

Legislative Council Panel on Transport

Concessionary Public Transport Fares for People with Disabilities

Purpose

This paper briefs Members on Government's efforts in encouraging the public transport operators to provide fare concession to people with disabilities (PwDs).

Background

2. The Government is committed to improving the accessibility of public transport system to PwDs, with a view to achieving the rehabilitation policy objective of promoting the integration of PwDs into society. In relation to transport policy, the primary objective is to achieve barrier-free transport for people with disabilities. This programme is being diligently implemented. We have all along worked closely with public transport operators and organizations representing the PwDs to enhance the accessibility of public transport system so as to facilitate the PwDs in using public transport services.

Fare Concession for PwDs

3. The Government has repeatedly relayed the disabled sector's and the Legislative Council's request for fare concession for the PwDs to the public transport operators. In the past few years, the Environment, Transport and Works Bureau (ETWB) and the Transport Department (TD) have been in touch with the major public transport (PT) operators to urge them to consider providing fare concession to PwDs. At present, 16 passenger ferry routes operated by six licensed or franchised ferry operators provide 30% to 50% fare discount to PwDs who are holders of the Registration Card for People with Disabilities issued by the Health,

Welfare and Food Bureau (HWFB). Four Green-minibus routes also offer half fare discount for PwDs.

4. Discussions with other PT operators still continue as at to date. However, many of the operators have expressed concern about the size of the disabled population, which inevitably will have a bearing on the financial implication of providing concessionary fares to PwDs on the operators. Some PT operators note that according to the Special Topics Report (STR) No. 28 on "Persons with disabilities and chronic disease" published by the Census and Statistics Department (C&SD) in August 2001 (with survey data collected in 2000), the total number of PwDs was about 269 500 (excluding 62 000 to 87 000 mentally handicapped persons) and there were about 882 700 persons with chronic illness. Noting that there are different types of PwDs as well as persons with chronic illness, they consider that if fare concession is to be provided to all of them, the number of potential beneficiaries may amount to more than 1.2 million and the financial implication on the companies would be phenomenal.

5. Apart from the size of the disabled population, PT operators have emphasised the importance of having an effective identification system for PwDs in order to prevent potential abuse of the fare concession. Some operators are also worried that eligibility for any identification cards for PwDs might be relaxed in future thus expanding the disabled population who can enjoy the concessionary fare if provided. They also consider that financial assistance to disabled persons, including subsidy on transport, should be provided by the Government instead of borne by PT operators.

6. In the light of public transport operators' concerns on sizable financial implications of fare concession and the problem of identification of PwDs, ETWB has been liaising with HWFB which is examining ways to assess more accurately the number of PwDs who may be eligible for fare concession.

Number of PwDs and Identification System for PwDs

Number of PwDs

7. Earlier this year, HWFB has held discussions with C&SD on the survey data in the STR No. 28. C&SD pointed out the followings - (a) the survey data were based on self-reporting without medical certification;

(b) there were double counting for people with multiple disabilities; and

(c) chronic illness patients with manifestation of disability of one kind or another had already been included in the number of PwDs under the appropriate disability type.

8. The total number of PwDs quoted in the Report, i.e. 269 500, excluded the mentally handicapped but included the elderly (age 65 and above) and school children of 11 and below. The latter two groups are already enjoying concessionary fare on public transport services. Discounting these two groups of people, HWFB has worked out the figure of PwDs (excluding the mentally handicapped) to be about 140 000. Adding the number of mentally handicapped which is estimated to be ranging from 62 000 to 87 000 in the C&SD's Report, HWFB estimates that there are about 220 000 potential beneficiaries if fare concessions are to be provided and if persons with chronic illness only but not other types of disability are excluded. A summary of the calculations is at **Annex A**.

Annex A

9. At the Rehabilitation Advisory Committee (RAC) meeting of 14 June 2005, the issue of concessionary fare for PwDs was discussed. Some members suggested exploring the possibility of offering fare concession to PwDs in receipt of the Disability Allowance (DA) as a start. Currently, there are two types of DA, namely Normal Disability Allowance (NDA) and Higher Disability Allowance (HDA). The eligibility criteria for the two types of DA are set out below –

- (a) Normal Disability Allowance
 - (i) Certified by the Director of Health or the Chief Executive of the Hospital Authority (or under exceptional circumstances by a registered medical practitioner of a private hospital) to be severely disabled; and
 - (ii) The disabling condition will persist for at least 6 months.
- (b) Higher Disability Allowance
 - (i) In addition to meeting the eligibility criteria for Normal Disability Allowance above, the applicant must be certified by the Director of Health or the Chief Executive of the Hospital Authority (or under exceptional circumstances by a registered medical practitioner of a private hospital) to be in need of constant attendance from others in his/her daily life; and
 - (ii) The applicant is not receiving care in a government or subvented residential institution (including a government subsidized place in a contract home or purchased from a residential care home for the elders under the Bought Place Scheme or the Enhanced Bought Place Scheme) or a medical residential institution under the Hospital Authority.

