

(Translation)

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Transport and  
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Government Secretariat

Transport Branch  
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本局檔號 Our Ref. THB(T)L3/3/27  
來函檔號 Your Ref. CB1/PL/TP

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Panel on Transport  
Legislative Council Secretariat  
Legislative Council Complex  
1 Legislative Council Road  
Central, Hong Kong  
(Attn: Ms Sophie LAU)

1 September 2014  
  
(Fax No. 2978 7569)

Dear Ms LAU,

**Use of Mobile Applications for Providing Taxi Service  
using Private Cars and Limousines by Overseas Companies**

I refer to your letter dated 8 August 2014 forwarding to us a letter from Hon Frankie YICK Chi-ming to Hon CHAN Kam-lam, Chairman of the Panel on Transport. Our reply is as follows:

Hire cars have been in place for years, and there are clear regulation on the use of private car for carriage of passengers for hire or reward under the existing legislation. Any person or organisation arranging a private car for carriage of passengers for hire or reward through whatever means, including mobile applications, must abide by the relevant law and the hire car permit conditions. Regulation 21 of the Road Traffic (Public Service Vehicles) Regulations (“the Regulations”) (Cap. 374D) stipulates that any person who drives or uses any private car in respect of which a hire car permit is issued in contravention of any condition of the hire car permit commits an offence and is liable to a fine of \$1,000 and to imprisonment for six months. If the offence is committed by any person other than the hire car permit holder, the hire car permit holder also commits an offence and is liable to a fine of \$1,000 and to imprisonment for six months. By virtue of regulation 22 of the

Regulations, the Commissioner for Transport may also cancel the hire car permit concerned.

The fare level and the fare collection in respect of the hire car service are to be agreed between the service provider and the hirer, and are not subject to any approval of the Transport Department (“TD”). However, according to the hire car permit conditions, touting is not allowed, and the hire car permit holders shall not provide hire car service in respect of one private car to more than one hirer at separate fares at one time. In addition, during the validity period of the hire car permit, the permit holder must maintain a valid policy of insurance or such a security in respect of third party risks which covers the use of the private car for carriage of passengers as hire car.

It is noteworthy that unlike taxis, hire cars shall not stand or ply for hire on the street or at the taxi stands; and no hiring in respect of hire cars shall commence unless there is first recorded in the specified form of record the name of the person hiring the private car and a brief description of the journey for which the private car is hired and such record should be kept at the hire car permit holder’s registered operating address. As at end of July 2014, TD has issued 882 hire car permits of various types, of which 242 can be used for providing private limousine hire car service. Such number only accounts for about one percent of some 18,000 taxis in the territory. In this light, hire cars and taxis indeed have different modes of operation and target clientele.

For enquiries, please contact the undersigned at 3509 8203 or Ms Fiona CHU, Chief Transport Officer (Public Vehicles and Prosecution Section), TD, at 2529 3354.

Yours sincerely,

<original signed>

( Niki KWOK )

for Secretary for Transport and Housing

**C.C.**

Commissioner for Transport

(Attn: Ms Fiona CHU)