

**立法會**  
**Legislative Council**

LC Paper No. CB(1)898/07-08  
(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 fourteenth meeting on  
Tuesday, 15 January 2008, at 2:30 pm  
in the Chamber 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 TAM Yiu-chung, GBS, JP  
Hon LEUNG Kwok-hung  
Dr Hon Fernando CHEUNG Chiu-hung
- Member attending** : Hon Ronny TONG Ka-wah, SC
- Members absent** : Hon Andrew CHENG Kar-foo  
Hon WONG Kwok-hing, MH
- Public Officers attending** : Agenda item II  
  
Mrs Mary MA  
Commissioner for Rehabilitation, Labour and  
Welfare Bureau  
  
Mrs Avia LAI  
Principal Assistant Secretary for Transport and  
Housing

Mr Don HO  
Assistant Commissioner for Transport/  
Management and Paratransit  
Transport Department

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

**Attendance by  
invitation**

: Agenda item II

Equal Opportunities Commission

Dr Ferrick CHU Chung-man  
Head, Policy & Research

Disability Alliance on Concessionary Transport Fare

*Hong Kong Blind Union*

Mr Raco CHENG  
Director

*Hong Kong Federation of Handicapped Youth*

Mr Allen CHAN Kam-yuen  
The Chairperson of Rehabilitation Policy  
Sub-Committee

Ms Wanzy LO  
Policy Advocacy Officer

*Hong Kong Joint Council of Parents of the Mentally  
Handicapped*

Mr LAW Kin-ping  
Service and Advocacy Member

*Rehabilitation Alliance Hong Kong*

Ms Fontane LAM  
General Secretary

Mr LEE Tsz-yu  
Member

*Hong Kong Federation of the Blind*

Ms HO Suet-fan  
Chairperson

Mr LAM Chun-tak  
Vice-Chairperson

*Christian Family Service Centre Integrated  
Rehabilitation Service*

Mr CHUNG Shing-bun  
Member

*Retina Hong Kong Social Policy Group*

Mr Henry HUNG  
Member

*The Parents' Association of Pre-school Handicapped  
Children*

Ms Winly SHUM  
Treasurer

**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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Action

- I Confirmation of minutes and matters arising**  
(LC Paper No. CB(1)407/07-08 - Minutes of the meeting held on  
9 October 2007)

The minutes of the meeting held on 9 October 2007 were confirmed.

Action

**II The provision of concessionary public transport fares for persons with disabilities**

Meeting with the Administration

(LC Paper No. CB(1)541/07-08(01) - Information paper provided by the Administration

LC Paper No. CB(1)541/07-08 (02) - List of follow-up actions prepared by the Secretariat (position as at 10 January 2008))

2. At the Chairman's invitation, the Commissioner for Rehabilitation, Labour and Welfare Bureau (C for R) reported that at the Question and Answer Session on the Policy Address held on 11 October 2007 in the Legislative Council, the Chief Executive (CE) stated that the Administration was considering the provision of concessionary public transport fares (CPTF) to persons with disabilities (PwDs) and a decision would be made within one to two months. CE announced at the Summit on Social Enterprise held on 20 December 2007 that the Government had decided to provide CPTF to PwDs to help them integrate into society. The Financial Secretary and the Secretary for Labour and Welfare (SLW) were actively considering the relevant implementation details. The Financial Secretary would announce the relevant CPTF scheme in the coming Budget in February 2008. The Administration would then report back to the Subcommittee at the earliest opportunity, and a meeting for this purpose had already been scheduled for 11 March 2008.

