

Franchised Taxi Services Bill

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A BILL

To

Introduce the services of franchised taxis through empowering the granting of franchises and establishing a regulatory system; and to provide for incidental and related matters.

Enacted by the Legislative Council.

Part 1

Preliminary

1. Short title and commencement

- (1) This Ordinance may be cited as the Franchised Taxi Services Ordinance.
- (2) This Ordinance comes into operation on a day to be appointed by the Secretary for Transport and Housing by notice published in the Gazette.

2. Interpretation

In this Ordinance—

available guarantee (可用擔保), in relation to a franchisee, means the part of a guarantee provided by the franchisee under section 8(1) or (2) that has not been enforced under section 17;

- Commissioner** (署長) means the Commissioner for Transport;
- franchise** (專營權)—see section 4(1);
- franchise fee** (專營費)—see section 4(3)(d);
- franchised taxi** (專營的士) has the meaning given by section 2 of the Road Traffic Ordinance (Cap. 374);
- franchised taxi service** (專營的士服務) means a service provided under a franchise;
- franchisee** (專營公司) means a company to which a franchise is granted;
- order** (命令) means an order published in the Gazette;
- Secretary** (局長) means the Secretary for Transport and Housing;
- validity period** (有效期)—see section 4(3)(a).

3. **Restrictions on use of franchised taxis**

- (1) A franchisee commits an offence if it uses, or causes or permits the use of, a franchised taxi to provide a service for the carriage of passengers when its franchise is not in force.
 - (2) Except with the written approval of the Commissioner, a person commits an offence if the person uses, or causes or permits the use of, a franchised taxi to carry out other activities not connected with the provision of a franchised taxi service.
 - (3) For subsections (1) and (2), it is immaterial whether the service concerned is provided, or the activities concerned are carried out, for reward.
 - (4) A person who commits an offence against subsection (1) or (2) is liable on conviction to a fine at level 6.
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Part 2

Franchises

4. Grant of franchises

- (1) The Chief Executive in Council may grant to a registered company a right (*franchise*) to—
 - (a) provide, according to the individual itineraries of the members of the public, a service (including any ancillary service) for the carriage of passengers by using franchised taxis; and
 - (b) charge the fares for the service according to the Schedule.
- (2) A franchise may be granted following a public tender or in another way that the Chief Executive in Council considers appropriate.
- (3) The Chief Executive in Council must, on granting a franchise to a franchisee, specify—
 - (a) the period for which the franchise is valid (*validity period*);
 - (b) the maximum number of franchised taxis that the franchisee may register for the franchise;
 - (c) the maximum number of franchised taxis that may be used, at any one time, to provide a franchised taxi service under the franchise; and
 - (d) the fee that the franchisee undertakes to pay for the grant of the franchise (*franchise fee*).
- (4) A franchise is subject to any terms imposed by the Chief Executive in Council on granting the franchise.
- (5) In this section—

registered company (註冊公司) means—

- (a) a company registered under the Companies Ordinance (Cap. 622); or
- (b) a company registered under Part IX of the Companies Ordinance (Cap. 32) as in force from time to time before 3 March 2014.

5. Amendment of franchises

Without affecting any other provision of this Ordinance, the Chief Executive in Council may, with the written consent of a franchisee, amend its franchise.

6. Validity period

- (1) The validity period of a franchise must not exceed 5 years.
- (2) However, if—

- (a) the Chief Executive in Council is satisfied that a franchisee is capable of maintaining a proper and efficient franchised taxi service; and
- (b) having regard to the need of providing continuous franchised taxi services to the public, the Chief Executive in Council considers it appropriate to extend the validity period,

the Chief Executive in Council may, on one occasion only and with the written consent of the franchisee, extend the validity period for a period not exceeding one year.

- (3) Before the Chief Executive in Council extends the validity period of the franchise, the Chief Executive in Council must, by written notice given to the franchisee not less than 6 months before the expiry of the validity period, notify the franchisee of the extension and its length.

- (4) If the Chief Executive in Council extends the validity period of the franchise, the Chief Executive in Council may specify anew the maximum number referred to in section 4(3)(b) or (c) in relation to the franchise.

7. Franchise fees

- (1) A franchisee must pay the franchise fee concerned to the Commissioner within 30 days after the date on which its franchise is granted.
- (2) If the Chief Executive in Council is satisfied that a franchisee, without reasonable cause, fails to comply with subsection (1), the Chief Executive in Council may revoke the franchisee's franchise.
- (3) The revocation takes effect on the date specified by the Chief Executive in Council.
- (4) A franchise revoked under subsection (2) is regarded as being revoked under section 20.

8. Guarantee

- (1) After a franchisee is granted a franchise, it must provide a guarantee to the Commissioner before the deadline specified by the Commissioner.
- (2) If the Commissioner enforces a guarantee in relation to a franchisee under section 17, the franchisee must, within 30 days after the date of enforcement, provide a further guarantee so that the guarantee provided to the Commissioner in respect of its franchise is maintained at the same level as the guarantee provided under subsection (1).
- (3) The guarantee under subsection (1) or (2) must be provided in the way specified by the Commissioner.

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- (4) The Commissioner must discharge a franchisee's available guarantee as soon as reasonably practicable after—
- (a) the expiry of its franchise; or
 - (b) if its franchise is revoked under section 20—the revocation.

9. Restrictions on assignment of franchises etc.

A franchisee must not, without the approval of the Chief Executive in Council—

- (a) assign its franchise or any part of its franchise; or
 - (b) otherwise dispose of its franchise or any part of its franchise.
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Part 3

Regulation of Franchised Taxi Services

10. Maintaining proper and efficient services

- (1) A franchisee must, during any period for which the franchise is valid, maintain a proper and efficient franchised taxi service to the satisfaction of the Commissioner.
- (2) Without limiting the matters to which the Chief Executive in Council or the Commissioner may have regard, whenever the Chief Executive in Council or the Commissioner is determining, for the purposes of this Ordinance, whether a franchisee maintains, or is capable of maintaining, a proper and efficient franchised taxi service, the Chief Executive in Council or the Commissioner may have regard to whether the franchisee maintains a franchised taxi service in conformity with this Ordinance (including a direction or requirement given under this Ordinance) and its franchise.

11. Fares

- (1) The Schedule sets out the scale of fares for franchised taxi services.
- (2) Regulation 47(3) and (4) of the Road Traffic (Public Service Vehicles) Regulations (Cap. 374 sub. leg. D) (*Regulations*) applies in relation to a franchised taxi in the same way as it applies in relation to a taxi.
- (3) For subsection (2)—
 - (a) the reference to “personal hand baggage” in regulation 47(3) of the Regulations is to be construed as a reference to “articles”;

- (b) the reference to “taxi” in the English text of regulation 47(3) of the Regulations is to be construed as a reference to “franchised taxi”;
 - (c) the reference to “taxi” in regulation 47(4) of the Regulations is to be construed as a reference to “franchised taxi”;
 - (d) the reference to “baggage” in regulation 47(4) of the Regulations is to be construed as a reference to “articles”; and
 - (e) the reference to “Schedule 5” in regulation 47(4) of the Regulations is to be construed as a reference to the Schedule.
- (4) The Chief Executive in Council may by order amend the Schedule.

12. Maximum number of franchised taxis

- (1) The total number of franchised taxis that may be used, at any one time, by all franchisees to provide franchised taxi services under valid franchises must not exceed 600.
- (2) The Chief Executive in Council may by order amend the number specified in subsection (1).

13. Franchisees may be given directions or requirements

- (1) The Chief Executive in Council, the Secretary or the Commissioner may, after consulting a franchisee, give the franchisee a written direction or requirement in respect of a matter that relates to its franchise or the franchised taxi service provided by it.
- (2) A direction or requirement referred to in subsection (1)—
 - (a) may be given either generally or in a particular case; and

- (b) must not be inconsistent with this Ordinance or the relevant franchise.
- (3) This section does not affect section 14 or 15.

14. **Inspection and maintenance of franchised taxis**

- (1) The Commissioner, or a person authorized by the Commissioner in writing, may—
 - (a) at any reasonable time inspect any franchised taxi of a franchisee; and
 - (b) require the franchisee to carry out specified maintenance or other work for a specified franchised taxi within a specified time.
- (2) The franchisee is to bear—
 - (a) all reasonable costs incurred in any inspection made under subsection (1)(a); and
 - (b) all costs incurred in any work carried out under subsection (1)(b).
- (3) In this section—

specified (指明) means specified in writing by the Commissioner or the person authorized by the Commissioner, as may be appropriate.

15. **Keeping documents etc.**

- (1) The Commissioner may require a franchisee to—
 - (a) keep to the satisfaction of the Commissioner any record, receipt, account or other document that relates to the franchised taxi service provided by the franchisee (*relevant document*); and

- (b) provide the Commissioner, or a person authorized by the Commissioner in writing, with a copy of a specified relevant document at a specified time and in a specified way.
- (2) The Commissioner, or a person authorized by the Commissioner in writing, may—
 - (a) at any reasonable time inspect any relevant document; and
 - (b) make and take away copies of any relevant document.
- (3) In this section—

specified (指明) means specified in writing by the Commissioner or the person authorized by the Commissioner, as may be appropriate.

