

**For discussion
on 25 July 2018**

**Legislative Council Panel on Transport
Enhancing Taxi Service Quality**

Purpose

This paper sets out the Government's proposals for enhancing taxi service quality and seeks Members' views.

Background

2. The Government has been striving to enhance the service quality and operating environment of taxis, so as to better meet the needs of the public and facilitate long-term healthy development of the taxi trade. To strengthen its interaction and cooperation with the taxi trade and other stakeholders, the Transport Department ("TD") established the Committee on Taxi Service Quality ("the CTSQ") in January 2018. The CTSQ serves as a multi-party¹ platform for discussing various strategies and measures to drive changes to enhance the service quality of some existing 18 000 taxis. Having commenced its work for around half a year, the CTSQ has made certain progress. It has proposed a series of measures, which include updating the taxi service standards and guidelines, enhancing the training courses on in-service taxi drivers' service quality, and reviewing the existing sanctions for various taxi malpractices, etc.

Updating the taxi service standard and guidelines

3. Currently, the TD has published the "Hong Kong Taxi Service Standard" and "A Guide to Taxi Services in Hong Kong", which set out the conduct and performance expected of taxi drivers, and provide practical information for taxi drivers and passengers. In order to enhance the existing taxi service quality, the TD has reviewed the content of these two documents. In conducting the review, the TD has taken into account the actual operation

¹ The CTSQ is chaired by the Commissioner for Transport, and consists of non-official members from the taxi trade, Legislative Council, District Councils, academia, Transport Advisory Committee, Consumer Council, Hong Kong Tourism Board and groups for persons with disabilities, etc.

of the taxi trade at present, the proper conduct and obligations that different stakeholders should have under the current legislation, and the actual handling of complaints and suggestions about taxi service.

4. The new “Hong Kong Taxi Service Standard” will emphasise nine key points on taxi service², covering areas such as conduct and performance expected of taxi drivers, customer service attitude, and taxi-related statutory requirements, etc.

5. As regards the updated version of “Hong Kong Taxi Service Guidelines”³, we will update the existing sections such as basic information on taxi service, the responsibilities of and matters to note for taxi drivers, as well as the conduct of and matters to note for passengers. Having regard to the instrumental role of taxi owners/agents in monitoring the taxi service and the conduct of drivers, a chapter is added to elaborate the responsibilities of owners/agents and matters requiring their attention, so as to improve the service quality and safeguard the interest of stakeholders.

6. The TD expects that the editing and printing work will be completed in the third quarter of 2018. The standard and guidelines will be distributed to taxi owners, drivers and passengers through various channels (including the dedicated LPG filling stations, taxi trade groups, Licensing Office of the TD and District Offices of the Home Affairs Department, etc.). The new service standard and guidelines will also be uploaded to the websites of the TD and the CTSQ, to facilitate browsing and downloading by the public. Meanwhile, the TD will encourage the taxi trade and drivers to join a

² The nine key points on taxi service include:

1. Keep appearance clean and tidy;
2. Provide a clean and in-good-condition vehicle;
3. Be polite to passengers;
4. Charge fares according to taximeters;
5. Use the most direct and practicable route or a route specified by passengers;
6. Be proactive in providing assistance to passengers so as to ensure safe boarding and alighting;
7. Provide a safe and smooth ride, concentrate while driving, and do not use hand-held telecommunications equipment while vehicle is in motion;
8. Abide by the law, and do not refuse to hire or overcharge; and
9. Maintain good health, and no drink driving or drug driving.

³ The updated version of “Hong Kong Taxi Service Guidelines” will include the following chapters:

1. Basic information on taxi service;
2. The responsibilities and conduct of taxi drivers, owners/agents and passengers;
3. Common malpractices and penalties;
4. Channels for reporting compliments and complaints on taxi service; and
5. Commonly used telephone numbers.

signature campaign so as to solicit the trade's support for and compliance with the updated service standard and guidelines for the sake of strengthening publicity and education.

