

立法會
Legislative Council

LC Paper No. CB(1)652/06-07
(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 sixth meeting on
Monday, 10 July 2006, at 4:45 pm
in Conference Room B of the Legislative Council Building**

- Members present** : Hon LEE Cheuk-yan (Chairman)
Hon Miriam LAU Kin-ye, GBS, JP
Hon Andrew CHENG Kar-foo
Hon TAM Yiu-chung, GBS, JP
Hon WONG Kwok-hing, MH
Hon LEUNG Kwok-hung
- Members absent** : Hon LEUNG Yiu-chung
Hon LAU Kong-wah, JP
Dr Hon Fernando CHEUNG Chiu-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
- Miss Jacko TSANG
Assistant Secretary for the Environment, Transport and
Works

Mr Don HO
Assistant Commissioner for Transport/
Management & 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

Clerk in attendance : Mr Andy LAU
Chief Council Secretary (1)2

Staff in attendance : Ms Connie FUNG
Assistant Legal Adviser 3

Ms Sarah YUEN
Senior Council Secretary (1)6

Mr Anthony CHU
Council Secretary (1)2

Action

I Confirmation of minutes and matters arising
(LC Paper No. CB(1)1690/05-06 - Minutes of the meeting held on
12 May 2006)

The minutes of the meeting held on 12 May 2006 were confirmed.

Action

II Meeting with the Equal Opportunities Commission and the Administration
(LC Paper No. CB(1)1919/05-06(01) - Information paper provided by the Administration

LC Paper No. CB(1)1919/05-06(02) - List of follow-up actions (position as at 4 July 2006) prepared by the Secretariat)

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

3. Members generally agreed that provision of concessionary fares to persons with disabilities (PwDs) was a welfare initiative which should be taken forward by the Government. To facilitate the early implementation of the proposed concessionary fare schemes for selected groups of PwDs and in the event that public transport (PT) operators refused to offer the concessions, the Government should sort out the funding arrangements in the context of the overall welfare policy for PwDs. The Commissioner for Rehabilitation (C for R) said that from the welfare perspective, the Government had been providing various sources of assistance to take care of the basic transport needs of PwDs, including Rehabus service, non-means-tested Disability Allowance and Comprehensive Social Security Assistance. The Administration had also been liaising with PT operators on possible options for offering fare concessions. The initiative to encourage PT operators to provide concessionary fares to PwDs was in line with the Government's welfare policy to promote tripartite partnership and to mobilize community resources to help the needy. In response to members' enquiry, the Principal Assistant Secretary for the Environment, Transport and Works (PAS for ETW) said that a general fare increase would not be justified solely for the purpose of enabling provision of concession to a specific group of passengers.

Provision of concessionary fares by PT operators

4. Members took the view that as most of the PT operators were operating at a profit, they should have room for offering concessionary fares to PwDs on their own. On the implementation of the concessionary fare schemes for PwDs, some members held the view that the Administration should have requested franchised bus companies to introduce the schemes in the context of the franchise renewal exercise. As the Administration had already missed the best opportunity to request franchised bus companies to implement the concessionary fare schemes, the Administration should focus its work on railway fares. To this end, the Administration should exercise its influence in the management boards of the two railway corporations with a view to introducing the proposed concessionary fare schemes for selected groups of PwDs at its earliest opportunity, failing which, members would have no choice but to pursue the matter in the context of the Rail Merger Bill. Consideration would be given to incorporating suitable amendments to the Bill to effect the provision of concessionary fares to PwDs. PAS for ETW replied that as PT operators in Hong Kong were operating in accordance with commercial principles, it would not be appropriate to include specific provisions in the legislation requiring them to offer concessionary fares to specific groups of passengers as such provision would not be able to take due account of the then prevailing operating environment. Nevertheless, she undertook

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to convey members' view to the Secretary for the Environment, Transport and Works for further consideration.

