

**Subcommittee to Study the Transport Needs
and Provision of Concessionary Public Transport Fares for
Persons with Disabilities**

Information Paper for Meeting on 10 July 2006

PURPOSE

At its meeting on 12 May 2006, the Subcommittee requested the Administration to put forward possible options for introducing legislative amendments to the Disability Discrimination Ordinance (Cap. 487) (DDO), so that provision of concessionary fares to selective groups of persons with disabilities (PWDs) would not constitute a contravention of the DDO. The Subcommittee also requested the Administration to propose financially viable options from welfare or transport perspective, under which financial support would be offered for the provision of concessionary fares for PWDs, in the event that public transport (PT) operators would not offer such concessionary fares. Moreover, Health, Welfare and Food Bureau (HWFB) would conduct a survey to assess the PWDs' travelling characteristics. This paper briefs Members on work progress and current position.

POSSIBLE OPTIONS FOR LEGISLATIVE AMENDMENT

2. At its meeting in February, the Subcommittee proposed to offer concessionary fares to recipients of Disability Allowance (DA) and Comprehensive Social Security Assistance (CSSA) with 100% loss of earning capacity in the first instance. As at the end of April 2006, there were about 95 000 PWDs aged 12 to 64 in these two groups.

3. The Subcommittee accepted that any legislative proposals of amendments should be made on the premise that any amendments to be introduced will not diminish protection currently accorded by the DDO to PWDs. The amendments should be flexible enough that concessionary fares provision to selective PWDs groups would not constitute a contravention to the DDO.

4. HWFB has consulted the Department of Justice (DoJ) and the

Equal Opportunities Commission (EOC) on the proposal to amend the DDO. Two possible options have been put forth by DoJ, namely amending the main ordinance or amending Schedule 5 (Annex) of the DDO. Both options will achieve the same effect.

5. With regard to DoJ's advice, EOC is of the view that it will be quicker and more effective to amend Schedule 5 of the DDO than provisions in the main ordinance. This will also allow more flexibility to cater for any unforeseeable changes in the future. As this is only their preliminary proposal, both DoJ and EOC would need to consider it in greater details. HWFB will prepare drafting instructions for legal amendments and consult EOC in due course, to be followed by introduction of legislative amendments proposal according to standing procedures.

FURTHER DISCUSSION WITH PUBLIC TRANSPORT OPERATORS

6. In view of the Subcommittee's request for the Government to liaise with PT operators on possible options for offering fare concessions, the Environment, Transport and Works Bureau (ETWB) approached major PT operators again in June 2006, requesting them to consider the Subcommittee's proposal to offer fare concessions to DA and CSSA recipients with 100% loss of earning capacity, having regard to their financial position and operating environment. Since PT operators had repeatedly expressed concerns about the impact of offering fare concessions to PWDs on their financial condition, we encouraged the operators to consider different form of fare concessions such as providing concessions during off-peak hours or on Sundays and public holidays only, or varying the rate of concessions to be provided. Relevant PT operators have replied that they cannot offer such concessions. Reasons include the consideration that fare concessions to PWDs should be a welfare initiative and financial constraint.

TRANSPORT POLICY AND WELFARE POLICY

7. Under the transport policy, the primary objective is to achieve barrier-free transport for people with disabilities. For this purpose, PT

operators have invested in the improvement of the accessibility of their facilities, which contributes to promoting the integration of PWDs into society. In addition, the Government all along encourages PT operators to provide fare concessions having regard to their financial condition so as to benefit the public, including PWDs.

8. Under the welfare policy, the Government is providing various sources of assistance to take care PWDs' basic transport needs, the details of which are set out below –

- (i) Rehabus Service – the Administration subsidizes the Rehabus Service with an annual provision of \$26 million to meet the basic transport needs of PWDs;
- (ii) Disability Allowance (DA) – the purpose of DA is to offer, on a non-means-tested basis, some measure of financial assistance to the severely disabled to meet their needs arising from disability. Recipients of Normal and Higher DA will receive \$1,125 and \$2,250 per month respectively. In 2006-07, expenditure in this area is estimated to be \$1.75 billion; and
- (iii) Comprehensive Social Security Assistance (CSSA) – under the CSSA Scheme, in addition to a higher CSSA standard rate to meet their basic needs, the disabled recipients are given a wide range of special grants to cover their special needs, such as fares to and from hospitals or clinics and other essential travelling expenses as well as costs of medical, rehabilitation, surgical appliances and hygienic items. The average payment of a single disabled CSSA recipient is about \$3,700 per month. In 2006-07, CSSA payment to PWDs will amount to about \$5.086 billion.

If the Administration is to provide additional funding support for PWDs concessionary fares provision, the issue would have to be considered in the context of the overall welfare policy for PWDs.

9. At the Subcommittee meeting on 12 May 2006, individual PT operator suggested to effect a general fare increase so as to use the additional fare revenue to compensate for the revenue foregone due to the provision of fare concessions to PWDs. From the public transport policy perspective, our objective is to ensure the provision of efficient public transport services at acceptable fare for the general commuters. When the Government processes fare increase applications, the Government takes into account multiple factors, including quality of service, financial position of operators and public acceptability of the proposed fare. To approve a general fare increase solely for the purpose of enabling provision of concession to a specific group of passengers is not in line with the transport policy.

SURVEY ON PWDS TRAVELLING CHARACTERISTICS

10. An independent research agency will be appointed through tender to conduct the survey. Preliminary research findings would be ready in early November for briefing the Subcommittee. At end-May 2006, we have also met with the representatives of the Disability Alliance on Concessionary Transport Fares for PWDs to brief them on the survey proposal and seek their views.

Health, Welfare and Food Bureau
Environment, Transport and Works Bureau
July 2006

雙語法例資料系統

Whole Enactment Mode

Law Selection Setting: Current English Ord. & Sub. Leg.

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CHAPTER CHOSEN:

• **CAP 487 DISABILITY DISCRIMINATION ORDINANCE**

- Schedule 5 - FURTHER EXCEPTIONS TO THIS ORDINANCE - 30/06/1997

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[sections 60, 63 & 87]

Provision creating illegality Exception
(Enacted 1995)
