

立法會
Legislative Council

LC Paper No. CB(1)2159/06-07
(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 eleventh meeting on
Friday, 29 June 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 WONG Kwok-hing, MH
Hon LEUNG Kwok-hung
Dr Hon Fernando CHEUNG Chiu-hung
- Member absent** : Hon Andrew CHENG Kar-foo
Hon TAM Yiu-chung, GBS, JP
- Public Officers attending** : Mrs Mary MA
Commissioner for Rehabilitation,
Health, Welfare and Food Bureau
- Mrs Millie NG
Principal Assistant Secretary for
the Environment, Transport and Works
- Mr Carey WONG
Assistant Commissioner for Transport/
Management and Paratransit (Acting)
- Mr Kenneth MOK
Chief Transport Officer/Planning/
Disabled Transport & Project
Transport Department

Attendance by invitation : 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

Action

I Confirmation of minutes and matters arising

(LC Paper No. CB(1)1971/06-07 - Minutes of the meeting held on
22 May 2007)

The minutes of the meeting held on 22 May 2007 were confirmed.

II The way forward on the provision of concessionary public transport fares for persons with disabilities

(LC Paper No. CB(1)2013/06-07(01) - Second information paper
provided by the Administration

LC Paper No. CB(1)1943/06-07(01) - Chief Secretary for
Administration's response to the
Chairman's letter to him on the
provision of concessionary public
transport fares for persons with
disabilities

LC Paper No. CB(1)1969/06-07(01) - Information paper provided by the
Administration

Action

LC Paper No. CB(1)1969/06-07(02) - List of follow-up actions (position as at 25 June 2007) prepared by the Secretariat)

Introduction of a new mode of accessible public transport service for persons with disabilities

2. In response to Ms Miriam LAU, the Administration clarified that the new mode of accessible public transport service (the new service) for persons with disabilities (PwDs) elaborated in the second information paper for the meeting (LC Paper No. CB(1)2013/06-07(01)) was hire car service and not taxi service. The new service would be limited to PwDs and the fee charges would be comparable to hire car service and higher than those of taxi service.

3. While expressing support for the new service in providing more public transport alternatives for PwDs, Ms Miriam LAU and Dr Fernando CHEUNG highlighted the great efforts paid by the taxi trade in the past ten years in introducing wheelchair accessible taxis to Hong Kong notwithstanding the uncooperative and discouraging attitude of the Government. Pointing out that the taxi trade had recently succeeded in identifying a new model of taxi for the purpose, they considered it confusing and unfair to the taxi trade for the Administration to introduce the new service, which was similar to taxi service, to compete with the taxi trade. Moreover, while the new service would be subsidized, the Administration had all along ignored the taxi trade's call for the re-introduction of the taxi voucher scheme for PwDs implemented some years before. Members therefore saw a need to listen to the views of PwD groups and the taxi trade on the new service. After discussion, members agreed to reschedule the meeting originally scheduled for 20 July 2007 to Tuesday, 24 July 2007, from 10:00 am to 1:00 pm, to meet with PwD groups and the taxi trade, and discuss with the Administration on the following items:

- (a) Rehabus service provided by the Government and voluntary agencies; and
- (b) Introduction of a new mode of accessible public transport service for persons with disabilities.

Members also agreed that the Hong Kong Society for Rehabilitation, and the non-governmental organization which would provide the new service be invited to attend the meeting.

Provision of concessionary public transport fares for persons with disabilities

4. Members noted a copy of the letter dated 14 March 2007 from MTR Corporation Limited (MTRCL) to the Administration on concessionary transport subsidy for disabled persons tabled at the meeting.

Action

(*Post-meeting note: The above letter was circulated to members vide LC Paper No. CB(1)2041/06-07 on 3 July 2007.*)

5. Members examined the latest position on the provision of concessionary public transport fares (CPTF) for PwDs by public transport operators (PTOs) in the light of the written reply from the Chief Secretary for Administration in response to the Chairman's letter to him in May 2007 (CS's letter). While members noted CS's agreement that if there was a case to provide CPTF for PwDs, it might be funded from the welfare programme, they expressed concern about the Administration's measures and timetable for taking forward the matter, in particular as stated in CS's letter the matter needed to be examined by the future Secretary for Labour and Welfare (SLW) having regard to how the overall welfare budget was to be utilized and allocated. Dr Fernando CHEUNG expressed reservation on CS's letter. He opined that instead of using public money for the provision of CPTF for PwDs, the matter should be taken up by PTOs in discharging their corporate social responsibilities under the same rationale in providing CPTF for the elderly and students. He and Mr LAU Kong-wah were also concerned that by virtue of CS's letter, the Administration seemed to have taken the position that the provision of CPTF for PwDs was not the responsibility of PTOs. Whether the matter would be pursued would entirely depend on SLW's decision which had to be made subject to the funding constraints and competitive priorities for rehabilitation services. They considered that additional funding should be secured for the purpose, and PTOs should also be persuaded to play a role in providing CPTF for PwDs in fulfillment of their corporate social responsibilities.