Provision of training courses for enhancing the service quality of taxi drivers

7. To enhance the service standard of in-service taxi drivers, the TD plans to provide training courses. In the light of the feedback from the CTSQ and the trade, the training course will be launched at the TD's dedicated website in the form of online short videos. By making use of the characteristics of the multimedia, providing an online learning platform with extensive and interesting contents will enable drivers to search and view anytime the videos of different units of the training course. The online course consists of a number of units covering effective communication skills between taxi drivers and passengers, methods of handling conflicts, good customer service skills, knowledge on barrier-free facilities, as well as ways to work with taxi owners/agents in following up on the public's complaints and suggestions, so as to enhance service quality. To encourage active participation of taxi drivers in the training course, participants may schedule an appointment free-of-charge to sit for an examination arranged by the TD, upon completion of the online course. Those who have both completed the course and passed the examination will be awarded a certificate by the TD for commendation, and are allowed to display labels inside the taxi compartments indicating their completion of the related course and examination. The online training course is expected to commence in phases at the end of 2018.

Reviewing the existing sanctions for various taxi malpractices to strengthen the deterrent effect

8. The maximum penalties for the 24 taxi driver-related offences under the Road Traffic Ordinance (Cap. 374) and its subsidiary legislation range from a fine of \$2,000 to a fine of \$10,000 and six months' imprisonment. According to the existing legislation⁴, the Court may also disqualify a taxi driver from driving a taxi for a certain period of time upon conviction of offences such as refusal to hire, not using the most direct

⁴ Section 69(1)(f) and (2) under the Road Traffic Ordinance (Cap. 374) stipulates that a court or magistrate before which a person is convicted of a contravention of regulation 37(a), (b), (c) or (d) or regulation 47 under Cap. 374D may order him to be disqualified from driving for such period as the court or magistrate thinks fit.

practicable route and overcharging. The related offences and their maximum penalties are set out in detail at **Annex 1**.

9. The financial penalty arrangement for taxi-related offences in Hong Kong is more or less the same as those of other countries and cities⁵. Furthermore, there is a demerit point system in Singapore where the licence of the driver may be suspended for a period of time when the points are accumulated to a certain level. Between 2013 and 2017, the Police instituted about 1 200 prosecutions relating to taxi offences per annum on average. In view of the concern of the community on taxi service quality in recent years, and the rising complaints on taxi drivers' malpractices (such as refusal to hire, not using the most direct practicable route and overcharging)⁶, the Government has reviewed the current penalties on various taxi drivers' malpractices with a view to strengthening the deterrent effect and enhancing taxi service quality.

10. In conducting the review, we have carefully struck a balance so that the penalties shall have sufficient deterrent effect and at the same time be set at a reasonable level commensurate with the seriousness of the contraventions. The major factors of consideration in the review include –

- (a) the seriousness and prevalence of the offences at present;
- (b) the sentences awarded by the court in the past; and
- (c) the maximum penalties for similar sanctions in other legislation.

11. In response to the requests from the community and the feedback from the taxi trade, the Government proposes adopting the following approach to raise the penalties of taxi driver-related offences, especially to strengthen the deterrent effect on repeated offenders, thereby enhancing the taxi service quality –

⁵ Taxi offences in countries and cities such as Singapore, Australia, London and New York mainly attract fines. Take overcharging as an example. The maximum penalty is a fine of SG\$2,000 (about HK\$11,500) in Singapore, AU\$1,612 (about HK\$9,400) in Australia, US\$1,000 (about HK\$7,800) in New York, and £1,000 (about HK\$10,300) in London.

⁶ Taxi service has been a major area of complaints received by the Transport Complaints Unit under the Transport Advisory Committee in the past five years (2013 to 2017), accounting for about 43% to 48% of all cases on public transport services. The number of taxi service cases rose by about 16% from 9 306 in 2013 to 10 759 in 2017. Among these complaints, the highest number concerned refusal to hire (ranging from 2 255 to 2 841, accounting for about 25%), and the second highest concerned the drivers failing to behave in a civil and orderly manner (ranging from 1 672 to 1 982, accounting for about 18%).

