

Legislative Council Panel on Transport

Roles of Taxis and Van-type Light Goods Vehicles and Measures Taken Against their Illegal Operation

Purpose

This paper informs Members of the roles of taxis and van-type Light Goods Vehicles (“LGVs”) and measures to combat against their illegal operation.

Role of Van-type LGVs

2. A van-type LGV is one type of LGV which refers to a goods vehicle having permitted gross vehicle weight not exceeding 5.5 tonnes and its maximum passenger seating capacity is five. The role of a goods vehicle, including van-type LGV, is primarily for carriage of goods.

3. The use of van-type LGVs is regulated by the Road Traffic Ordinance (“RTO”), Cap 374. According to section 52 of RTO, it is legal for van-type LGVs to carry goods for hire and reward and the fare charged for carriage of goods is not regulated. However, it is an offence to use van-type LGVs for carrying passengers for hire and reward. It is also illegal for a person to solicit or attempt to solicit any person for hire or reward to travel in a van-type LGV. As at end February 2006, there are 43,758 registered van-type LGVs.

Role of Taxis

4. Taxis, as an alternative to private cars, provide a personal door-to-door passenger transport service.

5. The operation of taxis is subject to control by legislation and the maximum passenger seating capacity for a taxi is five. Fares for taxi service are regulated and are specified in Schedule 5 to the Road Traffic (Public Service Vehicles) Regulations, Cap 374D. Taxis can also carry personal effects and personal hand baggage for hire or reward under section 52 of the RTO and regulation 41 of Cap 374D respectively. Personal effects means goods which are the property of the driver of a motor vehicle or any passenger carried therein.

6. At present, there are 18,138 taxis. Similar to the case in van-type LGVs, under regulation 40 of Cap 374D, it is illegal for a person to solicit or endeavour to attract any person in any manner in order to induce the latter to make use of the taxi.

Measures to Combat Against Illegal Van-type LGVs and Taxis Operations

7. The Report on Taxi Services (Market Competition) Policy Review (“the Report”) published by the Public Policy Research Institute of the Hong Kong Polytechnic University pointed out that some van-type LGVs might be running passenger carriage business illegally at the airport. The Government also notes that there are illegal van-type LGVs operation and taxis operation in the vicinity of the air passenger terminal and the car parks at the airport, such as soliciting of passengers by LGV and taxi operators as well as illegal carriage of passengers for reward by LGVs. Measures taken by the authorities concerned are set out in the ensuing paragraphs.

Task Force Against Illegal Transport Services in Hong Kong International Airport

8. To combat and control illegal transport services at the airport, a special task force named “Task Force Against Illegal Transport Operation in Hong Kong International Airport” (“Task Force”) was set up jointly by the Airport Authority (“AA”), the Police and the Transport Department (“TD”) in July 2005. The Task Force meets bi-monthly to formulate appropriate measures to tackle unauthorised transport operations and other illegal activities including passenger solicitation at the airport from the perspective of traffic management and enforcement. The relevant transport trades will be consulted before new measures are taken and the progress of implementation of the measures will be reported to the trades concerned by AA.

Administrative and Management Control

9. To prevent passenger solicitation at the car parks near the air passenger terminal, the Task Force formulated a new measure which was

implemented by AA since September 2005. At present, there is no pick up kerb along Passenger Terminal Building (“PTB”) at the airport. The activity of picking up arriving passengers by vehicles (and setting down passengers, as well as loading/unloading of goods of van-type LGVs which are not allowed to set down at the departure kerb) is designated at the car parks with 30-minute free parking allowance. To prevent abuse of car park kerb and possible soliciting activities, AA revised the charging system for the car parks with effect from 26 September 2005 such that a vehicle can only enjoy 30-minute free parking once in every three hours, instead of enjoying free parking for the first 30 minutes whenever a vehicle entered the car parks.

10. This revised measure increases the operating costs of van-type LGVs should they stay in the car parks to offer services and prevents van-type LGV operators from taking advantage of the 30-minute free parking period under the original charging system for unlimited access to the car parks for soliciting and providing illegal transport services. According to AA, it was observed that the number of van-type LGVs entering the airport car parks was significantly reduced since the implementation of the measure.

11. The Task Force will consider further feasible schemes to be put in place at the airport to better regulate the operation of van-type LGVs and taxis and possible traffic management measures that will help prevent provision of illegal transport services. The relevant transport trades will be consulted before any proposed scheme is to be implemented.

Enforcement Actions

12. Noting that most of the illegal transport activities by van-type LGVs and taxis that take place at the airport involve passenger solicitation, the Police have conducted regular uniformed and plainclothes operations at the Airport to tackle this problem. Action is also taken on a daily basis to discourage potential operators from using the car parks to await customers.

13. In 2005, a total of 18 persons involved in 15 cases of van-typed LGVs were prosecuted for soliciting at the airport. All of them were

convicted and the penalty ranged from fines of \$1,000 to \$4,000 and imprisonment of 14 to 21 days. As for taxis, a total of 16 persons were prosecuted for soliciting at the airport. The sanctions ranged from fines of \$200 to \$3,000 and imprisonment of 7 to 28 days.

14. As regards enforcement action against carriage of passengers for hire or reward by van-typed LGVs, there were three successful prosecutions in 2005 among the 15 cases mentioned in paragraph 13 above. In the three cases, the van-type LGV drivers were convicted for using a van-type LGV for carriage of passenger for hire or reward and for using the vehicle without third party insurance. The penalties imposed include fines of \$1,000 to \$2,000, imprisonment of 14 days and suspension of driving licence for 12 months. The Police will continue with the operations together with support from security staff of AA and further examine all possible forms of effective enforcement actions.

Way Forward

15. The Government will not tolerate any type of illegal transport operations. Enforcement against these unauthorised activities is the paramount priority in addressing the problem. Specifically, -

- (a) the Police will continue to take enforcement action against any illegal transport services, including those provided at the airport;
- (b) the Government will enhance publicity, including broadcasting of announcement of public interest and distribution of pamphlets, to let the transport trades and the general public better understand that van-type LGVs can only be used for carriage of goods but not passengers for hire and reward; and
- (c) A high-level liaison meeting involving relevant bureaux and departments to provide enhanced coordination and steer for measures proposed by the Task Force will be convened on a need basis.

16. The Administration notes that amongst the recommendations made in the Report are proposals to amend the RTO and its subsidiary legislation to better confine the operation of van-type LGVs to carriage of goods for hire or reward. These proposals have aroused heated debate amongst LGVs and taxi trades.

17. Given that both LGVs and taxis trade have their legitimate operational needs and that a significant majority the LGVs are properly performing their role in transportation of goods as reflected in the Report, any suggestions on changes in legislation need to be carefully examined. It is because changes to the present delineation of “goods” and “personal effects” in the legislation or the maximum passenger seating capacity of van-type LGVs will inevitably have impact on the existing scope of operations of the LGV and taxi trades as well as on the market they are allowed to serve. The Government will take a prudent approach to consider the concerns of the trades and hold further discussions with them before examining the need of proposed legislative amendments made in the Report.

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