

立法會
Legislative Council

LC Paper No. CB(1)1388/05-06
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**Subcommittee to Study the Transport Needs of and Provision of
Concessionary Public Transport Fares for Persons with Disabilities**

**Minutes of fourth meeting on
Tuesday, 4 April 2006, at 4:30 pm
in Conference Room A of the Legislative Council Building**

- Members present** : Hon LEE Cheuk-yan (Chairman)
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
- Public Officers
Attending** : Ms Linda LAI
Deputy Secretary for Health, Welfare & Food
(Family & Women)
- Mrs Mary MA
Commissioner for Rehabilitation, Health, Welfare and
Food Bureau
- Miss Angela LEE
Principal Assistant Secretary for the Environment,
Transport and Works (Transport)
- Miss Jacko TSANG
Assistant Secretary for the Environment, Transport and
Works (Transport)
- Ms Roxana CHENG
Senior Assistant Solicitor General
Department of Justice

Mr Don HO
Assistant Commissioner for Transport/
Management & Paratransit

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

**Attendance by
invitation**

: Equal Opportunities Commission

Mr Raymond TANG Yee-bong
Chairperson

Mr Herman POON Lik-hang
Chief Legal Counsel

Dr Ferrick CHU Chung-man
Head, Policy & Research

Disability Alliance on Concessionary Transport Fare

Mr CHONG Chan-yau
President
Hong Kong Blind Union

Mr CHAN Kwok-kwong
Centre Manager
Hong Kong Blind Union

Mr WONG Tze-kin
Social Worker
Hong Kong Blind Union

Mr CHEUNG Kam-kuen
Director
Hong Kong Association of the Deaf

Ms Rhoda TONG
Sign-Interpreter
Hong Kong Association of the Deaf

Ms TANG Ka-yee
Rehabilitation Officer
The Hong Kong Council of Social Service

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

宣國棟先生
香港傷殘青年協會
政策倡導主任

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

Miss TSE Sze-man
Parent
Integrated Rehab Service
Christian Family Service Centre

Mr WONG Wai-tong
Representative
Integrated Rehab Service
Christian Family Service Centre

Ms KWONG Chui-yi
Social Worker
Integrated Rehab Service
Christian Family Service Centre

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

陳國強先生 (Mr CHAN Kwok-keung)
香港精神康復者聯盟
代表

陳子昌先生 (Mr CHAN Chi-cheong)
香港精神康復者聯盟
代表

Mr WONG Kam-yuen
Social Worker
The Hong Kong Society for the Deaf

Ms SHUM Wai-ling
Representative
The Parents' Association of Pre-school Handicapped
Children

Mr CHEUNG Kin-fai
Chairperson
Rehabilitation Alliance Hong Kong

Ms Fontane LAM
General Secretary
Rehabilitation Alliance Hong Kong

Ms CHAN Kam-wan
Representative
Parents' Association of Kwun Tong Sheltered Workshop
Mental Health Association of Hong Kong

Mr WU Shing-choy
Representative
Parents' Association of Kwun Tong Sheltered Workshop
Mental Health Association of Hong Kong

Mr LAU Yat-chor
Representative
Parents' Association of Kwun Tong Sheltered Workshop
Mental Health Association of Hong Kong

Mr TAM Ching-wah
Representative
Parents' Association of Kwun Tong Sheltered Workshop
Mental Health Association of Hong Kong

Ms TAM Foon-yung
Representative
Parents' Association of Kwun Tong Sheltered Workshop
Mental Health Association of Hong Kong

羅國祥先生 (Mr Willy LAW)
路向四肢傷殘人士協會
主席

Mr Henry HUNG
Representative
Retina Hong Kong

Ms Karen KWAN
Social Worker
The Hong Kong Lutheran Social Service

Mr LEE Ho-lam
Member
The Hong Kong Lutheran Social Service

Mr AU Tak-chi
Physically-handicapped Member
The Hong Kong Lutheran Social Service