- (a) for offences of a more serious nature (including overcharging, refusal to hire, not using the most direct practicable route, soliciting, and defacing, damaging or altering of taximeters), **a two-tier penalty system** is proposed. The maximum fine and imprisonment level for offenders in the case of first conviction would be maintained at the present level, while repeated offenders would be subject to a higher maximum fine and imprisonment to deter repeated offenders. Details are set out in **Annex 2**; and
- (b) to strengthen the overall deterrent effect (especially on taxi drivers who have repeatedly committed various malpractices), the Government proposes **introducing a Taxi Driver-Offence Points System** by making reference to the existing Driving-Offence Points System. When a taxi driver is convicted of taxi-related offences by the Court, apart from imposing penalties on the driver in accordance with the existing legislation, offence points would also be recorded. When the points are accumulated to a certain level, the driver's taxi driving qualification would be suspended for a certain period of time. Details are set out in **Annex 3**.

12. In the course of reviewing the related penalties, we noted that there have been views that some of the provisions of the Road Traffic (Public Service Vehicles) Regulations (Cap. 374D) ("the Regulations") may not suit the present circumstances or overlap with other legislation. We have further reviewed these provisions, with details set out in **Annex 4**.

13. The Government will continue to maintain close communication with the trade and other stakeholders, and listen to their views in an open manner, in order to formulate appropriate and feasible measures to enhance the taxi service quality. The Government will later consult the Transport Advisory Committee and prepare for the legislative amendment exercise. Our preliminary target is to introduce the legislative proposal into the Legislative Council in 2019.

Other measures

Improving the existing mechanism of handling complaints about taxi service

14. In view of the continuous increase in the number of complaints about taxi service in recent years, the CTSQ has, in addition to reviewing the penalty for various taxi drivers' malpractices, started exploring feasible measures of improving the existing mechanism for handling complaints about taxi service, with a view to taking follow-up actions against drivers who are the subjects of repeated complaints and assisting the taxi trade in setting up a system for self-monitoring and regulation. The TD has recommended that taxi owners or their agents should, on a voluntary basis, include clauses in the taxi rental contract⁷ for obtaining the driver's consent and agreement of passing his name and contact information to the TD in the event that the taxi owner or its agent receives complaints referred by the TD against the driver. This would facilitate the TD's understanding of the complaint content from the driver direct, and adopt targeted follow-up actions. While the TD will continue to issue referral letter or advisory letter⁸ to the taxi owner as per current practice, the TD will also inform the driver direct so as to alert the driver to improve the service performance. The driver being complained may also give response and explanation regarding the accusations of the complaint, so as to facilitate more effective handling of complaint by the TD. The TD will also request the taxi owners/drivers concerned to report on any follow-up actions taken in regard to the complaint cases.

15. Upon the implementation of the proposed measures in paragraph 14 above, the TD will set up an internal database⁹ for consolidating the complaint records and follow-up details, the judgment details on the taxi drivers' malpractices given by the courts, and the records of the Driving-Offence Points System. This will assist the TD in grasping the

⁷ The TD has consulted the Department of Justice and the Office of the Privacy Commissioner for Personal Data regarding the proposed standard clauses in taxi rental contracts, and has furnished such to the taxi trade.

⁸ At present, complaints involving suspected criminal offence (such as overcharging and soliciting) will be handled by the Police, which may initiate prosecution and take further law enforcement action depending on circumstances. As for complaints involving misconduct of the taxi driver (such as the service attitude towards passengers and performance of the driver), they will be followed up by the TD. Generally speaking, the TD will issue a referral letter or advisory letter to the taxi owner, requesting the owner to take follow up action and urge the driver concerned to improve service quality.

