

立法會
Legislative Council

LC Paper No. CB(2)1593/20-21
(These minutes have been
seen by the Administration)

Ref : CB2/SS/10/20

**Subcommittee on Disability Discrimination Ordinance
(Amendment of Schedule 5) Notice 2021**

**Minutes of the first meeting
held on Thursday, 12 August 2021, at 10:45 am
in Conference Room 3 of the Legislative Council Complex**

Members present : Hon Frankie YICK Chi-ming, SBS, JP (Chairman)
Hon YIU Si-wing, SBS
Hon SHIU Ka-fai, JP
Hon Vincent CHENG Wing-shun, MH, JP

Member absent : Hon CHUNG Kwok-pan

Public Officers attending : Ms Manda CHAN Wing-man, JP
Commissioner for Rehabilitation
Labour and Welfare Bureau

Ms Veronica WONG Hoi-yee
Principal Assistant Secretary for Labour and Welfare
(Welfare)²
Labour and Welfare Bureau

Mr Patrick WONG Chi-kwong
Assistant Commissioner/Management and Paratransit
Transport Department

Ms Polly CHAN Wai-yan
Government Counsel
Department of Justice

Clerk in attendance : Ms Maisie LAM
Chief Council Secretary (2) 3

Staff in attendance : Ms Vanessa CHENG
Assistant Legal Adviser 5

Mr Roger CHUNG
Council Secretary (2) 3

Miss Alison HUI
Legislative Assistant (2) 3

Action

I. Election of Chairman

Mr Frankie YICK was elected Chairman of the Subcommittee.

2. Members agreed that there was no need to elect a Deputy Chairman.

II. Meeting with the Administration

[File Ref: LWB R 8/3939/99, LC Paper Nos. LS102/20-21 and CB(2)1364/20-21(02) and (03)]

3. The Subcommittee deliberated (index of proceedings attached at **Annex**).

Invitation of public views

4. Members agreed that the Subcommittee should receive written views from the public on the Disability Discrimination Ordinance (Amendment of Schedule 5) Notice 2021 ("the Amendment Notice"). In line with usual practice, a general notice would be posted on the Legislative Council website and the 18 District Councils would be notified of the invitation.

III. Any other business

Arrangement for the next meeting

5. The Chairman proposed that the Subcommittee would commence examination of the provisions of the Amendment Notice at its next meeting to be scheduled after the Administration had met with the trade to exchange views on the timetable to include those residents' services on which carriage was

offered to any member of the public in the Government Public Transport Fare Concession Scheme for the Elderly and Eligible Persons with Disabilities. Members raised no other views.

(Post-meeting note: With the concurrence of the Chairman, the second meeting of the Subcommittee has been scheduled for 6 September 2021 at 2:30 pm.)

6. There being no other business, the meeting ended at 11:22 am.

Council Business Division 2
Legislative Council Secretariat
10 November 2021

**Proceedings of the first meeting of the
Subcommittee on Disability Discrimination Ordinance
(Amendment of Schedule 5) Notice 2021
Held on Thursday, 12 August 2021, at 10:45 am
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker(s)	Subject(s)	Action required
<i>Agenda item I – Election of Chairman</i>			
000608 - 000654	Mr Frankie YICK Mr Vincent CHENG Mr YIU Si-wing	Election of Chairman	
000655 - 000721	Chairman	Invitation of public views	
<i>Agenda item II – Meeting with the Administration</i>			
000722 - 001005	Chairman Admin	Briefing by the Administration on the Disability Discrimination Ordinance (Amendment of Schedule 5) Notice 2021 ("the Amendment Notice")	
001006 - 002158	Chairman Mr YIU Si-wing Admin	<p>Expressing support for the expansion of the Government Public Transport Fare Concession Scheme for the Elderly and Eligible Persons with Disabilities ("the Fare Concession Scheme") to cover red minibuses ("RMBs"), kaitos and tramways, Mr YIU Si-wing enquired whether residents' service and cross-boundary non-franchised bus services would be regarded as public transport services, and if so, whether the Fare Concession Scheme would be further expanded to cover these services.</p> <p>The Administration advised that:</p> <p>(a) the Administration had not rigidly excluded all residents' services from the Fare Concession Scheme. Upon implementation of the enhancement measures already committed (i.e. the lowering of the eligible age to 60 and extension of the coverage to RMB, kaitos and tramways with effect from 27 February 2022), it would start processing applications from eligible routes of residents' service for inclusion under the Fare Concession Scheme as early as possible; and</p> <p>(b) residents' service was one of the non-franchised services. Given that the coverage of the Fare Concession Scheme was confined to public transport, operators of individual routes of residents' service that were interested in joining the Scheme were required to prove that their service scope and operation mode fulfill all three requirements as follows: (a) the route was accessible to all members of the public, not limiting to property owners or residents; (b) there was no direct and parallel public transport alternatives for the route concerned; and (c) the operator of the route had to fully comply with the requirements under the Fare Concession Scheme, including but without limitation to the monitoring requirements of the Transport Department ("TD").</p>	

