

**立法會**  
**Legislative Council**

LC Paper No. CB(1)1613/06-07  
(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 ninth meeting on  
Thursday, 12 April 2007, at 10:45 am  
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 TAM Yiu-chung, GBS, JP  
Hon WONG Kwok-hing, MH  
Dr Hon Fernando CHEUNG Chiu-hung

**Members absent** : Hon Andrew CHENG Kar-foo  
Hon LEUNG Kwok-hung

**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

**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 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

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**I Confirmation of minutes and matters arising**  
(LC Paper No. CB(1)1289/06-07 - Minutes of the meeting held on  
27 February 2007)

The minutes of the meeting held on 27 February 2007 were confirmed.

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**II Proposed work plan of the Subcommittee**

- (LC Paper No. CB(1)1291/06-07 - Paper on proposed work plan for the Subcommittee to Study the Transport Needs of and Provision of Concessionary Public Transport Fares for Persons with Disabilities prepared by the Secretariat)

2. Members examined the proposed work plan of the Subcommittee. On the study of new transportation services to persons with disabilities (PwDs) (paragraph 8(a) of LC Paper No. CB(1)1291/06-07), to facilitate deliberation of the Subcommittee, the Administration was requested to provide information on the relevant policy and measures taken in introducing wheelchair accessible taxis to Hong Kong, the work progress and difficulties encountered including the Administration's efforts and liaison with the automobile trade and taxi trade in taking forward the matter. The Administration was also requested to consider Ms Miriam LAU's proposal of expediting the progress by allowing diesel wheelchair accessible taxis with Euro IV models (which were environment friendly) or other fuel-driven taxi models, to operate in Hong Kong.

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3. The Subcommittee agreed to add a new item on "Enhancement of the accessibility of public transport facilities to PwDs" in the work plan to study enhancement measures for improving traffic facilities and public transport facilities to enable PwDs to have easy access to all major public transport facilities.

**III Meeting with the Equal Opportunities Commission and the Administration to discuss the way forward**

(LC Paper No. CB(1)1292/06-07(01) - Information paper provided by the Administration

LC Paper No. CB(1)1292/06-07(02) - Submission from the Equal Opportunities Commission

LC Paper No. CB(1)1292/06-07(03) - List of follow-up actions (position as at 3 April 2007) prepared by the Secretariat)

Meeting with the Administration

4. The Administration briefed members on its response to the Subcommittee's suggestion for the Government and the public transport operators (PTOs) to jointly provide concessionary fares (CF) to PwDs under the principle of shared responsibility. Members noted that the Administration's stance remained to encourage PTOs to offer CF to PwDs. According to the Administration, MTR Corporation Limited (MTRCL) had suggested introducing discounted fares for an identifiable group of PwDs on the basis that the Government would fund any deficits and any surplus generated from the

## Action

CF scheme would be paid to the Government. As MTRCL's suggestion would incur public expenses, it was under careful examination by the Administration.

5. Members were disappointed that no progress had been achieved on the provision of CF to PwDs and raised dissatisfaction about the Administration's apathetic attitude over the subject. Members noted that the Administration in its capacities as the shareholder or owner of the two railway corporations had stressed the importance for the corporations to consider offering CF to PwDs with regard to prudent commercial principles. However, the Administration in pursuing the objective of full integration of PwDs into the society had called on the two railway corporations to fulfill their social corporate responsibility in offering CF to PwDs. Members considered that the above showed an apparent role conflict on the part of the Administration that needed to be resolved, and that the two relevant bureaux, namely, the Environment, Transport and Works Bureau (ETWB) and the Health, Welfare and Food Bureau (HWFB), were both shirking their responsibilities. Pointing out that the provision of Disability Allowance (DA) alone could not adequately address the transport needs of PwDs, the Administration was requested to take the following actions:

- (a) To report on the Administration's final decision on the provision of CF for PwDs, including the decision and concrete plan for taking forward the matter under the principle of shared responsibility between the Government and PTOs, and options on financing and operational arrangements; and
- (b) To provide a paper explaining the bases for working out the respective monthly payments of the Normal and Higher DA, covering a breakdown of the estimated expenses for various expenditure items incurred by PwDs, particularly in respect of PwDs' travelling expenses.