⁹ As the database contains sensitive personal information and criminal conviction records of taxi drivers, it should be handled with care and restricted for the internal use by the TD only.

overall taxi service quality more effectively, analysing whether there is a rising trend of complaints against individual vehicles or those vehicles owned by individual companies, as well as taking appropriate follow-up and targeted actions having regard to the circumstances of individual cases (such as arranging meetings with the taxi owners and drivers being repeatedly complained, in order to get an in-depth understanding of the reasons for causing the complaints and advise the owners and the drivers concerned to make improvements). The TD will also provide the particulars of taxi owners and drivers who are being repeatedly complained to the Police for appropriate follow-up investigations and enforcement actions. The proposed measures are expected to be implemented progressively from the fourth quarter of 2018.

A taxi-hailing application platform and installation of a close-circuit television (“CCTV”) system in taxi compartments

16. The TD and the CTSQ encourage the trade to leverage on technology to enhance the operational efficiency and service quality, such as setting up or integrating the taxi hailing application platforms for offering customers better service experience. We noted the views that the installation of a CCTV system in taxi compartments may facilitate prosecution and complaint handling. In this regard, the TD is drafting the guidelines on the installation of a CCTV system in taxi compartments on a voluntary basis for the trade’s reference. In the drafting process, the TD will consult the relevant government departments and bodies, including the Office of the Privacy Commissioner for Personal Data, the Department of Justice, the CTSQ and the taxi trade, with a view to safeguarding the interests of drivers and passengers.

Advice Sought

17. Members are invited to comment on the above proposed measures. The TD will continue to maintain close communications with the trade and other stakeholders to further optimise the implementation details of the aforesaid proposed measures to improve taxi service quality in concerted efforts.

**Transport and Housing Bureau
Transport Department
July 2018**

Existing maximum penalties of taxi driver-related offences

No.	Offence	Regulation	Section	Fine	Imprisonment	Disqualification of driving qualification
1	Overcharging	374D	47(2)	Level 3 (\$10,000)	6 months	✓
2	Refuse or neglect to accept a hire	374D	37(a)	Level 3 (\$10,000)	6 months	✓
3	Refuse or neglect to drive the taxi to the place indicated by the passenger	374D	37(b)	Level 3 (\$10,000)	6 months	✓
4	Not using the most direct practicable route	374D	37(d)	Level 3 (\$10,000)	6 months	✓
5	Soliciting	374D	40	Level 3 (\$10,000)	6 months	Not applicable
6	Damaging, defacing or altering taximeters	374A	121(4)	\$10,000	6 months	Not applicable
7	Refuse to carry the number of passengers in compliance with the legislation	374D	37(c)	\$5,000	6 months	✓
8	When a taxi is hired, permitting any person other than the hirer to enter the taxi without the consent of the hirer (commonly known as “taxi pooling”)	374D	37(e)	\$5,000	6 months	Not applicable
9	Refuse to issue a receipt	374D	37(f)	\$5,000	6 months	Not applicable

No.	Offence	Regulation	Section	Fine	Imprisonment	Disqualification of driving qualification
10	Deceive or refuse to inform a passenger as to the proper fare and route to any place	374D	45(2)(a)	\$5,000	6 months	Not applicable
11	Not carrying enough coins for the purpose of giving change	374D	45(2)(b)	\$5,000	6 months	Not applicable
12	Loitering or waiting passengers at a place other than a taxi stand causing obstruction to traffic, not queuing up in a taxi stand for picking up passenger, or attempting to cherry-pick passengers near a taxi stand	374D	45(2)(c)	\$5,000	6 months	Not applicable
13	When picking up passengers from any place of public amusement or assembly, not following the direction by a police officer or traffic warden to drive the taxi away in such manner as to cause the minimum of obstruction and congestion	374D	45(2)(d)	\$5,000	6 months	Not applicable