6. At members' invitation, Mr Raymond TANG, Chairperson of the Equal Opportunities Commission (EOC), also made the following comments in response to CS's letter:

- (a) While policy determination was Government's prerogative and it was understandable that civil servants had to act according to the policy directions so determined, it was open to Members of the Legislative Council and EOC to adopt a broader perspective in considering relevant issues such as prudent commercial principles and corporate social responsibilities;
- (b) The application of prudent commercial principles did not mean that the making of profit or the incurring of loss should be accorded undue preference overriding other matters of concern;
- (c) The need to operate on prudent commercial principles had been used to explain why the two railway corporations could not provide CPTF for PwDs. However, the way those commercial principles were to be given effect should be different as between a private company and a public body which had taken over the operation of public services previously in the hands of Government. To a public body which

Action

was entrusted with the task of providing services for the entire community, operation on prudent commercial principles did not merely involve profit-making. Indeed, private companies which owed duties to their investors and shareholders and with profit-making as their primary purpose also discharged their corporate social responsibilities by, for example, making donations for public causes from time to time. The discharge of corporate social responsibilities did not conflict with operation on prudent commercial principles. As such, the need to operate on prudent commercial principles should not preclude the two railway corporations from offering CPTF for PwDs;

- (d) The community had for years supported the Government in the corporatization of public services, and rightly so. However, the corporatization of public services should not have as its primary objective the making of profits. The purpose of the corporatization was to introduce into the management of public services via incorporated public bodies the more flexible, efficient and up-to-date operation, investment and risk management practices of private enterprises. If, however, corporatization was used as an excuse to avoid or had the effect of relinquishing social responsibilities, which existed prior to corporatization, for the sake of maximizing profit, the community might wish to review the justification and rationale underlying the corporatization of public services; and
- (e) As the majority shareholder of MTRCL and the sole owner of Kowloon-Canton Railway Corporation, the Administration should take the lead, through exercise of its ownership and management rights, to provide CPTF for PwDs and set an example to other PTOs in the proper discharge of corporate social responsibilities, instead of merely persuading PTOs to provide CPTF for PwDs.

EOC 7. In response to the Chairman, Mr Raymond TANG advised that EOC had yet to receive a reply from the Chief Executive to its letter regarding the provision of CPTF for PwDs, and agreed to provide the Subcommittee a copy of the reply when it was available.

8. As a result of the preceding discussion, members urged the future Labour and Welfare Bureau to devise measures for implementing CPTF for PwDs and proceed with bidding the necessary resources in the 2008-09 Resource Allocation Exercise. Meanwhile, members also requested the Administration to liaise with PTOs and explore the following options in implementing a CPTF trial scheme for PwDs in the light of the findings of the survey conducted by the Social Sciences Research Centre of the University of Hong Kong on the travelling characteristics of PwDs:

Action

- (a) The option as proposed by MTRCL in its letter to the Administration dated 14 March 2007, under which discounted fares for an identifiable group of PwDs would be introduced on the basis that the Government would fund any deficits, and any surplus generated from the scheme would be paid to the Government; and
- (b) The option as proposed by Dr Fernando CHEUNG and Mr LAU Kong-wah, under which CPTF would be provided for PwDs under the principle of shared responsibility between the Government and various PTOs.

9. Members also agreed that the Administration be requested to report to the Subcommittee in early October 2007 the outcome of the above efforts. PTOs and PwD groups should also be invited to the meeting for the purpose to be scheduled nearer the time.

