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Report of the Bills Committee on Road Traffic (Amendment) (Ride-hailing Service) Bill 2025

Purpose

This paper reports on the deliberations of the Bills Committee on Road Traffic (Amendment) (Ride-hailing Service) Bill 2025 ("the Bills Committee").

Background

2. There is currently no law in Hong Kong regulating the operation of ride-hailing platforms. As a result, some platforms provide passenger transport services using private cars which may not hold valid permits for carrying passengers or have in place appropriate third-party risks insurance. According to the Administration, this not only fails to effectively safeguard the safety and interests of passengers, but also poses safety risks to other road users and hinders healthy and sustainable development of the personalized point-to-point transport service industry as a whole. The Administration has advised that various sectors of society (including the taxi trade and ride-hailing platform companies) are calling on the Government to regulate ride-hailing services as soon as possible, with a view to safeguarding the safety and interests of passengers, addressing and facilitating the transport needs of the public, and creating a healthy and competitive environment for the personalized point-to-point transport service market.

Road Traffic (Amendment) (Ride-hailing Service) Bill 2025

3. The Road Traffic (Amendment) (Ride-hailing Service) Bill 2025 ("the Bill"), which was published in the Gazette on 5 September 2025 and received its First Reading at the Legislative Council ("LegCo") meeting of 10 September 2025, seeks to amend the Road Traffic Ordinance (Cap. 374) and make related amendments to other enactments to:

(a) provide for the regulation of ride-hailing service;

(b) introduce a licensing regime for ride-hailing platforms, ride-hailing vehicles and drivers of such vehicles;

(c) provide for the regulation of any other public vehicle passenger transport service booked through licensed ride-hailing platforms;

(d) enhance the enforcement regime against illegal carriage of passengers for hire or reward; and

(e) provide for related matters.

4. The Bill, if passed, will come into operation on a day to be appointed by the Secretary for Transport and Logistics by notice published in the Gazette.

The Bills Committee

5. At the House Committee ("HC") meeting on 12 September 2025, Members agreed that a Bills Committee should be formed to study the Bill. The membership list of the Bills Committee is in **Appendix 1**.

6. Under the chairmanship of Hon CHAN Kin-por, the Bills Committee has held four meetings with the Administration and invited written views from the public on the Bill. A list of organizations/individuals which/who have provided submissions to the Bills Committee is in **Appendix 2**. The Administration has provided a consolidated response to the submissions (LC Paper No. CB(3)1367/2025(01)).

Deliberations of the Bills Committee

Proposed regulatory framework

7. The regulatory regime for ride-hailing services proposed by the Administration requires that platforms, private cars and drivers that provide such services must be licensed. Any party providing ride-hailing services without a licence commits an offence and is liable to criminal liability.

Members of the Bills Committee agree with the Administration's three-pronged approach of regulating platforms, vehicles and drivers that provide ride-hailing services to ensure that these services so provided are legal and comply with relevant regulatory requirements on safety standards and service quality, with a view to safeguarding the safety and interests of passengers, as well as addressing and facilitating the transport needs of the public. It is the hope of the Bills Committee that upon implementation of the regulatory regime, taxis and ride-hailing vehicles can co-exist and complement each other, thereby meeting the diverse travel demands of passengers while creating a healthy and sustainable competitive environment for the personalized point-to-point transport service market.

Regulating ride-hailing platforms

Regulation of ride-hailing platforms (including aggregator platforms)

8. The Administration proposes that all electronic or telecommunications platforms (including general platforms that directly dispatch vehicles and drivers, as well as aggregator platforms) providing ride-hailing platform services must obtain a ride-hailing service licence. Licensed platforms must be companies registered in Hong Kong and meet certain entry thresholds to ensure that they have sufficient operational capacity. The platforms are required to exercise due diligence on their vehicles and drivers, monitor the service quality of their drivers, and submit operational records to the Transport Department ("TD"). Should a ride-hailing platform contravene any statutory requirements or future licence conditions to be imposed by TD, the Department may, depending on the severity of the contravention, impose a financial penalty on the platform, and may also vary, suspend, or cancel its ride-hailing service licence.

9. Members have further enquired about the entry thresholds for ride-hailing platforms. The Administration has advised that when deciding whether to grant or refuse an application for a ride-hailing service licence (and its renewal application), the Commissioner for Transport ("the Commissioner") may consider various factors, including the applicant's experience in operating a ride-hailing platform, financial capacity, intended investments in Hong Kong for operating a platform, qualifications of the company's directors, as well as the proposed standard of the ride-hailing services to be provided.

10. Some members have raised concern regarding the regulation of aggregator platforms. The Administration has advised that aggregator platforms process a large amount of personal data in the course of providing

ride-hailing services and collect service fees from their partner platforms. As such, the Administration proposes to require aggregator platforms to obtain ride-hailing service licence as well. The specific requirements to be imposed on general and aggregator platforms will be formulated in the next stage through subsidiary legislation or licence conditions.

