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

PURPOSE

This paper reports the deliberations of the Subcommittee to Study the Transport Needs of and Provision of Concessionary Public Transport Fares for Persons with Disabilities (the Subcommittee).

BACKGROUND

2. Transport services for persons with disabilities (PwDs) has been a subject of growing concern of Members of the Legislative Council (LegCo) in recent years. Related motions have been passed by LegCo since the 2002-2003 session. In addition, there have been discussions on related issues at meetings of the Panel on Welfare Services and the Panel on Transport during the past sessions. The major areas of concern include urging public transport operators (PTOs) to provide fare concessions to PwDs, enhancing the provision of different modes of transport for PwDs, and improving public transport facilities to enhance accessibility for PwDs. As the subject matter straddles over the policy areas of the two Panels as well as the Health, Welfare and Food Bureau¹ and the Environment, Transport and Works Bureau and relevant departments, there have been concerns about the absence of a dedicated forum for pursuing the matter in LegCo and the lack of co-ordination within the Government in following up the matter effectively.

¹ Following the re-organization of the Government Secretariat in July 2007, the welfare policy portfolio under the then Health, Welfare and Food Bureau and the transport policy portfolio under the then Environment, Transport and Works Bureau have been transferred to the Labour and Welfare Bureau and the Transport and Housing Bureau respectively.

THE SUBCOMMITTEE

3. To take forward the task of exploring feasible options to meet the transport needs of and provide concessionary public transport fares for PwDs, the House Committee agreed at its meeting held on 18 November 2005 to set up this Subcommittee. The terms of reference of the Subcommittee are in **Appendix I**. Hon LEE Cheuk-yan was elected as the Chairman of the Subcommittee and the membership list is in **Appendix II**.

4. The Subcommittee has held a total of 17 meetings and received 41 submissions from organizations and individuals. Members have met with PwD groups to understand their aspirations on fare concessions and provision of rebus service, and met with PTOs to urge them to explore feasible fare concessionary schemes for PwDs. The Subcommittee has also met with the Hong Kong Society for Rehabilitation (HKSR) and associations in the taxi trade to discuss the introduction of accessible hire cars and wheelchair accessible taxis. Representatives from the Labour and Welfare Bureau and the Transport and Housing Bureau¹ have been invited to attend meetings of the Subcommittee. Representatives from the Equal Opportunities Commission (EOC), including its Chairperson, also attended meetings of the Subcommittee to give views on various issues relating to disability discrimination and identify possible concessionary fare schemes having regard to the Disability Discrimination Ordinance (DDO) (Cap. 487).

5. A list of PwD groups and individuals, PTOs, taxi trade associations and other organizations which have given views to the Subcommittee and/or attended its meetings are given in **Appendix III**. In the course of its deliberations, the Subcommittee has passed a number of motions relating to transport services for PwDs, as detailed in **Appendix IV**.

DELIBERATIONS OF THE SUBCOMMITTEE

Provision of concessionary public transport fares for persons with disabilities

Aspirations of persons with disabilities for provision of concessionary public transport fares

6. It is the Government's rehabilitation policy to develop the potentials and abilities of PwDs to the fullest so as to enable their full integration into society, through provision of necessary facilities, and on the basis of equal opportunities. Besides taking care of the basic transport needs of PwDs through the provision of rebus service and financial assistance including Disability Allowance (DA) and Comprehensive Social Security Assistance (CSSA), the Administration has been urging PTOs to improve the accessibility

of their services and facilities for PwDs, and encouraging them to provide fare concessions to PwDs.

7. PwD groups point out that as PwDs generally have low income because of their disabilities, concessionary fares should be granted to all PwDs to relieve their financial difficulties and facilitate their full participation and integration into the community. PwD groups consider that PTOs being good corporate citizens should offer concessionary fares to PwDs. Provision of fare concessions to PwDs are in line with practices in other overseas countries. They stress that improvements to transport facilities alone cannot enable PwDs to integrate into the community.

8. Members share the views of PwDs that as majority of PTOs are operating at a profit, they have the ability to provide fare concessions to PwDs. Given that the operators of the then Mass Transit Railway (MTR) and the then Kowloon-Canton Railway (KCR), and major bus operators have invested substantial funds in improving transport facilities for PwDs, provision of concessionary fares to PwDs will encourage them to travel more, making PTOs' investment in facilities improvement more cost-effective. Some members have urged the Administration to exercise influence through the management boards of the two former railway corporations to introduce concessionary fare schemes to PwDs. To exert pressure on the two corporations to seriously consider the request, some members have suggested pursuing the matter in the context of the Rail Merger Bill through incorporating suitable amendments to the Bill. As for bus operators, members have also suggested that operators should be required to offer fare concessions to PwDs when the Government renews existing agreements with and awards new franchises to operators. However, some other members are of the view that as PTOs operate according to prudent commercial principles, their unwillingness to provide concessionary fares to PwDs is understandable. To take forward the matter, the Administration should consider providing funding support to PTOs from a welfare perspective.

9. The Subcommittee has noted the views of PTOs that they have been stepping up efforts in enhancing accessibility of their facilities to cater for the transport needs of PwDs and promote the integration of PwDs into society. PTOs consider that provision of concessionary fares to PwDs is a social welfare issue and the necessary funding should not be provided by PTOs. Some PTOs also highlight that due to difficult operating environment, such as sharp rise in oil prices, increase in wages, and fierce competition in the market, they are not in a financial position to offer fare concessions to PwDs. PTOs also opine that in the absence of information about the travelling pattern of PwDs, they are unable to work out the financial implications of providing concessionary fares to PwDs.

10. The Administration reiterates the objective of providing a barrier-free transport system for all, including PwDs, from the transport policy perspective. From the welfare perspective, the Government has been providing various sources of assistance to take care of the basic transport needs of PwDs. As PTOs in Hong Kong are operating in accordance with prudent commercial principles, it is inappropriate to include specific provisions in legislation requiring them to offer concessionary fares to specific groups of passengers as such provision will fail to take due account of the prevailing operating environment. The provision of fare concessions to PwDs may result in a general fare increase. PTOs need to consider the impact of the fare increases on the travelling public. On the other hand, the Administration has been encouraging PTOs to offer fare concessions to PwDs. The initiative is in line with the Government's welfare policy to promote tripartite partnership and mobilize community resources to help the needy. At present, PTOs are offering around 50 fare concession schemes of various kinds to the general public. These include Octopus card fare reduction, monthly ticket scheme and return-trip fare reduction, etc. PwDs aged 65 or above and aged 11 or below are already enjoying fare concessions offered by PTOs.

Identification of feasible concessionary fare schemes for persons with disabilities

11. Members of the Subcommittee are gravely concerned that the Administration has made little progress in urging PTOs to provide fare concessions to PwDs. When examining possible concessionary fare schemes for PwDs, members have noted the need to take into consideration the principles of equality as embodied in DDO. Moreover, it is necessary to define PwDs and identify the number of eligible PwDs in order to facilitate implementation of any concessionary fare scheme and address PTOs' concern about financial implications of providing concessionary fares to PwDs. As such, the Subcommittee has examined the merits of various concessionary fare schemes using different criteria for determining PwDs' eligibility for fare concessions, including definition of disability in DDO, the registration cards for PwDs issued by the Health, Welfare and Food Bureau since 1999 to provide documentary proof of PwDs' disability status, recipients of DA, recipients of CSSA with 100% loss of earning capacity, PwD definition in the Special Topics Report Number 28 published by the Census and Statistics Department in 2001. Details of the possible schemes considered by the Administration and the Subcommittee with inputs from the Department of Justice (DoJ) and EOC are given in **Appendix V**².

