

Executive Summary

Direct Investigation into Government Regulation of Special Transport Services to Persons with Mobility Difficulties

Background

According to Census and Statistics Department's Special Topics Report No. 62 on persons with disabilities and chronic diseases in Hong Kong, published in 2014, there were about 320,500 persons with restriction in body movement (i.e. about 4.5% of the total population) in the territory in 2013. While barrier-free facilities for persons with disabilities are already available on some means of public transport, to those disabled persons who cannot use public transport because of physical handicaps, the provision of special transport services ("ST services"), such as Rehabuses and other legitimate and safe modes of private transport, is still very important.

2. The last time the Rehabilitation Advisory Committee formulated a rehabilitation policy concerning transport services for persons with disabilities was in 2007. The Hong Kong Rehabilitation Programme Plan ("the Plan") published in that year set out the policy objectives to facilitate the integration of persons with disabilities into the community. The Plan included a proposal for the Government to build a barrier-free environment on access to facilities and transportation for persons with disabilities, and to provide ST services to those who cannot use public transport. At present, the 156 Rehabuses funded by the Government and the 20 Accessible Hire Cars sponsored by the Hong Kong Jockey Club Charities Trust, both operated by the Hong Kong Society for Rehabilitation ("HKSR"), provide territory-wide point-to-point ST services for persons with disabilities. The Government has also subsidised certain non-governmental organisations ("NGOs") for them to provide transport services to their members with disabilities. Besides, individual private taxi operators have purchased barrier-free taxis for providing commercial transport services. However, there are not too many such taxis. Excess demand for transport services resulted in tens of thousands of unsuccessful dial-a-ride requests for Rehabus services every year, and bookings for such services had to be made several months or even a year in advance.

3. Consequently, quite a number of persons with disabilities had no access to legitimate transport services. To address their transport needs, they could only resort to transport services provided by some rehabilitation vehicles illegally converted from private cars or light goods vans (unlicensed rehabilitation vehicles, or "URVs"). However, whether the facilities and installations on such vehicles meet the standard requirements and whether the safety of passengers with disabilities can be assured and their rights and interests protected remain questionable and worrisome.

4. In this connection, pursuant to The Ombudsman Ordinance (Cap 397), The Ombudsman declared on 20 November 2014 a direct investigation to examine the

implementation of the policy on ST services by the Government (the relevant departments being the Labour and Welfare Bureau (“LWB”) and the Transport Department (“TD”)), the progress in encouraging the introduction of barrier-free taxis and Government measures against the operations of URVs.

Our Findings

5. Our investigation reveals that existing ST services are plagued with problems and the Government has not been proactive enough in implementing the Plan.

Problems of ST Services

(A) Serious Undersupply of Rehabus Services

6. Rehabuses, with a territory-wide ST services network, provide their services covering the whole of Hong Kong to all those in need. Since 1987, TD started monitoring Rehabus services. This reflects that the nature of Rehabus services is in some ways similar to that of daily public transport services (such as franchised buses) used by the general public. Nevertheless, statistics cited in our investigation report show that there were more than 10,000 unsuccessful requests for the Rehabus scheduled route and dial-a-ride services every year between 2011 and 2014. There were nearly 10,000 unsuccessful requests in 2015, and over 20,000 withdrawals of bookings were recorded. The number of withdrawals of bookings showed a drop in 2012 and 2013, only to climb again in 2014 and soared to more than 30,000 in 2015. Our case studies and stakeholders’ views indicated that quite a number of Rehabus services applicants simply withdrew from or did not even apply for the services because of the exceedingly long time needed for booking the said service. They unanimously pointed out that bookings for Rehabus services often took several months or even a year in advance, yet provision of the services requested was not guaranteed. For instance, their return trips could not be arranged, or the requested number of vehicles was not available, etc. Some interviewees even explicitly stated that they would not attempt to make any bookings because bookings were too difficult. More regrettably, over half of the unsuccessful bookings for Rehabus services involved patients who needed to attend follow-up consultations or receive medical treatment. This reflected that Rehabus services were so unacceptably inadequate that the basic needs of persons with disabilities to seek medical consultation had been affected. Since Rehabus is the only prevalent mode of ST services, we find it unacceptable that its services should have been so gravely inadequate.