16. Financial penalty

- (1) If—
 - (a) there is any non-compliance by a franchisee;
 - (b) the Commissioner is satisfied that the franchisee has had a reasonable opportunity to comply with this Ordinance (including a direction or requirement given under it) and the franchisee;
 - (c) the Commissioner has notified the franchisee in writing of the non-compliance and its details; and
 - (d) the franchisee has been given a reasonable opportunity to make a representation in writing to show cause why a financial penalty should not be imposed under this section in respect of the non-compliance (*written representation*), and—
 - (i) the franchisee has not made a written representation; or

- (ii) the franchisee has made a written representation and the Commissioner, having considered the representation, is of the opinion that the franchisee has not shown reasonable cause why the penalty should not be imposed,
- the Commissioner may, by written notice to the franchisee, impose a financial penalty on the franchisee.
- (2) The written notice must specify—
- (a) the amount of the financial penalty; and
 - (b) the deadline for payment.
- (3) The amount specified under subsection (2)(a) must not exceed—
- (a) for the first occasion on which a financial penalty is imposed in respect of a franchise and a non-compliance of a certain nature—\$10,000;
 - (b) for the second occasion on which a financial penalty is imposed in respect of the franchise and a non-compliance of the same nature—\$20,000; or
 - (c) for the third or subsequent occasion on which a financial penalty is imposed in respect of the franchise and a non-compliance of the same nature—\$50,000.
- (4) For subsection (3), whether two non-compliances are of the same nature is to be determined by the Commissioner.
- (5) The deadline specified under subsection (2)(b) must not be earlier than the relevant deadline for appealing under section 22(2).
- (6) If the franchisee appeals under section 22(2) against the Commissioner's decision to impose a financial penalty and the appeal is dismissed or withdrawn, the franchisee must,

within 30 days after the date of dismissal or withdrawal, pay the penalty.

(7) In this section—

non-compliance (違規), in relation to a franchisee, means—

- (a) its failure to comply with this Ordinance (including a direction or requirement given under it); or
- (b) provision of a franchised taxi service by it otherwise than in conformity with its franchise.

17. Recovery of unpaid financial penalty

If a franchisee on which a financial penalty is imposed under section 16(1) fails to pay the penalty in full before the deadline referred to in section 16(2)(b) or (6), as may be appropriate—

- (a) if the franchisee has an available guarantee that is not less than the amount of the penalty—the Commissioner may enforce the guarantee to the extent of an amount equivalent to the penalty so that the franchisee's liability to pay the penalty is fully discharged;
- (b) if the franchisee has an available guarantee that is less than the amount of the penalty—
 - (i) the Commissioner may enforce the entire guarantee so that the franchisee's liability to pay the penalty is discharged to the extent of the amount equivalent to the guarantee; and
 - (ii) the remaining sum of the penalty that is not paid under subparagraph (i) is recoverable by the Government from the franchisee as a civil debt; or

- (c) if the franchisee has no available guarantee—the penalty is recoverable by the Government from the franchisee as a civil debt.

Part 4

Suspension or Revocation of Franchises

18. Application of Part 4

This Part applies if the Chief Executive in Council considers that a franchisee, without reasonable cause, has failed, or is likely to fail, to maintain a proper and efficient franchised taxi service.

19. Suspension of franchises

- (1) The Chief Executive in Council may direct the Commissioner to issue a notice to the franchisee expressing the intention to suspend its franchise.
- (2) The notice must—
 - (a) state the reason for the intention to suspend the franchise; and
 - (b) invite the franchisee to make a representation in writing, within 28 days after the date on which the notice is served on the franchisee, to show cause why the franchise should not be suspended (*written representation*).
- (3) If, after the expiry of the period referred to in subsection (2)(b)—
 - (a) the franchisee has not made a written representation; or
 - (b) the franchisee has made a written representation and the Chief Executive in Council, having considered the representation, is of the opinion that the franchisee has not shown reasonable cause why the franchise should not be suspended,

the Chief Executive in Council may suspend the franchise.

- (4) The suspension takes effect on the date and for a period not exceeding 6 months specified by the Chief Executive in Council.
- (5) If a franchise is suspended, the Chief Executive in Council must—
 - (a) serve a notice of the suspension on the franchisee; and
 - (b) as soon as reasonably practicable after serving the notice, publish it in the Gazette.
- (6) A suspension of a franchise may cover all or any number of the franchised taxis of the franchisee. The number of franchised taxis covered by the suspension may be specified by the Chief Executive in Council in the notice served under subsection (5)(a).

20. Revocation of franchises

- (1) The Chief Executive in Council may direct the Commissioner to issue a notice to the franchisee expressing the intention to revoke its franchise.
- (2) The notice must—
 - (a) state the reason for the intention to revoke the franchise; and
 - (b) invite the franchisee to make a representation in writing, within 28 days after the date on which the notice is served on the franchisee, to show cause why the franchise should not be revoked (*written representation*).
- (3) If, after the expiry of the period referred to in subsection (2)(b)—

- (a) the franchisee has not made a written representation;
or
 - (b) the franchisee has made a written representation and the Chief Executive in Council, having considered the representation, is of the opinion that the franchisee has not shown reasonable cause why the franchise should not be revoked,
- the Chief Executive in Council may revoke the franchise.
- (4) The revocation takes effect on the date specified by the Chief Executive in Council.
 - (5) If a franchise is revoked, the Chief Executive in Council must—
 - (a) serve a notice of the revocation on the franchisee;
and
 - (b) as soon as reasonably practicable after serving the notice, publish it in the Gazette.

21. No compensation for suspension or revocation

A franchisee is not entitled to compensation in respect of—

- (a) a suspension of franchise under section 19; or
 - (b) a revocation of franchise under section 20.
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Part 5

Miscellaneous

22. Appeal

- (1) This section applies if a franchisee is aggrieved by a decision, direction or requirement made or given under this Ordinance or the franchise by—
 - (a) the Secretary (including a person authorized by the Secretary); or
 - (b) the Commissioner (including a person authorized by the Commissioner).
- (2) The franchisee may, within 28 days after the date on which the decision, direction or requirement is made or given, appeal by way of petition to the Chief Executive in Council.
- (3) The decision of the Chief Executive in Council on the appeal is final.
- (4) Unless the Chief Executive in Council otherwise directs, if an appeal is made under subsection (2), the relevant decision, direction or requirement does not take effect until the appeal is determined by the Chief Executive in Council or withdrawn by the franchisee.

23. Regulations

- (1) The Chief Executive in Council may make a regulation for all or any of the following matters—
 - (a) designating and regulating franchised taxi stands;
 - (b) prescribing the general duties of a franchisee;
 - (c) prescribing the general duties of the driver of a franchised taxi;

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- (d) prescribing the general duties of passengers of a franchised taxi;
 - (e) regulating the carriage of articles or animals in a franchised taxi;
 - (f) regulating the handling of property left by a passenger in a franchised taxi;
 - (g) specifying offences for the purposes of section 69 of the Road Traffic Ordinance (Cap. 374) in respect of franchised taxis;
 - (h) generally, the better carrying out of the purposes of this Ordinance.
- (2) The regulation may provide that the contravention of a specified provision constitutes an offence punishable by a fine not exceeding level 3 and imprisonment not exceeding 6 months.
- (3) Without affecting section 28(1)(c) of the Interpretation and General Clauses Ordinance (Cap. 1), the Secretary may by regulation amend the regulation made under subsection (1) (including any provisions referred to in subsection (2)).
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Part 6

Related and Consequential Amendments

Division 1—Enactments Amended

24. Enactments amended

The enactments specified in Divisions 2 to 33 are amended as set out in those Divisions.

Division 2—Amendments to Specification of Public Offices Notice (Cap. 1 sub. leg. C)

25. Schedule amended (specification of public offices)

- (1) The Schedule, after the entry relating to the Commissioner for Transport specified for the purposes of the Tsing Sha Control Area (Tolls, Fees and Charges) Regulation (Cap. 594 sub. leg. B)—

Add

“Commissioner for Transport	Franchised Taxi Services Ordinance (of 2019).”.
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- (2) The Schedule, after the entry relating to the Secretary for Transport and Housing specified for the purposes of the Roads (Works, Use and Compensation) Ordinance (Cap. 370)—

Add

“Secretary for Transport and Housing	Franchised Taxi Services Ordinance (of 2019).”.
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**Division 3—Amendments to Telecommunications
(Telecommunications Apparatus) (Exemption from
Licensing) Order (Cap. 106 sub. leg. Z)**

26. Section 2 amended (interpretation)

Section 2—

Add in alphabetical order

“*franchised taxi* (專營的士) has the meaning given by section 2 of the Road Traffic Ordinance (Cap. 374);”.

27. Section 4 amended (exemption for radiocommunications apparatus relating to taxis)

(1) Section 4, heading, after “**taxis**”—

Add

“**or franchised taxis**”.

(2) Section 4(1), after “**taxis**”—

Add

“or franchised taxis”.

28. Section 5 amended (exemption for other radiocommunications apparatus)

Section 5(1)(a)(iv), after “**taxis**”—

Add

“or franchised taxis”.

Division 4—Amendments to Dutiable Commodities Ordinance (Cap. 109)

29. Section 15 amended (seizure of things used for commission of offences)

Section 15—

Repeal subsection (2)

Substitute

“(2) In subsection (1)—

public transport (公共交通工具), in relation to a vehicle, means a taxi, franchised taxi, or public bus, as defined by section 2 of the Road Traffic Ordinance (Cap. 374).”.