² Annex A to Appendix V are possible schemes for concessionary fare to PwDs which are considered least likely to contravene DDO. Annex B to Appendix V are possible scheme which might contravene with DDO.

12. The Subcommittee notes that while the schemes offering fare concessions for all PwDs falling within the definition of disability under DDO and for PwDs requiring company of carers for travelling on public transport (as set out in Annex A to Appendix V) would least likely contravene DDO, the first scheme will mean a general fare reduction for almost everyone given the broad definition of disability under DDO and hence would have far-reaching revenue implications on PTOs. As for the second scheme, the Subcommittee notes that this scheme will facilitate early provision of concessionary fares for PwDs without the need to go through lengthy legislative process so as to mitigate the risk of possible contravention of DDO. However, in taking forward the scheme, an appropriate way to assess the need for carer assistance has to be devised.

13. In devising a concessionary fare scheme for PwDs, members have noted the views of PwDs that the scheme should aim at covering all PwD groups so as to fully address the needs of the disabled community. However, in order to speed up the process, members and PwDs consider that the scheme of offering concessionary fares to recipients of DA and CSSA with 100% loss of earning capacity should be pursued in the first instance, followed by extension to other groups of PwDs. Given the availability of assessment mechanism for identification of PwDs under this scheme, administrative work will be minimized, thus facilitating early implementation of the scheme.

Legislative amendments to facilitate the provision of concessionary fares to persons with disabilities

14. Members have considered ways to address possible contravention of DDO if fare concessions are provided to selective groups of PwDs. DoJ's view is that in order to minimize the risk of legal challenge against the scheme for contravention of DDO, it is prudent to introduce legislative amendments to DDO. To address PTOs' concern about the risk of legal challenge against them, members have urged the Administration to introduce amendments to DDO to put it beyond doubt that selective provision of concessionary fares to PwDs would not constitute a contravention of the Ordinance. In this regard, DoJ has put forward two options for amending DDO after seeking views of EOC, namely amending the main ordinance or amending Schedule 5 to DDO. EOC is of the view that it will be quicker and more effective to amend Schedule 5 to DDO than provisions in the main ordinance. This will also allow more flexibility to cater for any unforeseeable changes in the future. If PTOs agree to provide concessionary fares to PwDs, the Administration is prepared to make amendments to Schedule 5 to DDO to put beyond doubt that provision of concessionary fares for selected groups of PwDs by PTOs will not constitute a contravention of DDO. It plans to introduce the necessary amendments to LegCo for approval by resolution in the latter half of 2007.

Survey on the travelling behaviour of persons with disabilities

15. To ascertain the travelling pattern of recipients of DA and CSSA with 100% loss of earning capacity (the two groups of PwDs), the Health, Welfare and Food Bureau commissioned the Social Sciences Research Centre of the University of Hong Kong to conduct a survey on the travelling characteristics of PwDs from September to October 2006 (the Survey). The main objectives are to identify the general travelling behaviour of the target respondents, evaluate the factors affecting choice of public transport mode by PwDs, estimate the travelling expenditures of PwDs for each public transport mode, and understand the likely impact of concessionary fares. The Survey covered a sample population of around 85 000 PwDs. Around 3 000 PwDs were chosen from the target population and data were collected through telephone and face-to-face interviews.

16. The results of the Survey showed that respondents on average spent \$45.8 weekly on public transport. About \$27.5 were spent on five modes namely, bus, KCR, Light Rail Transport (LRT), MTR and tram. Under the three possible fare concession options covered in the Survey, i.e. public holiday concession, non-peak hour concession, and full day concession, the total weekly expenditure per PwD on MTR, KCR, LRT and tram was found to increase with the major increases being for MTR and KCR. There would be increases in weekly cashflow for MTR, KCR, LRT and tram as a result of new users using these modes of transport following the implementation of fare concessions. As regards buses, since half of the respondents were already existing bus users, the proportion of new users and the expected amount spent by them were relatively small, leading to a net reduction in weekly cashflow under the non-peak hour concession and the full day concession. The total weekly expenditure per PwD on buses was estimated to increase only under public holiday concession.

17. In the light of the findings of the Survey, members consider that there is a strong case for PTOs, particularly MTR and KCR, to offer fare concessions to the two groups of PwDs as this would bring additional revenue to the operators concerned. In particular, being the sole owner of KCR Corporation and the major shareholder of MTR Corporation (MTRC), the Government should exercise its influence in the relevant boards to ensure the two railway corporations will take the lead in providing fare concessions to PwDs. Provision of fare concessions to PwDs will be consistent with the requirement for PTOs to operate according to prudent commercial principles as the findings of the Survey have clearly indicated that there would be cashflow increases for operators after the provision of fare concessions.

18. The former Secretary for Environment, Transport and Works and the former Secretary for Health, Welfare and Food have jointly written to PTOs in January 2007 appealing for their support in providing fare concessions to PwDs

with reference to the findings of the Survey. The Subcommittee met with PTOs in February 2007 to follow up the Survey results and urged them to provide fare concessions to PwDs. PTOs raised a number of concerns about the Survey, in particular, the design of the Survey questionnaire inviting PwD respondents to answer hypothetical questions about their travelling behaviour and expenditure under fare concessions, the calculation of the financial implications of the three possible fare concession options. Some PTOs also reiterated their difficult operating environment and financial burden. Bus operators further pointed out that according to the results of the Survey, there would be net reduction in their weekly cashflow after the provision of fare concessions.

19. At the February meeting, members expressed grave disappointment about the failure of PTOs, in particular the two railway corporations, to offer fare concessions to the two groups of PwDs under various pretexts. The Subcommittee passed two motions requesting EOC to follow up and study the failure of the Administration and PTOs to implement the policies and measures regarding the provision of concessionary fares to PwDs, and to urge the Government to expeditiously implement a policy to provide half-fare concession to PwDs under the principle of shared responsibility between the Government and various PTOs.

20. However, there was another view that PTOs operated according to prudent commercial principles and the provision of fare concessions to PwDs should be a form of social welfare. In order to take the matter forward, the Administration should consider providing funding support to PTOs in this respect.

Provision of concessionary fares to persons with disabilities by the Government from the welfare perspective

21. On the suggestion of providing fare concessions to PwDs under the principle of shared responsibility between the Government and PTOs, the Administration explains that it has been providing the following assistance to take care of PwDs' basic transport needs from the welfare perspective:

- (a) Rehabus services – the Administration subsidizes the rehabus service with an annual recurrent provision of some \$30 million to meet the basic transport needs of PwDs;
- (b) Disability Allowance – 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 \$1,170 and \$2,340 per month respectively. In 2007-2008, expenditure in this area is about \$1.9 billion; and

- (c) Comprehensive Social Security Assistance – under 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 \$3,600 per month. In 2007-2008, CSSA payment to PwDs amounted to about \$5 billion.

22. Members have noted that the Administration has stressed that the two railway corporations would take into account prudent commercial principles when considering provision of fare concession to the public including PwDs. However, the Administration in pursuing the objective of full integration of PwDs into society has called on the corporations to fulfill their corporate social responsibility (CSR) in offering fare concessions to PwDs. Members consider that there is a role conflict on the part of the Administration. To convey members' disappointment at the Administration's apathy and its persistent failure to formulate a comprehensive policy on provision of fare concessions to PwDs, the Chairman has written to the Chief Secretary for Administration (CS) in May 2007 inviting him to look into the matter personally with a view to ensuring concerted efforts from all relevant bureaux and departments in the formulation of a positive, consistent and clear policy on provision of fare concessions to PwDs.