No.	Offence	Regulation	Section	Fine	Imprisonment	Disqualification of driving qualification
14	Not commence or stop recording by moving the position of the taximeter indicator	374D	49(2)	\$5,000	6 months	Not applicable
15	Parking at a taxi stand where parking is not permitted, or outside the permitted hours	374D	34(2)	\$3,000	6 months	Not applicable
16	Conduct of driver at a taxi stand (e.g. taxi driver not moving up his taxi as vacancies occur, taxi drivers of the first two taxis at a taxi stand not sitting in or standing beside the vehicle, etc.)	374D	36	\$3,000	6 months	Not applicable
17	General conduct of driver (e.g. no smoking in or on the vehicle, take all reasonable precautions to ensure the safety of passengers, no unreasonably delay of the journey, etc.)	374D	45(1)	\$3,000	6 months	Not applicable
18	A taxi available for hire not displaying the taximeter indicator and not keeping the roof "TAXI" sign illuminated during hours of darkness	374D	49(1)	\$3,000	6 months	Not applicable

No.	Offence	Regulation	Section	Fine	Imprisonment	Disqualification of driving qualification
19	Stop to pick up passengers at a place other than a taxi stand or when no passenger has indicated his request	374D	33(5)	\$2,000	Not applicable	Not applicable
20	Carrying goods other than personal hand baggage	374D	41(1)	\$2,000	Not applicable	Not applicable
21	Not wearing his badge in a conspicuous position when on duty	374D	43(2)	\$2,000	Not applicable	Not applicable
22	Not ensuring the vehicle being kept in a clean and tidy condition	374D	44	\$2,000	Not applicable	Not applicable
23	Not correctly displaying the fare table, registration mark of the vehicle and driver identity plate in accordance with the specified specifications	374D	51	\$2,000	Not applicable	Not applicable
24	Not observing Cap. 374D in handling lost property	374D	53,54, 55	\$2,000	Not applicable	Not applicable

Annex 2

**Implementing a two-tier penalty system
for offences of a more serious nature**

The Government proposes a two-tier penalty system for the six offences of a more serious nature, namely overcharging, refusal to hire, not using the most direct practicable route, soliciting, and defacing, damaging or altering of taximeters. The present level of penalty will be maintained for offending taxi drivers on first conviction, viz. a maximum fine at level 3 (\$10,000) and imprisonment for 6 months; whereas the penalty for second or subsequent conviction will be increased to a maximum fine at level 4 (\$25,000) and imprisonment for 12 months. We have considered the following factors –

- (a) Having reviewed the seriousness and prevalence of the existing 24 taxi driver-related offences, and by drawing reference from the relevant case law of the Court in the past, we consider that the first six offences listed in Annex 1 (namely overcharging, refusal to hire, not using the most direct practicable route, soliciting, and defacing, damaging or altering of taximeters) are related to fraudulent conduct, resulting in passengers being charged at rates higher than the normal fare, and/or directly affecting the provision of point-to-point taxi service. As such, we consider that it is reasonable to raise the penalty level for offences of a more serious nature;
- (b) Although the Court may impose imprisonment¹⁰ and disqualify the driver from driving taxi for a certain period of time¹¹ for offences of a more serious nature (such as overcharging and refusal to hire) under the existing legislation, and the Court will generally impose a higher penalty for repeated offenders, the number of taxi drivers who have committed those offences is still on the rise. Take overcharging as an example. From 2012 to

¹⁰ Regulation 57(4) of the Road Traffic (Public Service Vehicles) Regulations (Cap. 374D).

¹¹ Sections 69(1)(f) and (2) of the Road Traffic Ordinance (Cap. 374).

2016, the highest penalties imposed by the Court were a fine of \$7,000, imprisonment for 3 months and licence suspension for 12 months. Nevertheless, the number of prosecution cases on overcharging still rose from 47 in 2013 to 62 in 2017;

- (c) At present, there are similar two-tier penalty systems under other provisions in the Road Traffic Ordinance (Cap. 374). Take driving a motor vehicle with alcohol concentration above prescribed limit as an example. The offender is liable on summary conviction on a first offence to a fine at level 3 (\$10,000) and to imprisonment for 6 months; and on a second or subsequent conviction to a fine at level 4 (\$25,000) and to imprisonment for 12 months¹². Moreover, given that the offences of a more serious nature mentioned in paragraph (a) above involve fraud, we have therefore made reference to section 12 of the Weights and Measures Ordinance (Cap. 68). The maximum fine for fraud in using for trade weighing or measuring equipment is \$20,000, which is similar to a fine at level 4; and
- (d) For the other offences in Annex 1, as they are of a less serious nature and the number of prosecutions and complaint cases against such offences was relatively smaller in the past, we propose that the existing penalties be maintained, i.e. the two-tier penalty system will not be applicable to these offences.

