

立法會
Legislative Council

LC Paper No. CB(1)2198/07-08
(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 seventeenth meeting on
Thursday, 22 May 2008, at 8:30 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 Andrew CHENG Kar-foo
Hon TAM Yiu-chung, GBS, JP
Hon WONG Kwok-hing, MH
Dr Hon Fernando CHEUNG Chiu-hung
- Member absent** : Hon LEUNG Kwok-hung
- Public Officers attending** : Agenda item II

Mrs Hedy CHU
Principal Assistant Secretary for Transport and
Housing (Transport)

Mr Stephen SUI
Commissioner for Rehabilitation
Labour and Welfare Bureau

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

- Attendance by invitation** : Agenda item II
Equal Opportunities Commission
Mr Raymond TANG Yee-bong
Chairperson
Dr Ferrick CHU Chung-man
Head, Policy & Research
MTR Corporation Limited
Ms Maggie SO
Senior Manager – Projects and Property
Communications
- Clerk in attendance** : Ms Connie SZETO
Chief Council Secretary (1)6
- Staff in attendance** : Ms Sarah YUEN
Senior Council Secretary (1)6

Action

- I Confirmation of minutes and matters arising**
(LC Paper No. CB(1)1552/07-08 - Minutes of the meeting held on
29 April 2008)
- The minutes of the meeting held on 29 April 2008 were confirmed.
- II The provision of concessionary public transport fares for persons with disabilities**
- Meeting with the Administration and the MTR Corporation Limited
(LC Paper No. CB(1)1544/07-08(01) - Administration's paper on the
provision of concessionary
public transport fares for
persons with disabilities
- LC Paper No. CB(1)1544/07-08(02) - MTR Corporation Limited's
paper on the provision of
concessionary public transport
fares for persons with

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disabilities

LC Paper No. CB(1)1544/07-08(03) - List of follow-up actions prepared by the Secretariat (position as at 16 May 2008))

2. At the Chairman's invitation, the Principal Assistant Secretary for Transport and Housing (Transport) (PAS/TH(T)), and Ms Maggie SO, Senior Manager – Projects and Property Communications of MTR Corporation Limited (MTRCL), respectively briefed members on the Administration's and MTRCL's papers for this meeting.

Discussion

3. Members were in general dissatisfied with MTRCL's stance as set out in its paper, namely, there was no commitment to providing fare concessions for persons with disabilities (PwDs), and MTRCL had already fulfilled its corporate social responsibility (CSR) for PwDs by improving its facilities in stations and train compartments to enhance the accessibility for PwDs. Members were of the view that since Government was the majority shareholder of MTRCL, it should ensure MTRCL would take the lead in providing fare concession for PwDs. In this regard, Mr WONG Kwok-hing re-iterated that provision of fare concessions for PwDs would generate additional revenue for MTRCL as shown in the findings of the survey conducted by the Social Sciences Research Centre of the University of Hong Kong on the travelling characteristics of PwDs (the Survey) in 2006. He therefore urged MTRCL to provide half fare concessions for PwDs during off-peak hours, which in his view should not incur any additional operating cost for the Corporation. He further called on MTRCL to implement a trial scheme on his proposal (the proposed trial scheme).

4. Ms Miriam LAU, however, pointed out that Government funding support from a welfare perspective was necessary as public transport operators (PTOs) had to operate according to prudent commercial principles. It was therefore unreasonable to put pressure on PTOs on providing fare concessions for PwDs by their own resources. She opined that instead of providing monthly transport supplement of \$200 to PwDs direct (the transport supplement), the Government should consider providing the funding to PTOs for them to provide fare concessions to PwDs through modification of the fare collection system currently available in the Octopus System. The objective of providing concessionary fares to PwDs under the principle of shared responsibility between the Government and PTOs would be achieved under the approach. In this regard, Ms LAU stressed that the Administration should continue to pursue the concessionary fares option proposed by MTRCL in 2007 (MTRCL's option) in consultation with PwDs and PTOs, under which discounted fares for an identifiable group of PwDs would be introduced with administrative support from PTOs on the basis that the Government would fund any deficits, and any surplus generated from the scheme would be paid to the Government. Mr LEUNG Yiu-chung shared Ms LAU's view

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on the need to pursue MTRCL's option.