23. In his reply given in June 2007, CS clarifies the Administration's position that the provision of concessionary fares to PwDs is not a transport policy matter and highlights that maintaining the commercial viability of the two railway corporations is an important policy objective from the transport perspective. CS takes the view that if there is a case to provide fare concessions to PwDs, it will be funded from the welfare programme.

Provision of transport supplement to persons with disabilities

24. At the meeting on 9 October 2007, the Subcommittee noted that the Labour and Welfare Bureau was considering the feasibility of subsidizing PwDs in using public transport from the welfare policy perspective. In view of the huge fiscal surplus of the Government, members urged the Administration to expedite the matter with a view to effecting a fare concessionary scheme for PwDs by 1 April 2008.

25. The Chief Executive announced at the Summit on Social Enterprise held on 20 December 2007 that the Government has decided to provide concessionary fares to PwDs to help them integrate into society and the

Financial Secretary will announce the scheme in the Budget for 2008-2009 in February 2008. At the meeting on 11 March 2008, the Secretary for Labour and Welfare briefed the Subcommittee on the Administration's proposal to provide transport supplement to PwDs (the transport supplement), under which an additional sum of \$230 million will be allocated annually to provide a monthly transport supplement of \$200 each directly to recipients under CSSA Scheme aged between 12 and 64 with 100% disability and recipients of DA in the same age group. As at end March 2008, there were about 96 000 PwDs in this identified age group. The proposal represents a continuous commitment of the Administration as the additional sum of \$230 million to provide the transport supplement will be an annual allocation rather than a one-off provision.

26. While members consider the transport supplement a welcomed breakthrough to enhance PwDs' integration into society, they consider that it is not a fare concession scheme which PwD groups and the Subcommittee have been pursuing. Members have noted PwD groups' reservation of providing fare concessions to PwDs through a transport supplement, and PwDs' aspiration for enjoying half-fare concession in using public transport without any restrictions through modification of the Octopus System. There is concern that PwDs will tend to use the transport supplement for purposes other than travelling, thus defeating the objective of incentivizing PwDs to go out more for social integration.

27. The Administration has explained that the transport supplement is the most practical and flexible arrangement. As it will be paid directly into the recipients' bank accounts, PwDs concerned are free to decide how to make the best use of the additional supplement to meet their transport needs having regard to individual circumstances. Moreover, PwDs concerned will enjoy the benefits soonest possible. Since it does not directly involve any other organization, the proposal can be implemented within a short lead-time.

28. The Administration subsequently obtained funding approval from the Finance Committee on 16 May 2008 to effect the transport supplement with effect from July 2008. The Administration has further explained that as the transport supplement will be provided by Government under the existing CSSA and DA mechanism, there will be no need to amend DDO for implementation of the proposal.

Provision of concessionary fares by public transport operators under the principle of shared responsibility

29. Members have stressed the need to press PTOs to provide fare concessions to PwDs in fulfilling their CSR. In this regard, members have urged the Administration to continue its efforts in pursuing the matter. In particular, efforts should be concentrated on MTRC, of which Government is the majority shareholder, to ensure the company will take the lead. The Subcommittee passed a motion in March 2008 urging the Administration to start discussion with MTRC immediately on the provision of half-fare concession to PwDs in the spirit of CSR and report the progress in two months.

30. In taking forward the principle of shared responsibility between the government and PTOs in providing fare concessions to PwDs, members note that MTRC has suggested in early 2007 to provide discounted fares for an identifiable group of PwDs on the basis that the Government will fund any deficit and any surplus generated from the scheme will be paid to the Government (MTRC's proposal). Hence, members have urged the Administration to liaise with PTOs in exploring the implementation of a trial scheme on MTRC's proposal. During the meeting with PTOs on 9 October 2007, the Subcommittee noted that while most PTOs were willing to bear the administrative cost and facilitate the implementation of MTRC's proposal, none of them were willing to bear the technical and capital expenses involved, including modifications of softwares and hardwares.

31. When the Subcommittee revisited the subject on provision of fare concessions by MTRC at the meeting in May 2008, members were disappointed at the Corporation's response which only reiterated the fare reduction subsequent to the rail merger in December 2007 providing benefit to all passengers including PwDs, and its undertaking not to increase fares until the end of June 2009. While members recognize MTRC's efforts in improving its facilities to enhance the accessibility for PwDs, they consider that MTRC is only fulfilling its statutory responsibility under DDO and not its CSR. Members have passed a motion urging MTRC to conduct a trial scheme to provide half-fare concessions to PwDs during off-peak hours.

32. The Administration has explained that by provision of the transport supplement under the welfare programme, the Government has already taken an 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. In this regard, the Transport and Housing Bureau will continue to encourage PTOs to provide fare concessions for PwDs striking a reasonable balance between prudent commercial principles and public interests.

33. In response, MTRC has re-iterated that it has spent over \$600 million

on station improvement works in the past ten years and has committed another \$200 million in the coming five years to further enhance barrier-free transport. The Corporation will take into account various factors including its operational situation, market circumstances and passenger needs etc. in considering, from time to time, the need to provide various promotional offers to the public and PwDs.

Views and recommendations on provision of concessionary public transport fares to persons with disabilities

34. Members have expressed regret about the unwillingness of PTOs to offer concessionary fares to PwDs despite the efforts made by the Subcommittee and the disability community in pursuing legislative amendments to DDO, narrowing down the scope of beneficiaries under the concessionary fare scheme, and conducting the Survey to address PTOs' concerns about financial implications of providing fare concessions to PwDs. The Subcommittee has the following views and recommendations for the Administration and PTOs:

- (a) the Administration has general accountability and responsibility to the public to deal with the subject of providing fare concessions to PwDs. PTOs are corporate citizens with responsibility to society. Offering fare concessions to PwDs is an obvious way of discharging CSR. In taking forward the matter, the Administration should consider stipulating in the franchise or licence of PTOs that they have to offer fare concessions to PwDs. The Subcommittee is aware that the Victorian Government in Australia has stipulated in the privatization process of public transport operators that concessions for those in need would continue to be provided by operators after privatization. Alternatively, the Administration, in its capacity as shareholder or board member of the two railway corporations, can decide on the provision of fare concessions to PwDs. In doing so, the Administration will set a good example on how a PTO's CSR can be discharged;
- (b) the provision of transport supplement to PwDs should only be a transitional arrangement. In the long run, the Administration should require PTOs to provide fare concessions to PwDs in fulfilling CSR;
- (c) the Administration needs to devise appropriate strategies and timetable in pursuing the provision of fare concessions to PwDs by PTOs;
- (d) to facilitate the implementation of a concessionary fare scheme

by PTOs, the Administration has to expedite the introduction of legislative amendments to DDO;

- (e) instead of providing the transport supplement to PwDs direct, the Government should consider providing funding to PTOs for them to provide fare concessions to PwDs through modification of the Octopus System. The objective of providing concessionary fares to PwDs under the principle of shared responsibility between the Government and PTOs will be achieved under this approach; and
- (f) to help effect the provision of concessionary public transport fares to PwDs, LegCo should continue to follow up the matter in the next term.