Ms WONG Ka-wai
Physically-handicapped Member
The Hong Kong Lutheran Social Service

Mr LO Man-hon
Social Work Assistant
The Hong Kong Lutheran Social Service

Clerk in attendance : Mr Andy LAU
Chief Council Secretary (1)2

Staff in attendance : Ms Connie FUNG
Assistant Legal Adviser 3

Ms Sarah YUEN
Senior Council Secretary (1)6

Miss Winnie CHENG
Legislative Assistant (1)5

Action

I Confirmation of minutes and matters arising
(LC Paper No. CB(1)1059/05-06 - Minutes of the meeting held on
16 February 2006)

The minutes of the meeting held on 16 February 2006 were confirmed.

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

(LC Paper No. CB(1)1192/05-06(01) - Information paper provided by the Administration

LC Paper No. CB(1)1192/05-06(02) - Submission from Equal Opportunities Commission)

2. The Subcommittee deliberated (index of proceedings attached at **Annex A**).
3. The Subcommittee noted that the Disability Alliance on Concessionary Transport Fare (“the Alliance”) was generally in support of the Subcommittee’s proposal to offer concessionary fare to recipients of Disability Allowance and Comprehensive Social Security Assistance with 100% loss of earning capacity in the first instance, to be followed by other groups of persons with disabilities (“PwDs”). As PwDs had been suffering from low income problems caused by their disabilities, the Alliance held the view that concessionary fares should be granted to all PwDs without further delay so as to relieve their financial difficulties and facilitate their full participation and integration into the community. The Alliance considered that public transport operators, being good corporate citizens, should offer concessionary fares to PwDs. On the Disability Discrimination Ordinance (Cap. 487) (“DDO”), the Alliance opined that DDO was enacted to protect the interests of PwDs and it should not, in one way or another, be obstacles to the provision of concessionary fares to PwDs. The Alliance called on the Administration to liaise with public transport operators with a view to implementing the concessionary fare scheme by end 2006. The Alliance also thanked members’ support for urging the Administration and public transport operators to pay attention to the matter.
4. The Subcommittee examined various options for the offer of concessionary fares to PwDs. Noting that the Administration was prepared to amend DDO to put it beyond doubt that selective provision of concessionary fares to certain groups of PwDs would not constitute a contravention of DDO, the Subcommittee urged the Administration to speed up the related work. In reply, the Administration undertook to work out detailed proposals for members’ consideration in about two months’ time.
5. To ascertain the travelling pattern of recipients of Disability Allowance and Comprehensive Social Security Assistance with 100% loss of earning capacity, the Administration also undertook to carry out a travel characteristics survey of the selected groups. The Subcommittee was worried that the survey might prolong the time taken for implementing the concessionary fare scheme for PwDs. The Administration assured members that the survey should not take too long to complete.
6. Regarding the financing of the concessionary fare scheme for PwDs, the Subcommittee examined the following options –
 - (a) Public transport operators to bear the full costs of the concession in order to fulfil their corporate social responsibility;

Action

- (b) From a welfare perspective, Government funding support might be necessary as public transport operators were operating according to prudent commercial principles; and
- (c) Government, being the majority shareholder of MTR Corporation Limited and the sole owner of Kowloon-Canton Railway Corporation, should exercise its influence in the Boards to effect the concessionary fare scheme for PwDs. To ensure that PwDs could benefit from the merger of the two railway corporations, the Government should include the provision of concessionary fares to PwDs as one of the terms and conditions for the rail merger.

7. The Subcommittee considered that the matter had been dragged on for a long time and requested the Administration to speed up the related work and come up with a concrete proposal for implementation.

8. The Subcommittee agreed to hold its next meeting on 12 May 2006 at 3:00 pm. The Subcommittee also agreed to invite the Secretary for Health, Welfare and Food, the Secretary for the Environment, Transport and Works and the relevant public transport operators to the meeting to exchange views with members on the matter.