Operational Data

11. Members note that platforms holding a ride-hailing service licence ("licensed platforms") must properly keep operational data and submit relevant information and records to the regulatory authorities as required. In this regard, concern has been raised over whether the Administration will draw reference from the Mainland's Cybersecurity Law and restrict the outbound transfer of operational data from Hong Kong platforms. It has also been suggested that these platforms should be required to store and use operational data collected within Hong Kong to ensure data security.

12. The Administration has responded that it attaches great importance to data security. The Bill proposes to empower the Commissioner to impose licence conditions on ride-hailing platforms regarding matters such as the collection, transmission, storage and provision of data, and the keeping of records, relating to the ride-hailing services provided. TD may also require platforms to submit operational data as needed for regulatory oversight. Furthermore, ride-hailing platforms must comply with the requirements of the Personal Data (Privacy) Ordinance (Cap. 486) to ensure the security of users' personal data. With reference to the global operational models of certain international ride-hailing platforms, and taking into account their actual operating circumstances, the Administration does not intend to mandate that platforms' servers storing operational data must be located in Hong Kong. Nevertheless, ride-hailing platforms must still comply with relevant Hong Kong legislation and licence conditions to ensure the security of their operational data, even if such servers are situated outside Hong Kong.

Relationship between ride-hailing platforms, ride-hailing vehicle drivers and their passengers

13. Some members have expressed concern about whether the Administration will, through legislation, establish the existence of an employment relationship between ride-hailing platforms and ride-hailing vehicle drivers, so as to enable third parties (e.g. their passengers) to make claims against the platform in the event of an accident occurring during the use of ride-hailing services. Members are also concerned about whether ride-hailing platforms are merely regarded as service intermediaries in

relation to passengers. The Administration has indicated that it has no intention of establishing the existence of an employment relationship between ride-hailing platforms and ride-hailing vehicle drivers through legislation. Instead, it aims to clearly define the respective rights, interests and responsibilities of ride-hailing platforms and ride-hailing vehicle drivers through regulatory measures and contractual arrangements. Furthermore, it has been pointed out that the Bill stipulates that ride-hailing platform service means a service that connects persons making bookings with service providers through an electronic or telecommunications platform. Therefore, the Administration will require ride-hailing platforms to clearly define matters such as the agreement and respective rights and interests between the passengers and the platform.

14. A suggestion has been made to establish a tripartite negotiation mechanism comprising representatives from the Government, platforms and drivers. This mechanism will provide a channel for negotiating issues such as commission rates and order allocation algorithms, thereby safeguarding drivers' rights and interests. The Administration has advised that under the proposed regulatory framework, a ride-hailing vehicle driver may register with more than one licensed ride-hailing platforms and accept booking orders from different licensed platforms. The Administration expects that the introduction of the regulatory regime will encourage more eligible platforms to participate in the provision of ride-hailing services, foster healthy competition among ride-hailing platforms, and provide both the public and drivers with more choices. Through market forces, the commissions charged by ride-hailing platforms to ride-hailing vehicle drivers are expected to remain at a reasonable level.

Operational models of ride-hailing platforms

15. Some members have mentioned that various operational models for ride-hailing platforms have emerged in the Mainland. For example, a ride-hailing platform may provide vehicles to drivers, who then pay the platform in monthly installments to purchase the vehicles. Members have enquired about the Administration's considerations regarding these different modes of operation adopted by ride-hailing platforms. In response, the Administration has indicated that to prevent ride-hailing vehicle permits ("vehicle permit") from being used for speculation, the proposed regulatory framework will allow only private cars registered in the name of an individual to apply for vehicle permits. Also, a ride-hailing vehicle can only be driven by its registered owner to provide ride-hailing passenger transport services in the future. The Administration has acknowledged the development of different operational models for ride-hailing services in different places, and is open to learning from successful experiences and will

continuously review the way forward for the development of ride-hailing services.

Ride-hailing service licence fee

16. Members have enquired about the fee for obtaining a ride-hailing service licence. The Administration has advised that it proposes to collect licence application fees, licence fees[1], and fees for extension of the validity period of the licence from ride-hailing platforms. Such fees may be set above the level required to recover administrative costs.

Regulating ride-hailing vehicles

Ride-hailing vehicle permits

17. The Administration proposes that all private cars providing ride-hailing services must obtain a vehicle permit and have appropriate third-party risks insurance in place. At the time of application for a vehicle permit (or its renewal), the vehicle must be less than 12 years old and meet relevant vehicle examination requirements to ensure mechanical safety. Vehicle permits must not be transferred. The Administration requires ride-hailing vehicles to display an identification marking while in operation, and that the driver providing ride-hailing services must be the registered owner of the vehicle. The Administration has advised that the purpose of this "owner-vehicle binding" arrangement is to prevent the emergence of a rental market, to prevent vehicle permits from being a tool for speculation, and to strengthen efforts to curb the use of unlicensed drivers.

