

**Minutes of the Meeting of the
Rehabilitation Advisory Committee (RAC)
held at 2:30 p.m. on 14 June 2005 in Room 1007,
10/F., Citibank Tower, 3 Garden Road, Hong Kong**

Present

Dr Joseph KWOK Kin-fun	(Chairman)
Dr Margaret CHUNG Wai-ling	
Mrs Doris HO KO Suet-yiu	
Mr Herman HUI Chung-shing	
Mr IP Kwok-chung	
Dr IP Yan-ming	
Mr Lawrence LEE Kar-yiu	
Mrs Julie LEE LAU Chu-lai	
Dr Simon LEUNG Man-on	
Prof LEUNG Ping-chung	
Mrs Jackie MA LAI Bik-lin	
Dr TSE Tsun-him	
Ms WONG Kwai-wan	
Mr YEUNG Ka-sing	
Mr Paul K W TANG	Director of Social Welfare
Miss Ophelia CHAN	Assistant Director of Social Welfare (Rehabilitation and Medical Social Services)
Mrs Betty IP	Principal Assistant Secretary for Education and Manpower (School Administration & Support)
Dr Catherine LAM	Consultant Pediatrician (Child Assessment Service), Department of Health
Dr Daisy DAI	Senior Executive Manager, Hospital Authority
Ms Linda LAI	Deputy Secretary for Health, Welfare and Food (Family & Women)

Mrs Mary MA
Ms Elia WONG

Commissioner for Rehabilitation
Assistant Secretary for Health, Welfare and
Food (Rehabilitation) (Secretary)

In attendance

Miss Angela LEE

Principal Assistant Secretary for Environment,
Transport and Works (Transport)¹

Mr Tony TANG

Principal Education Officer for Education and
Manpower (Curriculum Development)²

Mr Tommy NG

Chief Transport Officer (Planning Disabled
Transport), Transport Department

Mr S N CHAN

Chief Executive Officer (Rehabilitation),
Health, Welfare and Food Bureau

Mr Derek LEUNG

Executive Officer (Rehabilitation)¹, Health,
Welfare and Food Bureau

Absent with Apologies

Miss Iris CHAN Sui-ching

Mr CHONG Chan-yau

Ms Christine FANG Meng-sang

Mrs Olivia LEUNG WU Kwai-man

Professor Arthur MAK Fuk-tat

Mr Anthony YEUNG Kwok-ki

Agenda Item I – Confirmation of Minutes

The minutes of the last meeting held on 24 January 2005 were confirmed.

Agenda Item II – Matters Arising

2. No matter was broached at the meeting.

Agenda Item III – Use of the Public Transport by People with Disabilities (PWDs) [RAC Paper 5/2005]

3. **The Administration** reported actions taken by the Bureau with regard to the request for concessionary fares to people with disabilities (PWDs). Apart from having discussions with the Census and Statistics Department (C&SD) on the survey data in the Special Topics Report (STR No. 28), we had taken note of the definition of ‘Disability’ under the Disability Discrimination Ordinance (DDO) which had a broad and general interpretation. According to advice from the Department of Justice (DoJ) and the Equal Opportunities Commission (EOC), it was necessary to take into account implications of the DDO on possible discrimination when considering the grant of concessionary fares to PWDs.

4. **The Administration** further pointed out there was an exception clause under DDO enabling the grant of special service or offer to a particular group of PWDs to meet their ‘special needs’. It was of the view that the offer of concessionary fares to PWDs with mobility challenge and requiring the company of a carer when travelling on public transport might be interpreted to meet their special need of having to pay double fare charges (for 2 persons). **The Administration** added that the proposal had yet to be further studied including holding extensive consultation with the disabled groups and the launching of a survey for the necessary statistical and analytical information.