5. In response to members' views above, the Commissioner for Rehabilitation (C for R) said that provision of the transport supplement was the most flexible arrangement and could benefit PwDs the soonest possible. By allocation of recurrent funding under the welfare programme for provision of the transport supplement the Labour and Welfare Bureau (LWB) had already taken the first important step forward in facilitating PwDs' integration into society. In tandem, under the principle of shared responsibility, PTOs should play their part by providing fare concessions to PwDs in fulfillment of their CSR. The proposed trial scheme might be a good starting point. In this regard, the Transport and Housing Bureau would continue to encourage PTOs to provide fare concessions for PwDs in fulfillment of their CSR. PAS/TH(T) added that the Government's objective under the transport policy portfolio was to create a barrier free transport environment. To this end, it had been encouraging PTOs to improve the accessibility of public transport facilities. It had also reflected public views to MTRCL and actively encouraged the Corporation to provide concessionary fares to the public, including PwDs.

6. On efforts taken by MTRCL, Ms Maggie SO of MTRCL stressed that the Corporation was already fulfilling its CSR for PwDs by setting aside substantial resources to improve its stations and train compartments. As regards provision of concessionary fare to PwDs, it was necessary for MTRCL to continue taking account its operational situation, market circumstances and passenger needs in considering the matter. It was MTRCL's policy to consider, from time to time, the provision of various promotional fares to passengers in general and particular groups such as elderly, students or PwDs. In this regard, it should be noted that MTRCL was already offering fare reduction for passengers travelling on long-distance journeys subsequent to the Rail Merger. The Government had also decided to provide transport supplement to help PwDs integrate into the society. On the proposed trial scheme, Ms SO pointed out that apart from identification problems, there would be difficulty in ascertaining the implications of providing half fare concessions for PwDs during off-peak hours. She added that past experience from implementation of concessionary fare schemes had shown the inelasticity of rail fares, i.e. the offer of concessionary fares might not increase patronage for the service and generate additional revenue for the Corporation. Regarding MTRCL's option, she explained that it had been put forward on the understanding that the Administration would help identify PwDs, and that other PTOs would also participate. If MTRCL alone was expected to provide fare concessions to PwDs, MTRCL might need to consider the option further.

7. Responding to MTRCL's view on CSR, Dr Ferrick CHU of the Equal Opportunities Commission (EOC) pointed out that by improving its facilities to enhance the accessibility for PwDs, MTRCL was only fulfilling its statutory responsibility under the Disability Discrimination Ordinance (Cap. 487) (DDO) and not its CSR. In response, Ms Maggie SO of MTRCL elaborated that MTRCL was in fact doing more than required by law. Ms Miriam LAU also pointed out that

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MTRCL had been making efforts in this regard long before the enactment of DDO.

8. As to MTRCL's concern about identification problems, Mr LEUNG Yiu-chung opined that LWB should help solve the problems. C for R responded that LWB would consider the appropriate technical support to be provided when the relevant details of a fare concession scheme were available.

