立法會 Legislative Council

LC Paper No. CB(1)1289/06-07 (These minutes have been seen by the Administration)

Ref: CB1/HS/1/05

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

Minutes of eighth meeting on Tuesday, 27 February 2007, at 4:30 pm in the Chamber of the Legislative Council Building

Members present: Hon LEE Cheuk-yan (Chairman)

Hon LEUNG Yiu-chung

Hon Miriam LAU Kin-yee, GBS, JP

Hon WONG Kwok-hing, MH Hon LEUNG Kwok-hung

Dr Hon Fernando CHEUNG Chiu-hung

Member attending: Hon Ronny TONG Ka-wah, SC

Members absent: Hon LAU Kong-wah, JP

Hon Andrew CHENG Kar-foo Hon TAM Yiu-chung, GBS, JP

Public Officers attending

Mrs Mary MA

Commissioner for Rehabilitation, Health, Welfare and Food Bureau

Mr George YEUNG

Senior Statistician, Health, Welfare and Food Bureau

Miss Angela LEE

Principal Assistant Secretary for the Environment,

Transport and Works

Mr Don HO Assistant Commissioner for Transport/ Management and Paratransit

Mr Kenneth MOK Chief Transport Officer/Planning/ Disabled Transport & Project Transport Department

Attendance by invitation

: The University of Hong Kong

Dr John Bacon-Shone Director, Social Sciences Research Centre

Equal Opportunities Commission

Mr Herman POON Lik-hang Chief Legal Counsel

Dr Ferrick CHU Chung-man Head, Policy & Research

Kowloon-Canton Railway Corporation

Mr Alok JAIN General Manager – Marketing (Acting)

Ms Ida LEUNG Senior Public Affairs Manager

MTR Corporation Limited

Mrs Miranda LEUNG General manager – Corporate Relations

Mr Eddie SO Senior Transport Planning Manager

The Kowloon Motor Bus Company (1933) Limited / Long Win Bus Company Limited

Ms Winnie NG Executive Director

Mr LUI Po-chiu Operations Director Mr Tim IP Head of Traffic Department

Ms Susanne HO Head of Corporate Communications Department

Citybus Limited / New World First Bus Services Limited

Mr Samuel CHENG Managing Director

Mr William CHUNG Head of Operations

New Lantao Bus Company (1973) Limited

Mr Peter MOK Executive Director

Mr WONG Wah Administration Manager

Hong Kong Tramways Limited

Mr David WONG Operations Manager

Disability Alliance on Concessionary Transport Fare

Mr CHUNG Shing-bun Representative Integrated Rehab Service Christian Family Service Centre

Mr LAW Kin-ping Representative The Hong Kong Joint Council of Parents of the Mentally Handicapped

Mr CHAN Kam-yuen Chairperson of Rehabilitation Policy Sub-Committee Hong Kong Federation of Handicapped Youth

Mr Raco CHENG Director Hong Kong Blind Union Mr NG Kwok-bun Member Hong Kong Blind Union

Mr LAW Wai-cheung Vice-chairperson Direction Association for the Handicapped

Ms Susan HO Representative Hong Kong Federation of the Blind

Mr LAM Chun-tak Member Hong Kong Federation of the Blind

Mr NG Tung-wai Executive Committee Member Hong Kong Association of the Deaf

Miss Wanzy LO Sign-Interpreter Hong Kong Association of the Deaf

Clerk in attendance: Ms Connie SZETO

Chief Council Secretary (1)6

Staff in attendance: Ms Connie FUNG

Assistant Legal Adviser 3

Ms Sarah YUEN

Senior Council Secretary (1)6

Ms Michelle NIEN

Legislative Assistant (1)9

I Confirmation of minutes and matters arising

(LC Paper No. CB(1)869/06-07 - Minutes of the meeting held on 15 January 2007)

The minutes of the meeting held on 15 January 2007 were confirmed.

