA
Senior Council Secretary (1)8

Action

I Confirmation of minutes and matters arising
(LC Paper No. CB(1)643/05-06 -- Minutes of meeting on 2 December 2005)

The minutes of the meeting held on 2 December 2005 were confirmed.

II Meeting with the Administration
(LC Paper No. CB(1)645/05-06(01) -- Information paper provided by the Administration
LC Paper No. CB(1)645/05-06(02) -- Submission from the Equal Opportunities Commission)

2. The Subcommittee deliberated (index of proceedings attached at **Annex A**).

Action

- Admin 3. The Administration was requested to –
- (a) provide a list of the work done by the Environment, Transport and Works Bureau and the Health, Welfare and Food Bureau (HWFB) with timing of relevant events on the provision of concessionary public transport fares for persons with disabilities (PwDs) over the past four years or so. The information should include details of the relevant instructions given by the Bureau Secretaries and the forums or occasions at which the Administration discussed the subject with public transport operators;
 - (b) seek legal advice on whether the non-provision of concessionary public transport fares for those PwDs who needed to be accompanied by a carer in using public transport services and/or for those PwDs' carers would constitute a contravention of the Disability Discrimination Ordinance (Cap. 487) (DDO); and
 - (c) work out possible schemes for provision of concessionary public transport fares for PwDs having regard to the principles of equality as implemented by the DDO, to assess the number of PwDs who would benefit under each of the possible schemes, and to discuss with public transport operators the financial implications of those schemes. The advice of the Equal Opportunities Commission (EOC) and the Department of Justice (DoJ) should be sought in respect of the legal issues that might arise from the schemes.

Efforts made by the Administration to urge major public transport operators to provide fare concessions to PwDs

4. Members were gravely concerned that little progress had been made in respect of urging public transport operators to provide fare concessions to PwDs despite repeated demands from Legislative Council (LegCo) Members and requests from the disabled sector since 2002. Noting the Administration's confirmation that it was committed to improving the accessibility of public transport services to PwDs and had all along tried to urge public transport operators to consider providing fare concession to PwDs, some members queried whether the Administration, in particular the two relevant Bureau Secretaries, had made genuine efforts to work out feasible fare concession schemes for PwDs together with public transport operators.

5. The Administration explained that it had repeatedly relayed the disabled sector's and LegCo Members' request for fare concessions for PwDs to public transport operators, both in writing and during discussions with these operators at meetings and other occasions. However, many of the operators had expressed concern about the definition of PwDs and the size of the disabled population, which inevitably would have a bearing on the financial implications of providing concessionary fares to PwDs on the operators. As for the provision of fare concession to certain groups of PwDs only but not to others, HWFB had devoted a lot of efforts in working out a realistic number of PwDs for fare concession and in

Action

exploring with EOC on the possible legal implications under the DDO.

6. The Administration also advised that registration cards for PwDs had been issued by HWFB since 1999 to provide cardholders with documentary proof of their disability status when necessary. Since July 2005, HWFB had introduced a revamped registration card for PwDs with improved security features. When designing the new registration card, consideration had been given to the possibility that the new registration cards might also serve the purpose of identifying PwDs for the provision of concessionary public transport fares. Moreover, to facilitate the collection of latest data on the number and travel patterns of PwDs in Hong Kong, on HWFB's request, the Census and Statistics Department (CSD) would commence a survey on PwDs in 2006.

7. Members were dissatisfied with the Administration's explanation and requested the Administration to take follow up actions as requested in paragraph 3(a) above.

Possible schemes for provision of concessionary public transport fares

8. Members noted EOC's advice on the issues that needed to be considered in relation to the principles of equality as implemented by the DDO when examining possible schemes for provision of concessionary public transport fares for PwDs, as detailed in EOC's submission to the Subcommittee (LC Paper No. CB(1)645/05-06(02)). Members requested the Administration to work out possible schemes for provision of concessionary public transport fares for PwDs in consultation with the EOC and the DoJ on legal issues that might arise from the schemes.

9. Members also noted with concern that the non-provision of concessionary public transport fares for those PwDs who needed to be accompanied by a carer in using public transport services and/or for those PwDs' carers might constitute a contravention of the DDO. The Administration undertook to seek legal advice in this regard. Members also requested EOC and the legal adviser to the Subcommittee to provide their legal advice on this issue.

