

立法會
Legislative Council

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Date : 15 December 2014

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 7 January 2015

Proposed resolution under the Disability Discrimination Ordinance

The Secretary for Labour and Welfare will move, at the Council meeting of 7 January 2015, a proposed resolution under section 87(2) of the Disability Discrimination Ordinance (Cap. 487). The proposed resolution is attached for Members' consideration. The President has directed that it be printed in the terms in which it was handed in on the Agenda of the Council.

2. The speech, in both Chinese and English, which the Secretary will deliver when moving the proposed resolution is also attached.

(Odelia LEUNG)
for Clerk to the Legislative Council

Encl.

Disability Discrimination Ordinance

Resolution

(Under section 87(2) of the Disability Discrimination Ordinance (Cap. 487))

Resolved that the Disability Discrimination Ordinance (Amendment of Schedule 5) Notice 2014, made by the Chief Executive in Council on 9 December 2014, be approved.

Disability Discrimination Ordinance (Amendment of Schedule 5) Notice 2014

(Made by the Chief Executive in Council under section 87(2) of the
Disability Discrimination Ordinance (Cap. 487) subject to the approval of
the Legislative Council)

1. Disability Discrimination Ordinance amended

The Disability Discrimination Ordinance (Cap. 487) is amended as
set out in section 2.

2. Schedule 5 amended (further exceptions to this Ordinance)

- (1) Schedule 5, item 4, column 2, paragraph (d)—

Repeal

“or”.

- (2) Schedule 5, item 4, column 2, paragraph (e)—

Repeal

“(Cap. 104).”

Substitute

“(Cap. 104); or”.

- (3) Schedule 5, item 4, column 2, after paragraph (e)—

Add

- “(f) a public transport service operated by a person pursuant
to a passenger service licence issued under section 27 of
the Road Traffic Ordinance (Cap. 374) in respect of a
public light bus which is on a scheduled service (as
defined by regulation 2(1) of the Road Traffic (Public
Service Vehicles) Regulations (Cap. 374 sub. leg. D)).”.



Clerk to the Executive Council

COUNCIL CHAMBER

9th December, 2014

Explanatory Note

This Notice amends Schedule 5 to the Disability Discrimination Ordinance (Cap. 487) (*Ordinance*).

2. The effect of the amendment is that the provision of fare concessions to certain persons with a disability in respect of a public transport service operated by a holder of a passenger service licence issued in respect of a public light bus on a scheduled service is a further exception to Parts 4 and 5 of the Ordinance. Under section 60 of the Ordinance, the discrimination is not rendered unlawful by those Parts.

Speech by the Secretary for Labour and Welfare

Disability Discrimination Ordinance (Amendment of Schedule 5) Notice 2014

President,

I move that the motion as printed on the Agenda be passed.

2. The resolution is to the effect that the amendment of Schedule 5 to the Disability Discrimination Ordinance (DDO) made under Section 87(2) of the DDO be approved by this Council, in order to include the proposed extension of the Government's public transport fare concession scheme for a particular group of persons with disabilities to green minibuses (GMBs) as a further exception under Schedule 5.

3. To help build a caring and inclusive society by encouraging elderly people and persons with disabilities to participate more in community activities, the Public Transport Fare Concession Scheme for the Elderly and Eligible Persons with Disabilities (the Scheme) has been implemented on MTR, franchised buses and ferries in three phases since June 2012, August 2012 and March 2013 respectively. The Scheme was extended to eligible children with disabilities aged below 12 in May 2014. The Chief Executive announced in the 2014 Policy Address that the Scheme will be extended to GMBs in phases starting from the first quarter of 2015. The Government briefed the Legislative Council Panel on Welfare Services on 10 November this year (2014) on the latest position. It is expected that the Scheme will be extended to the first batch of GMBs in end-March 2015.

4. President, the Scheme enables elderly people and eligible persons with disabilities to travel on most of the routes of MTR, franchised buses and ferries any time at a concessionary fare of \$2 per trip. The Scheme has been launched for some two years. So far, the daily average number of passenger trips made under the Scheme was around 720 000. Of these, around 630 000 of the passenger trips were taken by elderly people and 90 000 by eligible persons with disabilities.

5. Eligible persons with disabilities under the Scheme refer to persons aged below 65 with severe disability as defined under the Disability Allowance receiving the allowance and those with 100% disabilities receiving Comprehensive Social Security Assistance in the same age group.

6. Since the definition of “disability” under the DDO is very broad, the provision of fare concessions only for a particular group of persons with disabilities may give rise to an argument as to whether this would constitute unlawful disability discrimination under the DDO. In this regard, to avoid any possible legal challenge under the DDO against the proposed Scheme, we now propose such an amendment. Similar legislative amendments were made in June 2012 in view of the implementation of fare concession scheme on the MTR, franchised buses and ferries.

7. President, I hope Members will support the motion.