II Meeting with transport operators, deputations, the Equal Opportunities Commission and the Administration

Meeting with public transport operators

- 2. At the Chairman's invitation, <u>representatives of various public transport operators (PTOs)</u> presented their views on the findings of the survey conducted by the Social Sciences Research Centre of the University of Hong Kong (the Centre) on the travelling characteristics of persons with disabilities (PwDs) who were recipients of Disability Allowance (DA) or assistance under the Comprehensive Social Security Assistance (CSSA) Scheme with 100% loss in earning abilities (the Survey). <u>Members</u> noted the major views expressed by PTOs as follows:
 - While Kowloon-Canton Railway Corporation (KCRC) and MTR (a) Corporation Limited (MTRCL) had yet to examine the responses from the Centre on their comments/questions raised on the Survey, particularly regarding the calculation of the financial implications of the three possible fare concession options, MTRCL indicated disagreement with the conclusion of the Survey that there would be increases in weekly cashflow for MTRCL including all the new users under MTRCL was concerned about the limitations of the Survey including inviting PwD respondents to answer hypothetical questions about their travelling behaviour and expenditure under fare concessions, and that such questions had not covered the purposes and destinations of respondents' trips. MTRCL also remarked that substantial investment had been made to improve accessibility to stations by PwDs. The provision of concessionary fares (CF) to PwDs was a social welfare policy and should be funded by the Government;
 - (b) Citybus Limited/New World First Bus Services Limited and Hong Kong Tramways Limited (HKT) shared MTRCL's concern about the design of the Survey questionnaire. HKT pointed out that the report of the Survey (the Survey Report) had acknowledged the limitations concerning hypothetical questions and indicated that the survey results could serve as reference only and might not reflect the actual impact until a real fare concession was implemented;
 - (c) HKT highlighted its operational difficulties and financial burden and pointed out that tram fares were already the lowest among all land public transport modes. HKT was of the view that CF for PwDs should be

- provided from a welfare perspective. HKT pointed out its difficulties in offering CF to the two groups of PwDs concerned under the current operating environment;
- (d) Whilst stressing the commitment of The Kowloon Motor Bus Company (1933) Limited/Long Win Bus Company Limited (KMB/LWB) to improving transport facilities in promoting the integration of PwDs into society, KMB/LWB indicated that the company would consider the subject of providing CF to the two groups of PwDs taking into account Government's relevant transport policy and views of the public transport sector; and
- (e) New Lantao Bus Company (1973) Limited (NLB) highlighted the Survey's finding that for buses there would be a net reduction in weekly cashflow under the non-peak hour concession and the full day concession, and pointed out that since NLB was already operating at a loss, it was not in a position to offer CF to PwDs on concern that its loss might further deteriorate to the extent that the company might need to increase fares.

Meeting with deputations

(LC Paper No. CB(1)990/06-07(01)

- Joint submission from the Disability Alliance on Concessionary Transport Fare)
- 3. Representatives of the Disability Alliance on Concessionary Transport Fare expressed disappointment that PTOs were unwilling to take up their corporate social responsibilities in providing CF to PwDs although the Survey Report had shown that this would bring additional revenue to the operators. They expressed the following views:
 - (a) It was necessary and fully justified to grant CF to PwDs to facilitate their full integration into the community and enhance their quality of life. Improvements to transport facilities alone could not enable PwDs to integrate into the community. CF should be provided to PwDs to relieve their financial burden, especially as many of them had to be accompanied by carers. It was the Alliance's present request that CF be granted to PwDs only;
 - (b) Facility improvements were required by law and could also facilitate access by the elderly and children. Investment by PTOs in facility improvements should not be used as an excuse for refusing to provide CF to PwDs. In fact, public resources had been deployed to support the development of public transport services. PTOs should use part of their revenues to provide CF to PwDs as the same had been provided to the elderly and students. The provision of CF to PwDs was in line with practices in many overseas countries; and

(c) There was wide public support for providing CF to PwDs. The Subcommittee and the disability community had also made concerted efforts in pursuing the legislative amendments to the Disability Discrimination Ordinance (DDO) (Cap. 487), narrowing down the scope of beneficiaries under the CF scheme, and conducting the Survey to address PTOs' concerns about the implications of providing CF to PwDs. It was regretted that the Administration had not exerted influence to require PTOs to provide CF to PwDs despite the above efforts.