¹² Other examples include sections 39A, 39B(6), 39C(5) and 39J(1) of the Road Traffic Ordinance as well as regulation 61(1) of the Road Traffic (Traffic Control) Regulations.

Introducing the Taxi Driver-Offence Points System

Under the existing legislation, the Court may disqualify taxi drivers who have committed taxi driver-related offences from driving a taxi for a certain period of time as the Court thinks fit. However, the imposition of such penalty is limited to certain offences of a more serious nature, such as overcharging, refusal to hire, and not using the most direct practicable route. In response to the earlier proposals from the community and the taxi trade, we propose introducing a Taxi Driver-Offence Points System by making reference to the existing Driving-Offence Points System under the Road Traffic (Driving-Offence Points) Ordinance (Cap. 375)¹³. The system will **mainly cover offences related to taxi drivers' service which are punishable by heavier penalties under the existing legislation**. It aims to enhance the overall deterrent effect, particularly on taxi drivers who have repeatedly committed various malpractices related to taxi services. This is to send a clear message to the drivers – If they repeatedly commit the relevant offences, they will ultimately be disqualified from driving a taxi for a certain

¹³ The Driving-Offence Points System was implemented on 25 August 1984. Any scheduled offence committed as from that date attracts driving-offence points if the driver is convicted by any court or the driver becomes liable to the fixed penalty. With a view to improving road safety, the main purposes of the system are to deter habitual traffic offenders and to improve the driving standard in order to reduce the deaths or injuries arising from the traffic accidents. The system does not cover all traffic offences, but only 50-odd items of offences which have a direct bearing on road safety are included. If drivers have incurred 8 points or more, but less than 15 points, the TD will issue an Advice of Driving-Offence Points to them. This Advice will detail their Driving-Offence Points in respect of the offences they committed within a period of two years, and also remind them of the consequences when more points are accumulated. The Advice aims to alert drivers to the importance of improving their driving behaviour. If drivers have incurred 10 or more points in respect of offences committed within a period of two years, the TD will issue an Obligatory Attendance of Driving Improvement Course Notice to them. They must attend and complete a driving improvement course at their own cost within three months from the issue date of the Notice. If drivers have incurred 15 or more points in respect of offences committed within a two-year period, they can be disqualified by a court from holding or obtaining a driving licence. Whilst the period of disqualification for the first time will be three months, this will be increased to six months for any subsequent convictions. Driving-Offence Points are incurred for each offence committed and counted individually, irrespective of whether the offences have arisen from the same incident. A summons will be issued by the court to the drivers once they have incurred 15 or more points for traffic offences within a two-year period. Any points not included in the summons will be carried forward. When they have incurred 15 or more points again within a two-year period, the driver will receive another summons.

period of time when the offence points accumulated reach the maximum level under the offence points system.

2. In the course of formulating the proposed system, we have reviewed the nature and seriousness of the existing taxi driver-related offences, and allocated offence points with reference to the existing penalty level of relevant offences. We have also consulted the CTSQ and the trade through the taxi trade conferences on the preliminary proposals. In view of the comments and concerns of the Committee and the taxi trade regarding the offence points system, we now propose to implement an offence points system targeting only those malpractices of a more serious nature, involving fraudulent behaviour and having a grave impact on the taxi service quality. Details are set out at the **Table**. In brief, items 1 to 6 in the **Table** are awarded the highest point of 10, while items 7 to 11 are awarded 5 points. As regards the other 13 taxi-related offences listed in Annex 1, as there were basically not many convictions for these offences in the past¹⁴ and some of them concern malpractices of a relatively minor nature, we do not propose to include them in the Taxi Driver-Offence Points System.

