

Legislative Council Panel on Transport

Concessionary Public Transport Fares for People with Disabilities

Purpose

This paper briefs Members on the latest position of issues related to the provision of public transport (“PT”) fare concession to people with disabilities (“PwDs”).

Background

2. At the meeting on 22 July 2005, the Government informed Members, vide LC Paper No. CB(1)2076/04-05(01), the definition of disability under the Disability Discrimination Ordinance (“DDO”), the legal implication of providing fare concession to certain groups of PwDs only, and PT operators’ concerns in providing fare concession to all PwDs having regard to the large number of potential beneficiaries. Some Members asked the Administration to ascertain the views of the disabled community towards the provision of fare concession to certain groups of PwDs only, and to explore further with PT operators the possibility of providing fare concession to PwDs.

Selective Provision of Fare Concession

3. At the meeting on 22 July 2005, some Members suggested that the Government should explore the possibility of providing fare concession to PwDs who are recipients of the Disability Allowance (“DA”) only. It is noted that the representatives of PwDs already objected to the suggestion during the meeting on 22 July 2005. The Health, Welfare and Food Bureau (“HWFB”) has subsequently confirmed that the PwDs do not support selective provision of any PT fare concession to certain groups of PwDs only. Neither have the PwDs expressed support for the exclusion of people with chronic diseases. Moreover, HWFB has sought further legal advice on the suggestion of selective provision of fare concession. Legal advice indicates that if fare concession is provided to some PwDs but not others, irrespective of whether the differentiation is made on the basis of the types of disability or whether the PwD is a DA recipient, it is

necessary to establish that the beneficiaries of the fare concession have special needs which the other PwDs do not have, and that the fare concession can address such special needs. Otherwise, selective provision of fare concession to certain groups of PwDs may contravene the DDO. As such, the suggestion of providing fare concession to only some, but not all, of the PwDs is not feasible.

Concerns of PT Operators

4. Taking into account the large number of potential beneficiaries, which may include PwDs and people with chronic diseases, rising operating cost of PT services and the legal implication, PT operators restate that they have difficulties in providing fare concession to PwDs. PT operators point out that they will continue to support the integration of PwDs into the society through improvement of accessibility of their facilities. Moreover, fare concessions they provide to the general commuters will also benefit the PwDs.

5. In Hong Kong, PT services are provided by private entities. In accordance with the spirit of free enterprise, it is not appropriate for the Government to direct the PT operators to offer fare concessions. In addition, the two railway corporations are required to operate according to prudent commercial principle. This principle on one hand ensures that the railway corporations will provide reliable and efficient services and on the other hand obviates the need for the Government to subsidise their operation using public money. This is in the interest of the public and the Government will continue to uphold this principle. It will be inappropriate for the Government to direct the two corporations to make any commercial decision, including the provision of fare concession or otherwise.

Financial Assistance to PwDs

6. The Government currently provides financial assistance to address the PwDs' special needs through the provision of Disability Allowance ("DA") to PwDs who are certified by a public medical officer to be in a position broadly equivalent to a person with a 100% loss of earning capacity. DA includes Normal Disability Allowance (NDA) and Higher Disability Allowance (HDA). Recipients of NDA are receiving monthly

allowance of \$1,120 while those of HDA receive \$2,240. The objective of the DA is to provide a monthly allowance to Hong Kong residents who are severely disabled to meet special needs arising from disability. The use of DA is not confined to any specific purpose and recipients may use the allowance for transport expenses.

7. Apart from the DA, the Comprehensive Social Security Assistance (CSSA) Scheme provides a security net to those who require financial assistance. Under the CSSA Scheme, special grants are payable to disabled persons and persons medically certified to be in ill health. Special grants include transport to and from hospitals, clinics, workplace, and school. The grant is usually given to cover the actual travelling expenses using the cheapest available mode of transport. The average assistance provided to a recipient of CSSA who is single and disabled is \$3,716 per month. In accordance with the Policy Address in 2005, with effect from 1 November 2005, a monthly community living supplement of \$100 is payable to severely disabled CSSA recipients who are medically certified to be 100% disabled or in need of constant attendance and who are not living in residential institutions.

8. HWFB has set out the basis for determining the payment of DA and CSSA vide *Supplementary Information on the Disability Allowance* CB(1)2169/04-05(01).

Conclusion

9. ETWB is committed to achieving the ultimate goal of barrier-free transport and will continue our effort in this regard. HWFB, on the other hand, will continue to provide financial assistance to address the transport needs of PwDs.

Environment, Transport and Works Bureau
Health, Welfare and Food Bureau
October 2005