Meeting with the Equal Opportunities Commission and the Administration

(LC Paper No. CB(1)967/06-07(01) — Information paper provided by the Administration

LC Paper No. CB(1)940/06-07(01) — Report of the Survey on the Public Transport Needs of Persons with Disabilities conducted by the Social Sciences Research Centre of the

University of Hong Kong (the Survey)

LC Paper No. CB(1)675/06-07(01) — Information paper provided by the

Administration for the meeting on 15 January 2007 with the Executive

Summary of the Survey

LC Paper No. CB(1)967/06-07(02) — List of follow-up actions (position as at 15 February 2007) prepared by the

Secretariat)

- 4. <u>Members</u> expressed grave disappointment about the failure of PTOs, in particular the two railways corporations, to offer CF to the two groups of PwDs under various pretexts. They also expressed regret at the Government's persistent failure to formulate a policy on provision of CF for PwDs and further considered that the Administration's approach of only encouraging PTOs to offer CF to PwDs was ineffective. In their view, being the majority shareholder of MTRCL and the sole owner of KCRC, the Government should exercise its influence in the Managing Boards of the railway corporations to implement CF schemes for PwDs.
- 5. Ms Miriam LAU, however, held the view that as PTOs were required to operate according to prudent commercial principles, it was understandable that they were unwilling to provide CF for PwDs. She opined that as provision of CF for PwDs was a form of social welfare, in order to take the matter forward, the Administration should consider providing funding support to PTOs in this respect. The Administration advised that from the transport policy perspective, the objective was to provide barrier-free transport for PwDs. The Government was currently already providing financial assistance to address PwDs' special needs through the provision of DA to PwDs. Under the CSSA Scheme, special grants were also payable to disabled persons and persons medically certified to be in ill health.

- 6. In view that PTOs were unwilling to provide CF to PwDs, <u>members</u> questioned the usefulness of conducting the Survey and the need of introducing amendments to DDO. The <u>Administration</u> explained that the Survey was to gain an understanding of the travelling characteristics of the two groups of PwDs. The Survey and the legislative amendments to DDO could allay part of the concerns of PTOs about providing CF to PwDs, in particular, the sizable financial implications and possible contravention of DDO arising from selective provision of CF to PwDs. The two tasks were worth pursuing.
- 7. <u>Members</u> discussed how the provision of CF for PwDs could be taken forward in the light of the negative feedback from PTOs, and deliberated whether Government should provide funding support to PTOs for implementing any CF schemes for PwDs. <u>Some members</u> pointed out that consideration should be given to imposing a legal requirement for PTOs to provide CF to PwDs. Stressing the importance of facilitating PwDs' integration into the community and lessening their financial burden, they strongly urged the Administration and PTOs to cooperate in providing CF for PwDs. In this connection, <u>Ms Miriam LAU</u> suggested and <u>members</u> agreed that the Administration should consider, in collaboration with PTOs, implementing a trial scheme on CF for the two groups of PwDs with reference to the Survey. With real fare concessions offered under a trial scheme, the impacts of provision of CF on PwDs and PTOs would be seen, thereby facilitating assessment of the viability of the provision of CF for PwDs in the long run.

Motions

8. As a result of the above deliberations, <u>Mr WONG Kwok-hing</u> moved the following motion:

"本會促請平等機會委員會跟進研究有關政府部門及所有交通營辦商沒有落實為殘疾人士提供交通票價優惠的政策、措施和辦法的情況,研究進行相關的調查,並向本會提交跟進的報告。"

(Translation)

"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."

9. The motion was seconded by <u>Mr LEUNG Yiu-chung</u>. <u>Members</u> agreed to proceed with the motion and put it to vote. Of the members present, three voted for the motion. The <u>Chairman</u> declared that the motion was carried.

10. Dr Fernando CHEUNG proposed another motion as follows:

"本委員會對於政府一直未能為殘疾人士制訂一個讓他們融入社會的交通政策,表示極度遺憾,並要求政府在與交通營辦商共同承擔的原則下,從速落實殘疾人士交通半價優惠政策。"

(Translation)

"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."