Transport needs of persons with disabilities

Rehabus service for persons with disabilities

Overview of rehabus service

35. Rehabus is a specialized transport service operated by HKSR under the subvention from the Labour and Welfare Bureau to serve PwDs who have no alternative means of point-to-point public transport in meeting their transport needs for employment, education, training, medical treatment and social participation. Transport Department (TD) monitors the operation of rehabus. As at May 2007, there are 95 vehicles in the rehabus fleet. Most of the vehicles are having the seating capacity of 10 to 11. As at end 2006, the average age of vehicles is 5.8 years. In 2006-2007, the Administration allocated \$26.4 million to HKSR for running rehabus service. Rehabus provides three types of services with details as follows:

- (a) Scheduled Route Service (SRS) – It is a regular peak hour transport service for PwDs who travel to and from destinations such as workplaces, training centers, medical institutions, and schools. SRS provides different scheduled routings for PwDs;
- (b) Dial-a-Ride Service (DAR) – It is a personalized round-the-clock pre-booked service taking PwDs to clinics, shops, sports centers and leisure facilities. Users include individual PwDs and PwD service organizations. Apart from a standardized booking charge, DAR fare varies according to service duration, distance travelled and the number of passengers carried during the trip; and

- (c) Feeder Service (FD) – It is a supplement service to DAR and provides frequent direct transport service to and from hospitals, clinics and railway stations. There are three feeder routes serving Southern District, Kowloon City and Shatin, and one trial route serving Lai King³. These feeder services operate in the daytime on specific weekdays. The vehicles are redeployed from SRS and DAR.

36. To collect passengers' feedback on rebus service, a User Liaison Group (ULG) has been formed comprising representatives from rebus and users. Meetings of ULG are held on a quarterly basis and representatives from TD also attend the meetings.

Problems identified in the provision of rebus service

37. The Subcommittee notes that there has been increasing demand for rebus service in recent years resulting in long waiting list for SRS and large number of rejected orders for DAR. For SRS, the number of applicants on the waiting list reached 43 as at end of May 2007, and is expected to reach 52 at end of 2008. As for DAR, among the 88 213 orders received in 2006, 8 173 orders has been rejected representing a rejection rate of 9.3%. On FD, members note that users have raised concern about the small number of FD routes in meeting the needs of PwDs.

38. On operational arrangements of rebus service, the Subcommittee notes that PwD groups are concerned about inflexible service hours, (such as lack of service during periods of black rainstorm warning and typhoon signal No. 8), unfair charging policy, complicated booking procedures, aging vehicles, and out-dated facilities installed in vehicles posing safety hazard to users. Some parents' associations of handicapped children have also requested for provision of escorts on board rebus to take care of the PwD children.

Recommendations for improvement of rebus service

39. Members consider rebus service an essential means of point-to-point transport for PwDs to meet their transport needs and facilitate their integration into society. They stress the need for the Administration to increase resources to meet the surge in demand for the service and enhance the service quality. Members have put forward the following recommendations for the Administration's consideration:

- (a) to work out the targets with concrete timetable, and the required financial resources to effectively improve rebus service,

³ The Administration later advises that the trial route was cancelled in November 2007 due to low patronage.

including removing the waiting list of SRS and reducing the waiting time, reducing the number of rejected DAR orders, increasing SRS and FD routes to meet rising demand for the services;

- (b) to strengthen rebus service for PwDs living in remote areas, such as Tung Chung, Tseung Kwan O and Tin Shui Wai, and work out concrete measures to meet the objective;
- (c) to expedite the replacement programme for aging vehicles in the rebus fleet with a view to improving the facilities on board and enhancing safety of users;
- (d) to undertake a comprehensive review with HKSR on the operation of rebus service on areas including booking arrangements for the service, vehicle allocation and trip scheduling, provision of service during inclement weather, fare structure of DAR, imposition of surcharge for subsequent changes or cancellation of bookings; and
- (e) to liaise with the Education Bureau on measures to meet parents' request for provision of escorts on board SRS vehicles to ensure safety of handicapped school children.

Improvement measures for rebus service introduced by the Administration and the Hong Kong Society for Rehabilitation

40. On resources allocation for rebus service, the Subcommittee notes that the Administration has taken on board members' views and six additional vehicles are procured for strengthening the service in 2007-2008. Moreover, \$5.6 million will be allocated to acquire eight new buses in 2008-2009, thereby increasing the rebus fleet to 109. Among the eight new buses, six and two vehicles will be deployed to provide SRS and DAR services respectively. The newly added SRS vehicles will also be available during the off-peak period to provide DAR. Assuming the demand for SRS remains at the present level, it is expected that the additional vehicles will be able to fully accommodate SRS demand of PwDs on the current waiting list.

41. As regards replacement of aging vehicles in the rebus fleet, members note that the Administration has been replacing the single-arm tail-lift buses through a replacement programme since mid-2005. The Administration has replaced nine aging vehicles of 10 to 12 years in 2007-2008. It will also allocate \$16.5 million for replacing 24 aging vehicles in 2008-2009. After completion of the replacement programme, the average age of the rebus fleet will be 3.8 years.

42. As regards enhancement in service quality, the Administration and HKSR have undertaken to implement a number of improvement measures, which are summarized below:

- (a) HKSR will continue to conduct regular reviews of the routings and timetable of SRS routes to meet the needs of new applicants and better serve existing passengers. Trip scheduling and vehicle allocation are done manually by HKSR. HKSR has applied funds under the "SK YEE Fund for the Disabled 2006" to improve its computer facilities to enhance the efficiency of rebus allocation and trip planning for shared DAR. It is envisaged that computerized vehicle allocation and route scheduling will be implemented on trial by end 2008 and formally introduced in 2009;
- (b) TD will continue to explore with HKSR and disabled organizations on the feasibility of operating more FD routes. For instance, HKSR and TD are exploring the feasibility for a feeder service plying between Sandy Bay in Southern District and the nearest railway station;
- (c) As regards rebus service in the remote area, there are currently over 40 SRS routes serving the New Territories (NT). As for DAR service, about 26% of DAR orders are in NT areas. The rejection rate for the service is about 17% which is lower than that in Kowloon and Hong Kong Island. Nonetheless, there will be improvement to rebus service for NT with proposed additional vehicles for DAR; and
- (d) Due to the shortage of school bus service for special schools, some handicapped school children are using SRS for travelling to schools. While provision of escort on board school buses for primary and kindergarten students is a mandatory requirement for vehicles with prescribed seating capacity, there is no such requirement for rebus. Nevertheless, HKSR conducts screening beforehand to ensure all passengers are of reasonable physical conditions and are suitable for travelling on their own on rebus. Passengers of rebus with special needs may request that they be accompanied by carers during the trips. All vehicles in the rebus fleet are fitted with safety fastening devices for securing wheelchairs, and all emergency doors on board vehicles are fitted with alarm. Duties of the rebus driver include operating the wheelchair lifting device and the wheelchair restraint system on board during passenger boarding and alighting. Drivers have received training and are tested annually on their driving skills and knowledge in the use

of safety fastening devices on board their vehicles. All drivers also have valid first-aid qualifications. The Labour and Welfare Bureau has conveyed parents' concern regarding insufficient school bus service for PwD students and the high fares of the service to the Education Bureau. The Administration will consider suitable solutions to address parents' concern.

43. HKSR has also reviewed the operation and fare arrangements with ULG and has agreed to implement the following measures:

- (a) Instead of cancelling the bookings of pooled DAR service for the period when black rainstorm warning or a typhoon signal No. 8 is hoisted, the service will only be suspended and resumed once the signal is off. To avoid posing danger to PwDs, rehabus drivers, and other road users during adverse weather conditions, rehabus service will continue to be suspended when black rainstorm warning or typhoon signal No.8 is in force;
- (b) The existing four-hour minimum charge for DAR during Sundays and public holidays has been revised to one-hour minimum charge, i.e. adopting the same arrangement on weekdays. The fare scale for DAR for 1-3 passengers has been relaxed so that 1-4 passengers is charged the same fare; and
- (c) On the surcharge imposed on changes or cancellation of DAR bookings, HKSR has introduced a two-tier surcharge for heavy users and light users. Under the scheme, if individuals book more than one bus or their booking involving more than one pick up/set down point or more than one passenger, they will be classified as "an institution" and a higher surcharge will be imposed for changes or cancellation of the booking. HKSR has reviewed the differential surcharges for "an individual" and "an institution" and consulted ULG. If sound reasons are given for cancellation of service with written proof, the surcharge will be waived.