III Any other business

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

Council Business Division 1
Legislative Council Secretariat
23 July 2007

**Proceedings of the eleventh meeting of
the Subcommittee to Study the Transport Needs of and Provision of
Concessionary Public Transport Fares for Persons with Disabilities
on Friday, 29 June 2007, at 10:45 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			
000247 – 000340	Chairman	(a) Opening remarks by the Chairman (b) Confirmation of minutes of the meeting held on 22 May 2007 (LC Paper No. CB(1)1971/06-07)	
Agenda Item II – The way forward on the provision of concessionary public transport fares for persons with disabilities			
000341 – 000654	Chairman Ms Miriam LAU	Meeting arrangements	
<i>Introduction of a new mode of accessible public transport service for persons with disabilities (the new service) (LC Paper No. CB(1)2013/06-07(01))</i>			
000655 – 002620	Chairman Ms Miriam LAU Administration Dr Fernando CHEUNG Mr WONG Kwok-hing	(a) The Administration's clarification that the new service was hire car service and not taxi service. Unlike taxi service, the new service was a personalized service solely for persons with disabilities (PwDs) and was introduced to supplement Rehabus service. The fee charges would also be comparable to hire car service and higher than those for taxi service (b) Ms Miriam LAU's and Dr Fernando CHEUNG's view that the sudden introduction of the new service was confusing, unfair and undesirable on the following grounds: (i) The new service, which was similar to taxi service, would lead to unhealthy competition with the new wheelchair accessible taxis expected to be introduced in Hong Kong in July 2007 by the taxi trade; (ii) While the new service would be subsidized, the Administration had all along ignored the taxi trade's call for the re-introduction of the taxi voucher scheme for PwDs implemented some years before; (iii) While the taxi trade had taken years to overcome the many hurdles in securing permission to introduce wheelchair accessible taxis notwithstanding the	

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		<p>uncooperative and discouraging attitude of the Government, it had only taken a short time for the Administration to approve the new service; and</p> <p>(iv) It was questionable that the fee charges of the new service would be higher than those of taxis if the former service was subsidized</p> <p>(c) The Administration's responses as follows:</p> <p>(i) The new service aimed at providing PwDs with an additional alternative and would be welcomed by them;</p> <p>(ii) The Administration's policy on transport services for PwDs was to develop an accessible transport system to facilitate PwDs' full integration into the community. The introduction of the new service not only was in line with the policy, but also took forward the Chief Executive's policy agenda in relation to enhancing the transport service for PwDs;</p> <p>(iii) The Administration welcomed the taxi trade joining in to help PwDs integrate into the community by introducing large-size multi-purpose wheelchair accessible taxis;</p> <p>(iv) The Administration had been exploring with associations in the taxi trade and taxi manufacturers on ways to facilitate the introduction of special taxis for use by PwDs. However, as the current policy required new taxis to use liquefied petroleum gas or petrol, there was difficulty in identifying suitable vehicle models meeting the safety requirement and catering for the special needs of PwDs despite the Administration's active liaison with taxi manufacturers in exploring the feasibility of converting vehicles to meet the transport needs of PwDs; and</p> <p>(v) When determining the fee charges for the new service, reference had been made to the prevailing charging mode of hire car services. Efforts had also been made to differentiate the new service from taxi service to avoid possible unhealthy</p>	

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		competition between the two modes of transport	
<i>Provision of concessionary public transport fares for persons with disabilities</i>			
002621 – 002846	Chairman Administration	Briefing by the Administration on the Government's stance regarding the provision of concessionary public transport fares (CPTF) for PwDs (LC Papers Nos. CB(1) 1943/06-07(01) and 1969/06-07(01))	
002847 – 003851	Chairman Mr WONG Kwok-hing Administration	<p>(a) Mr WONG Kwok-hing's concerns and views as follows:</p> <p>(i) The Administration's emphasis on the many competitive priorities for rehabilitation services and the absence of a firm commitment and timetable in this regard might signify further delay in the provision of CPTF for PwDs; and</p> <p>(ii) Additional funding should be secured for the provision of CPTF for PwDs to ensure that other rehabilitation services would not be adversely affected</p> <p>(b) The Administration's explanation that resources were not available for the provision of CPTF for PwDs in 2007-08 because:</p> <p>(i) The Chief Secretary for the Administration (CS) had only recently directed that funding of the provision of CPTF for PwDs should be considered under the welfare programme (CS's direction). Time was required to thoroughly examine CS's direction;</p> <p>(ii) There was a need to identify with members and PwD groups the best way to take the matter forward in the light of other competitive priorities for rehabilitation services and to ascertain and secure the additional funding required; and</p> <p>(iii) The future Secretary for Labour and Welfare (SLW) had yet to assume duty. It was necessary to involve him in the above process</p> <p>(c) The Chairman's view that it might be more advisable for the Subcommittee to work out an option for the provision of CPTF for PwDs, and propose it to SLW</p>	