11. The motion was seconded by <u>Mr LEUNG Yiu-chung</u>. <u>Members</u> agreed to proceed with the motion and put it to vote. Of the members present, three voted for the motion. The Chairman declared that the motion was carried.

(*Post-meeting note*: The wordings of the two motions were circulated to members vide LC Papers Nos. CB(1)1041/06-07(01) and (02) on 1 March 2007.)

12. The <u>Subcommittee</u> urged the Administration to seriously consider the views and suggestion raised by members, and the above two motions passed at the meeting. The Administration was requested to follow up the matters and give concrete responses at the next meeting. Should the Administration fail to do so, the Subcommittee might consider moving a motion at the Council to condemn the Administration for failing to provide CF to PwDs. The <u>Subcommittee</u> also invited the Equal Opportunities Commission (EOC) to take follow-up action for the first motion and provide a response at the next meeting.

III Any other business

Date of next meeting

- 13. The <u>Subcommittee</u> agreed to hold the next meeting on Thursday, 12 April 2007, at 10:45 am to meet with the Administration and EOC to discuss the way forward. The <u>Subcommittee</u> also agreed to invite the Secretary for Health, Welfare and Food, and the Secretary for the Environment, Transport and Works to attend the meeting.
- 14. There being no other business, the meeting ended at 6:30 pm.

Council Business Division 1
<u>Legislative Council Secretariat</u>
3 April 2007

Admin.

EOC

Proceedings of the eighth meeting of the Subcommittee to Study the Transport Needs of and Provision of Concessionary Public Transport Fares for Persons with Disabilities on Tuesday, 27 February 2007, at 4:30 pm in the Chamber of the Legislative Council Building

Time marker	Speaker	Subject(s)	Action required
Agenda Item I – Co	infirmation of minutes and matter	rs arising	
000000-001000	Chairman Mr Ronny TONG Clerk	 (a) Opening remarks by the Chairman (b) Confirmation of minutes of the meeting held on 15 January 2007 (LC Paper No. CB(1)869/06-07) 	
Agenda Item II – Administration	Meeting with transport operato	rs, deputations, the Equal Opportunit	ies Commission and the
001001–001149	Chairman Kowloon-Canton Railway Corporation (KCRC)	Presentation of views	
001150-001347	Chairman MTR Corporation Limited (MTRCL)	Presentation of views	
001348-001641	Chairman The Kowloon Motor Bus Company (1933) Limited/Long Win Bus Company Limited	Presentation of views	
001642-001740	Chairman Citybus Limited/New World First Bus Services Limited	Presentation of views	
001741–001843	Chairman New Lantao Bus Company (1973) Limited	Presentation of views	
001844-001948	Chairman Hong Kong Tramways Limited	Presentation of views	
001949–002544	Chairman Social Sciences Research Centre of the University of Hong Kong (the Centre)	(a) The Centre's responses to public transport operators' (PTOs) comments on the report (the Survey Report) of the Survey (the Survey) on the Public Transport Needs of Persons with	

Time marker	Speaker	Subject(s)	Action required
		Disabilities (PwDs), in particular its clarification that the target group covered in the Survey was PwDs receiving specified financial support rather than all PwDs, which was the general misconception of all PTOs	
		(b) The Centre's response to the Chairman that the impacts of the possible concession options covered in the Survey could only be validated by putting them to trial for a sufficiently long period	
002545-003041	Chairman Administration Mr Ronny TONG	 (a) The Administration's report on its follow-up with PTOs on the findings of the Survey, including issuing a joint letter by the Secretary for the Environment, Transport and Works (SETW) and Secretary for Health, Welfare and Food (SHWF) to PTOs appealing for the latter's favourable consideration in offering concessionary fares (CF) to PwDs in the light of findings of the Survey (b) The Administration's explanation that it was the Government's transport policy to achieve barrier-free transport for 	
		achieve barrier-free transport for PwDs in recognition of the need to ensure a balance between the transport needs of PwDs and the provision of safe, efficient and reliable transport service. There were already established communication channels among Government, PTOs and PwDs in this area, and steady progress had been made. As to CF, the Administration would encourage instead of direct PTOs to provide CF to PwDs taking into account their operating environment and financial situations (c) The Administration's response to	