*(Post-meeting note: The Administration's reply to item (b) above was circulated to members vide LC Paper No. CB(1)1463/06-07(01) on 26 April 2007.)*

## Meeting with the Equal Opportunities Commission

6. At the invitation of the Chairman, Mr Raymond TANG, Chairman of the Equal Opportunities Commission (EOC) briefed members on EOC's submission. Members noted the major points of the submission as follows:

- (a) It was not unlawful discrimination under the Disability Discrimination Ordinance (DDO) (Cap. 487) for the Administration or PTOs not to provide CF for PwDs;
- (b) Although there was no legal obligation on the Administration to specifically adopt a policy of offering CF to PwDs to lessen their financial burden or to promote their social integration, the Administration still had general accountability and responsibility to the

Action

public to deal with these social issues effectively;

- (c) Notwithstanding that PTOs did not have a legal obligation to provide CF to PwDs, they were corporate citizens with responsibility to the society. There was a growing international movement recognizing the value of corporate social responsibility. Offering CF to PwDs was an obvious way of discharging corporate social responsibility;
- (d) Given that there was at present a plan to amend DDO to explicitly clarify and permit CF for PwDs, there would be no litigation risk for the Administration or PTOs. The only question was how the Administration wished to shape its social policy. Even if the Administration did not want to include CF for PwDs as part of its overall social policy but was only willing to work under the present transport policy framework, there was still room for the Administration to encourage PTOs more effectively by using its shareholding in and / or representation on the boards of some of PTOs. Commercially, some of these PTOs appeared to be well able to afford CF to PwDs. Another option for the Administration was to stipulate in the franchise or licence of PTOs that they had to offer CF to PwDs. An example of similar stipulation could be found in Victoria, Australia, where the Victorian Government stipulated in the privatization process that concessions for those in need would continue to be provided by operators after privatization; and
- (e) EOC's conclusion was that it was a matter for the Administration to decide whether to include provision of CF for PwDs as part of its social policy, or whether the subject should be pursued as a matter for corporate social responsibility. Either way, the Administration had a pivotal role to play and was accountable to the public for its decision. The Administration had to discharge its responsibility effectively, whether by legislation or otherwise. EOC would continue to follow development on this issue.

7. In response to Mr WONG Kwok-hing's concern about EOC's conclusion which seemed to suggest that nothing could be done under DDO in pursuing the provision of CF to PwDs, Mr Raymond TANG re-iterated that notwithstanding the conclusion, which inevitably had to be drawn on the basis of DDO, the Administration still had general public accountability and responsibility to pursue the matter by including CF as part of its social policy for PwDs, or by positioning it as a matter for corporate social responsibility. In taking forward the matter, the Administration could consider enacting legislation to impose an obligation on PTOs to offer CF to PwDs, or promoting voluntary action on the part of PTOs. It might be more desirable to request the Administration, in its capacity as shareholder or board member of the two railway corporations, to call on the corporations to offer CF to PwDs. By taking the lead, the Administration would set an example for other PTOs on the proper discharge of corporate social responsibility.

Action

EOC 8. Mr Raymond TANG further reaffirmed that EOC would continue to follow up developments on the provision of CF for PwDs in performing its function in promoting equality of opportunity between PwDs and non-PwDs. EOC could assist the Administration with the necessary legislative amendments to DDO to facilitate implementation of any CF schemes. At Mr WONG Kwok-hing's request, Mr TANG undertook to write to the Chief Executive and the policy secretaries of ETWB and HWFB, to urge for provision of CF for PwDs.

Discussion on the way forward

Clerk 9. Members discussed how the provision of CF for PwDs could be taken forward in the light of the present circumstances. Given that the subject involved policies under HWFB and ETWB, the Subcommittee saw a need for the Administration to consider the matter in a comprehensive manner. After discussion, the Subcommittee agreed that the Chairman would write to the Chief Secretary for Administration (CS), drawing his attention to the matter and inviting him to look into it personally with a view to ensuring concerted efforts from all relevant bureaux and departments in the formulation of a positive, consistent and clear policy on provision of CF for PwDs. The letter would also highlight the need for the Administration to take the lead to offer CF to PwDs through the two railway corporations in order to set a good example for other PTOs to follow. The Administration was requested to give concrete response on the matter and take follow-up actions as set out in paragraph 5(a) above. The Subcommittee would revisit the issue in June 2007.