"Owner-vehicle binding"arrangement

18. While members generally support the proposed "owner-vehicle binding" arrangement, some individual Members consider the requirement too stringent and believe it will not be conducive to the utilization of spare capacity of private cars. These Members have suggested more than one eligible driver should be allowed to register for each ride-hailing vehicle. This will increase the utilization of ride-hailing vehicles through a sharing model across different time slots, thereby enhancing operational flexibility. Some members have also suggested that the Administration should allow the immediate family members/relatives of a registered owner to use the vehicle to provide ride-hailing passenger transport services.

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[1] The Administration proposes that the licence fee for the licensed platforms may be determined according to the scale of their operation. The relevant factors may include but not limited to the number of vehicles under the relevant licensed platforms, the number of ride-hailing journeys, etc.

19. The Administration has responded that relaxing the scope of the "owner-vehicle binding" arrangement for ride-hailing vehicles could lead to issues relating to, among others, driver identification, regulatory oversight and insurance premium determination. Therefore, at this stage, the Administration prefers to maintain the current arrangement, under which private cars must be registered in the name of an individual, as the basis and starting point for the regulatory regime, in order to ensure its smooth and proper implementation.

20. Members have further enquired about how passengers using ride-hailing services will be able to verify whether the driver is the registered owner of the vehicle in the future. The Administration has advised that it is the responsibility of ride-hailing platforms to ensure that drivers providing ride-hailing passenger transport services are the registered owners of the vehicles they operate. Any breach of this requirement constitutes an offence and is subject to criminal liability.

21. Regarding how to prevent non-registered owners from using private cars with vehicle permits to provide ride-hailing passenger transport services, some members have suggested that the Administration should require licensed platforms to mandate the use of facial recognition technology in their vehicles, or to provide passengers with the driver's photograph when a service is booked to help them verify the driver's identity. In response, the Administration indicated that, to its knowledge, current platform companies that provide ride-hailing services are already using face recognition technology to help them manage their operations. The Administration welcomes the use of technology (including facial recognition) by future licensed platforms to assist them in fulfilling their due diligence obligations.

Number of vehicle licences and methods of selection

22. According to the Administration, the Government considers it necessary to impose overall control on the number of ride-hailing vehicles in order to promote the orderly development of personalized point-to-point transport services. Members have expressed differing views on this issue. Some members believe that a prudent approach to issuing vehicle permits should be adopted to avoid excessive issuance that could lead to traffic congestion. Others consider that in addition to capping the total number of vehicle permits to be issued, the Administration should impose restriction on the operating hours of ride-hailing vehicles. For example, since taxis business volumes are generally lower at night, allowing a large number of ride-hailing vehicles to operate at night could result in an even greater

decline in taxi business turnover during those hours. On the other hand, some members consider that the Administration need not impose a cap on the number of vehicle permits, but should instead simply control the number of orders taken through the platforms. This approach will both help avoid adverse effects on road traffic and ensure that a sufficient number of ride-hailing vehicles are available to provide service at all time slots.

23. The Administration has advised that given the wide-ranging views across society on the number of vehicle permits, the Government will first focus on building consensus and establishing the regulatory framework by introducing the Bill. It will then address the detailed regulatory arrangements regarding the number of ride-hailing vehicles when submitting subsidiary legislation amendments to LegCo in the first half of 2026. In deciding on the above, the Administration has indicated that it will consider and strike a balance on various factors, including the travel needs and experiences of members of the public, the carrying capacity of the road network, the ecosystem of the public transport system, as well as the healthy and sustainable development of the overall personalized point-to-point transport service industry.

24. Given the limit on the total number of vehicle permits available, some members consider them to be a valuable public resource. They have raised concern about how the Administration will regulate vehicles issued with permits that are found to have been operated for only a minimal number of hours in the future. The Administration has responded that it believes such a scenario is unlikely, given that entry thresholds have been established for ride-hailing vehicle drivers. These drivers are required to make certain investments, including purchasing insurance and passing relevant tests. Furthermore, since ride-hailing platforms are required to set up a database of operational data to track the online rate and the number of orders received by their vehicles, and the Commissioner is empowered to request such data from the platforms, the Commissioner may exercise regulatory oversight accordingly. The Commissioner may also take these data into account when considering applications for renewal of vehicle licences.

25. The Bill empowers the Commissioner to adopt appropriate methods of selection for deciding on applications for vehicle permits. In this regard, some members have suggested that priority should be given to existing full-time ride-hailing vehicle drivers in the allocation process. The Administration has advised that it will continue to listen to the views of the trade on the selection method in respect of vehicle permits, with a view to finalizing specific details during the next stage of work on subsidiary legislation.

Identification markings on ride-hailing vehicles

26. Members note that the Bill stipulates that ride-hailing vehicles must display a specified identification marking at a location designated in the subsidiary legislation after its enactment (such as on the front windscreen of the vehicle) during the provision of ride-hailing passenger transport services. This requirement will help enhance passenger safety. Regarding how to identify whether a private car displaying such a marking is actively providing ride-hailing passenger transport services, the Administration has advised that the template and placement of the identification marking for ride-hailing vehicles, as well as the means of distinguishing operating ride-hailing vehicles for easy identification by the public will be further detailed in subsidiary legislation.