(B) Government’s Failure to Seriously Assess Demand for ST Services and Set Targets for Service Provision

7. LWB indicated that the Social Welfare Department (“SWD”) has been providing vehicles for rehabilitation centres (“centre vehicles”) under NGOs based on their operational needs. Those centre vehicles provide transport service to users

between the rehabilitation centres and their homes, or when they need to attend follow-up consultations or join outdoor activities. Because centre vehicles are ancillary support facilities of the individual rehabilitation centres, SWD does not require those NGOs to submit data on their numbers of users and user-trips. As such, LWB does not maintain any relevant information. On the other hand, TD stated that it is not responsible for the regulation and monitoring of centre vehicles operated by NGOs, nor Accessible Hire Cars of HKSR. So, it has never assessed the overall demand for ST services. In a nutshell, the Government has never seriously assessed the demand for ST services. At present, the only information it has at hand is those about Rehabus services, including the number of unsuccessful bookings and withdrawals of bookings.

8. Actually, even if TD had the data on Rehabus services, those data might not be able to reflect all “suppressed demand” for the services, because persons with disabilities might have been unable to use Rehabus services or centre vehicles provided by rehabilitation centres due to various reasons. They might have chosen the more expensive Accessible Hire Cars, taxis, or private cars instead. Or, they might have simply shunned social activities altogether because of difficulties in booking ST services. Yet, TD considered that increase in the “supply” of transport services would lead to more “demand”, implying that assessing the demand is not meaningful.

9. We have reservations about TD’s stance. Our view is that the Government’s inability to understand the overall demand for ST services makes it impossible to assess the effectiveness of implementing the proposed measures in the Plan, let alone encourage social participation and integration of persons with disabilities into the community. Currently, there exists a wide gap in the service level and range of choices between public transport available to the general public and those accessible to persons with disabilities who need ST services. If the Government can induce more “demand” for ST services by increasing their “supply”, this would meet exactly the policy objectives of the Plan to encourage integration of persons with disabilities into the community. The Government should set quantifiable target levels for basic transport services accessible to persons with disabilities, and draw up a timeframe for achieving those targets. This is what a responsible government should do.

(C) Government’s Failure to Fully Coordinate the Effective Utilisation of ST Services

10. LWB has a responsibility to monitor whether the resources allocated by SWD for subventing the ST services provided by NGOs’ rehabilitation centres to their service users are effectively utilised. The Bureau is also responsible for monitoring, via TD, whether HKSR has properly utilised the resources for operating Rehabus services. However, there is no information that LWB has monitored the overall utilisation of resources allocated for ST services. Statistics show that the fleet of Rehabus increased to 156 vehicles by the end of 2016, with more than 800,000 user-trips annually. Meanwhile, the number of centre buses operated by the 34 NGOs subvented by SWD was set to increase from 199 to 272 in 2016-17, far exceeding the number of Rehabus operated by HKSR, but the numbers of users and user-trips remain unknown. It is questionable how many user-trips of ST services have actually been arranged by those

rehabilitation centres, and whether the resources have been fully and effectively utilised.

11. Moreover, according to information from TD, around 30% of the users of the Rehabus scheduled route service are students travelling to and from schools. Their demand has put pressure on Rehabus services. To enhance the availability of Rehabus services for other needy persons with disabilities, LWB should consider liaising with the Education Bureau (“EDB”) to study the feasibility of allocating educational resources for schools to arrange ST services for students with such needs in order to ease the shortage of Rehabus services.

12. Besides, TD indicated that most non-organisation users of the Rehabus dial-a-ride service would reserve a whole vehicle for their exclusive use. Yet, a Rehabus fitted with five to six wheelchair spaces should not be regarded as a personalised transport vehicle. TD will suggest HKSR implement the mandatory requirement for users of the dial-a-ride service to share a vehicle, so that more persons with disabilities can have access to the services they need.

13. In sum, LWB is duty bound to coordinate and review the existing mechanism, collect relevant data and conduct analysis, so as to ensure that all resources allocated for ST services are adequately and effectively utilised.

(D) Government’s Inadequate Efforts in Combating the Problem of URVs

14. URVs pose a safety threat to users with disabilities and impede the healthy development of ST services. Nevertheless, both LWB and TD asserted that the duties of combating the problem of URVs fell outside their purviews.

15. We consider that the above assertion of LWB and TD reflects that the Government has not paid proper attention to the severity of problem. Unauthorised vehicles used for transferring persons with disabilities may not be equipped with wheelchair tie-down systems that conform to international safety standards, and the drivers providing such services may not have undergone special training either. Moreover, URVs are not properly insured to protect the interest of passengers, who may not be entitled to any insurance compensation in case of an accident. The fact that the Police has conducted very few decoy operations in the past years reflects that because of the lack of attention from LWB/TD, the Police may not accord proper priority to enforcement action against those vehicles offering unauthorised transport services. To ensure the safety of passengers with disabilities, LWB and TD should discuss with the Police on stepping up enforcement action against such unauthorised activities, such as increasing the number of decoy operations to catch offenders and produce a deterrent effect.