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*(Post-meeting note: The letter to the CS was circulated for members' consideration vide LC Paper No CB(1)1482/06-07(01) on 2 May 2007, and was subsequently issued on 11 May 2007.)*

10. Responding to members' discussion on whether the proposed merger of the two railway corporations might affect the issue on CF, Mr Raymond TANG commented that the provision of CF would have an effect on the operators' revenue, albeit the impact might only be very modest, but if the merged entity were to be subsequently privatized, any impact on revenue would translate into impact on share pricing, and in that context it would be desirable to settle the issue on provision of CF for PwDs prior to the merger of the two corporations.

Admin. 11. Dr Fernando CHEUNG expressed regrets that the policy secretaries of ETWB and HWFB had declined the Subcommittee's invitation to attend meetings on several occasions, and opined that they should be invited again to attend the meeting in June 2007. He said that he might consider moving a motion at the Council to express his regrets should the two Secretaries still refuse to attend the meeting. The Chairman said that the failure of the two Secretaries in attending meetings of the Subcommittee would be included in the letter to the CS.

Action

**IV Any other business**

Meeting arrangements

12. The Subcommittee agreed to hold the next meeting on Tuesday, 22 May 2007, at 10:45 am to meet with the Administration and EOC to discuss improvement to Rehabus service. It also agreed to revisit the provision of CF to PwDs in late June 2007. The Subcommittee would discuss the subject on wheelchair accessible taxis at later meetings.

*(Post-meeting note: With the concurrence of the Chairman, the meeting in June 2007 will be held on Friday, 29 June 2007, at 10:45 am.)*

13. There being no other business, the meeting ended at 12:45 am.

Council Business Division 1  
Legislative Council Secretariat  
15 May 2007

**Proceedings of the ninth meeting of  
the Subcommittee to Study the Transport Needs of and Provision of  
Concessionary Public Transport Fares for Persons with Disabilities  
on Thursday, 12 April 2007, at 10:45 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>			
000126 – 000149	Chairman	(a) Opening remarks by the Chairman  (b) Confirmation of minutes of the meeting held on 27 February 2007 (LC Paper No. CB(1)1289/06-07)	
<i>Agenda Item II – Proposed work plan of the Subcommittee (the proposed work plan)</i>			
000150 – 001545	Chairman Administration Ms Miriam LAU	(a) The Administration's report on the progress of and difficulties encountered in introducing wheelchair accessible taxis to Hong Kong, including technical, policy and cost considerations  (b) Ms Miriam LAU's view that wheelchair accessible taxis should be introduced early to supplement Rehabus service. Consideration should be given to allowing diesel wheelchair accessible taxis with Euro IV models, or other fuel-driven taxi models, to operate in Hong Kong  (c) The Administration was requested to provide information on (a) and (b) above to facilitate deliberation of the Subcommittee at future meetings	The Administration to take follow-up actions as requested in paragraph 2 of the minutes
001546 – 002044	Chairman Mr LEUNG Yiu-chung Dr Fernando CHEUNG	(a) Mr LEUNG Yiu-chung's and Dr Fernando CHEUNG's proposal to add a new item on "Enhancement of the accessibility of public transport facilities to persons with disabilities (PwDs)" in the work plan to study enhancement measures for improving traffic facilities and public transport facilities to enable PwDs to have easy access to all major public transport facilities  (b) Dr CHEUNG's suggestion for the Administration to provide information on the difficulties it had encountered, the efforts and liaison with the automobile and taxi trade in introducing wheelchair accessible taxis to Hong Kong	The Administration to take follow-up actions as requested in paragraph 2 of the minutes

Time marker	Speaker	Subject(s)	Action required
		(c) Discussion on the time frame for the Subcommittee to complete its work and arrangements for forthcoming meetings	
<b><i>Agenda Item III – Meeting with the Equal Opportunities Commission and the Administration to discuss the way forward</i></b>			
002045 – 002806	Chairman Administration	<p>(a) Briefing by the Administration on the information paper (LC Paper No. CB(1)1292/06-07(01))</p> <p>(b) The Administration's views as follows:</p> <p>(i) The Health, Welfare and Food Bureau (HWFB) would like to see the provision of concessionary fares (CF) to PwDs by public transport operators (PTOs) as under existing welfare policy the Government was already providing various sources of assistance to take care of PwDs' basic transport needs. Increasing resources in this area would have to be considered in the light of the overall allocation of resources for other welfare services; and</p> <p>(ii) The community, in particular the business sector, should be involved in taking care of the disadvantaged. In this regard, the Secretary for the Environment, Transport and Works (SETW) and the Secretary for Health, Welfare and Food (SHWF) had issued a joint letter to PTOs appealing for the latter's favourable consideration in offering CF to PwDs</p>	
002807 – 003857	Chairman Equal Opportunities Commission (EOC) Administration	<p>(a) Briefing by EOC on its submission (LC Paper No. CB(1)1292/06-07(02))</p> <p>(b) The Administration's report on the progress made in encouraging PTOs to provide CF to PwDs as follows:</p> <p>(i) While some PTOs were still examining the issue, MTR Corporation Limited (MTRCL) had suggested introducing discounted fares for an identifiable group of PwDs on the basis that the Government would fund any deficits and any surplus generated from the CF scheme would be paid to the Government. As MTRCL's</p>	

