

**立法會**  
**Legislative Council**

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From : Clerk to the Legislative Council

To : All Members of the Legislative Council

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**Council meeting of 29 September 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**

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**Resolution**

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

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**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, for rendering the Government’s proposed provision of public transport fare concessions to specified groups of persons with disabilities taking red minibuses and trams as an exception.

3. I would like to thank the Chairman, Honourable Frankie YICK Chi-ming, and other Members of the Subcommittee on Disability Discrimination Ordinance (Amendment of Schedule 5) Notice 2021 (“Amendment Notice”) for scrutinising and expressing support for the Amendment Notice.

4. 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 currently covers Mass Transit Railway (“MTR”) domestic services, franchised bus routes, ferry routes and green minibus services.

5. The Government has announced in June this year that the enhancement and anti-abuse measures of the \$2 Scheme will be implemented from 27 February 2022, including lowering the eligible age to 60 with the new beneficiaries aged 60 to 64 having to apply for and use the tailor-made Personalised Octopus Cards (i.e. JoyYou Cards) for

(English Translation)

benefitting from the concessionary fare, as well as extending the \$2 Scheme to red minibuses, kaitos and trams.

6. 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 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 above enhancement measures of the \$2 Scheme without contravening DDO. For kaitos, their services are licensed and regulated under the Ferry Services Ordinance and hence covered by the existing Schedule 5 of DDO, and there is no need for separate specification.

7. In 2009 to 2015, the Government had made three similar amendments to DDO for covering the services of MTR, franchised buses, ferries, green minibuses, etc. respectively, which were all approved by the Legislative Council.

8. In the process of scrutinising the Amendment Notice, the Subcommittee suggested that residents’ services (“RS”) be included in the \$2 Scheme. The Government understands that operators of individual RS routes hope to join the \$2 Scheme. As the \$2 Scheme is a public transport fare concession scheme, the Government has publicly explained that its coverage should be confined to public transport. Therefore, if operators of individual RS routes intend to join the \$2 Scheme, they have to demonstrate that their service scope and operation mode meet the three requirements for public transport:

- (i) the RS route concerned is accessible to all members of the public, not limited to property owners or residents;
- (ii) there is no direct and parallel public transport alternative for the RS route concerned; and
- (iii) the operator must fully comply with the requirements under the \$2 Scheme, including, without limitation to, the Transport Department

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(“TD”)’s fare monitoring requirements.

9. The Government is sparing no effort in taking forward the preparatory work for the implementation of the publicly committed enhancement measures, with a view to ensuring that the lowering of the eligible age to 60 and expanding the \$2 Scheme to cover red minibuses, kaitos and trams will be implemented from 27 February 2022 as scheduled. On the condition that the implementation of these measures would not be affected, the Government will consider advancing the preparatory work for admission of eligible RS routes to the \$2 Scheme and taking forward different processes concerned in parallel where possible. TD expects that it would take about 12 months to examine whether individual RS routes meet the three requirements for public transport and to complete the necessary initial preparatory work. Our plan is to advance part of the preparatory work to start from September this year. In other words, the Government may extend the \$2 Scheme to the eligible RS routes from September 2022 the earliest.

10. President, I invite Members to support the motion.

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