9. At the Chairman's invitation, Mr Raymond TANG, Chairperson of EOC, expressed the following views:

- (a) It was regretful that despite the active efforts made by various parties, no progress had been made in securing the provision of concessionary fares to PwDs. The situation might reveal a demerit of the corporatization of MTRCL, as a result of which commercial consideration had become the priority for the Corporation in all of its activities;
- (b) EOC recognized that MTRCL had taken the initiative to enhance the accessibility of the travelling environment for PwDs in the spirit of CSR before the enactment of DDO. However, with the enactment of DDO, such efforts were required by law and hence could no longer be considered as fulfillment of CSR. As such, Dr Ferrick CHU's comment above was just a clarification of the present situation and was not meant to belittle the efforts taken by MTRCL, which should be commended for its pioneering efforts and leading role in this regard;
- (c) To really fulfill its CSR, MTRCL should be prepared to provide concessionary fares to PwDs. As a public body which was entrusted with the task of providing transport services for the entire community, corporatization of MTRCL should not become an excuse for it to evade from the responsibility of serving the public. Given that the Government was the majority shareholder of MTRCL, it should ensure MTRCL would provide concessionary fares to PwDs through exercising its lawful ownership and management rights; and
- (d) The objective of corporatization of public service bodies was to introduce into the management the more flexible, efficient and up-to-date practices of private enterprises. Corporatization should not be used as an excuse to avoid taking up or abandon CSR, lest corporatization would be a wrong move. The management of corporatized public bodies should not forget their mission of serving the public because the corporations had been entrusted with public resources to enable them to provide the services for the public. It was therefore necessary that in operating the corporations, the management should not allow financial considerations to override matters of public concern.

Action

Motion

10. To take forward the proposed trial scheme, Mr WONG Kwok-hing and Dr Fernando CHEUNG moved the following motion:

"鑒於港鐵表示未能證實在非繁忙時間提供殘疾人士半價優惠的影響，本會促請港鐵盡快推行在非繁忙時間殘疾人士半價優惠的試驗；並將試驗結果交本會和政府部門及平機會跟進，以期盡快落實在非繁忙時間給予殘疾人士使用港鐵的半價優惠服務。"

(Translation)

"That as the MTR Corporation Limited ("MTRCL") has said that it has not been able to ascertain the implications of providing half fare concessions for persons with disabilities ("PwDs") during off-peak hours, this Subcommittee urges MTRCL to expeditiously conduct a trial of providing half fare concessions for PwDs during off-peak hours and report the results of the trial to this Subcommittee, the relevant government departments and the Equal Opportunities Commission for follow-up actions, with a view to expeditiously implementing the provision by MTRCL of half fare concessions for PwDs during off-peak hours."

11. In response to the Chairman's enquiry, Mr WONG Kwok-hing and Dr Fernando CHEUNG clarified that the fare concessions under the proposed scheme should be provided by MTRCL without the need for Government funding. At members' invitation to respond to the motion, Ms Maggie SO of MTRCL clarified that MTRCL's option proposed before was having all PTOs participating in providing fare concessions to PwDs.

12. While indicating support for the proposed motion, Dr Fernando CHEUNG opined that in the long run, the provision of concessionary fares to PwDs should be extended to peak hours. Moreover, according to the Survey, concessionary fares for PwDs at all periods would more likely generate additional revenue for PTOs. Ms Miriam LAU re-iterated the need to take forward the provision of concessionary fares to PwDs under the principle of shared responsibility between the Government and PTOs and supported that fare concessions should be provided without time restriction during the operating hours of MTRCL. She therefore considered the proposed motion a compromise and indicated that she would abstain from voting on it.

13. Mr WONG Kwok-hing opined that the proposed motion could at least help make a step forward in effecting provision of concessionary fares to PwDs. To incorporate Dr Fernando CHEUNG's view above, he agreed that the proposed motion should be amended to read as follows:

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"鑒於港鐵表示未能證實在非繁忙時間提供殘疾人士半價優惠的影響，本會促請港鐵盡快推行在非繁忙時間殘疾人士半價優惠的試驗；並將試驗結果交本會和政府部門及平機會跟進，以期盡快落實給予殘疾人士使用港鐵的半價優惠服務。"

(Translation)

"That as the MTR Corporation Limited ("MTRCL") has said that it has not been able to ascertain the implications of providing half fare concessions for persons with disabilities ("PwDs") during off-peak hours, this Subcommittee urges MTRCL to expeditiously conduct a trial of providing half fare concessions for PwDs during off-peak hours and report the results of the trial to this Subcommittee, the relevant government departments and the Equal Opportunities Commission for follow-up actions, with a view to expeditiously implementing the provision by MTRCL of half fare concessions for PwDs."

14. The Subcommittee agreed to proceed with the motion and put it to vote. Of the members present, three voted for the motion and one abstained. The Chairman declared that the motion was carried.

