

LCQ18: Baggage carried by taxi passengers

Following is a question by the Hon Lam Cheuk-ting and a written reply by the Secretary for Transport and Housing, Mr Frank Chan Fan, in the Legislative Council today (December 12):

Question:

Regulation 47(3) of the Road Traffic (Public Service Vehicles) Regulations (Cap. 374 sub. leg. D) (the Regulations) provides that taxi passengers may carry free of charge light personal hand baggage, that is to say, light suitcases, hat boxes, attache cases and similar articles, inside the passenger compartment of the taxi (compartment baggage). On the other hand, the Guidelines to Taxi Regulations (the Guidelines) published by the Transport Department (TD) elucidates that "as a general rule, each piece of light personal baggage that is placed inside the passenger compartment can be carried free of charge if its total dimensions (length + width + height) do not exceed 140 cm". It is also elucidated on TD's website that taxi drivers may levy an additional charge for every piece of compartment baggage with total dimensions (length + width + height) exceeding 140 cm. In this connection, will the Government inform this Council:

(1) of (i) the number of complaints, received by the authorities in each of the past three years, about taxi drivers overcharging passengers of the additional charge for compartment baggage and (ii) among such cases, the respective numbers of those in which follow-up actions were taken by the Police and prosecutions were instituted against the drivers concerned;

(2) of the legal basis for the dimension limits specified in the Guidelines and on TD's website for compartment baggage to be carried free of the additional charge; and

(3) whether it has examined if the elucidations, in the Guidelines and on TD's website, for the additional charge for compartment baggage are consistent with the provision in regulation 47(3) of the Regulations; if it has examined and the outcome is in the negative, whether it has assessed if this situation has caused confusion among taxi drivers and passengers and made disputes between them prone to occur, and of the solution for that; if it has not examined, of the reasons for that?

Reply:

President,

My reply to the various parts of the Hon Lam Cheuk-ting's question is as follows:

(1) In the past three years, the number of complaints concerning taxi baggage charge received by the Government and the Transport Complaints Unit as well

as the relevant follow-up actions taken are set out below:

Year	No. of Complaints on Taxi Baggage Charge	No. of Complaints Referred to the Police for Follow-up Action
2016	247	70
2017	262	44
2018 (January to October)	241	55

As for the number of cases in which the Police has instituted against the drivers concerned, it will be provided later as it takes time for the Police to collate the relevant data.

(2) & (3) Under regulation 41 of the Road Traffic (Public Service Vehicles) Regulations (Cap. 374D) (the Regulations), no goods other than personal hand baggage shall be carried on a taxi. Regulation 47(2) of the Regulations also provides that no registered owner or driver of a taxi shall charge for the hiring of the taxi a fare exceeding the appropriate scale of fares specified in Schedule 5 (including an additional fare of HK\$6 for every article of baggage). Furthermore, regulations 47(3) and 47(4) also provide that if light personal hand baggage (including light suitcases, hat boxes, attache cases and similar articles) are carried inside the passenger compartment of the taxi, or if wheelchairs and crutches are carried by a disabled person who is a taxi passenger, the passenger shall not be required to pay the baggage surcharge in respect of these articles.

The existing legislation does not define the size of "light personal hand baggage carried inside the passenger compartment" mentioned in regulations 47(3) and 47(4) of the Regulations. In this connection, having regard to the views of the taxi trade and passengers, and the need to facilitate the daily operation of taxis (including preventing passengers from placing large pieces of baggage inside the passenger compartment so as to reduce the possibility of obstructing the driver's sightline, affecting the driving safety and causing damage to the compartment facilities, etc.), the Transport Department (TD) has introduced some reference guidelines, stipulating that a piece of light hand baggage may be placed inside the passenger compartment and carried free of charge if its total dimensions (the sum of the length, width and height) do not exceed 140 cm. In other words, a taxi driver may charge a baggage surcharge of HK\$6 on each piece of baggage which is placed inside the passenger compartment and has the total dimensions (the sum of the length, width and height) exceeding 140 cm, or on each piece of baggage of any dimensions which is placed inside the luggage compartment.

The relevant reference guidelines do not contradict with the existing Regulations, and have been published in the Guidelines to Taxi Regulations (GTR) compiled by the TD as well as in the "Taxi fare of Hong Kong" section of TD's website. Nevertheless, the TD will continue to monitor the views

from the trade and the public, so as to examine whether the provisions of the Regulations and the reference guidelines, as well as the related content published in the GTR and on TD's website can accurately reflect the actual operational circumstances.