New transport services to persons with disabilities

44. The objective of the Government's rehabilitation policy in respect of transport services is to develop a public transport system with appropriate facilities to meet the needs of PwDs so as to enhance their ability to move around and facilitate their full participation and integration into the community. The Subcommittee has examined with the Administration, PwD groups and relevant organizations in exploring new modes of transport services for PwDs.

Introduction of accessible hire car services

45. The Subcommittee notes that HKSR has obtained a grant of \$15.24 million from the Hong Kong Jockey Club Charities Trust in 2007 to purchase 20 wheelchair accessible 7-seater cars for introducing an accessible hire car (AHC) service for PwDs. The grant will be used for purchasing the vehicles and meeting the recurrent expenditure for three years. The vehicles providing the service will be equipped with electric lifting device or ramp to facilitate boarding and alighting of wheelchair-bound passengers. In the cabin, wheelchair restraining facilities and passenger safety seatbelts will be installed and the vehicle can accommodate two wheelchairs at any one time. HKSR has to apply to TD for permits to operate the new service. It is HKSR's plan to start the new service as soon as possible.

46. While members of the Subcommittee welcome AHC service as an additional transport alternative for PwDs and note PwDs' support for the new service, they are aware of concern expressed by the taxi trade about the service competing with taxi service. On the other hand, PwDs are concerned about their affordability to use AHC service, as the fee charges will be much higher than those of taxi service.

47. On the concern about possible competition between AHC and taxi services, the Subcommittee notes HKSR's explanation that AHC service is solely for PwDs using wheelchairs. The service aims at providing a personalized, more user-friendly and comfortable accessible transport service to PwDs. As AHC service has to be pre-booked and restricted to wheelchair-bound passengers and their companions, the fare level of the service will be higher than taxi. HKSR will make reference to the prevailing charging mode of hire car service and take into account the zoning arrangement and distance travelled in setting the fares of AHC service.

48. Taking on board the views of members, PwDs and taxi trade, HKSR has decided to set the fare level for AHC service to be around 20% above the taxi fares so as to balance taxi trade's concern and PwDs' affordability. The Subcommittee notes that TD will issue 20 hire car permits to HKSR and will state in the permit conditions that the accessible hire car service must be pre-booked and only wheelchair-bound passengers and their companions can

use the service. Members note that HKSR will start commencing AHC service around June 2008 to meet the needs of PwDs and the expected surge in demand for accessible transport with the staging of Olympics and Paralympics Equestrian Events in Hong Kong in August and September 2008.

Introduction of wheelchair accessible taxis in Hong Kong

49. The Subcommittee considers that wheelchair accessible taxi (WAT) service is a new mode of transport service for PwDs to enhance their ability to move around and facilitate their full participation and integration into the community. The Subcommittee welcomes the initiative of the taxi trade to introduce WAT service in Hong Kong. PwD groups are also supportive of the initiative in developing Hong Kong as a barrier-free city.

50. However, the Subcommittee notes the taxi trade's disappointment about the lack of assistance from the Administration to facilitate introducing WATs to Hong Kong. The trade is also concerned that AHC service will pose competition to WAT service. The trade has to invest heavily in developing WATs, including bearing the high costs in identifying suitable vehicle models to meet the stringent emission requirements of Hong Kong and undertaking the investment risks. To ensure the viability of WAT service, the taxi trade has urged the Administration to consider using the funding for AHC service to re-launch the Taxi Voucher Scheme and to subsidize converting taxis into WATs.

Provision of accessible taxi services in overseas countries

51. To help members in understanding overseas experiences in providing WATs to PwDs, the Research and Library Services Division of the LegCo Secretariat has conducted studies on WAT services in Sydney and London (the Studies).

52. The Subcommittee notes that the Disability Discrimination Act of 1995 in the United Kingdom requires all taxis to be wheelchair accessible by phases, with full compliance by 2020. London taxis have been wheelchair accessible since January 2000. The Studies have also demonstrated the importance for governments to provide incentives encouraging taxi operators in providing WAT service. For example, the New South Wales Government (the NSW Government) in Australia has implemented a number of incentives, including providing financial assistance to taxi operators to purchase WATs or convert existing taxis into WATs, charging lower licence fees for WATs, and subsidizing training for drivers of WATs. Members further note that in order to facilitate PwDs in using WAT service, the NSW Government has introduced the Taxi Transport Subsidy Scheme since 1981 to subsidize disabled residents in using WATs. Successful applicants are issued with vouchers for using on WAT trips. A Taxicard scheme is also implemented in London to subsidize

PwDs in taking WATs.

53. The Subcommittee notes that due to the efforts and encouragement of the relevant governments, a variety of WAT models are operating in London and Sydney. These vehicles are purpose-built to cater for the special needs of PwDs and equipped with facilities such as ramps, special seat belts, swivel seat, coloured grab handles, and intercom etc.

Administration's work in introducing wheelchair accessible taxis in Hong Kong

54. Members note that the Administration has ensured that the existing regulatory framework does not impede the introduction of WATs. The Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374A) specifies the dimensions of a taxi can be up to 6.3 metres (length), 2.3 metres (width) and 2 metres (height) with a weight of up to 3 tonnes. These specifications have already permitted the use of larger types of vehicles to accommodate wheelchairs. To control the exhaust emissions of taxis, regulation 10(3) of the Air Pollution Control (Vehicle Design Standard) (Emission) Regulations (Cap. 311J) requires taxis to use either liquefied petroleum gas (LPG) or petrol as fuel. Both LPG-driven and petrol-driven vehicle types are available in the world market which can accommodate wheelchairs.

55. To facilitate the sourcing of suitable WAT models by the taxi trade, TD and the Electrical and Mechanical Services Department have conducted briefing sessions for major vehicle suppliers to explain the standards and specifications in relation to the safety requirements and fuel supply systems for taxis. TD has also taken proactive steps to liaise with vehicle suppliers to further explore the feasibility and viability of introducing LPG-driven WATs in Hong Kong. In this regard, a vehicle supplier, Geely Automobile Holdings Limited (Geely), has expressed interest to develop LPG-driven "London Taxis" for Hong Kong. Geely shipped a "London Taxi" for demonstration in May 2007 and held a seminar for the taxi trade to collect views on the new vehicle model. Another vehicle supplier, Crown Motors Limited, has also indicated intention to import a prototype of LPG-driven van-type vehicle model to Hong Kong for operation as WAT on a trial basis to test the market response. As regards the taxi trade, a New Territories taxi operator has introduced two petrol-electric hybrid WATs equipped with wheelchair accessible ramps to provide hiring as a whole service.

56. The Administration has stressed that the exact model to be used and the timing for the introduction of WAT service remains a business decision of the taxi trade. The Administration are aware of suppliers' concern about market demand for WATs as selling prices for LPG-driven WATs should be more expensive than normal LPG-driven taxis. On the other hand, the taxi trade remains concerned about the financial viability of WATs, the investment

risk and higher capital, operating and maintenance costs involved. The fare level for WAT service is another aspect that the taxi trade is concerned about. Some taxi trade members consider that the current fare level may not be sufficient to maintain the long-term financial viability of the service while they are also aware that charging a higher fare level may adversely affect the demand for the service.

