

立法會
Legislative Council

LC Paper No. CB(1)869/06-07
(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 seventh meeting on
Monday, 15 January 2007, at 8:30 am
in Conference Room A of the Legislative Council Building**

- Members present** : Hon LEE Cheuk-yan (Chairman)
Hon Miriam LAU Kin-ye, GBS, JP
Hon TAM Yiu-chung, GBS, JP
Hon WONG Kwok-hing, MH
Hon LEUNG Kwok-hung
Dr Hon Fernando CHEUNG Chiu-hung
- Member attending** : Hon Ronny TONG Ka-wah, SC
- Members absent** : Hon LEUNG Yiu-chung
Hon LAU Kong-wah, JP
Hon Andrew CHENG Kar-foo
- Public Officers attending** : Mrs Mary MA
Commissioner for Rehabilitation,
Health, Welfare and Food Bureau
- Miss Angela LEE
Principal Assistant Secretary for the Environment,
Transport and Works
- Mr Don HO
Assistant Commissioner for Transport/
Management and Paratransit

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

Mr George YEUNG
Senior Statistician,
Health, Welfare and Food Bureau

Attendance by invitation : The University of Hong Kong
Professor John Bacon-Shone
Director, Social Sciences Research Centre
Mr JIM, Ho Timothy
Senior Research Executive,
Social Sciences Research Centre
Equal Opportunities Commission
Mr Raymond TANG Yee-bong
Chairperson
Dr Ferrick CHU Chung-man
Head, Policy & Research

Clerk in attendance : Ms Connie SZETO
Chief Council Secretary (1)6

Staff in attendance : Ms Connie FUNG
Assistant Legal Adviser 3
Ms Sarah YUEN
Senior Council Secretary (1)6
Ms Michelle NIEN
Legislative Assistant (1)9

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I Confirmation of minutes and matters arising

(LC Paper No. CB(1) 652/06-07 - Minutes of the meeting held on 10 July 2006)

The minutes of the meeting held on 10 July 2006 were confirmed.

II Meeting with the Equal Opportunities Commission and the Administration

(LC Paper No. CB(1) 675/06-07(01) - Information paper provided by the Administration

LC Paper No. CB(1) 675/06-07(02) - List of follow-up actions (position as at 10 January 2007) prepared by the Secretariat)

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

Provision of concessionary fares by public transport operators

3. Members received a power-point briefing on the findings of the survey conducted by the Social Sciences Research Centre of the University of Hong Kong on the traveling characteristics of persons with disabilities (PwDs) who were recipients of Disability Allowance (DA) or assistance under the Comprehensive Social Security Assistance (CSSA) Scheme with 100% loss in earning abilities (the Survey). Members noted that under three possible fare concession options covered in the Survey, namely public holiday concession, non-peak hour concession and full day concession, the total weekly expenditure per PwD on Mass Transit Railway (MTR), Kowloon-Canton Railway (KCR), Light Rail Transport (LRT) and tram was found to increase with the major increases being for MTR and KCR, while the total weekly expenditure per PwD on buses was estimated to increase only under public holiday concession. Members further noted that there would be increases in weekly cashflow for MTR, KCR, LRT and tram including all the new users under concessions. As regards buses, as half of the respondents were already existing bus users, the proportion of new users and the expected amount spent by them were relatively small, leading to a net reduction in weekly cashflow under the non-peak hour concession and the full day concession. In the light of the findings of the Survey, members considered that there was a strong case for the public transport (PT) operators, particularly MTR and KCR, to offer concessionary fares (CFs) to recipients of DA and CSSA with 100% loss of earning capacity as this would bring additional revenue to the operators. They therefore urged the Administration to proactively follow up the findings with PT operators.

(Post-meeting note: The hard copy of the power-point presentation material was tabled at the meeting. Its soft copy was emailed to members on 16 January 2007.)

4. Noting that the Administration had forwarded the findings of the Survey to PT operators for reference and consideration, and would follow up with them in exploring possible options of CFs for PwDs, the Subcommittee agreed to meet with

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representatives of PT operators and the Administration at the next meeting to hear their responses on the Survey findings and to discuss with them on the way forward for provision of CFs for PwDs in the light of the findings. In this connection, the Administration agreed to report the results of discussion with PT operators at the next meeting.

Legislative amendments to the Disability Discrimination Ordinance (Cap. 487)

Admin. 5. On the legal side, members expressed dissatisfaction with the lack of progress in introducing legislative amendments to the Disability Discrimination Ordinance (Cap. 487) (DDO) to put it beyond doubt that selective provision of concessionary fares to PwDs would not constitute a contravention of DDO. The Administration undertook to provide a concrete legislative timetable at the next meeting.

Transport needs of PwDs

6. Apart from urging PT operators to provide CFs for PwDs, Ms Miriam LAU further called upon the Administration to consider relaxing the restriction on taxis to allow the introduction of larger vehicles in order to facilitate boarding of wheelchair-bound PwDs. Members agreed that the Subcommittee should discuss related issues at future meeting(s).

