

TD's response on dismissal of appeal against conviction of use of private cars for illegal carriage of passengers for hire or reward by High Court

In response to media enquiries on the dismissal of an appeal against the conviction of 24 drivers involving the use of private cars for illegal carriage of passengers for hire or reward by the High Court on September 13, a spokesman for the Transport Department (TD) gave the following reply today (September 16):

The Government has been paying close attention to the use of private cars or light goods vehicles (LGVs) for illegal carriage of passengers for hire or reward (commonly known as "pak pai" service) and will tackle such offences by taking stringent enforcement action. The TD has been in close liaison with the Police and will refer suspected cases to the Police for follow-up actions.

Subsections (3), (5) and (10)(a) of section 52 and Schedule 4 of the Road Traffic Ordinance (Cap 374) stipulate that an offender who uses a private car or LGV for the illegal carriage of passengers for hire or reward, or who solicits or attempts to solicit any person to travel in such a vehicle, is liable to a fine of \$5,000 and three months' imprisonment on the first conviction. The licence of the subject vehicle may also be suspended for three months. On the second or subsequent conviction, the person is liable to a fine of \$10,000 and six months' imprisonment. For a subsequent offence in respect of the same motor vehicle, the licence of that vehicle may be suspended for six months.

The Government is open-minded in respect of the application of communications technologies, including the use of Internet or mobile applications for calling hire cars. However, the hire car services adopting new technologies or platforms must be in compliance with the relevant law and regulations to protect the interests and safety of passengers. A hire car permit is required for the provision of hire car services which must be in compliance with the requirements of the relevant laws and the conditions of the hire car permit.

As regards the dismissal of the appeal against the conviction of 24 drivers who provided carriage service through the "Uber" mobile application by the High Court for use of private cars for illegal carriage of passengers for hire or reward, the TD will follow the established procedures to arrange suspension of the vehicle licences in accordance with the relevant legislative requirements and direct the registered owners to deliver the motor vehicles into the custody of the department until the expiry of the

suspension period. According to the law, the TD will, within 14 days after the date of conviction, cause a notice to be served on the registered owner about the suspension of the vehicle licence concerned.

The TD will continue to support the Police in its enforcement actions in combating illegal carriage of passengers. From 2015 to July 2019, a total of 125 vehicles have been impounded by the TD with the vehicle licences suspended due to convictions for the offence of illegal carriage of passengers for hire or reward.