30. Section 19 amended (goods embarked for export not to be relanded)

Section 19—

Repeal subsection (2)

Substitute

“(2) In subsection (1)—

public transport (公共交通工具), in relation to a vehicle, means a taxi, franchised taxi, public light bus, or public bus, as defined by section 2 of the Road Traffic Ordinance (Cap. 374).”.

Division 5—Amendment to Inland Revenue Rules (Cap. 112 sub. leg. A)

31. Rule 2 amended (rates of depreciation)

Rule 2, Table, First Part, item 15—

Repeal

“Taxi meters”

Substitute

“Taximeters, or franchised taxi meters, as defined by section 2 of the Road Traffic Ordinance (Cap. 374)”.

Division 6—Amendment to Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240)

32. Schedule amended (offence)

(1) The Schedule, item 20, after “taxi stand/”—

Add

“franchised taxi stand/”.

(2) The Schedule, item 50, after “taxi”—

Add

“or franchised taxi”.

Division 7—Amendments to Fixed Penalty (Criminal Proceedings) Regulations (Cap. 240 sub. leg. A)

33. Schedule amended

(1) The Schedule, Form 1, list of offences and fixed penalty, code number 20, after “的士站”—

Add

“、專營的士站”.

(2) The Schedule, Form 1, list of offences and fixed penalty, code number 20, after “taxi stand/”—

Add

“franchised taxi stand/”.

- (3) The Schedule, Form 1, list of offences and fixed penalty, code number 50, after “的士”—

Add

“或專營的士”.

- (4) The Schedule, Form 1, list of offences and fixed penalty, code number 50, after “taxi”—

Add

“or franchised taxi”.

Division 8—Amendments to Frontier Closed Area (Permission to Enter) Notice (Cap. 245 sub. leg. H)

34. Section 1A amended (interpretation)

- (1) Section 1A, English text, definition of *specified route*—

Repeal the full stop

Substitute a semicolon.

- (2) Section 1A—

Add in alphabetical order

“*franchised taxi* (專營的士) has the meaning given by section 2 of the Road Traffic Ordinance (Cap. 374);

taxi (的士) has the meaning given by section 2 of the Road Traffic Ordinance (Cap. 374).”.

35. Schedule amended

- (1) The Schedule, Part 1, item 2C, after “taxis”—

Add

“, franchised taxis”.

- (2) The Schedule, Part 1, item 2D, after “taxis”—
Add
“and franchised taxis.”.

**Division 9—Amendments to Shenzhen Bay Port Hong Kong
Port Area (Permission to Enter) Notice (Cap. 245 sub.
leg. K)**

36. Section 2 amended (interpretation)

- (1) Section 2, English text, definition of *specified route*—

Repeal the full stop

Substitute a semicolon.

- (2) Section 2—

Add in alphabetical order

“*franchised taxi* (專營的士) has the meaning given by section 2 of the Road Traffic Ordinance (Cap. 374);

taxi (的士) has the meaning given by section 2 of the Road Traffic Ordinance (Cap. 374).”.

37. Schedule amended

- (1) The Schedule, item 2, after “taxis,”—

Add

“and franchised taxis,”.

- (2) The Schedule, item 5, after “taxis”—

Add

“, franchised taxis”.

**Division 10—Amendment to Dangerous Goods (General)
Regulations (Cap. 295 sub. leg. B)**

- 38. Regulation 7 amended (explosives not permitted in public vehicles)**

Regulation 7, after “taxi”—

Add

“(as defined by section 2 of the Road Traffic Ordinance (Cap. 374)), franchised taxi (as defined by section 2 of the Road Traffic Ordinance (Cap. 374))”.

Division 11—Amendments to Air Pollution Control (Vehicle Design Standards) (Emission) Regulations (Cap. 311 sub. leg. J)

- 39. Regulation 2 amended (interpretation)**

Regulation 2—

Add in alphabetical order

“*franchised taxi* (專營的士) has the meaning given by section 2 of the Road Traffic Ordinance (Cap. 374);”.

- 40. Regulation 7F amended (vehicle design standards for private cars and taxis registered on or after 1 July 2017)**
- (1) Regulation 7F, heading—
Repeal
“and taxis”
Substitute
“, taxis and franchised taxis”.
- (2) Regulation 7F(3) and (5)—
Repeal
“or taxi” (wherever appearing)
Substitute
“, taxi or franchised taxi”.
- (3) Regulation 7F(8), (10), (12) and (14), after “taxi” (wherever appearing)—
Add
“or franchised taxi”.
- 41. Regulation 10 amended (requirements as to engine and fuel)**
- (1) Regulation 10(1), after “taxi”—
Add
“, a franchised taxi”.
- (2) Regulation 10(3), after “taxi” (wherever appearing)—
Add
“or franchised taxi”.

**Division 12—Amendments to Motor Vehicles (First
Registration Tax) Ordinance (Cap. 330)**

42. Section 2 amended (interpretation)

(1) Section 2(1), definition of *private car*—

Repeal

“or taxi”

Substitute

“, taxi or franchised taxi”.

(2) Section 2(1)—

Repeal the definition of *taxi*

Substitute

“*taxi* (的士) has the meaning given by section 2 of the Road Traffic Ordinance (Cap. 374);”.

(3) Section 2(1)—

Repeal the definition of *taximeter*.

(4) Section 2(1)—

Add in alphabetical order

“*franchised taxi* (專營的士) has the meaning given by section 2 of the Road Traffic Ordinance (Cap. 374);”.

43. Schedule amended (classes of motor vehicles and rate of tax)

The Schedule, after item 2—

Add

“2A. Franchised taxis..... 3.7”.

Division 13—Amendment to Waste Disposal Ordinance (Cap. 354)

44. Section 16A amended (prohibition of unlawful depositing of waste)

Section 16A(6), after “taxi”—

Add

“(as defined by section 2 of the Road Traffic Ordinance (Cap. 374)), franchised taxi (as defined by section 2 of the Road Traffic Ordinance (Cap. 374))”.

Division 14—Amendments to Road Tunnels (Government) Regulations (Cap. 368 sub. leg. A)

45. Regulation 2 amended (interpretation)

(1) Regulation 2(1), definition of *private car*—

Repeal

“or taxi”

Substitute

“, taxi or franchised taxi”.

(2) Regulation 2(1)—

Add in alphabetical order

“*franchised taxi* (專營的士) has the meaning given by section 2 of the Road Traffic Ordinance (Cap. 374);”.

46. Schedule 2 amended (tolls and fees)

(1) Schedule 2, Part 2, item 2, after “Taxis”—

Add

“, franchised taxis”.

- (2) Schedule 2, Part 3, item 2, after “Taxis”—
Add
“or franchised taxis”.
- (3) Schedule 2, Part 3, item 3, before “and”—
Add
“, franchised taxis other than those specified in item 2”.
- (4) Schedule 2, Part 3A, item 2, after “taxis”—
Add
“, franchised taxis”.
- (5) Schedule 2, Part 4, section 1, definition of *Type A vehicle*,
after “taxi,”—
Add
“franchised taxi.”.

Division 15—Amendments to Smoking (Public Health) Ordinance (Cap. 371)

47. Section 2 amended (interpretation)

Section 2—

Repeal the definition of *public transport carrier*

Substitute

“*public transport carrier* (公共交通工具) means a carrier mentioned in Schedule 1;”.

48. Schedule 1 amended (public transport carriers where smoking is prohibited)

Schedule 1, after item 4—

Add

“4A. A franchised taxi within the meaning of the Road Traffic Ordinance (Cap. 374).”.

**Division 16—Amendments to Road Traffic Ordinance
(Cap. 374)**

49. Section 2 amended (interpretation)

(1) Section 2, definition of *light bus*—

Repeal

“or taxi”

Substitute

“, taxi or franchised taxi”.

(2) Section 2, definition of *private car*—

Repeal

“or taxi”

Substitute

“, taxi or franchised taxi”.

(3) Section 2, definition of *public service vehicle*—

Repeal

“or taxi”

Substitute

“, taxi or franchised taxi”.

(4) Section 2—

Add in alphabetical order

- “franchised taxi* (專營的士) means a motor vehicle registered as a franchised taxi under this Ordinance;
- franchised taxi company* (專營的士公司) means a franchisee as defined by section 2 of the Franchised Taxi Services Ordinance (of 2019);
- franchised taxi meter* (專營的士計程錶) means an appliance approved by the Commissioner—
- (a) for measuring the time or distance, or both, for which a franchised taxi is used; or
 - (b) for recording the fare by time or distance, or both;”.

50. Section 9 amended (regulation of construction and maintenance of vehicles)

Section 9(1)(i), after “taximeters”—

Add

“and franchised taxi meters”.

51. Section 23 amended (power to regulate the number of vehicles registered)

After section 23(1)—

Add

“(1A) Subsection (1) does not apply in relation to franchised taxis.

Note—

The Franchised Taxi Services Ordinance (of 2019) provides for the maximum number of franchised taxis that may be registered.”.

52. Section 24 amended (power to refuse registration)

(1) Section 24(1)(d)—

Repeal

“or”.

(2) After section 24(1)(d)—

Add

“(da) in order to comply with a limit which is in force under section 4(3)(b) or 6(4) of the Franchised Taxi Services Ordinance (of 2019); or”.