27. To facilitate public identification of whether a booked ride-hailing vehicle holds a vehicle permit, some members have suggested that TD should upload the plate numbers of all vehicles issued with vehicle permit to its website for public inspection. The Administration has responded that the Bill requires ride-hailing service licensees to conduct due diligence in respect of the vehicles and drivers providing ride-hailing passenger transport services through their ride-hailing platforms, with a view to ensuring that the vehicles are ride-hailing vehicles and the drivers hold appropriate ride-hailing vehicle driving permit ("driving permit"). In response to the suggestion, the Administration undertakes to provide the relevant information on TD's website to enhance information transparency and facilitate public access.

Requirements on vehicle age

28. The Bill stipulates that ride-hailing vehicles must be less than 12 years old at the time of each application for a vehicle permit (or application for renewal). Some members have argued that second-hand private cars aged seven years or above are typically sold at low prices. If such a vehicle can remain operational for an additional five years until 12 years old, its overall cost would be significantly lower than that of a taxi currently available on the market. There is concern that the cost differential may prompt many taxi drivers to shift to ride-hailing services, potentially exacerbating the existing shortage of taxi drivers. These members consider the current proposed 12-year age limit for ride-hailing vehicles to be too lenient, and suggest lowering the upper age limit to five or seven years.

29. According to the Administration, the current proposed vehicle age limit strikes a balance between safety and supply considerations. It draws

on relevant requirements from the Mainland and overseas regions, and aligns with the policy considerations of the Government's earlier proposal[2], that is, to increase flexibility under the premise of ensuring safety so that more private cars interested in providing ride-hailing services can meet the eligibility criteria. In this regard, Mr Frankie YICK has indicated that he will consider proposing an amendment to lower the upper age limit for ride-hailing vehicles.

Vehicle inspection standards and other matters

30. Some members have raised concern about the inspection standards for ride-hailing vehicles. In response, the Administration has indicated that given ride-hailing vehicles are used commercially for the carriage of passengers for reward, it intends to require these vehicles to pass annual vehicle inspections throughout their operational period. This measure aims to ensure mechanical reliability and roadworthiness, thereby safeguarding the safety and interests of passengers.

31. Some members have expressed concern over whether the Administration will require the installation of devices such as the Global Navigation Satellite System ("GNSS") and in-vehicle cameras in ride-hailing vehicles. The Administration has responded that at present, most ride-hailing platforms already require the installation of devices such as GNSS in the compartments of their ride-hailing vehicles having regard to operational needs. It is considered appropriate to impose this requirement through ride-hailing platforms. If it is deemed necessary in the future, the Administration will consider stipulating relevant requirements in subsidiary legislation as circumstances warrant.

<u>Regulating ride-hailing vehicle drivers</u>

Ride-hailing vehicle driving permits

32. The Administration proposes that all drivers of ride-hailing vehicles must hold a driving permit, satisfy specified conditions and pass relevant tests. Driving permits must not be transferred. Applicants must be at

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2 The Government has earlier considered requiring the private car concerned to be less than seven years old at the time of application for a vehicle permit, and the permit can be renewed for a maximum of five years. In other words, if a private car is less than seven years old on the date of application for a vehicle permit, and a vehicle permit is issued and renewed for a period of five years, the private car concerned can be operated up to the age of 12 years.

least 21 years of age, hold a Hong Kong Permanent Identity Card,[3] hold a valid full driving licence to drive a private car or light goods vehicle for at least one year, have no serious traffic convictions in the five years prior to the application date, and pass a designated test and complete a pre-service course within the specified timeframe prior to the application date, etc. Ride-hailing passenger transport services provided by drivers with a driving permit and vehicles with a vehicle permit must be booked through licensed platforms.

33. The Administration also proposes that individuals who already hold a taxi driving licence may apply to TD for a driving permit without having to pass a separate driving test or pre-service course in respect of ride-hailing vehicles, provided they meet other relevant conditions. The Administration believes that this arrangement should be conducive to expanding employment options for taxi drivers.

Relevant tests

34. Furthermore, to facilitate more newcomers joining the point-to-point transport service industry and strengthen the driver supply, the Administration proposes that future applicants for both taxi driving licences and driving permits may sit for the same written test. Prior to introducing the regulatory regime for ride-hailing services and the standardized written test, TD has already completed a comprehensive review of the existing taxi written test. In November this year, an enhanced version of the test will be implemented, incorporating questions on new measures related to enhancing taxi service quality (e.g. the Taxi-Driver-Offence Points system). In response to societal aspirations, TD will also substantially reduce and simplify the questions on locations and routes. These updates will enable the taxi written test to keep pace with the times and make it more streamlined, better meeting the operational needs of the taxi trade and responding to long-standing requests from the trade.

35. Members support the consolidation of qualifying written tests for taxi and ride-hailing vehicle drivers. This will allow future applicants for these two types of driving licences or permits to pass just one enhanced written test. This measure is expected to help ameliorate the shortage and ageing of drivers, thereby promoting the sustainable development of the point-to-point transport service industry.