(E) Government Should Further Promote Introduction of Wheelchair Accessible Taxis and Minibuses

16. Wheelchair accessible taxis can provide an alternative option of ST services for persons with disabilities who can afford to pay more. Although TD indicated that it encouraged the taxi trade to introduce wheelchair accessible taxis, the number of such taxis introduced by the trade since 2007 was few. It is not until the past year that their number has increased faster.

17. We have written to some relevant government departments in mainland China and overseas to enquire about how they have introduced wheelchair accessible taxis. From the information provided, we can see that the governments in many countries and areas have actively provided incentives and subsidies to encourage the introduction of wheelchair accessible taxis to facilitate mobility of persons with disabilities. In Hong Kong, by contrast, after the Plan was formulated in 2007, it took nearly eight years before wheelchair accessible taxis were introduced more extensively in 2015. This shows that the Government in Hong Kong has lagged behind those countries and areas in this regard. We consider that in the long term the Government should explore feasible ways of actively encouraging the trade to import wheelchair accessible taxi models, and speed up the progress of introduction. At the same time, TD should review the role played by taxis as a point-to-point barrier-free transport option and set the target of supply, so as to study how to resolve the persistent shortage of and supplement the Rehabus services.

18. As regards public minibuses, due to space constraints and the technical, operational, financial and other problems involved in retrofitting the vehicles, they have not been able to provide ramps or lifts for wheelchair access. However, we notice from overseas reference materials that some manufacturers have already produced low-floor minibus models of sizes similar to public minibuses in Hong Kong. Some of those models can even accommodate several wheelchairs, and TD is now studying with the trade the feasibility of introducing such models. We urge TD to consider offering incentives for the trade to introduce those new models, especially for those routes serving hospitals, in order to meet the demand for ST services.

Government's Passive Attitude in Implementing the Plan

(A) No Specific Timeframe Set by LWB for Implementing "Transport for All" Policy

19. As the policy bureau tasked with safeguarding the welfare of persons with disabilities, LWB has an unshirkable responsibility for implementing the "Transport for All" policy, but it has never set a specific timeframe for its implementation. LWB explained that the Government would continue to review the progress as appropriate, taking into account social situations and the needs of persons with disabilities. However, we consider that in order to implement any policy on a continuous basis, it is paramount to have a timeframe with key milestone targets. Since its formulation, the Plan has been in place for eight to nine years, but the provision of ST services remains

unsatisfactory, and the public have no way to monitor whether the Government has reviewed the progress of various measures stated in the Plan, and how it would conduct such reviews, in a timely manner.

(B) LWB and TD Treating “Transport for All” Policy as a Concept

20. It is clearly stated in the Plan that implementing “Transport for All” is a **policy**, but LWB and TD, in their responses to our investigation, both explained “Transport for All” as a **concept**. We consider that if the Government deliberately treats the “Transport for All” **policy**, as originally said in the Plan, and treats it as a mere **concept**, achievement of the targets under the Plan will be even more distant and remote. Such mentality is undesirable. It is essential for the Government to set quantifiable target levels for basic transport services that meet the needs of persons with disabilities. It should also draw up a specific timeframe for achieving those targets so that it can monitor the progress of implementation and demonstrate its determination to implement the measures. Otherwise, “Transport for All” will probably be just empty talks and remain at the stage of a “**concept**” for a long time.

(C) TD’s Failure to Proactively Give Professional Support to HKSR Earlier to Enhance Rehabus Services

21. According to TD, it has been conducting comprehensive reviews on Rehabus services from time to time. However, the supply for Rehabus services has continually failed to meet the demand over the years. Many of the service users we interviewed during our investigation expressed that the manual scheduling of Rehabus services has led to under-utilisation of resources and caused inconvenience to service users. In fact, HKSR has also noted the need to improve the communication and information technology systems of Rehabus.

22. TD and HKSR have different explanations as to why the Rehabus management system was not computerised earlier. Regardless of whose explanations are true, it should be indisputable that the Rehabus management system has not kept pace with the times. If only TD had proactively offered its professional advice on transport earlier to help HKSR solve the problems, the operational efficiency of Rehabus services would have long been enhanced.

23. Moreover, while the Plan was already formulated in 2007, the demand for Rehabus services has clearly exceeded supply over the years. What most worrying was that the needs of persons with disabilities to attend medical appointments are not met. Nevertheless, TD only started to urge for more Rehabus routes serving hospitals two years ago. TD has admitted that some routes serving hospitals were cancelled after their trial periods because of insufficient publicity. After generating more publicity, some of those routes have resumed and the numbers of passengers have increased. Considering the figures of unsuccessful bookings of Rehabus services in previous years, perhaps TD should have urged for these improvement measures much earlier.