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003852 – 005512	Chairman Mr LEUNG Yiu-chung Administration Equal Opportunities Commission (EOC)	<p>(a) The Administration's explanation in response to Mr LEUNG Yiu-chung's enquiries as follows:</p> <ul style="list-style-type: none"> (i) It was agreed at previous meetings of the Subcommittee to provide CPTF to recipients of Disability Allowance and Comprehensive Social Security Assistance with 100% loss of earning capacity (the two groups of PwDs totalling 85 000); and (ii) The need for making legislative amendments to support the above policy intention would have to be further examined after working out possible options of providing CPTF to PwDs in the context of welfare policy <p>(b) Mr LEUNG's concerns and views as follows:</p> <ul style="list-style-type: none"> (i) It was disappointing that CS's direction, though a step forward, had not been accompanied with additional funding; and (ii) The Administration should implement a trial scheme based on MTR Corporation Limited's proposal (MTRCL's proposal) to introduce discounted fares for an identifiable group of PwDs under which the Government would fund any deficits, and any surplus generated from the scheme would be paid to the Government. According to the survey (the Survey) commissioned by the Administration on the travelling characteristics of the two groups of PwDs, provision of CPTF to these PwDs would bring additional revenue to public transport operators (PTOs) <p>(c) The Administration explained that as MTRCL's proposal would incur public expenses, it had to be carefully examined by relevant bureaux and departments including the Financial Services and Treasury Bureau. In particular, there was a need to examine how to set the relevant baseline and define "surplus" and "deficits", and ascertain whether Government had to pay for the administrative cost incurred. Since it was the request of the Subcommittee that PTOs should also play a role in providing CPTF for PwDs, the Administration would follow up with MTRCL</p>	