Meeting with persons with disabilities groups

(LC Paper No. CB(1)592/07-08(01) - Submission from The Parents' Association of Pre-School Handicapped Children)

3. At the Chairman's invitation, representatives of PwD groups took turns to express their views on the provision of CPTF to PwDs. In gist, they were all pleased to note the Government's decision to provide resources for implementing a CPTF scheme for PwDs, which had been actively pursued by PwD groups over the past years, and called on the Administration to expedite introduction of the scheme as soon as possible. To ensure that the scheme could really address PwDs' needs, they highlighted the following three major principles which should be observed by the scheme:

- (a) Half-fare concessions should be provided to PwDs without any restrictions, such as restricting the concessions to certain days and hours;
- (b) Provision of CPTF to PwDs must not affect Government funding for other welfare services; and
- (c) The CPTF scheme should act as an incentive to encourage PwDs to go

## Action

out more to participate in various activities, thereby promoting their integration into society. As such, the Administration should not seek to implement the CPTF scheme by, as reported in the press, modeling on the pilot Transport Support Scheme, under which time-limited transport subsidy was provided in the form of fixed-sum monthly allowances, or by increasing the amount of the Disability Allowance (DA) to PwDs. To prevent division among PwDs and mismatch of resources, the CPTF scheme should be implemented by modifying the fare collection system presently available in the Octopus System, such as concessionary fares for school children and the elderly. This would enable early introduction of the scheme and ensure PwDs could enjoy half fare on every trip they took. This would also address concerns about over-provision of subsidies to PwDs who did not travel a lot, and under-provision of subsidies to those who travelled frequently.

4. In this regard, the Hong Kong Blind Union and the Rehabilitation Alliance Hong Kong also opined that at the end all PwD registration card holders should be able to enjoy half-fare concessions.

5. In addition, some representatives expressed the following views:

- (a) Since PwDs' incomes were in general low and some PwDs were even unemployed, the provision of CPTF to them was essential to their integration into the community;
- (b) In the long run, provision of CPTF to PwDs under the principle of shared responsibility between the Government and various public transport operators (PTOs) should be pursued, so that PTOs would fulfill their corporate social responsibilities; and
- (c) The likely implementation of the CPTF scheme through increasing the amount of DA might give rise to unfairness as PwDs who had jobs and were not eligible for DA could not benefit from the scheme although they had to go out to work and hence were most in need of CPTF.

## Discussion

### *The mode of operation*

6. Members concurred with PwD groups' views above, and expressed grave concern that the Administration would implement the CPTF scheme through providing a transport allowance or increasing the amount of DA. They strongly requested that the scheme be implemented through modification of the Octopus System so as to minimize possible administrative burden on PTOs and to expedite introduction of the scheme. As such, members urged that the Administration

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Admin. should liaise with PTOs and the Octopus Cards Limited in following up the matter. In response, the Administration undertook to take into account the views of PwD groups and members in working out the CPTF scheme, and report back at the meeting on 11 March 2008.

*Legal issues*

7. In response to the Chairman, C for R explained that the original intention of proposing amendment to the Disability Discrimination Ordinance (Cap. 487) (DDO) was to address the concern of PTOs on possible legal challenge for them to offer fare concession to a selective group of PwDs. As for the present CPTF scheme under consideration, the fare concession would be provided by Government and not by PTOs. However, for the implementation of any scheme by Government, the possible legal implications would be taken into account with legal advice sought as appropriate.

8. Members, however, considered that regardless of the mode of operation of the CPTF scheme, it might be necessary to introduce legislative amendments to DDO to put beyond doubt that selective provision of CPTF to PwDs would not constitute a contravention of DDO. In this regard, Dr Ferrick CHU, Head, Policy & Research of the Equal Opportunities Commission (EOC), advised that DDO applied to both the Government and the private sector. As such, the capacity/capacities of the party/parties involved in the selective provision of CPTF to PwDs was/were irrelevant to whether the act would contravene DDO. EOC would not like to see the implementation of the CPTF scheme delayed by litigation risks. Assistant Legal Adviser 3 concurred that it would be safer and more desirable to introduce legislative amendments to DDO to remove any possible litigation risks that might arise from selective provision of CPTF to PwDs.

Admin. 9. In order to address members' concern regarding whether implementation of the CPTF scheme through public funds might contravene DDO, the Administration was requested to provide a paper for the meeting on 11 March 2008, setting out the following:

- (a) Advice from the Department of Justice (DoJ) in respect of possible legal issues that might arise from implementing a CPTF scheme for PwDs with public funds, including whether implementation of the scheme might contravene provisions of DDO, and whether there would be litigation risks on the part of the Administration or PTOs as the latter would be involved in the implementation of the scheme. In considering the matter, it should be noted that there were current examples where public and private bodies, such as the Leisure and Cultural Services Department, the Ocean Park, and the ferry operators, were offering various concessions to PwDs;
- (b) Having regard to (a) above, DoJ's advice on the need to introduce legislative amendments to DDO to remove possible litigation risks

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that implementation of the CPTF scheme would constitute a contravention of the Ordinance; and

- (c) In connection with (b) above, if the need to amend DDO was established, the Administration's plan and the legislative timetable in this regard.

