

**For information
on 21 February 2014**

Legislative Council Panel on Transport

Use of smart phones by taxi drivers while driving

Purpose

In response to Members' concerns over the alleged simultaneous use of a number of mobile phones¹ while driving by some taxi drivers, this paper briefs Members on the actions taken to address the issue.

Existing control

2. With the rapid development in telecommunications technology, the use of mobile phones and related application software (commonly known as "Apps") has become very popular. Increasingly, more passengers and drivers opt to place/receive hiring orders for taxi or goods vehicle services through different types of application software.

3. There are legal provisions regulating the use of hand-held mobile phones while driving. Under regulation 42 of the Road Traffic (Traffic Control) Regulations (Cap. 374G), if a motor vehicle being driven by him is in motion, a driver shall not use a mobile telephone while holding it in his hand or between his head and shoulder. An offender is liable to a fine of \$2,000.

4. Furthermore, a driver may, depending on the actual circumstances of a case, commit an offence under regulation 37 of the Road Traffic Ordinance (Cap. 374) on "dangerous driving" or regulation 38 on "careless driving" if his driving behaviour is adversely affected by his using of mobile phone while driving, even he is using hands-free device. Simply placing of mobile phones on the dashboard, irrespective of the number, does not contravene any provisions under the Road Traffic Ordinance. However, if there is evidence to prove that the driver's driving behaviour is adversely affected by such or related act, he may be liable to prosecution under the said regulations.

¹ Covering smart phones as well as the more traditional mobile phones.

Overseas experience

5. According to our preliminary research, the regulatory framework on the use of mobile phones by drivers during driving in major developed countries is similar to the one adopted in Hong Kong. In developed countries like Canada, France, Germany, Japan, Singapore, the United Kingdom and the USA, there are legal provisions prohibiting the use of hand-held mobile phones by drivers while driving. Such provisions do not seem to prohibit the use of mobile phones in other forms, e.g. through hands-free devices or operating a smart phone through “swiping”.

Considerations

6. From the road safety perspective, drivers should avoid being distracted while driving. As such, it is not advisable to use mobile phones or other telecommunications equipment while driving. However, taking into account the practical needs of drivers, such as the need to make phone calls in an emergency or other necessary situations, the current legislation only prohibits the use of hand-held mobile phones or holding the phone between one’s head and shoulder while driving.

7. In order to keep pace with the latest development in telecommunications and information technologies and to strike the right balance among road safety, social needs and the use of technology, our regulatory framework on the use of mobile phones while driving will be reviewed from time to time.

8. If the community considers it necessary to explore the practicability of further tightening up the control over the use of mobile phones while driving, we have to carefully assess its impact on drivers, not only taxi drivers but also all commercial vehicle and other drivers. Also, we have to consider the enforcement and other related issues. We will need to collect and analyse relevant information, such as the correlation between the use of mobile phones through “swiping” and the number of mobile phones placed inside vehicles against the occurrence of traffic accidents.

Actions taken

9. The Police has already been tasked to start collecting data regarding the number of mobile phones placed in vehicles involved in traffic accidents with personal injuries for further analysis. We will also closely monitor relevant overseas research findings and legal requirements.

10. Meanwhile, we have stepped up education and publicity over the use of mobile phones while driving. TD will continue to communicate with the transport trades and relevant associations to remind them of the legal requirements, the need to drive with due care and attention and to avoid using mobile phones or operate smart phones through “swiping” while driving. It will continue to conduct the annual “Safe Driving and Health Campaign” for commercial drivers. It also plans to publish an article on its Road Safety Bulletin to remind drivers not to use hand-held mobile phones and to avoid using telecommunications devices while driving.

11. The Road Safety Council has been working, in collaboration with the Police and TD, to appeal to drivers not to use hand-held mobile phones and to drive attentively. We will continue to work closely with the Road Safety Council to enhance the education and publicity work, and will invite the Council to study the issue further.

Advice sought

12. Members are invited to note the contents of the paper.

**Transport and Housing Bureau
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