The Survey

Admin 5. Regarding the planned survey for assessing the travelling characteristics of the selected groups of PwDs, members were worried about the usefulness and comprehensiveness of the survey findings. To this end, they urged the Administration to ensure that the survey findings should include the necessary quantitative information to enable the Government/PT operators to assess the financial implications of offering fare concessions to selected groups of PwDs, and estimate the additional trips that would be taken by PwDs and the revenue so generated with the introduction of the proposed concessionary fare schemes for PwDs. The Assistant Commissioner for Transport/ Management & Paratransit said that including hypothetical questions about trip changes due to possible fare concession in the survey might generate results that were statistically unreliable. The Administration would need to discuss carefully with the research agency to examine whether such questions could be included without compromising the reliability of the data. On the need and justifications for the survey, a member took the view that the survey was indeed a waste of resources. He opined that to achieve the above purposes, the Administration could simply use the resources to launch a pilot concessionary fare scheme for PwDs as an alternative.

6. On the timing of the survey, members requested the Administration to speed up the related work. Members considered that there might not be a need to wait after the summer vacation before the necessary survey could be carried out, though the Administration considered that, according to experience, general traveling pattern during summer vacation differed significantly from the norm.

7. The Administration undertook to follow up with the independent research agency on the design of the questionnaire and would make every effort to speed up the related work.

Legislative amendment to the Disability Discrimination Ordinance (DDO) (Cap. 487)

8. C for R briefed members on the proposed legislative work and timetable for amending Schedule 5 to the DDO to put it beyond doubt that selective provision of concessionary fares to PwDs in phases would not constitute a contravention of the DDO. Members urged the Administration to speed up the related legislative work with a view to introducing the legislative proposal into the Council by the end of 2006.

9. As to whether the legislative amendment to the DDO would be dependent upon the findings of the survey, the Administration confirmed that the two matters would be pursued in parallel. The present thinking was that the legislative amendment exercise would continue irrespective of the findings of the survey.

Admin 10. The Administration would brief members on the preliminary findings of the survey at the next meeting tentatively scheduled for November.

Action

III Any other business

11. There being no other business, the meeting ended at 6:00 pm.

Council Business Division 1
Legislative Council Secretariat
20 December 2006

**Proceedings of the sixth meeting of
the Subcommittee to Study the Transport Needs of and Provision of
Concessionary Public Transport Fares for Persons with Disabilities
on Monday, 10 July 2006, at 4:45 pm
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
<i>Agenda Item I – Confirmation of minutes and matters arising</i>			
000000 – 000148	Chairman	Confirmation of minutes of the meeting held on 12 May 2006 (LC Paper No. CB(1)1690/05-06)	
<i>Agenda Item II – Meeting with the Equal Opportunities Commission (EOC) and the Administration</i>			
000149 – 000646	Administration Chairman	Briefing by the Administration on the possible options for legislative amendments to the Disability Discrimination Ordinance (Cap. 487) (DDO), outcome of the discussion between the Administration and public transport (PT) operators on possible options for offering fare concessions, the existing transport policy and welfare policy in meeting the transport needs of persons with disabilities (PwDs), and the survey on PwDs' travelling characteristics (the survey) (LC Paper No. CB(1)1919/05-06(01))	
000647 – 001626	Mr WONG Kwok-hing Chairman Administration	<ul style="list-style-type: none"> - Work and timetable for amending Schedule 5 to DDO - Concern about the possible general fare increase by PT operators so as to use the additional fare revenue to compensate for the revenue foregone due to the provision of fare concessions to PwDs - Expression of view that funding support for granting concessionary fares to PwDs should be considered in the context of the overall welfare policy for PwDs and borne by the Government - Need for inviting the Secretary for the Environment, Transport and Works and the Secretary for Health, Welfare and Food to attend the Subcommittee meeting - The Administration's view that to approve a general fare increase by franchised bus operators solely for the purpose of enabling provision of concession to a specific group of passengers was not in line with 	