**III Any other business**

Date of next meeting

10. The Subcommittee noted that SLW had already agreed to attend the meeting on 11 March 2008 at 2:30 pm, to brief members on the details and implementation of the CPTF scheme.

11. As to the meeting to revisit the subject of introducing a new mode of accessible public transport service for PwDs, members agreed that the relevant meeting date should be worked out in consultation with the Administration to ensure that it would be ready to report on the relevant progress.

*(Post-meeting note: The meeting was subsequently scheduled for Tuesday, 29 April 2008, at 4:30 pm.)*

12. There being no other business, the meeting ended at 3:55 pm.

Council Business Division 1  
Legislative Council Secretariat  
25 February 2008

**Proceedings of the fourteenth meeting of  
the Subcommittee to Study the Transport Needs of and Provision of  
Concessionary Public Transport Fares for Persons with Disabilities  
on Tuesday, 15 January 2008, at 2:30 pm  
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
<b>Agenda Item I – Confirmation of minutes and matters arising</b>			
000447 – 000526	Chairman	(a) Opening remarks by the Chairman  (b) Confirmation of minutes of the meeting held on 9 October 2007 (LC Paper No. CB(1)407/07-08)	
<b>Agenda Item II – The provision of concessionary public transport fares for persons with disabilities</b>			
<i>Meeting with the Administration</i>			
000527 – 000908	Chairman Administration	Briefing by the Administration on the latest position on its follow-up actions on the provision of concessionary public transport fares (CPTF) to persons with disabilities (PwDs) after the Subcommittee meeting of 9 October 2007 (LC Paper No. CB(1)541/07-08(01))	
000909 – 002109	Chairman Ms Miriam LAU Administration Dr Fernando CHEUNG Equal Opportunities Commission (EOC) Assistant Legal Adviser 3 (ALA3)	(a) The Administration's advice that under the CPTF scheme presently under contemplation (the CPTF scheme), to facilitate early implementation, CPTF would be provided to PwDs with public funds. Any legal implications for implementation of the scheme would be taken into account with legal advice sought as appropriate  (b) The Administration's confirmation to report back to the Subcommittee on the CPTF scheme at the meeting on 11 March 2008. Thereafter, the normal procedure for seeking funding would be followed  (c) Ms Miriam LAU, Dr Fernando CHEUNG and the Chairman's view that, regardless of the mode of operation of the CPTF scheme, in order to expedite introduction of the scheme, there was a need to put it beyond doubt that selective provision of CPTF to PwDs would not constitute a contravention of the Disability Discrimination Ordinance (Cap. 487) (DDO). This was because public transport operators (PTOs) would be involved in the implementation of the CPTF scheme. Moreover, as ferry operators had already been providing CPTF to PwDs, they should be protected from any litigation risks so arising	

Time marker	Speaker	Subject(s)	Action required
		<p>(d) The Administration's response that it would seek legal advice on the need to amend DDO after the implementation details of the CPTF scheme were finalized. Meanwhile, the Administration was considering the implementation details of the scheme having regard to possible litigation risks</p> <p>(e) The Chairman and Dr CHEUNG's view that the CPTF scheme should not be implemented through providing a transport allowance or increasing the amount of the Disability Allowance (DA) to PwDs. Moreover, PTOs should be involved in providing CPTF to PwDs. Possible contravention of DDO should not be used as an excuse to justify the former mode of operation</p> <p>(f) EOC's advice that both the Government and the private sector was bound by DDO. As such, the capacity/capacities of the party/parties involved in the selective provision of CPTF to PwDs was/were irrelevant to whether the act would contravene DDO. EOC would not like to see the implementation of the CPTF scheme delayed by litigation risks</p> <p>(g) ALA3's advice that it would be safer and more desirable to introduce legislative amendments to DDO to remove any possible litigation risks that might arise from selective provision of CPTF to PwDs</p>	
<b><i>Meeting with persons with disabilities groups</i></b>			
002110 – 002328	Chairman Hong Kong Blind Union (the Union)	<p>(a) Offer on behalf of the Union's Chairperson his apologies for being unable to attend the meeting</p> <p>(b) Presentation of views</p>	
002329 – 002523	Chairman Hong Kong Federation of Handicapped Youth	Presentation of views	
002524 – 002743	Chairman Hong Kong Joint Council of Parents of the Mentally Handicapped	Presentation of views	
002744 – 003031	Chairman Rehabilitation Alliance Hong Kong	Presentation of views	