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		<p>(d) EOC's views that selective provision of CPTF to certain groups of PwDs would not contravene the Disability Discrimination Ordinance (DDO) (Cap. 487) if CPTF was to be introduced with amendment to Schedule 5 to DDO. This would be the safest way to address possible concerns in this regard. It was noted that the Administration would examine the need for amendments to Schedule 5 to DDO pending identification of the best option to take forward the provision of CPTF for PwDs under the welfare portfolio</p> <p>(e) EOC's response to CS's letter</p>	
005513 – 011311	Chairman Dr Fernando CHEUNG Administration	<p>(a) Dr Fernando CHEUNG's concerns and views as follows:</p> <p>(i) It might not be desirable to use public money to fund the provision of CPTF for PwDs. CPTF for PwDs should instead be provided by PTOs in discharging their corporate social responsibilities under the same rationale in providing CPTF for the elderly and students. In this regard, CPTF might be provided for PwDs under the principle of shared responsibility between the Government and various PTOs;</p> <p>(ii) The Administration should ensure that the provision of CPTF for PwDs would not affect other competitive priorities for rehabilitation services;</p> <p>(iii) MTRCL's proposal should be expanded to cover all PTOs and put to trial (the proposed trial scheme) for six months in the light of the findings of the Survey. According to the findings, there was a strong case for the PTOs, particularly MTRCL and Kowloon-Canton Railway Corporation, to offer concessionary fares to the two groups of PwDs as there would be increases in weekly cashflow for MTR, KCR, Light Rail Transport and tram including all the new users under concessions; and</p> <p>(iv) In parallel, the Administration should pursue the introduction of legislative amendments to DDO to put it beyond</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>doubt that selective provision of CPTF for PwDs would not constitute a contravention to DDO</p> <p>(b) The Administration's responses as follows:</p> <p>(i) The Administration was prepared to consider any option of providing CPTF for PwDs according to CS's direction where resources permitted. However, there was also a need to study the findings of the Survey in greater depth;</p> <p>(ii) While the Labour and Welfare Bureau (L&WB) would identify viable options for providing CPTF to PwDs, the Transport and Housing Bureau (T&HB) would help liaise with PTOs besides MTRCL to secure their participation, while at the same time striking a balance to ensure that the provision of safe, efficient and reliable transport service would not be affected; and</p> <p>(iii) The Administration would consult the Department of Justice on the need to amend DDO after working out possible options for providing CPTF for PwDs under the context of the welfare policy</p> <p>(c) Discussion on the time required for examining the proposed trial scheme</p>	
011312 – 012507	Chairman Mr LEUNG Kwok-hung Administration	<p>(a) Mr LEUNG Kwok-hung's concerns and views as follows:</p> <p>(i) Government had resources for providing CPTF for PwDs. As such, the proposed trial scheme should be implemented without delay; and</p> <p>(ii) The transparency of PTOs' operating accounts should be enhanced to facilitate implementation of the proposed trial scheme. Government should provide the required funding by setting up a designated fund without awaiting the Resource Allocation Exercise (RAE) for 2008-09</p> <p>(b) The Administration's explanation that there was at present no funding for the provision of CPTF for PwDs, and additional funding for the purpose would have to be sought during the</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>annual RAE</p> <p>(c) The Chairman's view that the findings of the Survey should be used to work out the baseline for the proposed trial scheme, and that instead of bidding additional provisions through RAE, special funding similar to the Film Development Fund should be secured for implementing the trial scheme</p>	
012508 – 013416	Chairman Mr LAU Kong-wah Administration	<p>(a) Mr LAU Kong-wah's concerns and views as follows:</p> <p>(i) To ensure sustainability, CPTF should be provided for PwDs under the principle of shared responsibility between the Government and various PTOs (the shared option); and</p> <p>(ii) There was reservation about the operation and sustainability of the proposed trial scheme as it involved complicated calculation of surplus and deficits</p> <p>(b) The Chairman's view that to ensure the provision of CPTF for PwDs, compromises might be inevitable. Moreover, the performance of the proposed trial scheme might help convince PTOs that they would benefit from the provision of CPTF for PwDs</p> <p>(c) The Administration's explanation that T&HB would assist to liaise with PTOs on the shared option once L&WB had decided to pursue the option. In fact, different options had been explored with PTOs in the past</p>	
013417 – 014344	Chairman Mr WONG Kwok-hing Administration EOC	<p>(a) Mr WONG Kwok-hing's expression of the following:</p> <p>(i) His agreement to and appreciation of EOC's response to CS's letter. In his view, the Administration should seriously consider EOC's views; and</p> <p>(ii) His concern that the Administration had yet to commit to and provide a timetable for provision of CPTF for PwDs</p> <p>(b) EOC's advice in response to the Chairman that it had yet to receive a reply from the Chief Executive to its letter regarding the provision of CPTF for PwDs. EOC would provide the</p>	EOC to take follow-up actions as requested in paragraph 7 of the

Time marker	Speaker	Subject(s)	Action required
		<p>Subcommittee a copy of the reply upon receipt</p> <p>(c) The Administration's responses as follows:</p> <p>(i) The options to be pursued for provision of CPTF for PwDs would be examined by SLW, who would take a decision having regard to how the overall welfare budget was to be utilized and allocated. However, CS's direction would definitely be followed, and additional funding would be sought for the purpose; and</p> <p>(ii) Owing to the need to examine the different options proposed by members at this meeting, the Administration would need time to consider and could not respond until September 2007</p>	minutes
014345 – 014946	Chairman Dr Fernando CHEUNG	<p>(a) Dr Fernando CHEUNG 's expression of the following:</p> <p>(i) His appreciation of EOC's response to CS's letter;</p> <p>(ii) His support for the shared option although CS seemed to have spared the two railway corporations the responsibility for providing CPTF for PwDs; and</p> <p>(iii) His view that there should be no further delay in the provision of CPTF for PwDs. If no progress in this regard was made before early October 2007, he would move a motion at the Council to express regrets about the situation</p>	
014947 – 015519	Chairman Mr LEUNG Kwok-hung Administration	<p>(a) Mr LEUNG Kwok-hung's concerns and views as follows:</p> <p>(i) The possibility of setting up a fund for the provision of CPTF for PwDs should be actively explored; and</p> <p>(ii) There should be no need to wait for SLW to assume office before the Administration made a decision on the provision of CPTF for PwDs</p> <p>(b) The Administration undertook to bid additional funding for the provision of CPTF for PwDs under the existing mechanism</p>	

Time marker	Speaker	Subject(s)	Action required
Agenda Item III – Any other business			
015520 – 020314	Chairman Ms Miriam LAU Clerk Dr Fernando CHEUNG Administration	Meeting arrangements	

Council Business Division 1
Legislative Council Secretariat
23 July 2007