III Any other business

9. There being no other business, the meeting ended at 6:30 pm.

Council Business Division 1
Legislative Council Secretariat
2 May 2006

**Proceedings of the fourth meeting of
the Subcommittee to Study the Transport Needs of and Provision of
Concessionary Public Transport Fares for Persons with Disabilities
on Tuesday, 4 April 2006, at 4:30 pm
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
<i>Agenda Item I – Confirmation of minutes and matters arising</i>			
000000 – 000016	Chairman	Confirmation of minutes of the meeting held on 16 February 2006 (LC Paper No. CB(1)1059/05-06)	
<i>Agenda Item II – Meeting with deputations, the Equal Opportunities Commission and the Administration</i>			
000017 – 000422	Chairman Administration	- Opening remarks by the Chairman - Clarifications by the Administration on the recommendation of the Rehabilitation Advisory Committee	
000423 – 000740	Rehabilitation Alliance Hong Kong (RAHK)	- Presentation of views	
000741 – 001222	Hong Kong Federation of Handicapped Youth (HKFHY)	- Presentation of views	
001223 – 001751	Hong Kong Association of the Deaf (HKAD)	- Presentation of views	
001752 – 001919	Christian Family Service Centre (CFSC)	- Presentation of views	
001920 – 002413	The Hong Kong Joint Council of Parents of the Mentally Handicapped (HKJCPMH)	- Presentation of views	
002414 – 002520	The Parents' Association of Pre-school Handicapped Children (PAPSHC)	- Presentation of views	
002521 – 003306	Hong Kong Blind Union (HKBU)	- Presentation of views	
003307 – 003441	Chairman	- Definition of the potential beneficiaries of the proposed concessionary fare scheme for persons with disabilities (PwDs) as suggested by the Subcommittee - Corporate social responsibility of public transport (PT) operators	

Time marker	Speaker	Subject(s)	Action required
		<ul style="list-style-type: none"> - Issues about compliance with the Disability Discrimination Ordinance (Cap. 487) (“DDO”) and why DDO would become obstacles to the provision of concessionary fares to PwDs - The way forward 	
003442 – 004203	Administration EOC Chairman	<ul style="list-style-type: none"> - Rationale for the Administration to propose the Carer Scheme as the starting point - The Administration’s work plan - Concerns expressed by PT operators on the provision of concessionary fares to PwDs - Explanation by Equal Opportunities Commission (EOC) on issues relating to compliance with DDO - EOC took the view that the crux of the present issue was whether PT operators were willing to offer concessionary fares to PwDs instead of the issue of compliance with DDO - Amendments to Schedule 5 to DDO to provide for exceptions for specified discrimination from specified provisions of DDO (section 60) 	
004204 – 004751	Chairman Mr WONG Kwok-hing Administration	<ul style="list-style-type: none"> - Timetable for legislative amendments to effect the proposal to provide concessionary fares to PwDs in phases - Why Government did not, in the context of the franchise renewal exercise, request franchised bus operators to offer concessionary fares to PwDs - Request for Government to include the provision of concessionary fares to PwDs as one of the key terms and conditions for the rail merger under consideration 	
004752 – 005425	Dr Fernando CHEUNG EOC Administration	<ul style="list-style-type: none"> - Legal advice on the application of DDO, particularly the legality of various options for providing concessionary fares to PwDs under consideration 	