53. Section 25 amended (power to refuse or cancel licence and to impose conditions in respect of taxis)

After section 25(4)—

Add

“(5) Without limiting subsection (1), if the franchise of a franchised taxi company expires or is revoked under the Franchised Taxi Services Ordinance (of 2019), the Commissioner may—

- (a) refuse to license a motor vehicle for use as a franchised taxi under the franchise; and
- (b) if the company fails to return, in conformity with the franchise, a franchised taxi licence issued to the company—cancel the licence.

(6) In subsection (5)—

franchise (專營權) has the meaning given by section 2 of the Franchised Taxi Services Ordinance (of 2019).”.

54. Section 52 amended (restriction on the use of vehicles)

Section 52(3)(i)—

Repeal

“or taxi”

Substitute

“, taxi or franchised taxi”.

55. Section 69 amended (disqualification on conviction of certain offences)

(1) After section 69(1)(f)—

Add

“(fa) an offence specified for the purposes of this section in respect of franchised taxis by the regulation made under section 23 of the Franchised Taxi Services Ordinance (of 2019);”.

(2) Section 69—

Repeal subsection (2)

Substitute

“(2) An order made against a person under subsection (1) must—

(a) if made in respect of an offence specified in subsection (1)(f) or (fa)—disqualify the person from driving a taxi and franchised taxi; or

(b) if made in respect of another offence specified in subsection (1)—disqualify the person from holding or obtaining any driving licence.”.

56. Section 102I amended (Commissioner may designate pre-service training schools)

(1) Section 102I(3)(b)(i) and (ii)—

Repeal

“or franchised buses”

Substitute

“, franchised buses or taxis”.

(2) Section 102I(3)(b)(iii)—

Repeal

“or franchised bus”

Substitute

“, franchised bus, taxi or franchised taxi”.

57. Schedule 1 amended (classes of vehicle)

Schedule 1, after item “Taxi”—

Add

“Franchised taxi”.

58. Schedule 3 amended (fees for vehicle examinations)

Schedule 3, Part 2, after item 3—

Add

“3A. Franchised taxi 585”.

Division 17—Amendments to Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374 sub. leg. A)

59. Regulation 2 amended (interpretation)

Regulation 2—

Repeal the definition of *receipt printing device*

Substitute

“*receipt printing device* (收據打印設備) means—

- (a) for a taxi—the device installed in the taxi in compliance with regulation 42A; or

- (b) for a franchised taxi—the device installed in the franchised taxi in compliance with regulation 42A as applied under regulation 46A;”.

60. Regulation 37 amended (visual display units)

- (1) Regulation 37(2), English text, after “driver”—

Add

“of a motor vehicle the following information or view may be installed in or on the vehicle”.

- (2) Regulation 37(2)(c)—

Repeal

“or”.

- (3) Regulation 37(2)—

Repeal everything after paragraph (c)

Substitute

- “(d) any other information that is only for the purpose of navigating the vehicle;
- (e) if the vehicle is a franchised taxi—information about the franchised taxi service (as defined by section 2 of the Franchised Taxi Services Ordinance (of 2019)) provided by the vehicle.”.

61. Regulation 39 amended (reflecting mirrors)

Regulation 39(1), after “taxi”—

Add

“, franchised taxi”.

62. Part III heading amended (taxis, buses and light buses)

Part III, heading, after “TAXIS”—

Add

“, FRANCHISED TAXIS”.

63. Regulation 46A added

After regulation 46—

Add

“46A. Requirements relating to franchised taxis

- (1) Regulations 41, 42, 42A, 43, 44, 45 and 46 apply in relation to a franchised taxi in the same way as they apply in relation to a taxi.
- (2) For paragraph (1)—
 - (a) subject to subparagraph (d), references to “taxi” in regulations 41, 42, 42A, 43, 44, 45 and 46 are to be construed as references to “franchised taxi”;
 - (b) references to “taximeter” in regulations 41, 42, 42A, 43 and 44 are to be construed as references to “franchised taxi meter”;
 - (c) references to “TAXI” in regulations 42(1) and 45 are to be construed as references to “FRANCHISED TAXI”; and
 - (d) the reference to “registered owner of a taxi” in regulation 44 is to be construed as a reference to “relevant franchised taxi company”.

64. Regulation 47 amended (painting of vehicles)

- (1) Regulation 47(1)—

Repeal

“and taxis”

Substitute

“, taxis and franchised taxis”.

- (2) Regulation 47(3)—

Repeal

“and taxi”

Substitute

“, taxi and franchised taxi”.

65. Regulation 52 amended (maintenance of markings and painting of certain vehicles)

- (1) Regulation 52—

Renumber the regulation as regulation 52(1).

- (2) After regulation 52(1)—

Add

“(2) A franchised taxi company must ensure that—

- (a) the markings required by these regulations to be on the franchised taxi are kept legible at all times; and
- (b) the franchised taxi is kept painted at all times in accordance with these regulations.”.

66. Regulation 53 amended (prohibition marking and painting of vehicles other than buses and taxis)

- (1) Regulation 53, heading—

Repeal

“and taxis”

Substitute

“, light buses, taxis and franchised taxis”.

- (2) Regulation 53(1) and (2)—

Repeal

“or taxi” (wherever appearing)

Substitute

“, taxi or franchised taxi”.

67. Regulation 54 amended (markings on buses, light buses and taxis)

- (1) Regulation 54, heading—

Repeal

“and taxis”

Substitute

“, taxis and franchised taxis”.

- (2) Regulation 54(1) and (2)—

Repeal

“or taxi”

Substitute

“, taxi or franchised taxi”.

68. Regulation 92 amended (restriction on the nature of lamps to be carried)

- (1) Regulation 92(2)(b)—

Repeal

“or taximeter”

Substitute

“, taximeter or franchised taxi meter”.

- (2) Regulation 92(2)—

Repeal paragraph (c)

Substitute

- “(c) illuminating a sign—
- (i) fitted on the top of a taxi in compliance with regulation 45; or
 - (ii) fitted on the top of a franchised taxi in compliance with regulation 45 as applied under regulation 46A; or”.

69. Regulation 121 amended (offences)

After regulation 121(4)—

Add

- “(4A) Paragraphs (3) and (4) apply in relation to a franchised taxi in the same way as they apply in relation to a taxi.
- (4B) For paragraph (4A)—
- (a) the reference to “taxi” in paragraph (3) is to be construed as a reference to “franchised taxi”;
 - (b) references to “taximeter” in paragraphs (3) and (4) are to be construed as references to “franchised taxi meter”; and
 - (c) the reference to “installed in accordance with regulation 42A” in paragraph (3)(f) is to be construed as a reference to “installed in compliance with regulation 42A as applied under regulation 46A”.

70. First Schedule amended (overall dimensions of vehicles)

First Schedule, after the entry relating to Taxi—

Add

“Franchised Taxi 6.3 metres 2.3 metres 2.0 metres”.

71. Second Schedule amended

Second Schedule, Part I, after the entry relating to Taxi—

Add

“Franchised Taxi 3.0 tonnes”.

72. Third Schedule amended (maximum passenger seating capacity)

Third Schedule, after the entry relating to Taxi—

Add

“Franchised Taxi 5”.

73. Sixth Schedule heading amended (plates on taxis)

Sixth Schedule, heading, after “TAXIS”—

Add

“OR FRANCHISED TAXIS”.

74. Seventh Schedule amended (requirements as to the number and position on vehicles of obligatory rear lamps)

Seventh Schedule, item 7, after “taxis”—

Add

“, franchised taxis”.

75. Eighth Schedule amended (requirements as to the number and position on vehicles of obligatory reflectors)

Eighth Schedule, item 7, after “taxis”—

Add

“, franchised taxis”.

76. Schedule 16 amended

Schedule 16, Part 2, section 4(a), after “taxi”—

Add

“, franchised taxi”.

Division 18—Amendments to Road Traffic (Driving Licences) Regulations (Cap. 374 sub. leg. B)

77. Regulation 5 amended (classification of motor vehicles for issue of driving licences)

After regulation 5(b)—

Add

“(ba) franchised taxis;”.

78. Regulation 8 amended (previous experience and driving record)

(1) After regulation 8(1)(a)—

Add

“(ab) a franchised taxi;”.

(2) After regulation 8(2)—

Add

“(2A) Subject to paragraph (4), a person is not eligible for a full driving licence for a franchised taxi unless the person is the holder of a valid full driving licence for a taxi.”.

79. Regulation 8A amended (pre-service course)

(1) Regulation 8A—

Repeal paragraph (1)

Substitute

“(1) This regulation applies to an applicant for—

- (a) a full driving licence for a franchised taxi under regulation 11(2BA); or
 - (b) a full driving licence for a public light bus under regulation 11(2C).”.
- (2) Regulation 8A(3), before “public light bus”—
Add
“franchised taxi or”.

80. Regulation 11 amended (issue of full driving licences)

- (1) Regulation 11(2), after “taxi”—
Add
“, franchised taxi”.
- (2) After regulation 11(2B)—
Add
“(2BA) Subject to regulations 6, 7, 8, 8A and 9, the Commissioner must issue a full driving licence for a franchised taxi to an applicant for such a licence if—
- (a) the applicant—
 - (i) is the holder of a permanent identity card; or
 - (ii) is the holder of an identity card (other than a permanent identity card) and is not subject to any condition of stay other than a limit of stay as defined by section 2(1) of the Immigration Ordinance (Cap. 115); and
 - (b) the applicant—
 - (i) holds a valid full driving licence issued under paragraph (1B) for a taxi; or

- (ii) holds a valid full driving licence for a class of motor vehicle which the Commissioner accepts as evidence of the applicant's competence to drive a franchised taxi.”.