Time marker	Speaker	Subject(s)	Action required
		<p>Government's transport policy. Any fare adjustment application from franchised bus companies would be processed in accordance with the new bus fare adjustment arrangement. On the other hand, while the two railway corporations enjoyed fare autonomy, the Administration would remind them of the need to consider the impact of such fare increase on the travelling public</p>	
001627 – 002734	Mr Andrew CHENG Chairman Administration	<ul style="list-style-type: none"> - Legislative timetable for amending Schedule 5 to DDO. The Administration was requested to speed up the related work and introduce the relevant legislative proposal into the Council for consideration by the end of 2006 - Expression of view that as PT operators were operating at a profit, they should have room to provide concessionary fares to PwDs. The Government however had missed the best time for discussing the subject matter with the franchised bus companies as the bus franchises had already been renewed - Expression of view that the Government should make use of the present opportunity when the rail merger proposal was under deliberation to request the two railway corporations to provide concessionary fares to PwDs, failing which, members would have no choice but to consider the subject matter in the context of the Rail Merger Bill <p>The Administration's view that as PT operators were operating according to commercial principles, it might not be appropriate to include specific provisions in the legislation requiring PT operators to provide concessionary fares to a specific group of passengers. Nevertheless, the Administration undertook to convey members' views to the Secretary for the Environment, Transport and Works for further consideration</p>	The Administration to take follow-up actions

Time marker	Speaker	Subject(s)	Action required
002735 – 011136	Mr LEUNG Kwok-hung Chairman Administration	<ul style="list-style-type: none"> - Expression of view that provision of concessionary fares to PwDs was purely a welfare initiative. As such, additional funding support for the provision of concessionary fares to PwDs should be borne by the Government - Expression of view that the proposed survey for assessing PwDs' travelling characteristics was a waste of resources. As an alternative, the Government should use the resources to launch a pilot scheme to provide concessionary fares to PwDs so as to assess the financial implications of offering fare concessions to PwDs - Expression of view that the Government, being the sole owner of Kowloon-Canton Railway Corporation and the majority shareholder of MTR Corporation Limited, should exercise its influence in the Boards to effect the provision of concessionary fares to PwDs. This would exert pressure on other PT operators to seriously consider providing similar fare concessions to PwDs - Administration's reiteration of the Government's transport policy to achieve barrier-free transport for PwDs - Administration's reiteration of the Government's welfare policy to provide various sources of assistance to take care of the basic transport needs of PwDs. The initiative to encourage PT operators to provide concessionary fares to PwDs was in line with the Government's welfare policy to use social capital and mobilize community resources to help the needy - The Chairman's concern about the methodology and usefulness of the survey. The Administration was reminded to ensure that the survey findings could provide the necessary quantitative information to enable the Government/PT operators to examine the financial implications of offering fare concessions to PwDs, and estimate the additional trips that would be taken by PwDs and the revenue so generated with the introduction of concessionary fare 	The Administration to take follow-up actions

Time marker	Speaker	Subject(s)	Action required
		<p>schemes for PwDs</p> <ul style="list-style-type: none"> - Administration's concern that including hypothetical questions about trip changes due to possible fare concession in the survey might generate results that were statistically unreliable. The Administration would need to discuss carefully with the research agency to examine whether such questions could be included without compromising the reliability of the data - The Chairman's concern about the timing of the survey which would have a bearing on the implementation timetable for the concessionary fare schemes for PwDs. To speed up the process, the survey could be carried out during the summer vacation - Members' concern about the usage of the survey findings, and the subsequent funding arrangement for the provision of concessionary fares to PwDs 	
011137 – 011337	Chairman Equal Opportunities Commission (EOC) Administration	<ul style="list-style-type: none"> - The EOC sought clarification from the Administration that the proposed legislative amendment to Schedule 5 to DDO would proceed irrespective of the findings of the survey or of the outcome of discussion with PT operators - Given that the objective of the Government to corporatize public utilities was generally to enhance efficiency in allocation and use of resources and efficiency in management and not for the purpose of achieving maximum profits, any social responsibility related to such public utilities remained rested with the Government. In the case of the two railway corporations, the EOC considered that the Government as owner or major owner of the corporatized utilities, with representatives sitting on the management boards of the two railway corporations, should urge the railway corporations to fulfil their corporate social responsibility to offer concessionary fares to PwDs 	

Time marker	Speaker	Subject(s)	Action required
<i>Agenda Item III – Any other business</i>			
011337 – 011347	Chairman	- Date of next meeting - Request the Administration to report on the preliminary findings of the survey in November	The Administration to take follow-up actions

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