Taxi Voucher Scheme for persons with disabilities

57. The Subcommittee notes that the Administration, with sponsorship by the Hong Kong Jockey Club, launched a one-year pilot Taxi Voucher Scheme in April 1987 to subsidize wheelchair-bound taxi passengers with a view to promoting PwDs' integration into society. The trial scheme came to an end following the trial period as it was not well-received by PwDs and the taxi trade. While PwDs have found the scheme's application procedures too cumbersome, taxi drivers have considered it not convenient to encash the vouchers.

58. While the Subcommittee notes the unsuccessful experience in implementing the Taxi Voucher Scheme in the 1980s, with the change of time, members have urged the Administration to re-consider the Scheme to address the administrative problems so as to facilitate the introduction of WATs. The Administration considers that measures, including the provision and enhancement of rehabus service, financial assistance under CSSA Scheme, DA payment, and the monthly transport supplement of \$200 will meet the transport needs of PwDs and further encourage them to participate in activities away from home. It has no plan to introduce any Taxi Voucher Scheme using public funds.

Recommendations on the provision of new transport services for persons with disabilities

59. The Subcommittee shares the views of PwDs that the Administration should continue with efforts to introduce more public transport services for PwDs, ensure priority be given to PwDs in using AHC and WAT services, and ensure the fares charged will be reasonable and affordable to PwDs.

60. The Subcommittee has expressed strong disappointment towards the discouraging attitude of the Government in introducing WATs in Hong Kong and its failure in formulating policies to ensure the sustainability of AHC and WAT services. The Subcommittee passed two motions in July 2007 and April 2008 to express concerns on the matters and urge the Administration to take immediate follow up action. The Subcommittee Chairman has also written to CS in May 2008 urging him to look into the matters personally. The major recommendations of the Subcommittee are as follows:

- (a) It is necessary for the Government to formulate a comprehensive policy for providing new transport services for PwDs. The segmented approach currently adopted by the Government has resulted in a lack of co-ordination among policy bureaux and departments in resolving related issues. The Government should adopt a "disability mainstreaming" strategy in policy making, under which PwDs' needs will be taken into account throughout the policy formulation and programme development process. The strategy will enhance co-ordination among policy bureaux and departments and achieve more effective results in meeting PwDs' needs in a timely manner;
- (b) The Administration is urged to draw up specific plans and timetable to facilitate and expedite the introduction of WATs in Hong Kong, and consider providing incentives to assist the taxi trade and PwDs in providing and using WAT service;
- (c) To address the taxi trade's concern about competition between AHC service and WAT service, the Government should ascertain the long-term positions of the two services as new modes of transport service for PwDs, and devise feasible charging policies for the services accordingly;
- (d) To address the taxi trade's concern about the financial viability of WATs, the Administration should actively consider relaxing the restrictions under Cap.311J to allow WATs driven by other fuel types to operate in Hong Kong;
- (e) The Administration is urged to make reference to the successful overseas experience in assisting the taxi trade and PwDs in providing and using WATs. It should consider re-launching the Taxi Voucher Scheme with streamlined application procedures and reimbursement arrangements, and encouraging taxi drivers to receive training to enhance their service to PwDs; and
- (f) To ensure the policy for providing new transport services for PwDs will meet the aspirations of PwDs and provide incentives for the transport sector, the Administration should consult the relevant stakeholders, including PwD groups, social service agencies, and taxi trade in the formulation of policy and devising specific action plans in this regard.

61. The Subcommittee notes CS reply given in June 2008 that the Government will continue to offer assistance in various ways to facilitate the taxi trade and vehicle suppliers in introducing WATs and address the problems

encountered. On the suggestion of relaxing the restriction on fuel type for taxis under Cap. 311J, members note the reservation of Environmental Protection Department that due to the much higher emission from diesel taxis, the relaxation may compromise air quality in Hong Kong. Nonetheless, the Transport and Housing Bureau has been liaising with the Environment Bureau to examine the feasibility of relaxing the fuel requirements to facilitate the introduction of WATs. The Government has undertaken to engage the taxi trade and PwD groups once progress is made.

62. In respect of concern about possible competition between AHC service and WAT service, the Administration has referred to the case of HKSR where the fare level of AHC service has been set to be around 20% above the taxi fares to balance taxi trade's concern and PwDs' affordability. TD will critically assess the need for AHC service when renewing the permits for the cars⁴ taking into account the availability of similar transport services in the market, including the development in introducing WATs to Hong Kong.

Improvement of existing transportation services to persons with disabilities

Improvement measures introduced by the Administration and public transport operators

63. Enhancing accessibility of public transport facilities to PwDs is an important means to help PwDs integrate into society. The Subcommittee has been monitoring the work and new initiatives of the Administration and PTOs in improving and promoting barrier-free public transport facilities for PwDs in recent years. Details of the enhancement measures are as follows:

- (a) In upholding the vision of "Transport for All", the Administration will continue to ensure the compliance of all public transport interchanges (PTIs) with the standards in the Transport Planning and Design Manual (TPDM), including the provision of accessible facilities such as dropped kerbs and tactile guide paths. TPDM will be reviewed from time to time to tie in with the development of public transport design to meet the needs of PwDs;
- (b) TD will continue to retrofit existing PTIs to meet the standards in TPDM. About 40 existing PTIs will be under review for improvement in 2008 and 2009. In 2005, TD updated the "Guide to Public Transport for PwDs" which provides information on the facilities of various public transport modes to help PwDs to plan their journey;

⁴ Hire car permits will be valid until the vehicle licence expires. Thus, the validity of a hire car permit is 12 months maximum.

- (c) All franchised bus companies⁵ have agreed that all the new buses to be purchased will be wheelchair accessible. As of December 2007, there were over 2 700 wheelchair accessible buses. Bus operators will continue their programmes of replacing older buses with low-floor buses. As new initiatives, New World First Bus Services Limited and Citybus Limited are conducting a trial scheme of bus stop announcement system automated by a global positioning system with a view to providing more information and enhancing the accuracy of the announcement messages; and
- (d) All railway stations are provided with at least one barrier-free access. Accessible facilities such as bi-directional gates, tactile guide paths, next stop announcement systems, braille maps, audible device for Octopus cards, induction loops, etc. have been installed at various stations to facilitate passengers with different types of disabilities. As new initiatives, MTRC will install tactile guide paths at all Light Rail platforms and audible advices at the Octopus exit processors of all Light Rail stops.

Recommendation

64. To enhance the effectiveness of the improvement of the barrier-free public transport facilities, the Subcommittee has stressed the importance for the Administration and PTOs to consult PwDs in understanding their needs. To this end, members note that TD has set up a Working Group on Access to Public Transport by People with Disabilities comprising representatives of PwDs, PTOs and relevant departments to provide a forum for exchanging views on areas for improvement relating to accessibility of public transport for PwDs. Besides, MTRC also holds regular meetings with PwD groups to gauge their comments on railway services and related facilities in the railway system. Members have called on the Administration to continue efforts in engaging PwDs' views and liaising with PTOs in improving the facilities to further enhance the accessibility of public transport services.

⁵ These do not include New Lantau Bus Company Limited (NLB) owing to topographical constraints. Despite so, NLB has planned to purchase wheelchair accessible buses for deployment on routes where the terrain permits so as to cater for the transport needs of PwDs as far as possible.