(3) Regulation 11(2D), after “paragraph”—

Add

“(2BA)(a) or”.

81. Regulation 12L amended (cancellation of full driving licences issued to holders of probationary driving licences, etc.)

(1) Regulation 12L(1B)(b), after “11(1B)”—

Add

“or (2BA)”.

(2) Regulation 12L(1D)(b)(ii)—

Repeal

“or (2A)”

Substitute

“, (2A) or (2BA)”.

82. Regulation 15 amended (renewal of full driving licence)

Regulation 15(2), (3) and (4), after “taxi”—

Add

“, franchised taxi”.

83. Regulation 19 amended (entitlement to drive other classes of vehicle)

(1) Regulation 19(1), after “drive a taxi”—

Add

“, franchised taxi”.

- (2) Regulation 19(1)(b)—

Repeal

“and”.

- (3) Regulation 19(1)(c)—

Repeal the full stop

Substitute

“; and”.

- (4) After regulation 19(1)(c)—

Add

“(d) in the case of a franchised taxi, the franchised taxi meter indicator is covered so that it is not visible from outside the franchised taxi.”.

- (5) Regulation 19(2), after “drive a taxi”—

Add

“, franchised taxi”.

- (6) Regulation 19(2)(b)(ii)—

Repeal

“and”.

- (7) Regulation 19(2)(c)—

Repeal the full stop

Substitute

“; and”.

- (8) After regulation 19(2)(c)—

Add

“(d) in the case of a franchised taxi, the franchised taxi meter indicator is covered so that it is not visible from outside the franchised taxi.”.

(9) Regulation 19—

Repeal paragraph (4)

Substitute

“(4) In this regulation—

franchised taxi meter indicator (專營的士計程錶指示器) means an indicator installed in a franchised taxi in compliance with regulation 42(1) of the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374 sub. leg. A) as applied under regulation 46A of those Regulations;

taximeter indicator (的士計程錶指示器) means an indicator installed in a taxi in compliance with regulation 42(1) of the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374 sub. leg. A).”.

Division 19—Amendments to Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374 sub. leg. E)

84. Regulation 15 amended (cancellation of registration for non-licensing)

(1) Regulation 15, heading—

Repeal

“for non-licensing”.

(2) Regulation 15(2)—

Repeal

everything after “of the vehicle”

Substitute a full stop.

(3) After regulation 15(2)—

Add

- “(3) Without limiting subregulation (1), if the franchise of a franchised taxi company expires or is revoked under the Franchised Taxi Services Ordinance (of 2019), and the company fails to cancel the registration of a franchised taxi in compliance with the franchise, the Commissioner may cancel the registration of the franchised taxi.
- (4) If the registration of a motor vehicle is cancelled under subregulation (2) or (3), the Commissioner may, subject to regulations 9, 12A, 12B, 12C, 12D, 12E, 12F, 12G, 12H, 12I, 12J, 12K, 13 and 14, assign to another motor vehicle the registration mark that was assigned to the vehicle.”.

85. Schedule 2 amended (fees)

Schedule 2, under heading “Annual Licence Fees”, after item 4—

Add

“4A. Franchised taxi 3,045”.

Division 20—Amendments to Road Traffic (Safety Equipment) Regulations (Cap. 374 sub. leg. F)**86. Regulation 6 amended (seat belts and anchorage points)**

(1) After regulation 6(4)(c)—

Add

“(ca) to every franchised taxi;”.

(2) Regulation 6(5)(d) and (e), after “taxi”—

Add

“, franchised taxi”.

87. Regulation 6A amended (middle front seat belts and anchorage points)

Regulation 6A—

Repeal subregulation (4)

Substitute

“(4) This regulation applies to—

- (a) every private car, taxi, goods vehicle and light bus registered on or after 1 June 1996; and
- (b) every franchised taxi.”.

88. Regulation 6B amended (rear seat belts and anchorage points)

Regulation 6B—

Repeal subregulation (4)

Substitute

“(4) This regulation applies to—

- (a) every private car registered on or after 1 June 1996;
- (b) every taxi registered on or after 1 January 2001; and
- (c) every franchised taxi.”.

89. Regulation 7A amended (drivers and passengers of taxis, light buses and goods vehicles required to wear seat belts)

(1) Regulation 7A, heading, after “**taxis**”—

Add

“, **franchised taxis**”.

(2) Regulation 7A(1) and (2), after “**taxi**”—

Add

“, franchised taxi”.

90. Regulation 7B amended (passengers in rear seats of private cars, taxis and public light buses required to wear seat belts, etc.)

(1) Regulation 7B, heading, after “**taxis**”—

Add

“, franchised taxis”.

(2) Regulation 7B(1) and (5), after “taxi” (wherever appearing)—

Add

“, franchised taxi”.

91. Regulation 8 amended (circumstances in which regulations 7, 7A and 7B do not apply)

Regulation 8(a), after “taxi”—

Add

“, franchised taxi”.

**Division 21—Amendments to Road Traffic (Traffic Control)
Regulations (Cap. 374 sub. leg. G)**

92. Regulation 27 amended (closure of roads)

(1) Regulation 27(3)(c), after “taxis”—

Add

“or franchised taxis”.

(2) Regulation 27(3A)(a), after “taxis”—

Add

“or franchised taxis”.

93. Regulation 45 amended (stopping)

(1) Regulation 45—

Renumber the regulation as regulation 45(1).

(2) Regulation 45(1)(c)—

Repeal

“or”.

(3) After regulation 45(1)(c)—

Add

“(ca) franchised taxi stand, unless the vehicle is a franchised taxi; or”.

(4) After regulation 45(1)—

Add

“(2) In this regulation—

Franchised Taxi Regulation (《專營的士規例》) means the regulation made under section 23 of the Franchised Taxi Services Ordinance (of 2019);**franchised taxi stand** (專營的士站) means an area of road designated as a franchised taxi stand under the Franchised Taxi Regulation.”.**94. Schedule 1 amended (traffic signs)**

(1) Schedule 1, Figure No. 427—

Repeal

“OR “Urban taxis” AND “市區的士””

Substitute

“, “Urban taxis” AND “市區的士” OR “Franchised taxis” AND “專營的士””.

- (2) Schedule 1, Figure No. 430, after “EXCEPTION OF TAXIS”—

Add

“OR FRANCHISED TAXIS”.

- (3) Schedule 1, Figure No. 430—

Repeal

“OR “Urban taxis” AND “市區的士””

Substitute

“, “Urban taxis” AND “市區的士” OR “Franchised taxis” AND “專營的士””.

- (4) Schedule 1, Figure No. 433, after “exception of taxis”—

Add

“or franchised taxis”.

- (5) Schedule 1, Figure No. 433—

Repeal

“and/or “Lantau taxis” and “大嶼山的士””

Substitute

“, “Lantau taxis” and “大嶼山的士” and/or “Franchised taxis” and “專營的士””.

**Division 22—Amendment to Road Traffic (Expressway)
Regulations (Cap. 374 sub. leg. Q)**

95. Regulation 4 amended (vehicles permitted)

After regulation 4(1)(b)—

Add

“(ba) a franchised taxi;”.

**Division 23—Amendments to Road Traffic (Traffic Control)
(Designation of Prohibited and Restricted Zones) Notice
(Cap. 374 sub. leg. U)**

96. Schedule 1 amended (prohibited zones)

- (1) Schedule 1, item 4, column 2, after “taxis”—

Add

“or franchised taxis”.

- (2) Schedule 1, item 7, column 2—

Repeal

“and taxis”

Substitute

“, taxis and franchised taxis”.

97. Schedule 2 amended (restricted zones)

- (1) Schedule 2, Part 1, item 2, column 2—

Repeal

“and taxis”

Substitute

“, taxis or franchised taxis”.

- (2) Schedule 2, Part 1, item 3, column 2, after “taxis”—

Add

“, franchised taxis”.

- (3) Schedule 2, Part 2, item 3, column 2—

Repeal paragraph (a)

Substitute

“(a) Taxis or franchised taxis.”.

(4) Schedule 2, Part 2, item 4, column 2—

Repeal paragraph (a)

Substitute

“(a) Taxis or franchised taxis.”.

Division 24—Amendments to Western Harbour Crossing Ordinance (Cap. 436)

98. Schedule 1 amended (Western Harbour Crossing tolls)

Schedule 1, category 2, after “taxis”—

Add

“(as defined by section 2 of the Road Traffic Ordinance (Cap. 374)), franchised taxis (as defined by section 2 of the Road Traffic Ordinance (Cap. 374))”.

99. Schedule 2 amended (increases in Western Harbour Crossing tolls)

Schedule 2, category 2, after “taxis”—

Add

“(as defined by section 2 of the Road Traffic Ordinance (Cap. 374)), franchised taxis (as defined by section 2 of the Road Traffic Ordinance (Cap. 374))”.

100. Schedule 3 amended (increases in Western Harbour Crossing tolls)

Schedule 3, category 2, after “taxis”—

Add

“(as defined by section 2 of the Road Traffic Ordinance (Cap. 374)), franchised taxis (as defined by section 2 of the Road Traffic Ordinance (Cap. 374))”.