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		<p>suggestion would incur public expenses, it was under careful examination by the Administration; and</p> <p>(ii) PTOs had been helping PwDs to integrate into society. For example, by providing barrier-free transport for PwDs, and offering fare concession schemes of various kinds to the general public from which PwDs could also benefit</p>	
003858 – 005227	Chairman Dr Fernando CHEUNG Administration	<p>(a) Dr Fernando CHEUNG's views as follows:</p> <p>(i) As the majority shareholder of MTRCL and the sole owner of Kowloon-Canton Railway Corporation (KCRC), the Government could exercise influence in the Managing Boards to offer CF to PwDs if it so wished. By stressing the financial implications of CF schemes on public resources, the Administration was in fact evading its responsibility; and</p> <p>(ii) Provision of CF for PwDs was vital to facilitate their integration into society because PwDs in general received low or even no income. The offer of CF to PwDs was also a common practice of many PTOs in overseas countries. The Survey (the Survey) on the Public Transport Needs of Persons with Disabilities had also addressed PTOs' concern about the financial implications arising from the offer, and clearly indicated that additional revenue would be generated from additional trips taken by PwDs particularly for the two railway corporations</p> <p>(b) The Administration's response as follows:</p> <p>(i) In encouraging rather than directing the two railway corporations to provide CF for PwDs, the Administration considered it necessary to allow the Managing Boards of the corporations to decide on the matter which was a</p>	

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		<p>commercial decision to be made with due regard to the corporations' operating environment and their missions to deliver safe, efficient and reliable rail service to the general public;</p> <p>(ii) In recognition of PwDs' special needs, the Government had spared no efforts in ensuring barrier-free transport system for PwDs, and providing resources to take care of their basic transport needs. The offer of CF to PwDs was but one of the many measures to help PwDs integrate into society; and</p> <p>(iii) PTOs were already performing their corporate social responsibility by improving their facilities to enhance the accessibility of their transport services to PwDs. Indeed, when the franchise agreements of bus companies were renewed in 2006, a new provision on corporate social responsibility was added to the agreements, and the franchised bus companies were required to report on efforts in this regard every year. In 2005, MTRCL also signed the Hong Kong Corporate Social Responsibility Charter</p>	
005228 – 010913	Chairman Mr LEUNG Yiu-chung Administration	<p>(a) Mr LEUNG Yiu-chung's enquiry about the efforts made by Government representatives on the Managing Boards of the two railway corporations in pursuing the offer of CF to PwDs and assessing the financial implications</p> <p>(b) The Administration's response as follows:</p> <p>(i) The Administration had on various occasions conveyed to the Managing Boards of the two corporations PwDs' aspirations for CF; and</p> <p>(ii) The Survey had been commissioned, inter alia, to ascertain the financial implications of possible CF schemes. However, while the Administration recognized the Survey's referential value and would actively follow up with PTOs on the findings, it also saw a need to read</p>	

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		<p>with caution PwDs' responses to the hypothetical questions in the Survey relating to travelling behaviour and expenditure under fare concessions, and the estimated changes in revenue of PTOs</p> <p>(c) Mr LEUNGYiu-chung's requests as follows:</p> <p>(i) The Administration should consider implementing a trial CF scheme jointly with the two railway corporations with reference to the Survey; and</p> <p>(ii) To ascertain the adequacy of Disability Allowance (DA), the Administration should provide a paper explaining the bases for working out the respective monthly payments of the Normal and Higher DA. The paper should cover a breakdown of the estimated expenses for various expenditure items incurred by PwDs, particularly in respect of PwDs' travelling expenses</p> <p>(d) The Administration's response as follows:</p> <p>(i) On MTRCL's suggestion for the corporation and the Government to run a trial CF scheme for PwDs under which both deficits and surplus would be taken up by the Government, the Administration would need to study the broad principle and operational details carefully with relevant bureaux and departments including the Financial Services and Treasury Bureau, and the Transport Department. The Administration would report back in due course; and</p> <p>(ii) PwDs' expenses for various expenditure items might vary with their degree of disability and a clear-cut breakdown might not be available</p>	<p>The Administration to take follow-up actions as requested in paragraph 5(b) of the minutes</p> <p>The Administration to take follow-up actions as requested in paragraph 5(a) of the minutes</p>