Time marker	Speaker	Subject(s)	Action required
003032 – 003214	Chairman Hong Kong Federation of the Blind	Presentation of views	
003215 – 003509	Chairman Christian Family Service Centre Integrated Rehabilitation Service	Presentation of views	
003510 – 003949	Chairman Retina Hong Kong Social Policy Group	Presentation of views	
003950 – 004319	Chairman The Parents' Association of Pre-School Handicapped Children	Presentation of views (LC Paper No. CB(1)592/07-08(01))	
<b>Discussion</b>			
004320 – 004359	Chairman Administration	The Administration's undertaking to take into account the above views expressed by the PwD groups and members in working out the CPTF scheme	The Administration to take follow-up actions as requested in paragraph 6 of the minutes
004400 – 005115	Chairman Mr LEUNG Yiu-chung Administration	<p>(a) Mr LEUNG Yiu-chung's concerns and views as follows:</p> <p>(i) The Administration might again be procrastinating the provision of CPTF to PwDs as demonstrated by its failure to provide information on the bases for working out the respective monthly payments of the Normal and Higher DA, and a breakdown of the estimated expenses for various expenditure items incurred by PwDs, particularly PwDs' travelling expenses (the requested breakdown). To assure members of the Administration's sincerity in implementing the CPTF scheme, the Financial Secretary should explain to members the CPTF options under consideration before the Budget in February 2008</p> <p>(ii) The CPTF scheme should not be implemented through increasing the amount of DA to PwDs</p> <p>(b) The Administration's explanation that since DA was intended to cater for the needs of PwDs arising from their disabilities, the requested breakdown was not available</p>	

Time marker	Speaker	Subject(s)	Action required
005116 – 005939	Chairman Mr LEUNG Kwok-hung Administration	<p>(a) Mr LEUNG Kwok-hung's concerns and views as follows:</p> <p>(i) It was regretful that no progress had been made in amending DDO to put it beyond doubt that selective provision of CPTF to PwDs would not constitute a contravention of DDO. The Administration could continue to use legal issues as an excuse to further procrastinate the CPTF scheme. Advice should be sought from the Department of Justice (DoJ) on the need to introduce legislative amendments to DDO to remove possible litigation risks that implementation of the CPTF scheme would constitute a contravention of DDO</p> <p>(ii) DoJ should apply for an injunction in respect of PTOs on grounds of their non-compliance with relevant legislation in providing barrier-free public transport facilities for PwDs</p> <p>(iii) The CPTF scheme should be implemented through modification of the Octopus System</p> <p>(b) The Chairman's view that the Administration should seek DoJ's advice in respect of possible legal issues that might arise from implementing a CPTF scheme for PwDs with public funds, including whether implementation of the scheme might contravene provisions of DDO, and whether there would be litigation risks on the part of the Administration or PTOs as the latter would be involved in the implementation of the scheme. In considering the matter, it should be noted that there were current examples where public and private bodies, such as the Leisure and Cultural Services Department, the Ocean Park, and the ferry operators, were offering various concessions to PwDs. If the need to amend DDO was established, the Administration should advise the Subcommittee of its plan and the legislative timetable in this regard</p> <p>(c) The Administration's advice that it would take into account any possible legal implications for implementation of the CPTF scheme and, would seek legal advice as appropriate</p>	<p>The Administration to take follow-up actions as requested in paragraph 9 of the minutes</p>