Division 25—Amendments to Tai Lam Tunnel and Yuen Long Approach Road Ordinance (Cap. 474)

101. Schedule 1 amended (Tai Lam Tunnel and Yuen Long Approach Road tolls)

Schedule 1, category 2, after “taxis”—

Add

“(as defined by section 2 of the Road Traffic Ordinance (Cap. 374)), franchised taxis (as defined by section 2 of the Road Traffic Ordinance (Cap. 374))”.

102. Schedule 2 amended (increases in Tai Lam Tunnel and Yuen Long Approach Road tolls)

Schedule 2, category 2, after “taxis”—

Add

“(as defined by section 2 of the Road Traffic Ordinance (Cap. 374)), franchised taxis (as defined by section 2 of the Road Traffic Ordinance (Cap. 374))”.

Division 26—Amendments to Airport Authority Bylaw (Cap. 483 sub. leg. A)

103. Schedule 5 amended (traffic signs, road markings (if any) and traffic light signals)

(1) Schedule 5, Figure No. 11—

Repeal

“TAXI LANE”

Substitute

“TAXI AND FRANCHISED TAXI LANE”.

(2) Schedule 5, Figure No. 11—

Repeal

“TAXI STAGING AREA”

Substitute

“STAGING AREA OF TAXIS (AS DEFINED BY SECTION 2 OF THE ROAD TRAFFIC ORDINANCE (CAP. 374)) OR FRANCHISED TAXIS (AS DEFINED BY SECTION 2 OF THE ROAD TRAFFIC ORDINANCE (CAP. 374))”.

Division 27—Amendments to Tsing Ma Control Area (Tolls, Fees and Charges) Regulation (Cap. 498 sub. leg. A)

104. Schedule 1 amended (tolls)

Schedule 1, category 2, after “taxi”—

Add

“(as defined by section 2 of the Road Traffic Ordinance (Cap. 374)), franchised taxi (as defined by section 2 of the Road Traffic Ordinance (Cap. 374))”.

105. Schedule 6 amended (fees and charges for removal, impounding and storage of vehicles)

Schedule 6, item 1(a), after “taxi”—

Add

“(as defined by section 2 of the Road Traffic Ordinance (Cap. 374)), franchised taxi (as defined by section 2 of the Road Traffic Ordinance (Cap. 374))”.

Division 28—Amendments to Mass Transit Railway Ordinance (Cap. 556)

106. Section 2 amended (interpretation)

Section 2(1)—

Add in alphabetical order

“*franchised taxi* (專營的士) has the meaning given by section 2 of the Road Traffic Ordinance (Cap. 374);

taxi (的士) has the meaning given by section 2 of the Road Traffic Ordinance (Cap. 374);”.

107. Section 33 amended (regulations)

Section 33(3)(e)(i), after “ranks”—

Add

“, franchised taxi ranks”.

108. Section 34 amended (bylaws)

(1) Section 34(1)(d)(ii)—

Repeal

“and taxi ranks”

Substitute

“, taxi ranks and franchised taxi ranks”.

(2) Section 34(1)(d)(vi)(A), after “ranks”—

Add

“, franchised taxi ranks”.

**Division 29—Amendments to Mass Transit Railway
(Transport Interchange) Regulation (Cap. 556 sub. leg. C)**

109. Section 11 amended (designation of taxi rank)

- (1) Section 11, heading, after “rank”—

Add

“and franchised taxi rank”.

- (2) Section 11(1)—

Repeal

everything after “interchange”

Substitute

“, by means of prescribed traffic signs, prescribed light signals or prescribed road markings, as—

- (a) a taxi rank within which a taxi may stand or ply for hire or set down passengers; or
- (b) a franchised taxi rank within which a franchised taxi may stand or ply for hire or set down passengers.”.

- (3) Section 11(2), after “rank”—

Add

“or franchised taxi rank”.

- (4) Section 11(2), after “taxis”—

Add

“or franchised taxis”.

- (5) Section 11(3), after “rank”—

Add

“or franchised taxi rank”.

**Division 30—Amendments to Mass Transit Railway
(Transport Interchange) Bylaw (Cap. 556 sub. leg. D)****110. Section 1 amended (interpretation)**

(1) Section 1(1)—

Repeal the definition of *taxi*.

(2) Section 1(1)—

Add in alphabetical order

“*franchised taxi bay* (專營的士候客位) means a single-occupancy bay within a franchised taxi rank designated by prescribed traffic signs or prescribed road markings in which a franchised taxi may stand or ply for hire or set down passengers;

franchised taxi queue lane (專營的士輪候車道) means a traffic lane designated by prescribed traffic signs, prescribed road markings or prescribed light signals in which franchised taxis may queue-up for entry to a franchised taxi rank;

franchised taxi rank (專營的士候客處) means an area comprising one or more franchised taxi bays designated by prescribed traffic signs, prescribed road markings or prescribed light signals;”.

111. Part VI heading amended (franchised buses, public light buses and taxis)

Part VI, heading—

Repeal

“AND TAXIS”

Substitute

“, TAXIS AND FRANCHISED TAXIS”.

112. Section 26A added

Part VI, after section 26—

Add

“26A. Franchised taxi

- (1) The following provisions apply in relation to a franchised taxi in the same way as they apply in relation to a taxi—
 - (a) sections 22, 25(3) and 26;
 - (b) sections 37 and 62 and Schedule 2 (to the extent that they relate to the provisions referred to in paragraph (a)).
- (2) For subsection (1)—
 - (a) subject to paragraphs (b), (c) and (d), references to “taxi” in sections 22, 25(3) and 26 and Schedule 2 are to be construed as references to “franchised taxi”;
 - (b) references to “taxi bay” in sections 22, 25(3) and 26 and Schedule 2 are to be construed as references to “franchised taxi bay”;
 - (c) references to “taxi rank” in sections 22 and 26 and Schedule 2 are to be construed as references to “franchised taxi rank”; and
 - (d) references to “taxi queue lane” in sections 22 and 26 and Schedule 2 are to be construed as references to “franchised taxi queue lane”.

113. Schedule 1 amended (prescribed traffic signs, prescribed road markings and prescribed light signals)

(1) Schedule 1, before Figure No. 4—

Add

“REGULATORY

FIGURE NO. 3A

**FRANCHISED TAXI QUEUE LANE**

This sign is to be erected to face oncoming vehicles to indicate the start of a franchised taxi queue lane within a transport interchange.

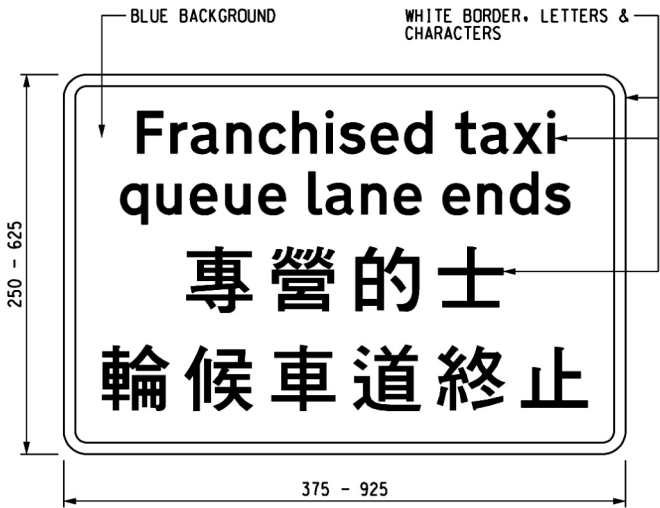
The sign may be used in conjunction with the road marking shown in Figure No. 33A or may be used alone.”.

- (2) Schedule 1, before Figure No. 5—

Add

“REGULATORY

FIGURE NO. 4A



FRANCHISED TAXI QUEUE LANE ENDS

This sign is to be erected to face oncoming vehicles to indicate the end of a franchised taxi queue lane within a transport interchange.”.

- (3) Schedule 1, before Figure No. 6—

Add

“REGULATORY

FIGURE NO. 5A

FRANCHISED TAXI RANK

This sign demarcates the limits of a franchised taxi rank within a transport interchange. It may be used in conjunction with the supplementary plate in Figure No. 26.”.

- (4) Schedule 1, Figure No. 6, after “21,”—

Add

“21A, 21B,”.

- (5) Schedule 1, before Figure No. 22—

Add

“SUPPLEMENTARY PLATE

FIGURE NO. 21A



This plate may be attached to the sign in Figure No. 6 to indicate the exemption of franchised taxis from the prohibition stated on the sign.

SUPPLEMENTARY PLATE

FIGURE NO. 21B



This plate may be attached to the sign in Figure No. 6 to indicate the exemption of taxis and franchised taxis from the prohibition stated on the sign.”.

- (6) Schedule 1, Figure No. 26—

Repeal

“5,”

Substitute

“3A, 5, 5A,”.

- (7) Schedule 1, Figure No. 28—

Repeal

“OR 4”

Substitute

“, 3A, 4 OR 4A”.

- (8) Schedule 1, Figure No. 30—

Repeal

“TAXIS”

Substitute

“THE TYPES OR CLASSES OF VEHICLES SPECIFIED ON THE PLATE”.