Time marker	Speaker	Subject(s)	Action required
		enquiry on the progress of introducing legislative amendments to the Disability Discrimination Ordinance (Cap. 487) (DDO) as follows: (i) The legislative amendment was to put beyond doubt that selective provision of CF to PwDs would not constitute a contravention of DDO; and	
		(ii) The HWF Bureau would issue a draft Drafting Instruction to the Law Draftman in the second quarter of 2007, and the amendment would be introduced by SHWF through moving a resolution in the Council in the latter half of 2007	
003042-004420	Chairman Dr Fernando CHEUNG MTRCL Mr LEUNG Kwok-hung	(a) Dr Fernando CHEUNG's regret that PTOs were unwilling to accept the Survey Report and offer CF to the two groups of PwDs despite the efforts made by the Subcommittee and the disability community in pursuing the legislative amendments to DDO, narrowing down the scope of beneficiaries under the CF scheme, and conducting the Survey to address PTOs' concern about the financial implications of providing CF to PwDs. The offer of CF to PwDs was the common practice of many PTOs in overseas countries	
		(b) Dr CHEUNG's and Mr LEUNG Kwok-hung's view that it was unreasonable and discriminatory to offer CF to the elderly and students but not to PwDs	
		(c) MTRCL's view that while substantial investment had been made to improve station facilities to enhance the	

Time marker	Speaker	Subject(s)	Action required
		accessibility to PwDs, the provision of CF to PwDs was a social welfare issue. Should Government decide to provide CF to PwDs, MTRCL was willing to provide administrative support in implementing such schemes (d) Mr LEUNG 's view that as the	
		majority shareholder of MTRCL and the sole owner of KCRC, Government should exercise its influence in the Managing Boards to provide CF to PwDs. Consideration should be given to enacting legislation to require PTOs to provide CF to PwDs	
004421-005232	Chairman Ms Miriam LAU Administration	 (a) Ms Miriam LAU's view and suggestion as follows: (i) Government's funding support for implementing a CF scheme for PwDs was necessary given that provision of CF to PwDs was a form of social welfare. PTOs could not be forced to provide CF to PwDs as they were required to operate under prudent commercial principles under Government's transport policy; and (ii) The Administration should consider implementing a trial scheme on CF for the two groups of PwDs with reference to the Survey for one year, with the Government making up all operating deficits incurred and with administrative support from PTOs. The suggestion might help foster a culture of shared responsibility between the Administration and PTOs 	
		(b) The Administration's responses	

Time marker	Speaker	Subject(s)	Action required
		proposed trial scheme, particular the lack of the expertise required with the Government; and	ne in ne in
			ne dy es
005233-011121	Chairman Mr LEUNG Yiu-chung Administration Mr WONG Kwok-hing Equal Opportunities Commission (EOC) Mr Ronny TONG	conduct the proposed tri CF scheme for PwDs (b) Mr LEUNG 's and Mr WON Kwok-hing's view that sinc PTOs were unwilling to off CF to PwDs, it would be a was of resources to conduct the	to all ve ce s. is see ge to all G ce er te ne ne ce L C, ay to
		(i) SETW and SHWF shou	ld

Time marker	Speaker	Subject(s) Action required
		attend the next meeting of the Subcommittee to answer members' questions and give concrete responses on the way forward;
		(ii) The Government should incorporate provisions in the franchise agreements to require PTOs to offer CF to PwDs. Otherwise, the Government should provide CF to PwDs with public resources; and
		(iii) The Government had defaulted its duty in taking forward the provision of CF to PwDs. EOC should consider taking follow-up action in this regard
		(e) The Administration's responses as follows:
		(i) The proposed legislative amendment to DDO would address PTOs' concern about the legality of selective provision of CF to certain groups of PwDs. The amendment could clear the way should PTOs decide to offer CF to PwDs in future;
		(ii) The Survey was conducted to ascertain the travelling characteristics of the selected groups of PwDs and the financial implications of offering CF to them with a view to allaying part of the concerns raised by PTOs;
		(iii) The PTOs had not yet come to the final decision whether to offer CF to PwDs. They had requested more time to