Time marker	Speaker	Subject(s)	Action required
005426 – 010154	Ms Miriam LAU EOC	<ul style="list-style-type: none"> - Overseas practices for ensuring legitimacy for concessionary fare schemes that benefited selected groups of PwDs - Determination of “designated” beneficiaries of the concessionary fare scheme, the estimated number of beneficiaries, the legality of selective provision of concessionary fares to certain groups of PwDs - Funding arrangements, including Government funding support, for implementing the concessionary fare scheme 	
010155 – 010939	Mr LEUNG Yiu-chung Administration	<ul style="list-style-type: none"> - Comments on the Administration’s work in the past relating to the provision of concessionary fares to PwDs - Actual scope and number of potential beneficiaries under the concessionary fare scheme - Eligibility criteria for applying Disability Allowance - The Administration would come up with a proposal for legislative amendments to remove the legal obstacles to the introduction of a selective concessionary fare scheme in about two months’ time. In parallel, the Administration would continue to encourage PT operators to provide concessionary fares to PwDs - Introducing legislative amendment to require PT operators to provide concessionary fares to PwDs on a mandatory basis was inconsistent with established policy that PT services were operated commercially in line with the spirit of free enterprise. 	
010940 – 011758	HKBU HKAD Administration Chairman	<ul style="list-style-type: none"> - Compared with the large number of beneficiaries of concessionary fares for the elderly and children, the estimated number of the first batch of beneficiaries of the concessionary fare scheme for PwDs was only 95 000 - The policy objective of granting 	

Time marker	Speaker	Subject(s)	Action required
		<p>concessionary fares to PwDs was to encourage PwDs to integrate into the community. Legislation was only a means to achieve the said policy objective and should not be obstacles to implementation</p> <ul style="list-style-type: none"> - Corporate social responsibilities of PT operators and Government's role to assist PwDs to satisfy their needs and meet their challenges - Overseas experience in providing concessionary fares to PwDs - Travel characteristics of selected groups of beneficiaries of PwDs and whether granting of concessionary fares to these groups of PwDs would encourage them to travel more, and hence, generate new sources of income for PT operators - The Administration would conduct travel characteristics survey of the potential beneficiaries of the concessionary fare scheme under deliberation 	
011759 – 012352	Dr Fernando CHEUNG Chairman	<ul style="list-style-type: none"> - Need for review of DDO - Timetable for providing concessionary fares to PwDs - Invitation of PT operators to attend a meeting to discuss the matter 	
012353 – 012721	Ms Miriam LAU Administration Chairman	<ul style="list-style-type: none"> - Government funding support was necessary for implementation of a concessionary fare scheme for PwDs - Views of PT operators 	
012722 – 013333	Mr WONG Kwok-hing Chairman Administration	<ul style="list-style-type: none"> - Government, as the majority shareholder of MTR Corporation Limited (MTRCL) and the sole owner of Kowloon-Canton Railway Corporation (KCRC), should take the lead to provide concessionary fares to PwDs - Whether Government funding support was required from a welfare policy perspective 	

Time marker	Speaker	Subject(s)	Action required
		<ul style="list-style-type: none"> - Invitation of the Chief Secretary for Administration and the Financial Secretary to the meeting 	
013334 – 014512	Mr LEUNG Yiu-chung Administration Chairman RAHK HKBU	<ul style="list-style-type: none"> - Scope of beneficiaries of the proposed concessionary fare scheme - Legislative amendment to DDO to clarify that the proposed scheme for providing concessionary fares to a particular group of PwDs only was not unlawful - Corporate social responsibility of PT operators - Whether PT operators were prepared to accept the Subcommittee’s proposal, if not, how the concessionary fare scheme could be taken forward - Whether Government funding support was necessary in the end - Government should exercise its influence on the two railway corporations for providing concessionary fares to PwDs, bearing in mind Government was the majority shareholder of MTRCL and the sole owner of KCRC - Liaison with PT operators on the issue - The Carer Scheme was undesirable as it could not fully address the needs of the disabled community and led to disunity among the disabled community - Strategy and concrete timetable for implementation 	
014513 – 014843	Mr LEUNG Kwok-hung HKFHY Administration HKAD	<ul style="list-style-type: none"> - Timetable for implementation - Underlying objectives of introducing concessionary fares to PwDs and overseas experience 	
<i>Agenda Item III – Any other business</i>			
014844 – 015811	Mr WONG Kwok-hing Chairman Mr LEUNG Kwok-hung	<ul style="list-style-type: none"> - Invitation for attendance at the next meeting - Way forward 	

Time marker	Speaker	Subject(s)	Action required
		- Date of next meeting	

Council Business Division 1
Legislative Council Secretariat
2 May 2006