3. Similar to the existing Driving-Offence Points System, the offence points incurred will be effective from the date that the offence has been committed after such has been convicted before the Court. If the driver lodges an appeal against the conviction, the points incurred by the driver for the offence will be invalidated until the appeal is determined. After the appeal is determined, the points incurred will also be effective from the date that the offence is committed. The points for each contravention, whether or not arising from the same incident, will be counted individually.

4. If the taxi driver has incurred 15 or more points in respect of offences committed within a two-year period (calculated on a rolling basis), the Court may disqualify the driver from holding or obtaining a taxi driving licence. In the case of disqualification for the first time, it will last for 3 months. If the taxi driver has incurred another 15 points subsequently, he or she will be disqualified for 6 months. Procedurally, when the taxi driver has incurred 15

¹⁴ The conviction figures were relatively higher for the malpractices of parking at taxi stands not permitted for use, or parking at taxi stands during non-permitted period. As this offence is common traffic contravention by nature and not related to the taxi service quality, we do not propose to include it in the Taxi Driver-Offence Points System.

points in respect of offences committed within a two-year period, a summons will be served by the Court, and the magistrate will make an order to disqualify the taxi driver from holding or obtaining a taxi driving licence. Any other points not included in the summons will be carried forward. In other words, when the taxi driver has incurred another 15 points within a two-year period, the taxi driver will receive another summons from the Court.

5. When the taxi driver has incurred 10 points or more, but less than 15 points, the TD will issue an Advice of Taxi Driving-Offence Points to the driver. The Advice will provide the details of the Taxi Driving-Offence Points in respect of the offences which are committed by the driver within a two-year period. It serves to remind the taxi driver of the consequences in a timely manner if more points are accumulated, and to alert the driver to improve his or her service behaviour and attitude. Having regard to the feedback from the trade, we will consider making reference to the existing arrangement of the Driving-Offence Points System – If the taxi driver has incurred 10 or more points in respect of taxi driver-related offences committed within a two-year period, the TD will issue an Obligatory Attendance of Taxi Service Improvement Course¹⁵ Notice. The taxi driver must attend and complete the improvement course at his or her own cost within 3 months from the issue date of the Notice. With the completion of the course, 3 points can be deducted from the total points accumulated.

6. The points incurred for the offences committed will be nullified upon the lapse of the two-year validity period or upon being disqualified from holding or obtaining a taxi driving licence.

7. The above proposed Taxi Driver-Offence Points System will be applicable to individuals who are holding or obtaining taxi driving licences at present or in the future.

¹⁵ The TD will consider engaging a service provider to provide the Taxi Service Improvement Course concerned, which is expected to cover areas such as taxi service-related legislation, safe driving, conflict management, effective communication skills and complaint handling, etc.

Annex 3
(Table)

Proposed Taxi Driver-Offence Points System

11 Offences recommended to be included in the System

No.	Offence	Regulation	Section	Proposed Offence Points
1	Overcharging	374D	47(2)	10
2	Refuse or neglect to accept a hire	374D	37(a)	
3	Refuse or neglect to drive the taxi to the place indicated by the passenger	374D	37(b)	
4	Not using the most direct practicable route	374D	37(d)	
5	Soliciting	374D	40	
6	Damaging, defacing or altering taximeters	374A	121(4)	
7	Refuse to carry the number of passengers in compliance with the legislation	374D	37(c)	5
8	When a taxi is hired, permitting any person other than the hirer to enter the taxi without the consent of the hirer (commonly known as “taxi pooling”)	374D	37(e)	
9	Refuse to issue a receipt	374D	37(f)	
10	Deceive or refuse to inform a passenger as to the proper fare and route to any place	374D	45(2)(a)	
11	Not commence or stop recording by moving the position of the taximeter indicator	374D	49(2)	