Time marker	Speaker	Subject(s)	Action required
		study the full Surv Report and se clarifications;	ey ek
		(iv) In recognition of the net to ensure the provision safe, efficient and qual transport service, to Administration wou encourage instead of dire PTOs to provide CF PwDs. Similar to a other public transposervices, the two railwest corporations had to operate according to prude commercial principal The issue on provision CF to PwDs should decided by the Managin Boards; and	of ity he ald ect for my ort ay ate ent es. of be
		specific groups	to ons dise of ch be of
		 (i) EOC supported to provision of CF to Pw and had been assisting to Administration with the necessary legislatic amendment to implement the CF scheme; and 	he he ve
		(ii) EOC would take action necessary if it had be brought to its attention the Government mighave contravened DD However, EOC was present not aware of su contravention	en nat ght O. at

Time marker	Speaker	Subject(s)	Action required
011122–011819	Chairman Mr Ronny TONG MTRCL The Centre	 (a) Mr Ronny TONG's views as follows: (i) The Subcommittee should pass a motion to express regret at the Government's default in its duty to provide CF for PwDs; and (ii) The Government and PTOs should cooperate in implementing the proposed trial scheme on CF. Consideration should be given for the Government to provide funding support whilst entrusting the logistic arrangements to PTOs (b) MTRCL's confirmation that it could provide administrative support for the trial scheme through the introduction of a designated Octopus card for PwDs (c) The Centre's confirmation in response to the Chairman that the Survey Report already contained information on PwDs' current spending on MTR to provide a basis for comparison. In conducting the proposed trial scheme, it was necessary to provide a sufficiently long trial period in order to track the changes in PwDs' travelling 	required
011820-012159	Chairman Integrated Rehab Service, Christian Family Service Centre	behaviour Presentation of views	
012200-012507	Chairman The Hong Kong Joint Council of Parents of the Mentally Handicapped	Presentation of views	

Time marker	Speaker	Subject(s)	Action required
012508-012903	Chairman Hong Kong Federation of Handicapped Youth	Presentation of views	
012904-013419	Chairman Hong Kong Blind Union	Presentation of views	
013420-013842	Chairman Direction Association for the Handicapped	Presentation of views	
013843-014232	Chairman Hong Kong Federation of the Blind	Presentation of views	
014233-014335	Chairman Hong Kong Association of the Deaf	Presentation of views	
014336-014957	Chairman Mr WONG Kwok-hing Dr Fernando CHEUNG Mr LEUNG Kwok-hung Mr Ronny TONG	 (a) Motion by Mr WONG Kwok-hing (b) Motion by Dr Fernando CHEUNG 	The Administration and EOC to take follow-up actions as requested in paragraph 12 of the minutes
014958-015551	Chairman Dr Fernando CHEUNG Mr Ronny TONG Mr LEUNG Kwok-hung	(a) Dr Fernando CHEUNG's view that to effect any real progress, there was a need to ensure SETW and SHWF would attend the next meeting of the Subcommittee to answer members' questions	The Administration to take follow-up actions as requested in paragraph 12 of the minutes
		(b) Mr Ronny TONG's view that SETW and SHWF should also be required to give concrete responses to the above two motions passed. Should the Administration fail to do so, the Subcommittee should consider moving a motion at the Council to condemn the Administration for failing to provide CF to PwDs	
		(c) In connection with item (b) above, Mr LEUNG Kwok-hung' view that a no-confidence motion should be moved at the Council	

Time marker	Speaker	Subject(s)	Action required		
Agenda Item III – Any other business					
015552-015652	Chairman	Date of next meeting and relevant arrangements			

Council Business Division 1 <u>Legislative Council Secretariat</u> 3 April 2007