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
010914 – 012916	Chairman Mr WONG Kwok-hing EOC	<p>(a) Mr WONG Kwok-hing's expression of regrets over:</p> <ul style="list-style-type: none"> <li>(i) the Administration's stance as stated in its paper;</li> <li>(ii) EOC's conclusion that it was not unlawful discrimination under the Disability Discrimination Ordinance (DDO) (Cap. 487) for the Administration or PTOs not to provide CF to PwDs. Hence his concern that EOC could not take more forceful actions to pursue the provision of CF for PwDs; and</li> <li>(iii) the failure of SETW and SHWF to attend the meeting</li> </ul> <p>(b) EOC's explanation as follows:</p> <ul style="list-style-type: none"> <li>(i) Notwithstanding the conclusion above, the Administration still had general accountability and responsibility to pursue the provision of CF effectively by either including CF as part of its social policy for PwDs, or positioning it as a matter for corporate social responsibility;</li> <li>(ii) In taking forward the matter, the Administration could consider enacting legislation to impose an obligation on PTOs to offer CF to PwDs. An example could be found in Victoria, Australia, where the Victorian Government stipulated in the privatization process that fare concessions for those in need would continue to be provided by operators after privatization;</li> <li>(iii) Alternatively, the Administration could consider promoting voluntary action on the part of PTOs. The Administration, in its capacity as shareholder or board member of the two railway corporations, could decide on the provision of CF for PwDs. With shareholders' support, PTOs could voluntarily discharge their corporate social responsibility by offering CF notwithstanding the need to operate on commercial</li> </ul>	

Time marker	Speaker	Subject(s)	Action required
		<p>principles. By taking the lead, the Administration would set an example for other PTOs on the proper discharge of corporate social responsibility;</p> <p>(iv) With the present plan to amend DDO to explicitly permit CF for PwDs, there was no longer any question of litigation risks in providing CF to PwDs; and</p> <p>(v) EOC would continue to follow up developments on the provision of CF for PwDs in performing its function in promoting equality of opportunity between PwDs and non-PwDs. It would assist the Administration with the necessary legislative amendments to DDO to facilitate implementation of any CF schemes</p>	
012917 – 014600	<p>Chairman Dr Fernando CHEUNG Administration EOC Mr LEUNG Yiu-chung</p>	<p>(a) Dr Fernando CHEUNG's support for EOC's views</p> <p>(b) The Administration's advice in response to Dr Fernando CHEUNG that the Administration was still examining MTRCL's suggestion for the corporation and the Government to run a trial CF scheme for PwDs under which both deficits and surplus would be taken up by the Government</p> <p>(c) The Chairman's view that the Administration as the majority shareholder of MTRCL and the sole owner of KCRC should, as EOC had proposed, take the lead to provide CF for PwDs and set an example to other PTOs in the proper discharge of corporate social responsibility</p> <p>(d) Mr LEUNG Yiu-chung's view that the rail merger presently under consideration could be taken as an opportunity to require the two railway corporations to provide CF for PwDs as illustrated in the example in Victoria, Australia</p> <p>(e) The Administration's explanation that the example in Victoria, Australia was not entirely relevant because at present CF for PwDs was not available in Hong Kong,</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>and as such there was no question of continuing the provision. While the Government would continue to relay the Subcommittee's view to the Managing Boards of the two railway corporations, the decision in this regard should be made by the Boards. Under the transport policy, the Administration did not consider it appropriate to include specific provisions in the law or franchise agreements requiring PTOs to offer CF to specific groups of passengers as such provisions would not be able to take due account of the operating environment of PTOs</p>	
014601 – 015613	Chairman Administration EOC Dr Fernando CHEUNG	(a) Discussion on the way forward  (b) Expression of regrets over the failure of SETW and SHWF to attend the Subcommittee's meetings	
<b><i>Agenda Item IV – Any other business</i></b>			
015614 – 015744	Chairman	Meeting arrangements	