Amending Obsolete Offence Provisions

There are views that certain provisions of the Road Traffic (Public Service Vehicles) Regulations (Cap. 374D) may not suit the present circumstances or may be overlapping with other legislation. We have conducted a review, with results as follows –

- (a) Regulation 43(2) (The driver shall wear his badge in a conspicuous position when on duty): As drivers are no longer required to wear badges, we propose to repeal this provision;
- (b) Regulation 45(2)(b) (A taxi driver shall at all times carry not less than \$90 in notes of a denomination of \$10 or in coins of a denomination of \$2 or more; and \$10 in coins of a denomination of \$1 or less): Some are of the view that with the increasing popularity of electronic payment means, it may not be necessary for drivers to carry coins; while others consider that the amount should be increased. We consider that in spite of the increasing popularity of electronic payment means, taxi drivers have the duty to maintain sufficient small denomination notes and coins so as to give change to passengers who pay the fare in cash. The requirement on driver to carry a total sum of \$100 in small denomination notes and coins is just a minimum requirement and the level is reasonable. As such, we consider that this provision should be retained, but not be included in the proposed Taxi Driver-Offence Points System;
- (c) Regulation 45(2)(c) (A taxi driver shall, while the taxi is available for hire, not loiter or stop elsewhere than at a taxi stand except through accident or unavoidable cause): This provision seeks to deter several taxi malpractices, including (i) the creation of taxi stands at inappropriate places and causing obstruction to traffic; (ii) improper behaviour of taxi drivers, e.g. picking up passengers nearby a taxi stand without queuing up in a taxi stand; and (iii) taxi driver stopping near a taxi stand and cover their taximeters in order

to cherry-pick passengers. This provision is very important in maintaining the order of taxi services, and so we consider that that this provision should be retained, but not be included in the proposed Taxi Driver-Offence Points System. We understand that there are views that the term “loiter” may cause misunderstanding. We will further explore amending the relevant wording of the provision, in order to reflect more clearly the aforesaid policy intention;

- (d) Regulation 45(2)(d) (A taxi driver shall, while travelling to or picking up passengers from any place of public amusement or assembly, draw up in order of arrival and, subject to any direction by a police officer or traffic warden in uniform, drive in such manner as to cause the minimum of obstruction and congestion): According to the Police, such cases of malpractices may be prosecuted by invoking section 61 of the Road Traffic Ordinance (Cap. 374) (neglecting or refusal to obey any direction of the police officer or traffic warden) and other parking contravention or traffic management offence provisions¹⁶. Between 2012 and 2016, no taxi drivers have been convicted for this offence. As such, we propose that this provision be repealed; and

- (e) Regulation 34(2) (The driver of a public light bus or a taxi shall not park his vehicle at a public light bus stand or a taxi stand not permitted for use or during non-permitted period): Between 2013 and 2017, there were about 700 prosecutions instituted based on this provision per annum on average. This provision can effectively control the vehicles parked illegally at taxi stands, and is vital to the maintaining the operation of the taxi stands. Other relevant parking provisions cannot fully replace the functions of this provision (e.g. the traffic signs referred to in Regulation 4 of the Road Traffic (Parking) Regulations (Cap. 374C) do not cover those traffic signs targeting taxi and light bus stands in this provision). Hence, we consider that this provision should be retained, but not be included in the proposed Taxi Driver-Offence

¹⁶ Examples include: section 4 of the Fixed Penalty (Traffic Contraventions) Ordinance (Cap. 237) (obstruction on roads by motor vehicles), regulation 59 of Road Traffic (Traffic Control) Regulations (Cap. 374G) (failure to comply with traffic signs and road markings), etc.

Points System.

2. Furthermore, there are views that the general conduct of drivers and the requirement to keep the vehicle in a clean and tidy condition may not need to be stipulated in the legislation. We have to stress that these are basic requirements for drivers of public service vehicles, which aim to provide comfortable service to passengers. As such, we consider it necessary to retain these provisions.