Date of next meeting

10. Members agreed that the next meeting of the Subcommittee be held on Monday, 13 February 2006 at 2:30 pm.

III Any other business

11. There being no other business, the meeting ended at 4:43 pm.

**Proceedings of the second meeting of
the Subcommittee to Study the Transport Needs of and Provision of
Concessionary Public Transport Fares for Persons with Disabilities
Monday, 9 January 2006, at 2:30 pm
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
<i>Agenda Item I – Confirmation of minutes and matters arising</i>			
000000 – 000031	Chairman	- Confirmation of minutes of the meeting held on 2 December 2005 (LC Paper No. CB(1)643/05-06)	
<i>Agenda Item II – Meeting with the Administration</i>			
000032 – 000359	Chairman	- Opening remarks	
000400 – 000658	Administration	- Briefing by the Administration (LC Paper No. CB(1)645/05-06(01))	
000659 – 001733	Mr WONG Kwok-hing Administration	<p>- Concern about efforts made by the Administration to urge major public transport operators to provide concessionary fares to PwDs. In Mr WONG Kwok-hing's view, the Government, being the majority shareholder of the Mass Transit Railway Corporation Limited and the sole owner of the Kowloon-Canton Railway Corporation, should take the lead in offering fare concessions to PwDs using railway services.</p> <p>- The Administration's explanation that it had repeatedly relayed the request for fare concession to the public transport operators. The request for fare concessions had also been conveyed to the two railway corporations. Nevertheless, the corporations were required to operate according to prudent commercial principles and they had autonomy on fare matters.</p>	
001734 – 002757	Dr Fernando CHEUNG Administration	<p>- Assessments made by public transport operators on the financial implications of providing concessionary fares to PwDs.</p> <p>- Progress of the establishment of a working group by the Administration with representatives from the disabled sector to work out arrangements for the provision of concessionary fares to PwDs.</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>- The Administration's advice that it had been discussing with the EOC on possible schemes for provision of concessionary fares for PwDs having regard to the principles of equality implemented by the DDO. Moreover, preparation was being made for a comprehensive survey on the disabled which would include data, inter alia, on the number and travel patterns of PwDs in Hong Kong. The proposed working group would be formed, likely in 2006, when possible schemes for provision of concessionary fares had been worked out in consultation with the EOC.</p>	
002758 – 004152	Mr LEUNG Yiu-chung Administration	<p>- Concern about efforts made by the Administration to urge major public transport operators to provide concessionary fares to PwDs. Feedback and concerns of public transport operators in this regard.</p> <p>- The Administration's advice that public transport operators were concerned about the definition of PwDs and the size of the disabled population, which would have a bearing on the financial implications of providing concessionary fares to PwDs on the operators. They were also concerned about whether there was an effective mechanism for identification of PwDs to safeguard against abuses.</p> <p>- The registration cards for PwDs issued by HWFB might serve as a means for identification of PwDs. HWFB was prepared to provide the necessary facilitation for use of the card as an identification document.</p>	
004153 – 005340	Mr LEUNG Kwok-hung Administration	<p>- Work done by the Administration to take forward the request for provision of concessionary public transport fares for PwDs since such a request was made by LegCo through a motion passed in October 2002</p>	The Administration to take follow up actions as requested in paragraph 3(a) of the minutes
005341 – 010006	Equal Opportunities Commission (EOC)	<p>- Briefing by EOC (LC Paper No. CB(1)645/05-06(02))</p>	
010007 – 011418	Mr Andrew CHENG Administration EOC	<p>- Possible schemes for provision of concessionary public transport fares for PwDs having regard to the advice of EOC on issues to be considered relating</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>to the DDO.</p> <ul style="list-style-type: none"> - The Administration's explanation on the problems to be resolved on different definitions of PwDs being considered for the provision of concessionary public transport fares. It would continue to work closely with the EOC and maintain consultation with the disabled sector and public transport operators, with a view to developing a scheme acceptable to all parties concerned. - EOC's advice that if differentiations were to be made between PwDs with different types of disabilities in the provision of assistance or protection, one had to ensure that it was not arbitrary or without proper factual or legal basis. Concessionary fares could be given to selected groups of PwDs so long as the selection was consistent with the principles of equality as implemented by the DDO. Hence, EOC had suggested in its submission that the Administration should first clearly identify the target difficulty intended to be addressed in the provision of concessionary fares to PwDs. 	
011419 – 012529	Mr LEUNG Yiu-chung The Chairman Administration	<ul style="list-style-type: none"> - Whether the non-provision of concessionary fares for those PwDs who needed to be accompanied by a carer in using public transport services and/or for those PwDs' carers would constitute a contravention of the DDO. - Data to be collected in the upcoming survey by CSD to facilitate the identification of relevant PwDs affected by the same target difficulty to be addressed by the provision of concessionary fares. 	The Administration to take follow up actions as requested in paragraph 3(b) of the minutes
012530 – 014404	Dr Fernando CHEUNG Mr WONG Kwok-hing Administration	<ul style="list-style-type: none"> - Dr Fernando CHEUNG's view that legal issues relating to the principles of equality implemented by the DDO should not be obstacles to the provision of concessionary fare to PwDs. The Administration should expedite its efforts in this regard and provide the Subcommittee with an implementation schedule for the provision of concessionary fares. 	

Time marker	Speaker	Subject(s)	Action required
		<ul style="list-style-type: none"> - Mr WONG Kwok-hing's view that the Administration should take concrete actions to ensure that public transport operators would provide concessionary fares to PwDs. For example, in considering the renewal of franchises for existing operators, the Administration should seek to incorporate provisions in the new franchise agreements that the operators must offer fare concession to PwDs. - The Administration's explanation that possible schemes for the provision of concessionary fares had yet to be worked out having regard to the principles of equality implemented by the DDO, in consultation with the disabled sector, the public transport operators and with the assistance of the EOC. The Administration was unable to provide an implementation schedule at the present stage. 	
014405 – 015209	Ms Miriam LAU EOC	<ul style="list-style-type: none"> - Concerns of public transport operators about the definition of PwDs and the size of PwDs population, which had important bearing on the financial implications of providing concessionary fares to PwDs. - Reference to the implementation of fare concessions for PwDs in overseas jurisdictions 	
015210 - 020207	Mr LEUNG Kwok-hung Mr LAU Kong-wah Administration Chairman	- The Administration to work out possible schemes for provision of concessionary public transport fares for PwDs for the Subcommittee's consideration at the next meeting.	The Administration to take follow up actions as requested in paragraph 3 (c) of the minutes
<i>Agenda Item III – Any other business</i>			
020208 – 020309	Chairman	- Date of next meeting	