Time marker	Speaker	Subject(s)	Action required
005940 – 010419	Chairman Dr Fernando CHEUNG	<p>Dr Fernando CHEUNG's concerns and views as follows:</p> <ul style="list-style-type: none"> <li>(a) The Administration might, as in the case of setting up the children's development fund, procrastinate implementation of the CPTF scheme with various excuses, particularly possible legal issues that might be involved</li> <li>(b) The Administration should as soon as possible implement the CPTF scheme, on which a consensus among Members from different political parties had already been reached. If not, PwDs would be greatly aggrieved and this might affect social harmony</li> <li>(c) It was regretful that while many sectors could immediately benefit from the Chief Executive's Policy Address 2007-2008, plans to assist the disadvantaged groups were procrastinated</li> </ul>	
010420 – 011046	Chairman Hong Kong Federation of Handicapped Youth Administration	<ul style="list-style-type: none"> <li>(a) The Chairman's view that as implementation of the CPTF scheme would involve PTOs, the Administration should as soon as possible liaise with PTOs and the Octopus Cards Limited in following up matters related to modification of the Octopus System. He invited the PwD groups to state their stance regarding the mode of operation of the CPTF scheme</li> <li>(b) Hong Kong Federation of Handicapped Youth's reiteration of the following principles which, in the view of the Disability Alliance on Concessionary Transport Fares (the Alliance), should be observed when implementing the CPTF scheme: <ul style="list-style-type: none"> <li>(i) Half-fare concessions should be provided to PwDs without any restrictions</li> <li>(ii) Such provision must not affect Government funding for other welfare services</li> <li>(iii) The scheme should be implemented through modification of the Octopus System</li> </ul> </li> <li>(c) The Administration advised that the Financial Secretary and the Labour and Welfare Bureau were actively considering</li> </ul>	

Time marker	Speaker	Subject(s)	Action required
		<p>the relevant implementation details. The Transport and Housing Bureau would, where necessary, assist in liaising with PTOs</p>	
<p>011047 – 011609</p>	<p>Chairman Mr LEUNG Kwok-hung ALA 3</p>	<p>(a) Mr LEUNG Kwok-hung's view that the Government was irresponsible in failing to work out the actual travelling expenses of PwDs, delaying the introduction of amendments to DDO and the modification of the Octopus System for implementing the CPTF scheme. To enable early implementation of the CPTF scheme, PwDs might be forced to accept the option of increasing the amount of DA or providing a special transport allowance</p> <p>(b) ALA3's advice in response to Mr LEUNG that since the Subcommittee was formed to study the policy issues relating to the transport needs of and provision of transport concession to PwDs, it was doubtful whether applying for an injunction to restrain the Government from implementing the CPTF scheme through increasing the amount of DA would be within the Terms of Reference of the Subcommittee</p> <p>(c) The Chairman's view that even if the CPTF scheme was to be implemented through increasing the amount of DA, there might still be a need to amend DDO having regard that the selective provision of DA to PwDs might constitute a contravention of DDO</p>	
<p>011610 – 011909</p>	<p>Chairman Dr Fernando CHEUNG</p>	<p>(a) Dr Fernando CHEUNG's remark that the Alliance and the Subcommittee should continue to fight for the CPTF scheme if the Administration:</p> <p>(i) Continued to use legal issues to procrastinate the implementation of the CPTF scheme</p> <p>(ii) Implemented the CPTF scheme through increasing the amount of DA instead of liaising with PTOs and the Octopus Cards Limited in following up implementation of the scheme through modification of the Octopus System</p> <p>(b) The Chairman's view that with the Government's commitment to providing new resources and PTOs' willingness to provide administrative support, the Administration should actively pursue the implementation</p>	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
		of the CPTF scheme according to the three principles highlighted by PwD groups above. The scheme could be readily implemented once the relevant legal and technical issues were resolved	
<b>Agenda Item III – Any other business</b>			
011910 – 012322	Chairman Dr Fernando CHEUNG Administration Clerk Ms Miriam LAU	Meeting arrangements	

Council Business Division 1  
Legislative Council Secretariat  
25 February 2008