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3 Any person who holds an identity card and is not subject to any condition of stay (other than the period of stay as defined by section 2(1) of the Immigration Ordinance (Cap. 115)) may also apply for a driving permit. According to the Administration, this is consistent with the current requirements for applying for a commercial vehicle driving licence (e.g. taxis, public light buses, public buses, etc.).

Physical examination certification requirements

36. Concerns have been raised about the physical examination certification requirements to be imposed on applicants for driving permit. As advised by the Administration, it has earlier conducted a review and proposed to enhance the requirements for submission of physical fitness certification by commercial vehicle drivers, including lowering the age threshold from the age of 70 to the age of 65 and reducing the validity period of their driving licence to one year. The Administration will submit the proposed amendments to the relevant legislation to LegCo as soon as possible. Once enacted, the prevailing physical fitness requirements applicable to commercial vehicle drivers will equally be applicable to ride-hailing vehicle drivers.

Business registration and mortgage/trust matters

37. Members have enquired whether ride-hailing vehicle drivers will be required to apply for business registration, and considered that such a requirement will help ensure that these drivers are obligated to file tax returns and pay tax. Some members are of the view that regardless of whether ride-hailing vehicle drivers are required to apply for business registration, the Administration should address how these drivers can fulfil their tax filing and payment obligations, so as to uphold the fairness of the tax system.

38. The Administration has explained that under the Bill, the proposed ride-hailing services comprise ride-hailing platform services and ride-hailing passenger transport services. The ride-hailing platform services will involve accepting bookings and connecting passengers with the persons providing the ride-hailing passenger transport services, while the ride-hailing passenger transport services will be delivered by ride-hailing vehicles and their drivers (i.e. vehicle owners). The Bill stipulates that a ride-hailing service licensee must be a company registered in Hong Kong, and therefore, must hold a Business Registration Certificate. As for passenger transport services, the owners of ride-hailing vehicles are prohibited from renting out their vehicles for income under the "owner-vehicle binding" arrangement. The Administration has pointed out that the Bill does not alter the existing business registration regime for self-employed persons, and agrees that ride-hailing vehicle drivers, as self-employed persons earning income, should be required to file tax returns. The Administration will, in accordance with the principles of the current business registration and tax systems, and taking into account the characteristics of ride-hailing services, explore how to enable ride-hailing drivers to fulfil their tax filing and payment obligations through business registration or other appropriate means.

39. Some members have enquired how the Administration will prevent ride-hailing vehicle drivers from evading liabilities arising from the provision of ride-hailing services through mortgages or trust arrangements. As advised by the Administration, the Bill stipulates that vehicle or driving permits must not be transferred. Even if a vehicle owner takes out a mortgage to purchase the vehicle, the owner remains the registrant of the vehicle and is subject to the permit conditions. Under the "owner-vehicle binding" requirement, trust arrangements cannot alter the binding between the vehicle registrant and operational responsibility. Accordingly, the registered owner of the vehicle remains liable for any issues arising from the provision of the ride-hailing service.

Taxi-Driver-Offence Points system

40. Some members have expressed concern as to whether the Taxi-Driver-Offence Points ("TDOP") system currently provided for in legislation will also be applied to ride-hailing vehicle drivers in the future. The Administration has advised that the TDOP system mainly targets offences more commonly committed by taxi drivers, such as overcharging and not using the most direct practicable route. As ride-hailing platforms agree on fares and routes with passengers in advance, ride-hailing vehicles are significantly less likely to be involved in overcharging or not using the most direct practicable route. At this stage, the imposition of the TDOP system on ride-hailing vehicle drivers is considered unnecessary.

Insurance arrangements

41. The Bill provides that there should be in force in relation to the ride-hailing vehicle a policy of insurance or security in respect of third party risks that complies with the Motor Vehicles Insurance (Third Party Risks) Ordinance (Cap. 272). As certain ride-hailing vehicle drivers operate on a part-time basis, some members have suggested that insurers should offer more flexible products for ride-hailing vehicles, such as insurance that can be purchased for individual journeys only when passengers are being transported. Members have also requested that ride-hailing platforms should open up and share their data, such as information on service hours and mileage, to enable insurers to assess risks and thus ensure reasonable premiums.

42. The Administration has advised that it will continue to engage in close discussions with the Insurance Authority and the Hong Kong Federation of Insurers regarding the procurement of insurance for ride-hailing vehicles, with a view to providing suitable insurance products for

ride-hailing vehicles. It will also encourage ride-hailing platforms to open up and share their operational data, which will facilitate the insurance industry in determining appropriate premiums.

Regulating ride-hailing service fares

43. Some members have argued that once ride-hailing services commence operation in the future, some ride-hailing vehicles may charge fares below those of taxis, or that ride-hailing platforms may reduce fares significantly through passenger subsidies to capture market share. As taxi fares are regulated by the Government, such practices could create unfair competition for the taxi trade. Therefore, it has been suggested that the Administration should regulate ride-hailing service fares or introduce a minimum fare level for such services.