Advice sought

65. Members are invited to note the deliberations of the Subcommittee and its recommendations.

Council Business Division 1
Legislative Council Secretariat
26 June 2008

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

Terms of Reference

- (a) To study the transport needs of persons with disabilities (PwDs) and explore feasible options to meet such needs; and
- (b) To explore feasible options to provide concessionary public transport fares for PwDs.

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

Membership list

Chairman

Hon LEE Cheuk-yan

Members

Hon LEUNG Yiu-chung

Hon LAU Kong-wah, JP

Hon Miriam LAU Kin-yee, GBS, JP

Hon Andrew CHENG Kar-foo

Hon TAM Yiu-chung, GBS, JP

Hon WONG Kwok-hing, MH

Hon LEUNG Kwok-hung

Dr Hon Fernando CHEUNG Chiu-hung

(Total : 9 Members)

Clerk

Ms Connie SZETO

Legal Adviser

Ms Connie FUNG

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

**List of organizations/individuals submitted views to the Subcommittee
and/or attended its meetings**

1. 1st Step Association
2. Association of N.T. Radio Taxicabs Ltd.
3. Christian Family Service Centre Integrated Rehabilitation Service
4. Chung Shing Taxi Limited
5. Citybus Limited / New World First Bus Services Limited
6. Direction Association for the Handicapped
7. Disability Alliance on Concessionary Transport Fare
8. Disabled and Carers Concern Group - Wheelchair Club Member
9. Equal Opportunities Commission
10. Hong Kong Association for Parents of Persons with Physical Disabilities
11. Hong Kong Association of the Deaf
12. Hong Kong Blind Union
13. Hong Kong Federation of Handicapped Youth
14. Hong Kong Federation of the Blind
15. Hong Kong Joint Council of Parents of the Mentally Handicapped
16. Hong Kong Taxi Association
17. Hong Kong Tramways Limited
18. Kowloon-Canton Railway Corporation Limited
19. Mental Health Association of Hong Kong - Parents' Association of Kwun Tong Sheltered Workshop
20. Monitoring Alliance on Elderly Policies
21. Mr CHAN Wai-hung
22. Mr KWOK Tak-fai
23. Mr Wilson YU Wai-keung
24. MTR Corporation Limited
25. N.W. Area Taxi Drivers & Operators Association
26. New Lantao Bus Company (1973) Limited
27. New Territories Taxi Operations Union
28. New World First Bus Services Limited

29. Pak Kai Taxi Owners Association Ltd.
30. Rehabilitation Alliance Hong Kong
31. Retina Hong Kong
32. Sun Hing Taxi Radio Association
33. Sun Hing Taxi Radio Service General Association
34. Tai Wo Motors Ltd.
35. Taxi & PLB Concern Group
36. Taxi Dealers & Owners Association Limited
37. The Against Elderly Abuse of Hong Kong
38. The Association of Parents of the Severely Mentally Handicapped
39. The Fraternity Association of N.T. Taxi Merchants
40. The Hong Kong Council of Social Service
41. The Hong Kong Lutheran Social Service
42. The Hong Kong Society for Rehabilitation
43. The Hong Kong Society for the Deaf
44. The Hong Kong Taxi & Public Light Bus Association Limited
45. The Kowloon Motor Bus Company (1933) Limited / Long Win Bus Company Limited
46. The Kowloon Taxi Owners Association Ltd.
47. The Parents' Association of Pre-school Handicapped Children
48. The University of Hong Kong
49. Tsuen Wan District Council
50. United Friendship Taxi Owners & Drivers Association Ltd.
51. 香港傷殘青年協會
52. 香港精神康復者聯盟

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

Motions passed by the Subcommittee

Meeting on 27 February 2007

First motion

(Translated version)

"This Subcommittee urges the Equal Opportunities Commission to follow up and study the failure on the part of the relevant government departments and various public transport operators to implement the policies, measures and means regarding the provision of concessionary fares for persons with disabilities, and to consider conducting investigations in this respect and to submit a follow-up report to this Subcommittee."

Second motion

(Translated version)

"This Subcommittee expresses extreme regret at the Government's persistent failure to come up with a transport policy to facilitate the integration of persons with disabilities into the community, and urges the Government to expeditiously implement a policy to provide half fare concession for persons with disabilities under the principle of shared responsibility between the Government and various public transport operators."

Meeting on 22 May 2007
(Translated version)

"That this Subcommittee urges the Government to immediately formulate plans and timetables to meet the demand from persons with disabilities (PwDs), especially those living in remote new towns, for Rehabus service, which should include the introduction of large-size multi-purpose wheelchair accessible taxis to facilitate the integration of PwDs into the community; review of the provision of escort service for disabled school children so that they will be taken good care of on their way to and from school; and handling of Rehabus service fares on public holidays in a flexible way and considering the offer of a subsidy scheme to PwDs for taking taxis, so as to encourage them to participate in normal social functions."

Meeting on 24 July 2007
(Translated version)

"That, in respect of the introduction of a new mode of accessible public transport service for persons with disabilities (PwDs), this Subcommittee urges the Government to:

- (a) immediately draw up specific plans and timetable as well as consider offering incentives for the speedy introduction of taxis which are suitable for PwDs;
- (b) ascertain the fees charged for the service of 'Accessible Hire Car' and its long-term position as a mode of transport service before issuing licences to this type of vehicles, and ensure that it will not compete unfairly with other public transport services while catering for the need of low-income PwDs; and
- (c) immediately consult PwD groups, the transport sector, social service agencies, the Rehabilitation Advisory Committee, etc, with a view to formulating within six months a policy with specific action plans for the provision of transport service for PwDs, including considering the introduction of a Taxi Voucher Scheme."

Meeting on 11 March 2008
(Translated version)

"That since the Government's proposal to provide an extra monthly \$200 disability allowance to persons with disabilities (PwDs) as transport supplement still leaves room for improvement, this Subcommittee considers that the Government has the responsibility to continue discussion with public transport operators on the provision of half fare concession for PwDs in the spirit of corporate social responsibility; this Subcommittee urges the Government to immediately start discussion with MTR Corporation Limited on the relevant arrangements and report the progress to this Subcommittee in two months."

Meeting on 29 April 2008
(Translated version)

“That this Subcommittee expresses regret at the Government’s persistent refusal to formulate a transport service policy for persons with disabilities (“PwDs”) and its evasion of the responsibility to put forward specific plans and timetable for the introduction of taxis suitable for use by PwDs;

this Subcommittee strongly requests the Government to

- (a) formulate within 6 months plans and timetable for the introduction of taxis which are for PwDs;
- (b) actively consider relaxing the restrictions under Cap.311J of the Laws of Hong Kong and adopting other measures which facilitate the introduction of wheelchair-accessible taxis; and
- (c) consult various stakeholders, including PwDs groups, the transport industry, non-governmental organizations, etc, to ascertain Accessible Hire Car’s long-term position as a mode of transport service and the details of its operation before issuing licences to this type of vehicles.”

Meeting on 22 May 2008
(Translated version)

“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.”

Possible Schemes for Concessionary Fare Provision for People with Disabilities

Possible schemes	PWD Definition/ Eligibility	Reasons	Estimated No. of Potential Beneficiaries (aged 12-64)	Legal Advice	
				DoJ	EOC
1. All PWDs falling within the definition of disability under Disability Discrimination Ordinance (DDO)	S2 of DDO (Cap. 487) [Annex B of CB(1)645/05-06(01)]	Not in contravention with DDO provision	No estimate available. Could be enormous (broad and general definition)	This Scheme does not constitute direct or indirect disability discrimination against a PWD under the DDO.	Everyone with a disability within the meaning of the DDO is covered; therefore disability discrimination is unlikely to occur. But this scheme amounts to a general fare reduction for everyone, thus probably deviates from the original concept of fare concession.