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		<p>Mr YIU Si-wing expressed concern that the number of anonymous Elder Octopus cards, which could continuously be used by current beneficiaries aged 65 or above for enjoying the concession under the Fare Concession Scheme until some time in 2024 when JoyYou Cards were issued to all beneficiaries, had more than doubled the number of elderly persons aged 65 or above, and that RMBs and most kaitos were operated in a flexible manner according to operational considerations. He enquired how the anti-abuse measures would be strengthened to deter abuse, and whether the Administration would make it clear that the participating public transport operators had a responsibility to prevent abuse and impose a penalty on them for failing to do so.</p> <p>The Administration advised that:</p> <p>(a) the mandatory use of JoyYou Cards as a prerequisite for benefitting from the concessionary fare would facilitate monitoring against abuse. This apart, TD had requested the participating public transport operators to strengthen ticket inspection and passenger identity verification works, and to strictly enforce in accordance with the relevant legislation and by-laws and impose penalties to prevent abuse. TD had further arranged field surveys to monitor the situation. On public education, TD had launched publicity programmes in March 2021 to raise public awareness of not abusing the Fare Concession Scheme. Public transport operators had also enhanced publicity and reminded passengers to tender the fares payable and those non-eligible passengers who were found travelling at the concessionary fare were required to pay a surcharge and/or the shortfall. Depending on the circumstances, public transport operators might initiate prosecutions or refer individual cases to the Police for follow-up action; and</p> <p>(b) RMB and kaito operators eligible for joining the Fare Concession Scheme would have to register their routes and fare levels with TD for admission to the Fare Concession Scheme and seek TD's approval for any fare adjustment, and install an Octopus payment system on admitted routes to ensure adherence to pre-set registered fares. TD would examine on a regular basis the patronage and differential fare settlement reports submitted by the participating public transport operators and Octopus Cards Limited with a view to checking and identifying any abuse cases. If abnormal data and suspected abuse cases were detected during the examination of the reports, TD would refer the case to the Police for follow-up action.</p>	
002159 - 003143	Chairman Mr Vincent CHENG Admin	Mr Vincent CHENG expressed support for the Amendment Notice. He urged the Administration to advise the concrete timetable for including residents' service in the Fare Concession Scheme. The Chairman remarked that the implementation of the committed measure of extending the coverage of the Fare Concession Scheme to RMB, kaitos and tramways should not preclude TD from starting the preparatory work for including eligible routes of residents' service in the Fare Concession Scheme as there were dedicated	

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		<p>teams within TD responsible for the regulation of different public transport modes. According to the operators of eligible routes of residents' service, persons aged 60 or above currently accounted for around 40% of the patronage of their services. To enable these operators to compete on a level playing field in the public transport system at the earliest possible time to avoid losing their patronage, the Administration should not wait until the full implementation of the committed enhancement measures on 27 February 2022 to start working on the implementation details. To save the need and time for making further amendment to Schedule 5 to the Disability Discrimination Ordinance (Cap. 487) in respect of the future inclusion of residents' service in the Fare Concession Scheme, he was considering whether there was a need to propose an amendment to the Amendment Notice to the effect that the provision of fare concessions by operators of non-franchised bus providing residents' service would not constitute a contravention under Parts 4 and 5 of the Ordinance.</p> <p>The Administration stressed that it had to carefully assess which of the some 300 routes of residents' service approved by TD could meet the three requirements mentioned in the earlier part of the meeting for admission to the Fare Concession Scheme. In response to the Chairman's suggestion that the Administration should meet with the trade to exchange views on the matter, the Administration said that it would actively consider the suggestion.</p>	
003144 - 003404	Chairman Mr YIU Si-wing Admin	<p>On the Chairman's enquiry about the anti-abuse measures put in place by TD after the occurrence of cases involving green minibus drivers abusing the Fare Concession Scheme, the Administration assured members that a series of monitoring measures had been put in place to monitor the public transport operators in implementing the Fare Concession Scheme, including requesting the public transport operators concerned to strengthen their internal control systems and regularly submit to the Administration the audit and assurance reports prepared by independent auditors in accordance with the established audit standards. Mr YIU Si-wing reiterated the need for the Administration to further strengthen the anti-abuse measures in view of the extension of the coverage of the Scheme.</p>	
003405 - 003939	Mr YIU Si-wing Chairman Admin	<p>Declaring that he was an employee of a company which operated cross-boundary coach services, Mr YIU Si-wing enquired whether the coverage of the Fare Concession Scheme could be further expanded to include these services, including the five groups (six routes) of cross-boundary coach services plying between the Huanggang Control Point and various parts of Hong Kong.</p> <p>The Administration explained that the Fare Concession Scheme aimed to facilitate the building of a caring and inclusive society by encouraging the older persons and eligible persons with disabilities to participate more in community activities. Its policy was that the coverage of the Scheme was confined to public transport services running within the boundary of Hong Kong. Against this policy premise, cross-boundary public transport services, including Mass Transit Railway East Rail Line plying to or from Lo Wu or Lok Ma</p>	

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		Chau stations, Airport Express and the franchised bus routes plying to or from Hong Kong International Airport, were not covered under the Fare Concession Scheme.	
<i>Agenda item III - Any other business</i>			
003940 - 004047	Chairman Mr YIU Si-wing Mr SHIU Ka-fai	Closing remarks Arrangement for the next meeting	

Council Business Division 2
Legislative Council Secretariat
10 November 2021