5. **The Chairman** relayed the views of a member, who could not make it to the meeting. **A member** appreciated the difficulty in persuading the PT operators and considered that further discussion and studies were required for tackling the issue. **This member** asked that the Government went ahead to set up a working group with disabled persons as indicated by the Secretary for Health, Welfare and Food.

6. **A member** said that he consulted a lawyer and was advised that DDO would not be infringed even if concessionary fares were not granted to all the people covered, because of a general exceptions clause in the DDO. **Another member**, from a legal practitioner's perspective, however, opined that the Government should have legally justifiable reasons in putting forward any suggestion to the PT operators.

7. **A member** suggested taking a soft approach in seeking the PT operators' support. He appreciated that this would be difficult and would take time. He suggested setting a reasonable time frame and formulating an overall strategy to realise the goal phase by phase.

8. **An attendee** explained that under the existing transport policy, Government would not provide direct subsidies to PT operators. PT operators therefore had to be very careful when assessing financial implications of providing fare concession to PWDs. Some of them indicated that they had difficulties in offering the concession when they learnt that the total number of potential beneficiaries could be over a million.

9. **Another attendee** said that some ferry operators were already offering concessionary fares to PWDs with Registration Card for PWDs.

The representative of SWD said that the beneficiaries should be identified in order to define the category.

10. **A member** said that offering concessionary fares to PWDs would increase the number of passengers. As the operating cost for public transport is fixed, the increased number of users would only add to the revenue but not the cost of the PT operators. Therefore, he considered it unnecessary to downsize the total number of potential beneficiaries.

11. **A member** said that we should aim to help those who were really in need and most importantly to provide convenience for PWDs.

12. **The Administration** clarified the standpoint of the Bureau: (i) the Government had to be careful in putting forward proposal that should be legally sound, and (ii) we must be able to explain to the general public that our proposal was reasonable and justifiable. If we could identify PWDs with specific needs for concessionary fares, we would consult disability groups' views and then ask the Census and Statistics Department to conduct a survey to obtain a more accurate figure.

13. **A member** cautioned that using the transportation cost as a criterion was arguable. Those who lived farther away, like those who had to be accompanied when going out, had to bear higher transportation costs.

14. **A member** was against playing the numbers-game with the PT operators. She proposed taking a soft approach by, for example, presenting the First Ferry with a "caring company label" to encourage other companies to follow suit. **Another member** said that it was already very difficult to define disability, not to mention further sub-dividing it.

Another member said that while he considered it unwise to pursue without clarifying the legal point of view, he agreed with taking a soft approach.

15. **A member** proposed implementing it phase by phase. The pilot scheme could cover those eligible for Disability Allowance (DA). **The Chairman** said that this suggestion appeared to be consistent with the proposal of offering concessionary fares to those who had mobility challenge and need to travel in company. **This member** was not in support of this latter criterion as it was our policy to encourage PWDs to become more self-dependent, rather than asking to be accompanied.

16. **A member** cautioned that DA was supposed to supplement eligible PWDs' daily expenses, including transportation fee. Offering concessionary fares to DA recipients might be seen as enriching the rich. **The representative of SWD** suggested that another possible option was to give concessionary fare to CSSA recipients with 100% disability. **Another member** cautioned that the PT operators might respond by asking the Government to pay for their transportation directly. **Another member** said that the concessionary fares addressed PWDs' transportation need, rather than financial need. **The Administration** said that we would consult EOC on using "DA" as the criterion.

17. **The Chairman** concluded that Members generally agreed with taking a soft approach and conducting a pilot scheme benefiting those eligible for DA.

18. **An attendee** introduced various models of wheelchair accessible vehicle available in the market and compared their suitability with regard to their modes of operation, costs and safety. So far, he could not find a

model that could meet all the criteria. Nevertheless, he identified two alternatives: Crown Comfort which was like an ordinary taxi but with swivel seats that made it a little bit easier for wheelchair user to get into the car; and Peugeot Horizon which was operated by LPG but only had a capacity of 1360 c.c. He was discussing with taxi operators to bring in a number of taxis of Crown Comfort model by the end of the year and was trying to secure one Peugeot Horizon model for trial run in Hong Kong. Given the fast development in this area, **this attendee** was optimistic that suitable models would be available in the near future.