44. The Administration has advised that, as taxis provide immediate street-hailing services, it is necessary to establish statutory fares for taxis to prevent disputes. By contrast, drivers of ride-hailing vehicles can agree on fares with passengers via ride-hailing platforms before the start of a journey. This allows passengers to be aware of the fare arrangement in advance. Rather than imposing statutory fares, the Government prefers to harness market forces and the transparent pricing mechanisms of technology platforms to maintain pricing flexibility for ride-hailing services. On the other hand, the Government will retain the power to regulate fare arrangements when necessary. For example, if the market experiences vicious competition or cut-throat pricing that seriously undermine fair competition and the industry's healthy development, the Government may consider regulating fare arrangements.

Impact on the taxi trade

45. Some members have expressed the view that with advancements in technology and changing travel patterns, the use of ride-hailing vehicles has become increasingly common. As a result, various sectors of society (including the taxi trade) acknowledge the need for the Government to regulate ride-hailing services as soon as possible, in order to safeguard the safety and interests of passengers. However, in addition to addressing passengers' diverse travel demands under the proposed regulatory regime, members have expressed concern about whether the Administration will strive to ensure the co-existence, complementarity and fair competition between taxis and ride-hailing vehicles, thereby creating a healthy and sustainable competitive environment for the personalized point-to-point transport service market. Some members have suggested that the Administration should review whether the relevant policies, particularly

those concerning vehicle age requirements and fare regulation for ride-hailing services (see paragraphs 28 to 29 and 43 to 44 above), are consistent with the principle of fair competition.

46. The Administration has advised that its vision for introducing a regulatory regime for ride-hailing services is to achieve a win-win situation for taxis, ride-hailing vehicles and the public. The Administration has emphasized that taxis and ride-hailing vehicles are by no means engaged in a zero-sum game. On the one hand, the unique and inherent operational advantages of taxis will be maintained. These include picking up passengers who are hailing directly on the street and taking orders from passengers through online hailing channels, making use of taxi stands located across the territory, and picking up or setting down passengers in all designated restricted zones. On the other hand, ride-hailing vehicles can provide the public with more diverse travel options by utilizing the spare capacity through the shared economy model. The Administration undertakes to treat "promoting the co-existence and complementarity between taxis and ride-hailing vehicles" as a key consideration when formulating the technical details, while earnestly taking into account the practical challenges faced by the taxi trade.

Addressing other technical details by way of subsidiary legislation

47. The Administration further proposes to introduce the Bill into LegCo at this stage for establishing the regulatory framework and stipulating provisions on matters of principle that have already been agreed upon by society ant LegCo. As for other technical details, such as the number of ride-hailing vehicle permits and the level of licence/permit fees, the Administration will discuss and negotiate in a focused manner with various stakeholders, with a view to incorporating these details into subsidiary legislation to be introduced into LegCo in the first half of 2026 or into the licence/permit conditions, as appropriate.

48. The Bills Committee supports the Government's approach of first submitting to LegCo the amendments to the principal legislation to prescribe matters of principle, and then addressing other technical details through subsidiary legislation or licence/permit conditions in the next stage, with a view to expediting the implementation of the regulation of ride-hailing service.

Combating illegal carriage of passengers for hire or reward more effectively to protect passengers and compliant point-to-point transport services

49. According to the Administration, while introducing a regulatory regime for ride-hailing services will significantly enhance the protection for passengers, there may still be a small number of law-breakers who use private cars to illegally carry passengers for reward. To address this concern, the Administration proposes to strengthen measures against such illegal activities, thereby enhancing overall protection for legal and compliant personalized point-to-point transport services and their passengers. To combat illegal carriage of passengers for hire or reward more effectively, the Administration proposes to enhance penalties for disqualification from driving after conviction of the driver, and strengthen relevant arrangements for impounding vehicles and temporary suspension of related vehicle licences in cases where the driver cannot be identified.

Enhancing penalties for disqualification from driving after conviction of the driver

50. Currently, while section 69 of Cap. 374 requires that if a person is convicted of an offence in connection with the driving of a motor vehicle (including illegal carriage of passengers for hire or reward), the court may disqualify him/her from driving for such period as it thinks fit, the existing legislation does not provide the exact or minimum period for the relevant disqualification from driving. In order to combat illegal carriage of passengers for hire or reward more effectively, the Bill clearly specifies that if a person is convicted of an offence of illegal carriage of passengers for hire or reward, unless the court for special reasons thinks fit to order otherwise, his/her driving licence should be disqualified for not less than 12 months and not more than three years. Members raise no objection to the proposal.