- (9) Schedule 1, Figure No. 30—

Repeal

“THE WORD ‘Taxi’ AND THE CHARACTERS ‘的士’ MAY BE VARIED TO ACCORD WITH THE SPECIFIED TYPES OR CLASSES OF VEHICLE PERMITTED TO PARK IN THE PARKING SPACE”

Substitute

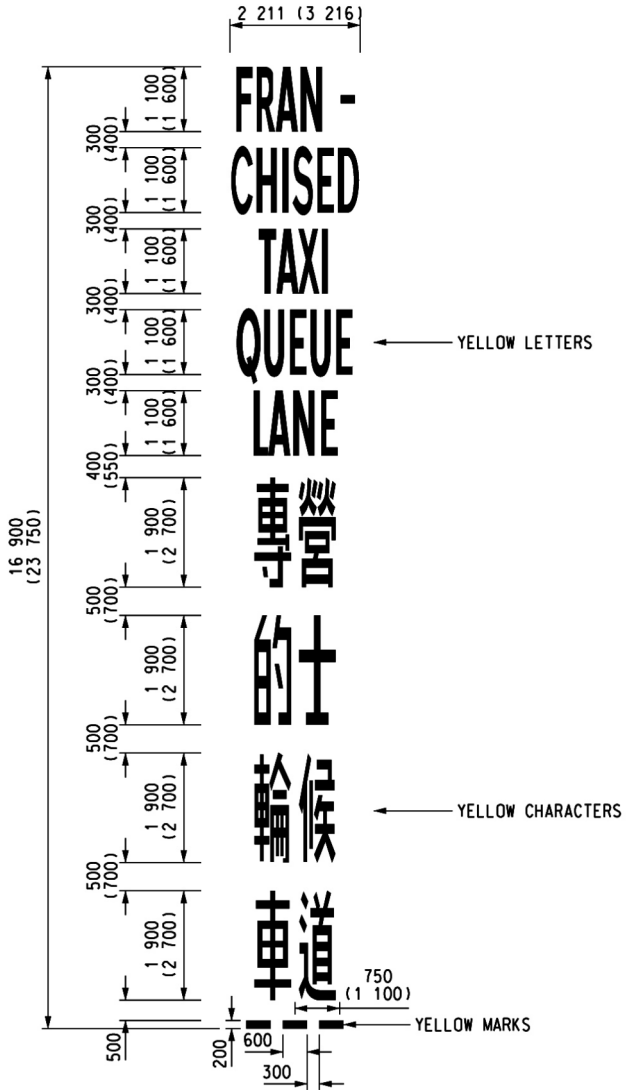
“THE WORD ‘Taxi’ AND THE CHARACTERS ‘的士’ MAY BE VARIED TO ‘Franchised taxis’ AND ‘專營的士’ OR TO ‘Taxis and franchised taxis’ AND ‘的士及專營的士’, AND MAY ALSO BE VARIED TO OTHER SPECIFIED TYPES OR CLASSES OF VEHICLE (OR A COMBINATION OF OTHER SPECIFIED TYPES OR CLASSES OF VEHICLE).”.

- (10) Schedule 1, before Figure No. 34—

Add

“REGULATORY

FIGURE NO. 33A



ROAD MARKING
FRANCHISED TAXI QUEUE LANE

This marking indicates a franchised taxi queue lane within a transport interchange. The yellow transverse broken line indicates the start of the queue lane.

The marking may be used in conjunction with the sign shown in Figure No. 3A or may be used alone.

The marking will always be used with lane markings placed to one or the other side of it, or to both sides in the case of a franchised taxi queue lane that is not flanked by a kerb on either side.

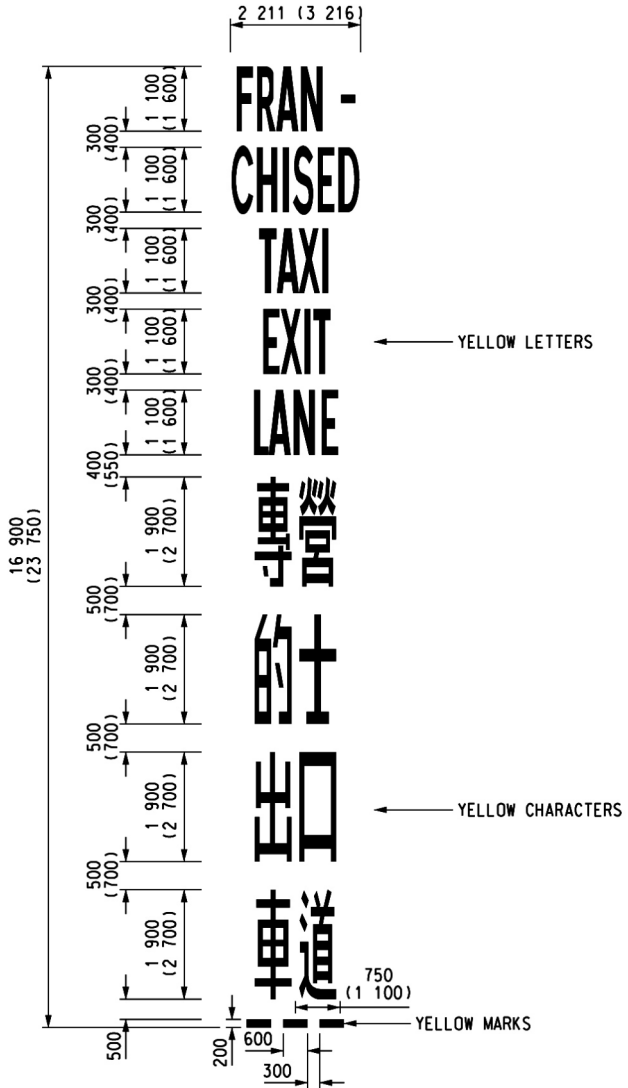
The letters and characters may be used without the yellow transverse broken line as repeater markings at intervals along the franchised taxi queue lane.”.

- (11) Schedule 1, before Figure No. 35—

Add

“REGULATORY

FIGURE NO. 34A



ROAD MARKING
FRANCHISED TAXI EXIT LANE

This marking indicates a franchised taxi exit lane within a transport interchange. The yellow transverse broken line indicates the start of the exit lane.

The marking will always be used with lane markings placed to one or the other side of it, or to both sides in the case of a franchised taxi exit lane that is not flanked by a kerb on either side.

The letters and characters may be used without the yellow transverse broken line as repeater markings at intervals along the franchised taxi exit lane.”.

114. Schedule 2 amended (penalties)

Schedule 2, after “[ss.”—

Add

“26A,”.

**Division 31—Amendment to Entertainment Special Effects
(General) Regulation (Cap. 560 sub. leg. A)**

115. Section 26 amended (pyrotechnic special effects materials not permitted in public vehicles, etc.)

Section 26, after “taxi”—

Add

“(as defined by section 2 of the Road Traffic Ordinance (Cap. 374)), franchised taxi (as defined by section 2 of the Road Traffic Ordinance (Cap. 374))”.

**Division 32—Amendments to Tsing Sha Control Area
(Tolls, Fees and Charges) Regulation (Cap. 594 sub. leg. B)**

116. Section 2 amended (interpretation)

Section 2—

Add in alphabetical order

“*franchised taxi* (專營的士) has the meaning given by section 2 of the Road Traffic Ordinance (Cap. 374);”.

117. Schedule 1 amended (tolls)

Schedule 1, after category 2(c)—

Add

“(d) Franchised taxi \$8”.

118. Schedule 6 amended (charges for removal, impounding and storage of vehicles)

Schedule 6, after item 1(a)(v)—

Add

“(va) a franchised taxi; \$280”.

Division 33—Amendments to Motor Vehicle Idling (Fixed Penalty) Ordinance (Cap. 611)

119. Schedule 1 amended (drivers to whom idling prohibition does not apply)

(1) Schedule 1, section 2(1), after “stand”—

Add

“, or a driver of a franchised taxi that is at a franchised taxi stand”.

(2) Schedule 1, section 2(6)—

Add in alphabetical order

“*franchised taxi* (專營的士) has the meaning given by section 2 of the Road Traffic Ordinance (Cap. 374);

Franchised Taxi Regulation (《專營的士規例》) means the regulation made under section 23 of the Franchised Taxi Services Ordinance (of 2019);

franchised taxi stand (專營的士站), subject to subsection (8), means an area of road designated as a franchised taxi stand under the Franchised Taxi Regulation;”.

- (3) Schedule 1, section 2—

Repeal subsection (7)

Substitute

- “(7) If an area of road is, but for this subsection, a taxi stand, green minibus stand or red minibus stand, the area is for the purposes of this section not a taxi stand, green minibus stand or red minibus stand when the stand is suspended under regulation 32 of the Road Traffic (Public Service Vehicles) Regulations (Cap. 374 sub. leg. D).
- (8) If an area of road is, but for this subsection, a franchised taxi stand, the area is for the purposes of this section not a franchised taxi stand when the stand is suspended under the Franchised Taxi Regulation.”.
-

Schedule

[ss. 4 & 11]

Franchised Taxi Fares

Item	Type of Fare	Amount
1.	Distance Travelled	<p>(A) \$ for the first 2 kilometres or any part of those 2 kilometres;</p> <p>(B) \$ for every further 200 metres or any part of those 200 metres, until the chargeable amount reaches \$; and</p> <p>(C) \$ for every 200 metres or any part of those 200 metres, after the chargeable amount has reached \$.</p>
2.	Waiting Time	<p>(A) \$ for every period of 1 minute, or any part of that period, during which the franchised taxi is hired but not in motion, until the chargeable amount reaches \$; and</p>

Item	Type of Fare	Amount
		(B) \$ for every period of 1 minute, or any part of that period, during which the franchised taxi is hired but not in motion, after the chargeable amount has reached \$.
3.	Additional Fares	
	(i) For every article carried in accordance with the regulation made under section 23(1)(e)	\$
	(ii) For every animal carried in accordance with the regulation made under section 23(1)(e)	\$
	(iii) For every hiring involving the use of the Lion Rock Tunnel, the Shing Mun Tunnels, the Tseung Kwan O Tunnel, the Tate’s Cairn Tunnel, the Aberdeen Tunnel, the Tai Lam Tunnel, the Cross-Harbour Tunnel, the Eastern Harbour Crossing or the Western Harbour Crossing	The toll charge paid by the driver of the franchised taxi during the hiring.

