

立法會
Legislative Council

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From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 18 August 2021

Proposed resolution under the Disability Discrimination Ordinance

The Secretary for Labour and Welfare will move the proposed resolution in **Appendix 1** under section 87(2) of the Disability Discrimination Ordinance (Cap. 487) at the above meeting. The President has directed that the proposed resolution be printed in the terms in which it was handed in on the Agenda of the Council.

2. The speech which the Secretary for Labour and Welfare will deliver when moving the proposed resolution is in **Appendix 2**.

(Miranda HON)
for Clerk to the Legislative Council

Encls.

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 2021, made by the Chief Executive in Council on 20 July 2021, be approved.

Disability Discrimination Ordinance (Amendment of Schedule 5) Notice 2021

(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 (e)—
Repeal
“; or”
Substitute a semicolon.
 - (2) Schedule 5, item 4, column 2, paragraph (f)—
Repeal
everything after “public light bus”
Substitute
“(as defined by section 2 of that Ordinance); or”.
 - (3) Schedule 5, item 4, column 2, after paragraph (f)—
Add
“(g) a public transport service operated by Hong Kong Tramways Limited under the authority of the Tramway Ordinance (Cap. 107).”.



Clerk to the Executive Council

COUNCIL CHAMBER

20 July 2021

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 the following public transport services is also a further exception to Parts 4 and 5 of the Ordinance—
 - (a) a public transport service operated by a holder of a passenger service licence issued in respect of a public light bus, whether on a scheduled service or not;
 - (b) a public transport service operated by Hong Kong Tramways Limited.
3. Under section 60 of the Ordinance, the discrimination referred to in paragraph 2 is not rendered unlawful by Parts 4 and 5 of the Ordinance.

**Draft Speech by Secretary for Labour and Welfare
for Moving the Motion on
Disability Discrimination Ordinance
(Amendment of Schedule 5) Notice 2021**

President,

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

2. The purpose of the motion is to invite Members to approve the amendments to Schedule 5 of the Disability Discrimination Ordinance (DDO) made under section 87(2) thereof, in order to include the Government's proposed provision of public transport fare concessions in respect of red minibuses and trams to specified groups of persons with disabilities as an exception in Schedule 5.

3. The Government introduced in 2012 the Government Public Transport Fare Concession Scheme for the Elderly and Eligible Persons with Disabilities (\$2 Scheme) to enable elderly persons aged 65 or above as well as Comprehensive Social Security Assistance (CSSA) recipients aged below 65 with 100% disabilities and Disability Allowance (DA) recipients of the same age group to travel on designated public transport modes at a concessionary fare of \$2 per trip. Rolled out in phases in 2012 to 2015, the \$2 Scheme covered Mass Transit Railway (MTR) domestic services, franchised bus routes, ferry routes and green minibus services respectively.

4. The Government announced on 30 June this year that the enhancement and anti-abuse measures of the \$2 Scheme will be implemented from 27 February next year, including lowering the eligible age to 60 on the condition that new beneficiaries aged 60 to 64 must apply for and use the tailor-made Personalised Octopus Cards (i.e. JoyYou Cards) for benefitting from the concessionary fare, as well as expanding the \$2 Scheme to cover red minibuses, kaitos and trams.

5. As the definition of "disability" under DDO is very broad, the provision of public transport fare concessions only to a particular group of persons with disabilities may give rise to an argument as to whether

(English Translation)

this would constitute disability discrimination under DDO. Therefore, the Government proposes the subject amendments for adding the public transport services provided by red minibuses and trams to Schedule 5 of DDO, so as to ensure that CSSA recipients aged below 60 with 100% disabilities or DA recipients of the same age group will be able to benefit from the new fare concessions under the \$2 Scheme without contravening DDO. For kaitos, their services are regulated through licences granted under the Ferry Services Ordinance and hence covered by the existing Schedule 5 of DDO, and there is no need for separate specification.

6. In fact, the Legislative Council approved in 2009 to 2015 three similar amendments to DDO for covering the services of MTR, franchised buses, ferries, green minibuses, etc. respectively.

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