

## 立法會

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**Paper for the House Committee meeting on 14 November 2008****Subcommittee on Road Traffic (Public Service Vehicles)  
(Amendment) Regulation 2008**

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Measures to restore order in the taxi market

14. The Subcommittee is keen to ensure that there would be effective measures to restore order in the taxi market to protect the interest of law-abiding taxi operators and passengers. Hon CHEUNG Hok-ming is concerned that the extent of fare reduction for long-haul trips may not be adequate to eliminate the room for the operation of discount gangs. Hon WONG Kwok-hing, Hon Cyd HO and Hon LI Fung-ying are concerned that in the absence of legislative sanction against drivers accepting requests for discount from passengers, enforcement actions against discount gangs would not be effective. Hon Andrew CHENG and Hon Ronny TONG also question the effectiveness of the new fare structure in curtailing discount gang activities, as there are no effective measures to ensure payment of taxi fares according to the meters.

15. The Administration has advised that legislative safeguards are already in place to protect both taxi drivers and passengers. The current legislation prohibits drivers from overcharging. It also stipulates that passengers should pay the legal fare chargeable under the principal Regulations and are prohibited from using obscene or offensive language or conducting themselves in a disorderly manner. The Administration emphasizes that public transport passengers should pay the stipulated fares and taxi passengers should also pay according to the meters. While there are views in support of legislating against fare bargaining by passengers, the Administration has advised that care has to be taken in examining such an idea given the far-reaching implications and the considerations involved. These considerations include whether criminal penalty should be imposed and the proportionality of such penalty to the offence, whether there would be practical difficulties in collecting evidence and whether this would unduly restrict drivers from charging a lower fare when a wrong routing is used.

16. Regarding the enforcement actions taken against taxi discount gangs, the Police has conducted a total of 1314 enforcement operations under regulation 40 of the principal Regulations from 2007 to September 2008, and prosecution was taken in 225 cases. In taking such enforcement actions, over 800 police officers were deployed to

mount around 600 operations specifically on taxi discount gangs. During these operations, ten cases were detected for allegedly conducting discount activities, and the drivers in six cases were convicted.

17. The Subcommittee has expressed concern that the existing legislation and enforcement do not provide sufficient deterrence against fare bargaining. Hon LI Fung-ying urges the Administration to start preparation for the next steps to deal with the situation if the new fare structure is found not effective in restoring market order. Noting the strong request of the Motor Transport Workers General Union for legislation against fare bargaining by passengers, Hon WONG Kwok-hing and Hon IP Wai-ming urge the Administration to introduce such legislation without delay. Hon Ronny TONG and Hon Andrew CHENG also express disappointment that the Administration fails to take immediate actions to put in place legislative provisions to ensure payment of metered fares.

18. The Administration has explained that discount gangs have emerged because of changes in market conditions. It would be most effective to tackle the problem through the market mechanism by suitably adjusting the fare structure and level to bring them in line with market conditions. According to the Administration, such approach is supported by both TAC and members of the taxi trade. The Administration appeals to members' support of the proposed fare adjustments to alleviate the pressure of escalating operating costs on the taxi trade and also to tackle the problem of discount gang activities.

19. Hon Ronny TONG, Hon Andrew CHENG and Hon WONG Kwok-hing are not convinced of the reasons for the deferral of the legislative amendments to prohibit fare bargaining. They criticize the Administration for not responding to the Subcommittee's request. Hon Ronny TONG urges the Administration to give an undertaking for introducing the legislative prohibition in six months' time. Hon Andrew CHENG considers that such legislative prohibition should be put in place as soon as possible. He suggests that reference should be made to the practices and legislation in overseas cities. Hon Miriam LAU shares members' views. She requests the Administration to study the overseas experience regarding the regulation of charging taxi fares according to meters and discuss with the taxi trade, and report to the Panel on Transport in six months' time. Hon WONG Kwok-hing and Hon IP Wai-ming also call on the Administration to work out legislative proposals immediately.

20. The Administration has responded that it will study the overseas experience regarding the regulation of charging taxi fares according to meters. The Administration will also engage the taxi trade through the Transport Department's taxi conferences to understand more their views and concerns. It will report to the Panel on Transport findings of the study on overseas experience and the engagement with the taxi trade in six months' time.

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