19. In response to a member's enquiry, **this attendee** clarified that the prices he quoted for all the vehicles he presented were listed prices in the open market, whereas if such vehicles were purchased to be served as taxis, the prices would be about \$200,000 less as first registration tax was levied at a much lower rate for taxi.

20. **A member** suggested that Transport Department step up its publicity when the first wheelchair accessible taxi took the ground.

21. **A member** opined that there was a need for suitable transportation means for PWDs, regardless of the latter's economic means. PWDs discharged from hospitals often found it difficult to book rebus for follow-up appointments.

Agenda Item IV – Presentation on Special Education Services – the Way Forward under “3+3+4”

22. **An attendee** presented the special education services proposed under the new senior secondary (NSS) structure recently announced by the

Education and Manpower Bureau (EMB). Chapter 6 of the report sets out proposals for a more detailed dialogue with key stakeholders in the second half of 2005. Following further consultation, the way forward will be set out in more detail by the end of 2005. (A copy of the power point presentation is at *Appendix 1*.)

23. A member welcomed the development and pointed out that the key to success lay with the training for teachers. The representative of EMB responded that in the new academic structure, a teacher professional development grant would be provided for schools to use flexibly to release teachers to take part in professional development programmes, by employing supply teachers or other supportive staff to help out. Depending on need, teachers who would provide specific learning support to students or those who would work in special schools might be given tailor-made training. There would also be theme-based training programme for teachers to better understand and cater for, for example, the needs of autistic students or those with specific learning difficulties.

24. The representative of EMB added that there would be special education inspectors visiting relevant schools regularly to ensure the quality of the educational services provided for students with SEN. In addition, EMB was also exploring the feasibility of supporting NGOs to provide continuous learning opportunities for students with special educational needs after leaving school.

25. In response to a member's question on early identification of students' SEN, the representative of EMB said that all schools would be required to assess whether their primary one students had any SEN towards the end of the first school term. Teachers would be given guidance as to

how to make the best use of the early identification tool and the Individualized Education Programme. EMB would arrange to visit each school once a year as far as possible to monitor the implementation of various support measures.

26. Regarding the representative of DH enquiry on the promotion prospects of students with SEN inside the new academic system, **the representative of EMB** responded that under the new academic system, most schools would have a symmetrical structure whereby a great majority of the students would be able to be promoted to S4 in their own schools. As regards the admission to universities, EMB could remind all universities of their code of practice with regard to equal opportunities.

27. **A member** suggested that primary schools conduct another assessment of students' SEN when the latter were admitted to primary four or five, as such findings would be very valuable for assessing the effectiveness of relevant treatment or special services given to students with SEN. **The representative of EMB** replied that the existing tool to identify students with specific learning difficulties already covered students up to age 10.

28. **A member** added that it was important that the SEN of students be accurately diagnosed. He knew of cases of students with hearing impairment (HI) being considered as mentally handicapped (MH). **The representative of EMB** responded that students might have multiple handicaps and would be classified by their major disability. Hence a student with HI and MH might be classified as an MH student if that was his/her major disability.

**Agenda Item V – Progress Report for the Rehabilitation Programme
Plan (RPP) Review [RAC Paper 6/2005]**

29. Members noted the progress of the Working Group. On the proposal of including Specific Learning Difficulties (SLD) under the definition of ‘Disability’ in the RPP, **a member** stated his support for such suggestion.

Date of Next Meeting

30. There being no other business, the meeting adjourned at 5:00 p.m. **The Chairman** asked the Secretary to inform Members of the date and other details nearer the time.

Rehabilitation Division
Health, Welfare and Food Bureau
Government Secretariat

June 2005