

**For information  
on 18 July 2014**

## **Legislative Council Panel on Transport**

### **Illegal Carriage of Passengers for Hire or Reward by Some Light Goods Vehicles**

#### **Purpose**

In response to Members' concerns about the illegal carriage of passengers for hire or reward by some light goods vehicles ("LGVs"), this paper briefs Members on the actions taken by the Government to tackle the problem.

#### **Existing Regulatory Framework**

2. The roles and operations of LGVs are defined under existing legislation.
3. The role of goods vehicles is to provide service for the carriage of goods. Under the Road Traffic Ordinance, Cap. 374 ("RTO") and its subsidiary legislation, an LGV is defined as a goods vehicle having a permitted gross vehicle weight not exceeding 5.5 tonnes. It has a maximum passenger seating capacity of five.
4. Pursuant to section 52 of the RTO, a licensed LGV may carry goods<sup>1</sup> for hire or reward. It is an offence for any person to use LGVs for carrying passengers for hire or reward. It is also an offence for a person to solicit or attempt to solicit any person for hire or reward to travel in an LGV. Section 52 also prohibits the carriage of goods (other than personal effects<sup>2</sup>) for hire or reward by vehicles other than light, medium, heavy goods vehicles or vehicles licensed for commercial operation with a permit issued for such carriage. Any person who commits any of the above-mentioned offences is liable to a fine of \$5,000 and 3-month imprisonment for a first conviction, and \$10,000 and 6-month imprisonment for a second or subsequent conviction.

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<sup>1</sup> Under the RTO, "goods" includes burden of any description.

<sup>2</sup> Under the RTO, "personal effects" means goods which are the property of the driver of a motor vehicle or any passenger carried therein.

## **Enforcement Efforts**

5. The Police are the authority to take enforcement action against illegal carriage of passengers for hire or reward by LGVs under the RTO and its subsidiary legislation. The Police have been monitoring the situation and would investigate into any complaints received and take appropriate action. In view of the recent concerns, the Police have made extra effort to combat these illegal activities by mounting a number of decoy operations. In March and April 2014, the Police arrested nine LGV drivers for the offence, six of whom having already been convicted after trial. The remaining three cases will be heard in the court shortly. The Police have also arranged a number of stand-up press conferences in order to let the LGV trade and the public better understand the legal positions and the consequences of any contravention.

6. Similarly, the Police are investigating into reported cases of illegal activities by other types of vehicles (such as the carriage of goods (other than personal effects) by some taxis for hire or reward) and will institute prosecution if there is sufficient evidence.

7. The Police will continue to monitor the situation and will take enforcement action when necessary.

## **Publicity and Education**

8. To facilitate the general public and the LGV trade to fully understand the permitted services of LGVs, the Transport Department (“TD”) has launched publicity and education activities through various channels such as the broadcasting of Announcement of Public Interest. It has been driving home the message that it is an offence to use LGVs for carrying passengers for reward. The general public is also reminded that passengers using such illegal transport service may not have the necessary protection since the third party insurance covering the vehicle involved may be invalid in the circumstances. The TD and the Police will also work with the Road Safety Council to step up publicity.

9. Noting the increasing use of mobile phone application software for hiring services of LGVs, the TD has reminded application software companies of the legal requirements, in particular that it is an offence for using an LGV for carrying passengers for hire or reward. TD has also requested these companies to remind LGV drivers who are using their software of the legal requirements.

10. The TD will continue to communicate with the LGV and other transport trades through regular meetings, impressing upon their members the importance to abide by the law and providing the necessary assistance. The Police will be invited to these meetings as appropriate. The TD also plans to further publicise the legal requirements in newsletters issued to the relevant transport trades.

### **Way Forward**

11. The Government will continue its efforts in enforcement as well as publicity and education to combat illegal transport activities.

### **Advice Sought**

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

**Transport and Housing Bureau  
July 2014**