Possible schemes	PWD Definition/ Eligibility	Reasons	Estimated No. of Potential Beneficiaries (aged 12-64)	Legal Advice	
				DoJ	EOC
2. PWDs requiring company of carer for travelling on public transport	PWDs (all disability types) requiring carer assistance in transportation			This Scheme may have the effect of removing the disadvantage experienced by PWDs in using public transport facilities. This Scheme does not contravene the DDO.	Eligibility is not limited by types of disability. Of all the suggested concessionary fare schemes, this is perhaps the least vulnerable to a complaint under the DDO, without becoming a general fare reduction for everyone. But it is important to devise an appropriate way to assess the need for carer assistance.

Possible schemes	PWD Definition/ Eligibility	Reasons	Estimated No. of Potential Beneficiaries (aged 12-64)	Legal Advice	
				DoJ	EOC
(a) Fare concession for PWDs	Eligible for fare concession only when traveling in company of carer	Double fare is paid (PWD+ carer)	20,000-25,000 <i>[Source: rough indication from C&SD Report which covers PWDs (excluding the mentally handicapped) but including patients with chronic illness with no manifestation of disability]</i>		
(b) Fare concession for the carer	Eligible for fare concession only when traveling with PWDs	Double fare is paid (PWD+ carer)	20,000-25,000 <i>(Source: same as above)</i>		

Schemes for Concessionary Fare Provision that Might Contravene with DDO for People with Disabilities

Schemes	PWD Definition/ Eligibility	Reasons	Estimated No. of Potential Beneficiaries (aged 12-64)	Legal Advice	
				DoJ	EOC
1. Selected Disability Groups, i.e. the Visually Impaired, the Physically Handicapped and the Mentally handicapped	According to C&SD Special Topics Report no. 28) (“C&SD Report”) [Annex H of CB(1)645/05-06 (01)]	Groups have greater mobility difficulties. (Draw reference from similar fare concession overseas)	141,000 <i>(Source: C&SD Report)</i>	This Scheme may have excluded some PWDs who have mobility difficulties. It is necessary to ensure that the Scheme falls within the exception provisions in section 50 of the DDO. Furthermore, the Scheme should be consistent with the principle of non-discrimination guaranteed by Article 22 of the Hong Kong Bill of Rights and Article 25 of the Basic Law.	Eligibility is by reference to types of disability. Target difficulties are mobility difficulties. There is a risk of complaint by excluded PwDs who suffer from the same or similar mobility difficulties. But, arguably, the special measure defence (DDO s.50) may be established if empirical evidence can be produced showing that the selected PwDs on the whole suffer more adversely than other people from mobility difficulties.

Schemes	PWD Definition/ Eligibility	Reasons	Estimated No. of Potential Beneficiaries (aged 12-64)	Legal Advice	
2. Number of PWDs based on C&SD Report (Persons with chronic illness but without manifestation of disabilities not counted as PWDs)	Definition draws reference from <ul style="list-style-type: none"> - Consultation with Government and NGOs - Similar surveys overseas - RPP [Annex H of CB(1)645/05-06 (01)]	Broadly covers all PWDs defined under Rehabilitation Programme Plan (RPP)	220,000* <i>(Source: rough indication from C&SD Report)</i>	This Scheme may have excluded some PWDs who have mobility difficulties. It is necessary to ensure that the Scheme falls within the exception provisions in section 50 of the DDO. Furthermore, the Scheme should be consistent with the principle of non-discrimination guaranteed by Article 22 of the Hong Kong Bill of Rights and Article 25 of the Basic Law.	Eligibility is by reference to types of disability. It is not clear what are the target difficulties. There is a risk of complaint by excluded PWDs who suffer the same or similar difficulties as the selected PWDs. But, arguably, the special measure defence (DDO s.50) may be established if empirical evidence can be produced showing that the selected PWDs on the whole suffer more adversely than other people from the target difficulties.
3. Recipients of Disability Allowance	Certified to be severely disabled according to Schedule 1 of Employees' Compensation	Severely disabled	55,000 <i>(Source: Social Welfare Department)</i>	This Scheme may have excluded some PWDs who have mobility difficulties. It is necessary to ensure that the Scheme falls within the exception provisions	Eligibility is by reference to types of disability. It is not clear what are the target difficulties. There is a risk of complaint by excluded PWDs who suffer the same or similar difficulties as the

* This figure includes 74,500 mentally handicapped persons of all ages and double counting for people with multiple disabilities, as set out in Annex I of LC Paper No. CB(1) 645/05-06(01) for the Subcommittee meeting on 9 January 2006.

Schemes	PWD Definition/ Eligibility	Reasons	Estimated No. of Potential Beneficiaries (aged 12-64)	Legal Advice	
	Ordinance (Cap. 282)[Non-means tested] [Annex A of CB(1)645/05-06 (01)]			in section 50 of the DDO. Furthermore, the Scheme should be consistent with the principle of non-discrimination guaranteed by Article 22 of the Hong Kong Bill of Rights and Article 25 of the Basic Law.	selected PwDs. But, arguably, the special measure defence (DDO s.50) may be established if empirical evidence can be produced showing that the selected PwDs on the whole suffer more adversely than other people from the target difficulties.
4.Comprehensive Social Security Assistance (CSSA) Recipients with 100% loss of earning capacity	Certified to be severely disabled according to Schedule 1 of Employees' Compensation Ordinance (Cap. 282) AND subject to Income assessment for CSSA [Means tested]	Severely disabled and cannot support themselves financially	40,000 <i>(Source: Social Welfare Department)</i>	This Scheme may have excluded some PWDs with low income and have mobility difficulties. It is necessary to ensure that the Scheme falls within the exception provisions in section 50 of the DDO. Furthermore, the Scheme should be consistent with the principle of non-discrimination guaranteed by Article 22 of the Hong Kong Bill of Rights and Article 25 of the Basic Law.	Eligibility is by reference to types of disability. It is not clear what are the target difficulties, though one of them may be low income, as reflected by the requirement of a means test. There is a risk of complaint by excluded PwDs who suffer the same or similar difficulties as the selected PwDs. But, arguably, the special measure defence (DDO s.50) may be established if empirical evidence can be produced showing that the selected PwDs on the whole suffer more adversely than other

Schemes	PWD Definition/ Eligibility	Reasons	Estimated No. of Potential Beneficiaries (aged 12-64)	Legal Advice	
					people from the target difficulties.
5. Central Registry for Rehabilitation Registrants	Reference to the definition of the Hong Kong Rehabilitation Programme Plan (1998/99-2002/03) [Annex E of CB(1)645/05-06 (01)]	Ready system for card issue and with database to certify disability	81,000 registrants 34,000 cards issued	This Scheme may have excluded some PWDs who have mobility difficulties. It is necessary to ensure that the Scheme falls within the exception provisions in section 50 of the DDO. Furthermore, the Scheme should be consistent with the principle of non-discrimination guaranteed by Article 22 of the Hong Kong Bill of Rights and Article 25 of the Basic Law.	Eligibility is by reference to types of disability. It is not clear what are the target difficulties. There is a risk of complaint by excluded PwDs who suffer the same or similar difficulties as the selected PwDs. But, arguably, the special measure defence (DDO s.50) may be established if empirical evidence can be produced showing that the selected PwDs on the whole suffer more adversely than other people from the target difficulties.

(Source: Extracts from the information paper provided by the Health, Welfare and Food Bureau and Environment, Transport and Works Bureau (LC Paper No. CB(1)869/05-06(01)) for meeting on 16 February 2006.)