(D) TD Should Adjust Its Mentality about Demand for ST Services

24. TD has argued that increasing the supply of ST services would bring greater demand, and that there is no causal relationship between the supply of ST services and the URVs. TD also stressed that even increasing the supply of ST services would not reduce the number of users waiting for Rehabus services to zero. We have great reservations about such mentality of TD. In our view, to boost demand by supplying more services is exactly in line with the Plan's target of encouraging the integration of persons with disabilities into the community. If there is adequate supply of legitimate ST services in the market, no one would choose to put their own lives at risk to hire the URV. And URVs would naturally fade out. More importantly, if the Government sticks to such mentality when planning for the provision of ST services, it will be difficult to obtain the necessary resources.

(E) More Efforts on Publicity and Education Needed

25. One of the proposals in the Plan is to strengthen publicity and public education to enhance public understanding of "Transport for All". Nevertheless, the cases cited in our investigation report show that persons with disabilities are being ignored or even discriminated to various extents when using public transport. On the other hand, operators of wheelchair accessible taxis have indicated that many people, do not even know that their taxis serve both able-bodied passengers and persons with disabilities, resulting in their reluctance (avoidance) to hire their taxis and so the operators' businesses are affected. Meanwhile, our investigation report reveals that Rehabus had previously offered trial shuttle bus services to and from hospitals but many of those routes were suspended because there were not enough passengers.

26. We consider it necessary for the Government to put more efforts on public education so as to enhance public understanding of "Transport for All". It would foster the public's empathy for and voluntary assistance to persons with disabilities so that social integration of the able-bodied and persons with disabilities could be achieved. The Government should also step up the publicity of hospital shuttle bus services to let potential users know about these services so that the operation of those routes would be sustained.

Recommendations

27. In the light of the above, The Ombudsman makes 11 improvement recommendations to the Government:

Demand for ST Services

- (1) **LWB** should work with those Government departments concerned and conduct a comprehensive assessment of the demand for ST services. That should include requesting SWD to collect data from NGOs,

service users and self-help groups regularly, and considering inviting academics or advisers to conduct studies to investigate the actual demand for ST services in order to re-allocate resources in a better way;

- (2) **LWB and TD** should urge HKSAR to speed up the consultancy study so that RehaBus services could be enhanced as soon as possible and resources better utilised to meet the demand;

Review and Coordinate the Current Allocation of Resources for ST Services and Set Service Targets

- (3) **LWB** should coordinate the utilisation of resources for ST services and consider more comprehensive arrangements, which include liaison with those departments concerned and HKSAR to facilitate more flexible resources allocation such that more people with such needs can use ST services and that public money can be used wisely;
- (4) **LWB** should continue its discussion with EDB to examine the feasibility of deploying educational resources for assisting schools to arrange ST services for students with such needs;

More Stringent Regulation of URVs

- (5) **LWB and TD** should discuss with the Hong Kong Police about stepping up actions to combat this kind of illegal activities and institute prosecutions against those offenders as a deterrent. Meanwhile, LWB and TD should also assist the Police, social welfare organisations and persons with disabilities to maintain communication and exchange information with one another so that the Police can step up its enforcement actions;
- (6) **TD** should consider drawing up a code of safety for facilities on rehabilitation vehicles (i.e. wheelchair accessible vehicles, but excluding non-emergency ambulances of the Hospital Authority) and the required training for drivers;

Take into Account the Needs of Persons with Disabilities When Planning Public Transport Services

- (7) **TD** should, in studying the introduction of the Quality Taxi Services under discussion, and apart from requiring operators to provide more wheelchair accessible taxis, make reference to practices of foreign governments in introducing such taxis to the market, and actively consider providing incentives for the taxi trade to purchase appropriate models;

- (8) **TD** should study the feasibility of introducing low-floor minibus models and provide incentives for the trade (especially operators offering routes serving hospitals) to do so;

Monitor the Full Implementation of Proposals in the Plan

- (9) **LWB** should, in implementing the proposals in the Plan and the “Transport for All” policy, set quantifiable target levels for basic transport services for persons with disabilities as well as working out the schedules for meeting this objective;
- (10) **LWB** should enhance public education on “Transport for All” to facilitate the implementation of ST services so that social integration of the able-bodied and persons with disabilities can be achieved; and
- (11) **The Government** should step up the publicity of hospital shuttle bus services to let potential users know about these services, in particular those routes of low patronage, in order to sustain the continued operation of those routes.

**Office of The Ombudsman
March 2017**