(Post-meeting note: The wording of the motion was circulated to members vide LC Paper No. CB(1)1633/07-08 on 23 May 2008.)

Follow-up actions

Admin 15. The Administration and MTRCL were requested to take the following actions:

- (a) The Administration was requested to advise whether the Board of MTRCL had discussed "the provision of concessionary public transport fares for PwDs" (the subject) since March 2007 and if so, the occasions and the Board's views and decisions on the matter;
- (b) The Administration was requested to advise in writing whether Government representatives on the MTRCL Board would ensure that the subject would be revisited at a meeting of the Board within the coming three to six months;
- (c) MTRCL was requested to provide information in the past five years on the financial implications of providing fare concessions to the elderly and students; and
- (d) The Administration and MTRCL were requested to make active and collaborative efforts to follow up the motion passed at the meeting, and to provide concrete response.

Action

Way forward of the Subcommittee

16. Members noted that the Subcommittee had completed its work and agreed that the Chairman would report the Subcommittee's deliberations to the House Committee in June 2006.

III Any other business

17. There being no other business, the meeting ended at 10:30 am.

Council Business Division 1
Legislative Council Secretariat
23 July 2008

**Proceedings of the seventeenth meeting of
the Subcommittee to Study the Transport Needs of and Provision of
Concessionary Public Transport Fares for Persons with Disabilities
on Thursday, 22 May 2008, at 8:30 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
Agenda Item I – Confirmation of minutes and matters arising			
000035 – 000206	Chairman	(a) Opening remarks (b) Confirmation of minutes of the meeting held on 29 April 2008 (LC Paper No. CB(1)1552/07-08)	
Agenda Item II – The provision of concessionary public transport fares for persons with disabilities			
000207 – 000248	Chairman Administration	Briefing by the Administration on the latest position of its discussion with MTR Corporation Limited (MTRCL) on the provision of half concessionary fare for persons with disabilities (PwDs) (LC Paper No. CB(1)1544/07-08(01))	
000249- 000517	Chairman MTRCL	Briefing by MTRCL on its stance on the provision of half concessionary fare for PwDs (LC Paper No. CB(1)1544/07-08(02))	
000518 – 001916	Chairman Dr Fernando CHEUNG Administration MTRCL Equal Opportunities Commission (EOC)	(a) Discussion on whether as MTRCL's majority shareholder, the Government would, through exercising its influence in MTRCL's Board, ensure the Corporation would take the lead in providing fare concession for PwDs (b) Discussion on the reasons for MTRCL's hesitation in providing fare concession for PwDs, particularly on whether profit consideration was a major factor (c) Discussion on whether by improving facilities to enhance the accessibility for PwDs, MTRCL had fulfilled its corporate social responsibility (CSR)	The Administration to take follow-up action as requested in paragraphs 15(a) & (b) of the minutes
001917 – 003130	Chairman Mr WONG Kwok-hing Administration MTRCL	(a) Discussion on the financial implications of providing fare concessions to PwDs, particularly on whether there would be a revenue gain by MTRCL (b) MTRCL's elaboration of the various facility improvement initiatives it had taken to promote PwDs' integration into the society (c) Discussion on the viability for MTRCL to provide half fare concessions for PwDs	