Clerk **III Any other business**

Date of next meeting

7. The Subcommittee agreed to hold the next meeting on Tuesday, 27 February 2007, at 4:30 pm to meet with representatives of PT operators and the Administration to follow up on the Survey findings. The Subcommittee also agreed to invite the Secretary for Health, Welfare and Food, the Secretary for the Environment, Transport and Works to the meeting to exchange views with members and PT operators on related issues.

8. There being no other business, the meeting ended at 10:35 am.

**Proceedings of the seventh meeting of
the Subcommittee to Study the Transport Needs of and Provision of
Concessionary Public Transport Fares for Persons with Disabilities
on Monday, 15 January 2007, at 8:30 am
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 – 000144	Chairman	(a) Opening remarks by the Chairman (b) Confirmation of minutes of the meeting held on 10 July 2006 (LC Paper No. CB(1)652/06-07)	
<i>Agenda Item II – Meeting with the Equal Opportunities Commission and the Administration</i>			
000145 – 003815	Chairman Social Sciences Research Centre of the University of Hong Kong (the Centre)	Briefing by the Centre on the findings of the Survey on the Public Transport Needs of Persons with Disabilities (PwDs) (the Survey)	
003816 – 004611	Chairman Mr WONG Kwok-hing Administration	(a) Mr WONG Kwok-hing's and the Chairman's view that there was a strong case for the public transport (PT) operators to offer fare concessions to PwDs given that the Survey had addressed their concern about the financial implications arising from the offers, and clearly indicated that additional revenue would be generated from additional trips taken by PwDs particularly for the two railway corporations (b) The Administration's advice that the findings of the Survey had been forwarded to PT operators for reference and consideration. It was hoped that PT operators would seriously consider providing concessionary fares (CFs) to PwDs having regard to the findings and their operating environment in accordance with prudent commercial principles, so as to facilitate PwDs in integrating into the community (c) Mr WONG's view that the Government should proactively follow up the findings of the Survey with PT operators. In particular, being the sole owner of Kowloon-Canton Railway Corporation (KCRC) and the major	

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		<p>shareholder of MTR Corporation Limited (MTRCL), the Government should exercise its influence in the relevant Boards to ensure KCRC and MTRCL would take the lead in providing CFs to PwDs</p> <p>(d) The Administration's responses as follows:</p> <p>(i) From the transport policy perspective, the objective was to provide a barrier-free environment for PwDs while encouraging PT operators to provide concessionary fares to PwDs taking into account their operating environment and financial situation;</p> <p>(ii) While the Administration would actively follow up with PT operators on the findings of the Survey, PwDs' responses to the hypothetical questions in the Survey relating to traveling behaviour and expenditure under fare concessions and the estimated change in revenue of PT operators should be read with caution;</p> <p>(iii) It was necessary to introduce legislative amendments to the Disability Discrimination Ordinance (DDO) (Cap. 487) to address PT operators' concern about the legality of selective provision of concessionary fares to certain groups of PwDs, namely, recipients of Disability Allowance (DA) or assistance under the Comprehensive Social Security Assistance (CSSA) Scheme with 100% loss in earning abilities; and</p> <p>(iv) As to the call upon the Government to direct the two railway corporations, it should be noted that these corporations had to operate according to prudent commercial principles</p> <p>(e) Mr WONG's dissatisfaction that the</p>	

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		Administration had refused to accept in full the findings of the Survey and suggestion of inviting the Secretary for the Environment, Transport and Works and the Secretary for Health, Welfare and Food to attend the next Subcommittee meeting	
004612 – 010225	Chairman Dr Fernando CHEUNG Administration Equal Opportunities Commission (EOC)	<p>(a) Dr Fernando CHEUNG's view that provision of CFs to PwDs would be consistent with the requirement for PT operators to operate according to prudent commercial principles as the findings of the Survey had clearly indicated that there would be cashflow increases for operators after provision of CFs</p> <p>(b) The Administration's advice that preparation of the legislative amendments to Schedule 5 to DDO to put beyond doubt that selective provision of CFs to PwDs would not constitute a contravention of DDO was in progress. As the relevant amendment could be effected expeditiously by moving a resolution in the Council, simple legislative procedure would be involved and hence would not hold up provision of CFs to PwDs</p> <p>(c) EOC was of the view that selective provision of CFs to certain groups of PwDs would not contravene DDO if CFs were to be introduced by amendment to Schedule 5 of DDO, which would be an expeditious way to address possible concerns in this regard</p> <p>(d) The Administration's reiteration of the need to exercise caution in considering the findings of the Survey and its stance to encourage rather than direct PT operators to provide CFs to PwDs in recognition of the need for operators to operate according to prudent commercial principles</p> <p>(e) Dr CHEUNG's dissatisfaction that the Administration should cast doubt on the findings of the Survey</p>	

