

LCQ18: Illegal carriage of passengers for hire or reward by motor vehicles

Following is a question by the Hon Frankie Yick and a written reply by the Secretary for Transport and Housing, Mr Frank Chan Fan, in the Legislative Council today (July 15):

Question:

It is learnt that the activities of using motor vehicles for illegal carriage of passengers for hire or reward (illegal carriage of passengers) have been quite rampant in recent years, resulting in unfair competition for the public transport trades which operate legally. In addition, the third party risks insurance for the vehicles concerned may be invalidated due to the vehicles having been used for illegal carriage of passengers, and this may result in a loss of protection for their passengers and other road users. In this connection, will the Government inform this Council:

(1) of the respective numbers of first and subsequent convictions for illegal carriage of passengers in each of the past three years, with a breakdown by the groups (as set out in Table 1) to which the amounts of fines involved in such cases belonged;

Table 1

	Amount of fine (\$)	2017	2018	2019
First conviction	1,000 or below			
	1,001 to 2,000			
	2,001 to 3,000			
	3,001 to 4,000			
	4,001 to 5,000			
	Total:			
Subsequent conviction	5,000 or below			
	5,001 to 6,000			
	6,001 to 7,000			
	7,001 to 8,000			
	8,001 to 9,000			
	9,001 to 10,000			
	Total:			

(2) of the respective numbers of first and subsequent convictions for illegal carriage of passengers in respect of which the court imposed the following penalties in each of the past three years: (i) imprisonment,

(ii) disqualification of driving licence, and (iii) suspension of vehicle licence and impoundment of vehicles, with a breakdown by the penalty periods set out in Table 2;

Table 2

	Penalty period (month)	2017			2018			2019		
		(i)	(ii)	(iii)	(i)	(ii)	(iii)	(i)	(ii)	(iii)
First conviction	Less than 1									
	1 to less than 2									
	2 to 3									
	Total:									
Subsequent conviction	Less than 1									
	1 to less than 2									
	2 to less than 3									
	3 to less than 4									
	4 to less than 5									
	5 to 6									
	Total:									

(3) given that the Government has planned to amend the legislation to increase the penalties for illegal carriage of passengers, of the progress of such work and the expected commencement date of the new penalties; the measures put in place by the Government to step up efforts in combating the activities of illegal carriage of passengers before the commencement of the new penalties; and

(4) given that online vehicle booking platforms provide intermediary services for the activities of illegal carriage of passengers, whether the Government will put such platforms under regulation; if so, of the details; if not, the reasons for that?

Reply:

President,

Pursuant to Section 52 of the Road Traffic Ordinance (Cap 374) (RTO), no person shall drive or use a motor vehicle, or suffer or permit a motor vehicle to be driven or used, for the carriage of passengers for hire or reward unless the vehicle complies with certain conditions stipulated in the RTO, for example, a hire car permit is in force in respect of the vehicle. Otherwise, it is an offence. The Government has been taking stern enforcement actions against illegal carriage of passengers for hire or reward and does not condone such activities.

My reply to the Hon Frankie Yick's question is as follows:

(1) According to the Hong Kong Police Force (HKPF), a breakdown by the number of fined cases on contravention of the related laws involving illegal carriage of passengers for hire or reward, and the amounts of fines involved in the past three years is as follows:

Amount of fines	Year / Number of cases		
	2017	2018	2019
HK\$1,000 or below	2	34	17
HK\$1,001 to \$2,000	14	47	63
HK\$2,001 to \$3,000	6	26	37
HK\$3,001 to \$4,000	0	29	8
HK\$4,001 to \$5,000	0	4	9
HK\$5,001 to \$6,000	0	7	5
HK\$6,001 to \$7,000	5	0	4
HK\$7,001 to \$8,000	0	1	0

The HKPF does not maintain any records on whether it was the offender's first conviction or subsequent conviction(s).

(2) According to the HKPF, a breakdown by the respective number of cases where (i) imprisonment, (ii) disqualification from driving, and (iii) suspension of vehicle licence and impoundment of vehicles were imposed on the offenders arising from their contraventions of related laws involving illegal carriage of passengers for hire or reward, and the penalty period in the past three years is as follows:

(i) Imprisonment

Penalty Period	Year/Number of cases		
	2017	2018	2019
Less than 1 month	1	2	2
1 month to less than 2 months	0	2	0
2 to 3 months	0	2	1
Total	1	6	3

(ii) Disqualification from driving

Penalty Period	Year/Number of cases		
	2017	2018	2019
6 months or below	0	1	0
More than 6 months but less than 12 months	0	3	2
12 months or above	14	54	60
Total	14	57	62

(iii) Suspension of vehicle licence and impoundment of vehicles

Penalty Period	Year/Number of cases		
	2017	2018	2019
3 months	9	39	78
Total	9	39	78

The HKPF and the Transport Department (TD) do not maintain any records on whether it was the offender's first conviction or subsequent conviction(s).

(3) Having obtained the general support during the respective consultation with the Legislative Council (LegCo) Panel on Transport and the Transport Advisory Committee in 2019, the Government will increase the penalties for illegal carriage of passengers for hire or reward under the RT0. The maximum fine will be increased from the current \$5,000 (for first conviction) and \$10,000 (for subsequent conviction(s)) to \$10,000 and \$25,000 respectively, while the period for suspension of vehicle licence and impoundment of vehicles will be lengthened from the current three months (for first conviction) and six months (for subsequent conviction(s)) to six months and 12 months respectively. The Government is currently undertaking the relevant legislative amendment work, and will introduce a bill into the LegCo for scrutiny as soon as possible.

The HKPF will in parallel continue to closely monitor and step up efforts to combat the offences of using vehicles not issued with a valid hire car permit for illegal carriage of passengers for hire or reward. The TD will also continue to collaborate with the HKPF for exchange of relevant information.

In respect of publicity and education, the TD has been making use of various channels, including launching online videos, broadcasting Announcements in the Public Interest (APIs) on radio, displaying samples of hire car permits on the TD's website and putting up posters in public places in order to urge the public not to ride those private cars carrying passengers for hire or reward without a valid hire car permit. Moreover, the TD encourages members of the public who intend to use hire car service to

enquire with the service operator or make use of the TD's online checking system to ensure the private car concerned has been issued with a valid hire car permit before the journey starts.

(4) The Government encourages the use of different technologies, including online or mobile applications for hailing hire cars (i.e. online hailing). Yet, the use of new technologies or new platforms must also be lawful having regard to the interests and safety of passengers, the efficient use of road networks as well as the need to maintain the highly efficient and reliable services of the public transport system, which is used by 90 per cent of commuters, and to ensure its long-term healthy development.

Any person who drives or uses a vehicle without a valid hire car permit for carriage of passengers for hire or reward will commit an offence, no matter how the hire service is arranged (such as through a mobile application or a hire car platform).

The HKPF has been gathering intelligence through different channels and monitoring different online car hailing platforms that offer hire car services. If there is sufficient evidence proving suspected vehicles without a valid hire car permit being used for illegal carriage of passengers for hire or reward, the HKPF will immediately take appropriate enforcement actions.