Time marker	Speaker	Subject(s)	Action required
		during off-peak hours	
003131 – 004606	Chairman Ms Miriam LAU Administration	<p>(a) Ms Miriam LAU's emphasis that MTRCL had been making efforts to enhance the accessibility of the travelling environment for PwDs long before the enactment of the Disability Discrimination Ordinance (Cap. 487) (DDO)</p> <p>(b) Discussion on using the Government funding on monthly transport supplement for PwDs to provide fare concessions to PwDs under the principle of shared responsibility approach through modification of the fare collection system currently available in the Octopus System, and on the need for the Administration to pursue the option proposed by MTRCL earlier (MTRCL's option) in consultation with PwDs and PTOs, under which discounted fares for an identifiable group of PwDs would be introduced with administrative support from PTOs on the basis that the Government would fund any deficits, and any surplus generated from the scheme would be paid to the Government</p>	
004607 – 005935	Chairman Mr LEUNG Yiu-chung Ms Miriam LAU Administration MTRCL	<p>(a) Discussion on the support required from the Labour and Welfare Bureau in issuing special Octopus Cards for PwDs to help PTOs solve the identification problem related to the provision of fare concessions to PwDs</p> <p>(b) Discussion on whether MTRCL's option was still valid</p> <p>(c) Discussion on the effect of the monthly transport supplement vis-à-vis transport fare concessions in promoting PwDs' integration into the society</p>	
005936 – 010649	Chairman Dr Fernando CHEUNG Administration MTRCL	<p>(a) Discussion on whether MTRCL's Board had discussed the provision of fare concessions for PwDs</p> <p>(b) Discussion on the rationale and financial implications of providing fare concessions for the elderly and students</p>	<p>The Administration to take follow-up action as requested in paragraph 15(a) of the minutes</p> <p>MTRCL to take follow-up action as requested in paragraph 15(c) of the minutes</p>

Time marker	Speaker	Subject(s)	Action required
010650 – 011045	Chairman Mr WONG Kwok-hing	Briefing by Mr WONG Kwok-hing on the motion moved by him and Dr Fernando CHEUNG	
011046 – 012404	Chairman Mr LEUNG Yiu-chung Administration MTRCL Dr Fernando CHEUNG	(a) Discussion on whether MTRCL was willing to provide fare concessions to PwDs alone without participation by other PTOs, and on the support the Administration could provide in identifying PwDs eligible for fare concessions (b) Discussion on whether the provision of fare concessions by MTRCL should be extended to peak hours in the long run	
012405 – 012535	Chairman Ms Miriam LAU	Ms Miriam LAU's comments on the proposed motion	
012536 – 012857	Chairman Mr WONG Kwok-hing	Mr WONG Kwok-hing's view that the proposed motion could help make a step forward in effecting provision of fare concessions to PwDs	
012858 – 013418	Chairman Ms Miriam LAU MTRCL Administration	Discussion on the feasibility of issuing PwD Octopus Cards	
013419 – 013555	Chairman Mr WONG Kwok-hing Dr Fernando CHEUNG	Clarification of and introduction of amendment to the proposed motion	
013556 – 013942	Chairman Mr LEUNG Yiu-chung Mr WONG Kwok-hing Dr Fernando CHEUNG	Further discussion and voting on the motion	The Administration and MTRCL to take follow-up action as requested in paragraph 15(d) of the minutes
013943 – 014223	Chairman Dr Fernando CHEUNG Ms Miriam LAU Mr WONG Kwok-hing	Discussion on the need for the Administration to, as undertaken at the meeting on 11 March 2008, actively follow up with MTRCL in providing fare concession for PwDs	
014224 – 014407	Chairman Mr LEUNG Yiu-chung	Mr LEUNG Yiu-chung's expression of regrets over the lack of progress in securing fare concessions for PwDs under the principle of shared responsibility between the Government and PTOs, and his views that the LegCo should continue to follow up the issue during the next term	
014408 – 014705	Chairman Dr Fernando CHEUNG Mr WONG Kwok-hing	(a) Expression of appreciation for EOC's contribution to the work of the Subcommittee	

Time marker	Speaker	Subject(s)	Action required
		(b) Dr Fernando CHEUNG's expression of regrets that PTOs in Hong Kong were unwilling to provide fare concession for PwDs in fulfillment of their CSR	
014706 – 015417	Chairman EOC Mr WONG Kwok-hing	(a) EOC's presentation of views (b) Mr WONG Kwok-hing's view on the need to continue to follow up the provision of fare concession for PwDs during the next LegCo term	
015418 – 015601	Chairman	(a) Expression of appreciation for members' and EOC's contribution to the work of the Subcommittee, and regrets that little progress had been made in the provision of fare concession for PwDs (b) Arrangement for reporting the Subcommittee's deliberations to the House Committee	