Strengthening relevant arrangements for impounding vehicles and temporary suspension of related vehicle licences

51. At present, when a vehicle owner receives a "Notice Requiring Provision of Personal Particulars of Driver" issued by the Hong Kong Police Force ("the Police") under section 63 of Cap. 374, requiring the vehicle owner to provide information about the driver of a vehicle that may be involved in an offence under Cap. 374 (including illegal carriage of passengers for hire or reward) or a traffic accident, the vehicle owner must provide the relevant information to the police officer within the period specified in Cap. 374. The Administration noted that some of the vehicle owners involved refused to provide information on the driver. As a result, prosecutions cannot be instituted as the identity of the driver concerned

cannot be confirmed. Expressing similar concern, some members have urged the Administration to plug the relevant loopholes. With the agreement of the Bills Committee, the Administration has subsequently proposed amendments to strengthen relevant arrangements for impounding vehicles and temporary suspension of related vehicle licences.

52. The Administration proposes to add a proposed new Part 9C to Cap. 374 to the effect that when the vehicle concerned has been involved in the offence of illegal carriage of passengers for hire or reward, even if the driver cannot be identified for various reasons and therefore cannot be prosecuted for an offence under section 52(3)(a) of Cap. 374 ("specified offence"), the vehicle licence may still be temporarily suspended and the vehicle delivered to the Commissioner for custody for a period of six months according to the proposed new statutory procedures ("the proposed regime"). As advised by the Administration, the above proposal aims at strengthening relevant arrangements for temporary suspension of related vehicle licences, thereby combating illegal carriage of passengers for hire or reward more effectively to protect passengers and compliant point-to-point transport services. The key features of the proposed regime are outlined in **Appendix 3**.

53. Members note that under the Administration's proposed amendments, specifically section 88S(3) of the proposed new Part 9C of Cap. 374, [4] if the Commissioner of Police ("CP") has reasonable cause to believe that a vehicle is involved in a specified offence 60 days after the issuance of "Notice Requiring Provision of Personal Particulars of Driver", CP may give a notice to the Commissioner to initiate vehicle impoundment procedures, even if the driver cannot be identified for criminal prosecution. Members and the Legal Adviser to the Bills Committee ("the Legal Adviser") have expressed concern regarding what could constitute "reasonable cause" referred to in the newly added section 88S(3)(c), and

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[4] "88S. Commissioner of Police's notice to Commissioner

…

(3) The circumstances are that—

(a) a specified offence is suspected to have been committed in respect of a motor vehicle on a date that is on or after the date on which this Part comes into operation and at a particular time and place (*suspected offence*);

(b) a demand has been made to the registered owner of the motor vehicle under section 63(2)(a) in respect of the suspected offence; and

(c) after the end of the period of 60 days beginning on the date on which the notice of the demand is served on the registered owner under section 63A(1) or (3), the Commissioner of Police has reasonable cause to believe that the driver of the motor vehicle at the material time of the suspected offence cannot be identified for the purpose of instituting criminal proceedings against the driver for the suspected offence (whether or not because of a failure of the registered owner to comply with the demand)."

whether this provision would give rise to infringement of certain protected rights under the Basic Law and Hong Kong Bill of Rights ("BOR").[5] Some members have suggested that operational guidelines should be provided to ensure fairness and impartiality when CP exercises the relevant powers.

54. The Administration has advised that according to section 88S of the proposed new Part 9C of Cap. 374, one of the conditions for CP to initiate the proposed regime is that, after the end of the 60-day period beginning from the date on which the notice under section 63 of Cap. 374 is served on the vehicle owner requiring him/her to provide information of the driver involved, CP has reasonable cause to believe that the driver involved cannot be identified for the purpose of instituting criminal proceedings against him for a specified offence.

55. According to the Administration, the Police will endeavour to pursue the case by criminal investigation and identify the driver involved for the purpose of instituting criminal prosecution. Police officers will, based on the nature of the case and their experience in investigation and enforcement, gather evidence by different means including requesting vehicle owners to provide driver's information under the aforementioned section 63, examining relevant footage, and considering witness statements. Therefore, the reasonable cause referred to in the proposed new section 88S(3)(c) of Cap. 374 has to be assessed by the Police based on facts and circumstances of each specific case. In response to members' views and suggestions, the Administration undertakes that the Police will maintain close communication with TD regarding the proposed regime (including the circumstances for initiating the regime under the proposed new section 88S of Cap. 374), and establish clear operational guidelines.

56. As explained by the Administration, the proposed regime constitutes a procedure targeting the vehicle involved where the driver concerned cannot be prosecuted. In designing this regime, reference was made to the mechanism of forfeiture of articles under the Import and Export Ordinance (Cap. 60). Although the temporary suspension of a vehicle licence and the vehicle impoundment do not equate to the forfeiture of articles, both the proposed regime and the aforementioned forfeiture mechanism under Cap. 60 address situations where an offence is suspected (rather than where a person has already been convicted under the relevant ordinance), and both involve the impoundment or forfeiture of articles, thereby serving as a reference.

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5 For example, the right to fair and public hearing (Article 10 of BOR and Article 87 of the Basic Law) and the right to be presumed innocent until proved guilty (Article 11 of BOR).