10. As at May 2005, there are about 96 000 PwDs receiving NDA and 14 000 receiving HDA, giving a total of about 110,000 DA recipients. After discounting those aged 65 or above and aged 11 or below who are already enjoying fare concessions by PT operators, the figure is 48 000 for NDA and 3 800 for HDA.

Legal Implications

11. The Disability Discrimination Ordinance (DDO) (Cap 487), which is enacted in 1995, stipulates that discrimination against a person on the ground of his/her disability in respect of the provision of goods, services and facilities, amongst others, is unlawful. HWFB has taken note of the definition of “disability” under the DDO (Cap 487), which has a broad and general interpretation. The definition of “disability” provided under the DDO is extracted at Annex B. Given the prohibition specified under the DDO, it is necessary to take into account possible legal implications of granting of concessionary fares to certain groups of PwDs only. HWFB will also carefully examine whether providing fare concession to PwDs who are recipients of DA only is not unlawful and whether the NGOs representing the disable community will find this suggestion acceptable.

Annex B

Identification for PwDs

12. As explained above, some PT operators are concerned about whether there is an effective mechanism for identification of PwDs which could not be easily abused. In fact, HWFB has been issuing the Registration Card for People with Disabilities (the registration card) since 1999. From July 2005, a new registration card will be issued incorporating the following improved security features -

- (a) the card will include a cardholder’s recent photo to provide a clear identity;
- (b) the cards issued to holders whose disability is non-permanent in nature will have an expiry date and such cards are subject to renewal;
- (c) the card will specify the cardholder’s type(s) of disability; and
- (d) the card will be printed on security graded paper to minimize the risk of forgery.

For existing registration cards already issued, a phased replacement programme will be arranged towards the end of 2005.

13. Currently, some ferry operators already provide fare concessions for holders of the registration card. PT operators may consider using the registration card for identifying PwDs for the purpose of provision of fare concessions. HWFB is ready to assist in facilitating the grant of concessionary fares to PwDs.

Way Forward

14. HWFB will examine the legal implications under DDO of offering concessionary fare to DA recipients and will seek legal advice as appropriate. HWFB will also hold discussions with the disabled sector to seek their views on offering concessionary fare to any particular group of PwDs having regard to the legal implications. With a clearer understanding of the legal implications and the number of potential PwD beneficiaries of concessionary transport fares for PT operators to assess the financial implication, ETWB, TD and HWFB will jointly encourage public transport operators to consider fare concession requests from the disabled sector.

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

**Population of people with disabilities in the survey
by Census and Statistics Department in 2000**

Type of disability	Total no. of disabilities	No. of people below age 15 ⁽¹⁾	No. of people aged 65 or above	No. of people aged 15-64
Restriction in body movement	103500	1800	61100	40600
Seeing difficulty	73900	2100	50700	21100
Hearing difficulty	69700	1900	39200	28600
Speech difficulty	18500	3200	4200	11100
Mental illness	50500	800	11700	38000
Autism	3000	1200	0	1800
Mental handicap	62000-87000 ⁽²⁾	NA	NA	74500
Total	393600	11000	166900	215700⁽³⁾

- (1) Only breakdown on the number of persons below age 15 is available in the Special Topics Report No. 28 published by C&SD, but not the number of persons aged 11 or below.
- (2) 74 500 people with mental handicap are taken in the calculations
- (3) This figure includes double counting for people with multiple disabilities

**Definition of “Disability” provided under
the Disability Discrimination Ordinance (Cap 487)**

“disability” (殘疾), in relation to a person, means-

- (a) total or partial loss of the person's bodily or mental functions;
- (b) total or partial loss of a part of the person's body;
- (c) the presence in the body of organisms causing disease or illness;
- (d) the presence in the body of organisms capable of causing disease or illness;
- (e) the malfunction, malformation or disfigurement of a part of the person's body;
- (f) a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or
- (g) a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour,

and includes a disability that-

- (i) presently exists;
- (ii) previously existed but no longer exists;
- (iii) may exist in the future; or
- (iv) is imputed to a person;