Item	Type of Fare	Amount
(iv)	(a) For every hiring that is for a destination across the harbour via the Cross-Harbour Tunnel where the hiring does not begin from a cross-harbour franchised taxi stand	\$
	(b) For every hiring that is for a destination across the harbour via the Eastern Harbour Crossing or the Western Harbour Crossing where the hiring does not begin from a cross-harbour franchised taxi stand	\$
(v)	For every hiring involving the use of the Lantau Link	The toll charge paid by the driver of the franchised taxi during the hiring for the use of the Lantau Link.
(vi)	For every hiring that—	

Item	Type of Fare	Amount
	(a) begins outside Lantau, Chek Lap Kok and Ma Wan;	
	(b) is for a destination in Lantau, Chek Lap Kok or Ma Wan; and	
	(c) involves the use of the Lantau Link	\$
(vii)	For every hiring that—	
	(a) begins from Lantau, Chek Lap Kok or Ma Wan;	
	(b) is for a destination outside Lantau, Chek Lap Kok and Ma Wan; and	
	(c) involves the use of the Lantau Link	\$
(viii)	For every hiring that—	
	(a) begins from Lantau or Chek Lap Kok;	
	(b) is for a destination in Ma Wan; and	
	(c) involves the use of the Lantau Link	\$
(ix)	For every hiring that—	

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Item	Type of Fare	Amount
	(a) begins from Ma Wan;	
	(b) is for a destination in Lantau or Chek Lap Kok; and	
	(c) involves the use of the Lantau Link	\$
(x)	For every hiring involving the use of the toll area within the meaning of the Tsing Sha Control Area Ordinance (Cap. 594)	The toll paid by the driver of the franchised taxi during the hiring for the use of the toll area.

Explanatory Memorandum

The main purpose of this Bill is to introduce the services of franchised taxis through empowering the granting of franchises and establishing a regulatory system.

2. The Bill contains 6 Parts and a Schedule.

Part 1—Preliminary

3. Clause 1 sets out the short title and provides for commencement.
4. Clause 2 defines expressions used in the Bill.
5. Clause 3 provides for restrictions on the use of franchised taxis. A franchisee must not use a franchised taxi to provide a service for the carriage of passengers when its franchise is not in force. And no person may, without the written approval of the Commissioner for Transport, use a franchised taxi to carry out other activities not connected with the provision of a franchised taxi service.

Part 2—Franchises

6. Clause 4 empowers the Chief Executive in Council to grant a franchise for franchised taxi service to a registered company, and contains provisions relating to the grant of the franchise.
7. Clause 5 empowers the Chief Executive in Council to amend a franchise with the written consent of the franchisee.

8. Clause 6 provides that the validity period of a franchise specified on granting of the franchise must not exceed 5 years. It also empowers the Chief Executive in Council, under certain circumstances, to extend the validity period of a franchise for a period not exceeding one year.
9. Clause 7 requires a franchisee to pay the franchise fee to the Commissioner for Transport before the deadline or its franchise may be revoked.
10. Clause 8 provides that a franchisee must provide a guarantee for the franchise to the Commissioner for Transport, and the Commissioner must discharge the guarantee when the relevant franchise expires or is revoked.
11. Clause 9 imposes restrictions on the assignment of a franchise.

Part 3—Regulation of Franchised Taxi Services

12. Clause 10 requires a franchisee to maintain a proper and efficient franchised taxi service during the franchise period.
13. Clause 11 provides for a schedule of fares for franchised taxi services, and restricts the fares that a franchisee may charge a passenger of a franchised taxi for carrying articles. It also empowers the Chief Executive in Council to amend the fares by order.
14. Clause 12 provides for the maximum number of franchised taxis that may be used by all franchisees to provide franchised taxi services under valid franchises. It also empowers the Chief Executive in Council to amend the maximum number by order.

15. Clause 13 empowers the Chief Executive in Council etc. to give a franchisee a direction or requirement in respect of a matter that relates to its franchise or the franchised taxi service provided by it.
16. Clause 14 empowers the Commissioner for Transport to inspect a franchised taxi, and to require a franchisee to carry out maintenance or other work in connection with a franchised taxi.
17. Clause 15 empowers the Commissioner for Transport to require a franchisee to keep, and provide the Commissioner with, relevant documents. It also empowers the Commissioner for Transport to inspect and make copies of the documents.
18. Clause 16 empowers the Commissioner for Transport to impose a financial penalty on a franchisee under certain circumstances. It also makes provisions in relation to the imposition of the financial penalty.
19. Clause 17 empowers the Commissioner for Transport to recover any unpaid financial penalty by enforcement of the guarantee provided by the franchisee or, to the extent the guarantee may be insufficient, as a civil debt.

Part 4—Suspension or Revocation of Franchises

20. Clause 18 provides the conditions to be met before the Chief Executive in Council expresses an intention to suspend or revoke a franchise.
21. Clause 19 empowers the Chief Executive in Council to suspend a franchise under certain circumstances. It also makes provisions in relation to such suspension.

22. Clause 20 empowers the Chief Executive in Council to revoke a franchise under certain circumstances. It also makes provisions in relation to such revocation.
23. Clause 21 provides that a franchisee whose franchise is suspended or revoked is not entitled to any compensation.

Part 5—Miscellaneous

24. Clause 22 provides that a franchisee may appeal to the Chief Executive in Council against certain decisions, directions or requirements made or given under the Ordinance.
25. Clause 23 empowers the Chief Executive in Council to make a regulation in relation to franchised taxi services. It also empowers the Secretary for Transport and Housing to amend the regulation.

Part 6—Related and Consequential Amendments

26. Clauses 24 to 119 make related and consequential amendments to the following enactments—
 - (a) Specification of Public Offices Notice (Cap. 1 sub. leg. C);
 - (b) Telecommunications (Telecommunications Apparatus) (Exemption from Licensing) Order (Cap. 106 sub. leg. Z);
 - (c) Dutiable Commodities Ordinance (Cap. 109);
 - (d) Inland Revenue Rules (Cap. 112 sub. leg. A);
 - (e) Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240);

- (f) Fixed Penalty (Criminal Proceedings) Regulations (Cap. 240 sub. leg. A);
- (g) Frontier Closed Area (Permission to Enter) Notice (Cap. 245 sub. leg. H);
- (h) Shenzhen Bay Port Hong Kong Port Area (Permission to Enter) Notice (Cap. 245 sub. leg. K);
- (i) Dangerous Goods (General) Regulations (Cap. 295 sub. leg. B);
- (j) Air Pollution Control (Vehicle Design Standards) (Emission) Regulations (Cap. 311 sub. leg. J);
- (k) Motor Vehicles (First Registration Tax) Ordinance (Cap. 330);
- (l) Waste Disposal Ordinance (Cap. 354);
- (m) Road Tunnels (Government) Regulations (Cap. 368 sub. leg. A);
- (n) Smoking (Public Health) Ordinance (Cap. 371);
- (o) Road Traffic Ordinance (Cap. 374);
- (p) Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374 sub. leg. A);
- (q) Road Traffic (Driving Licences) Regulations (Cap. 374 sub. leg. B);
- (r) Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374 sub. leg. E);
- (s) Road Traffic (Safety Equipment) Regulations (Cap. 374 sub. leg. F);
- (t) Road Traffic (Traffic Control) Regulations (Cap. 374 sub. leg. G);
- (u) Road Traffic (Expressway) Regulations (Cap. 374 sub. leg. Q);

- (v) Road Traffic (Traffic Control) (Designation of Prohibited and Restricted Zones) Notice (Cap. 374 sub. leg. U);
- (w) Western Harbour Crossing Ordinance (Cap. 436);
- (x) Tai Lam Tunnel and Yuen Long Approach Road Ordinance (Cap. 474);
- (y) Airport Authority Bylaw (Cap. 483 sub. leg. A);
- (z) Tsing Ma Control Area (Tolls, Fees and Charges) Regulation (Cap. 498 sub. leg. A);
- (za) Mass Transit Railway Ordinance (Cap. 556);
- (zb) Mass Transit Railway (Transport Interchange) Regulation (Cap. 556 sub. leg. C);
- (zc) Mass Transit Railway (Transport Interchange) Bylaw (Cap. 556 sub. leg. D);
- (zd) Entertainment Special Effects (General) Regulation (Cap. 560 sub. leg. A);
- (ze) Tsing Sha Control Area (Tolls, Fees and Charges) Regulation (Cap. 594 sub. leg. B);
- (zf) Motor Vehicle Idling (Fixed Penalty) Ordinance (Cap. 611).

Schedule—Franchised Taxi Fares

27. The Schedule contains the structure of franchised taxi fares. The Chief Executive in Council may amend the Schedule by order to specify the fares.