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		<p>(f) Dr CHEUNG's view that as PT operators were providing public services, they should not operate entirely on a commercial basis. It should be noted that some PT operators were operating under franchises and hence were protected from open competition</p> <p>(g) The Administration's clarification that it recognized the Survey's referential value and had therefore forwarded the findings to PT operators immediately upon their release</p>	
010226 – 011744	Chairman Mr Ronny TONG Administration	<p>(a) Mr Ronny TONG's views as follows:</p> <p>(i) The Administration should take proactive action to ensure PT operators would provide CFs to PwDs instead of relying on operators' own initiative to take forward the matter; and</p> <p>(ii) LegCo should oppose to the Rail Merger Bill should the Bill obstruct instead of facilitate the provision of CFs to PwDs by the two railway corporations</p> <p>(b) Mr TONG's dissatisfaction with the lack of progress in taking forward the amendment to Schedule 5 of DDO, and request for the Administration to provide a concrete timetable for introducing the amendments</p> <p>(c) The Administration's responses as follows:</p> <p>(i) Government's transport policy was to achieve barrier-free transport for PwDs. In recognition of the need to ensure a balance between the transport needs of PwDs and the provision of safe, efficient and reliable transport service, the Administration would encourage instead of direct PT operators to provide the concessions. As PT operators were operating in accordance with commercial principles, it</p>	

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		<p>would not be appropriate to impose statutory requirements on operators for the provision of CFs to PwDs;</p> <p>(ii) From the welfare perspective, the Government had been providing various sources of assistance to take care of the basic transport needs of PwDs, including Rehabus service, non-means-tested DA and CSSA; and</p> <p>(iii) The Administration had already been working closely with the law draftsman in preparing the legislative amendments to Schedule 5 to DDO. It was necessary to ensure the amendments would not diminish the protection available under DDO and could facilitate the implementation of any concessionary fare schemes in future. The Administration would provide a concrete legislative timetable and provide details on the progress at the next Subcommittee meeting</p>	<p>The Administration to take follow-up actions as requested in paragraph 5 of the minutes</p>
<p>011745 – 013226</p>	<p>Chairman Ms Miriam LAU Administration</p>	<p>(a) Ms Miriam LAU' s appreciation of the findings of the Survey and urge for the Administration to take proactive action in following up the Survey with PT operators</p> <p>(b) Ms LAU's urge for the Administration to consider relaxing the restriction on taxis to allow the introduction of larger vehicles in order to facilitate boarding of wheelchair-bound PwDs. Suggestions to be considered included:</p> <p>(i) allowing such taxis to charge higher fares to cover the higher operating cost;</p> <p>(ii) providing assistance to concerned operators to reach potential target clients; and</p>	

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		<p>(iii) re-introducing the taxi voucher scheme for PwDs implemented some years before</p> <p>(c) The Administration's responses as follows:</p> <p>(i) The Administration had been exploring with associations in the taxi trade and taxi manufacturers on ways to facilitate introduction of special taxis for use by PwDs; and</p> <p>(ii) As the current policy required new taxis to use liquefied petroleum gas, there was difficulty in identifying suitable vehicle models meeting the safety requirement and catering for the special needs of PwDs. The Administration would continue to liaise with taxi manufacturers in exploring the feasibility of converting vehicles to meet the transport needs of PwDs</p> <p>(d) Members' agreement that the Subcommittee should discuss related issues in future meeting(s)</p>	
013227 – 014452	Chairman Mr LEUNG Kwok-hung Administration	<p>(a) Mr LEUNG Kwok-hung's views as follows:</p> <p>(i) In consideration of the natural monopoly or franchises presently enjoyed by PT operators, the Government should require them to provide CFs to PwDs so as to facilitate PwDs' integration into the community; and</p> <p>(ii) PT operators had corporate social responsibilities and should respond to PwDs' transport needs</p> <p>(b) The Administration's re-iteration on the following points:</p> <p>(i) It would actively follow up findings of the Survey with PT operators to ensure safe and</p>	

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		<p>efficient provision of service, as well as meeting the needs of the traveling public as a whole, including PwDs; and</p> <p>(ii) The Administration did not consider it appropriate to include specific provisions in the law or franchise agreements requiring operators to offer CFs to specific groups of passengers as such provisions would not be able to take due account of the operating environment of the operators</p>	
014453 – 015320	Chairman Mr WONG Kwok-hing Administration	<p>(a) Mr WONG Kwok-hing's dissatisfaction with the Administration's passive and procrastinating attitude in pursuing the provision of CFs for PwDs, and its interpretation of the findings of the Survey in such a way as to suit its own needs</p> <p>(b) The Administration's recapitulation of its views on the findings of the Survey, and undertaking to report its discussion with PT operators in following up the Survey at the next meeting</p>	The Administration to take follow-up actions as requested in paragraph 4 of the minutes
015321 – 015700	Chairman The Centre	<p>(a) The Centre's explanation on the limitations of the Survey, how the upper bound and lower bound for estimated traveling expenditure had been worked out, and the impact of the carer element on these two calculations</p> <p>(b) The Centre's view that notwithstanding the limitations and uncertainties of the Survey, most PT operators would benefit from provision of CFs to PwDs</p>	
<i>Agenda Item III – Any other business</i>			
015701 – 015913	Chairman Ms Miriam LAU Dr Fernando CHEUNG Administration	Date of next meeting and relevant arrangements	

Council Business Division 1
Legislative Council Secretariat
2 February 2007