57. The Administration has further explained that under section 27(1) of Cap. 60, any article, vessel or vehicle seized by the Customs may be forfeited, whether or not any person has been convicted of an offence in respect of such contravention. In the Court of Final Appeal case *Wong Hon Sun v HKSAR* (2009) 12 HKCFAR 877, the court held that proceedings for the forfeiture of articles are civil rather than criminal in nature, and that the standard of proof shall be "on the balance of probabilities". The proposed regime is likewise civil rather than criminal in nature, and does not involve the right to fair and public hearing when facing criminal charges and the protected right to be presumed innocent of persons charged with a criminal offence under Articles 10 and 11 of BOR as well as Article 87 of the Basic Law.

58. The Administration has advised that to ensure procedural fairness and safeguard the rights of vehicle owners, under the proposed regime, CP may, upon satisfying the requirements clearly set out in the proposed new section 88S(3) of Cap. 374 and after assessing the facts and circumstances of each specific case, decide whether to issue a notice to the Commissioner under the proposed new section 88S(1) of Cap. 374 to initiate the regime. Upon receiving the Commissioner's notice of temporary suspension of vehicle licence and delivery of the motor vehicle, the vehicle owner may also make an objection to the Commissioner against the direction in the notice under the proposed new section 88T(5) of Cap. 374. Where an objection is made by the vehicle owner, the direction ceases to have effect. The Commissioner must, as soon as possible after receiving the objection, provide CP with a copy of the notice and a copy of the objection under the proposed new section 88V(2). CP may apply to a magistrate under the proposed new section 88X(1) of Cap. 374 for an order to temporarily suspend the vehicle licence. The vehicle owner may make oral or written representations to the magistrate under the proposed new section 88Z(3) of Cap. 374, showing cause why the magistrate should not make an order to temporarily suspend the vehicle licence. The factors to be considered by the magistrate in dealing with such an application are clearly set out under the proposed new section 88ZA of Cap. 374. The Administration considers that the proposed regime, which allows owners to object to the Commissioner 's decision, thereby requiring the matter to be determined by a magistrate after a hearing, and provides owners with an opportunity to make representations before and/or at the hearing, has safeguarded owners' right to a fair and public hearing by an independent and impartial tribunal established by law, as provided for in Article 10 of BOR.

59. Furthermore, some members have raised concern about how the Administration will prevent vehicle owners, who are under investigation or

prosecution for suspected illegal carriage of passengers for hire or reward, from evading legal liability by quickly selling their vehicles before TD has time to suspend their vehicle licences.

60. The Administration has advised that TD currently maintains records of suspected offences involving vehicles. When a vehicle is transferred, the buyer (the new registered owner) can apply for a Certificate of Clearance ("the Certificate") to verify whether the vehicle has been involved in any of the offences specified in the Certificate. The proposed new section 88ZL of Cap. 374 seeks to extend this regime to cover offences involving illegal carriage of passengers for reward under the proposed regime. If the Certificate shows that the vehicle has been involved in a specified offence and the buyer still proceeds with the purchase, the buyer must bear the risk that the vehicle may be subject to impoundment in the future. Conversely, if the new owner holds a valid Certificate at the time of transfer confirming that the vehicle was not allegedly involved in any of the listed offences, then even if it is later alleged that the vehicle was involved in such offences prior to the transfer, the vehicle (now registered in the new owner's name) will not be subject to temporary licence suspension or delivery to TD for custody.

61. The Administration has supplemented that the Certificate will be valid for 72 hours from the time of issuance. To prevent vehicle owners from evading liability by selling the vehicles concerned before TD has recorded any relevant investigations or prosecutions, the Police will notify TD as soon as possible during the course of their investigation for record-keeping purposes.

62. Members in general support the proposed regime for strengthening the arrangements for vehicle impoundment and temporary suspension of vehicle licences. They consider that these measures will enhance the deterrent effect against illegal carriage of passengers for hire or reward, thereby better protecting the interests of citizens who use personalized point-to-point transport services and safeguarding the point-to-point service providers who operate with compliance.

63. Members note that the proposed new section 88ZE(1) of Cap. 374 stipulates that after a determination to make an order under the proposed new section 88ZA of Cap. 374 in respect of a motor vehicle becomes final, the Commissioner must serve a notice, together with a copy of the order, on the registered owner of the motor vehicle. Some members consider that a 14-day time limit for serving the notice may be incorporated into the provision to enhance the clarity of the arrangement.

64. The Administration has explained that the relevant provision makes reference to the wording of the existing section 93(3) of Cap. 374, which does not separately stipulate a time limit for serving the notice. Notwithstanding this, the Administration has taken on board members' view and agreed to amend the new section 88ZE(1) of Cap. 374 to provide that within 14 days after the date on which the magistrate's determination to make a section 88ZA order becomes final, the Commissioner must serve a notice, together with a copy of the order, on the registered owner of the motor vehicle.

65. The Administration has advised that the regime under the proposed new Part 9C of Cap. 374 may operate in parallel with criminal prosecutions. To ensure that a new vehicle owner does not face double penalties for the same "white licence car" activity, the Administration proposes that for a first conviction, the existing regime (i.e. sections 90 to 96) will not apply, as the vehicle licence will already be suspended for six months under the proposed new Part 9C of Cap. 374. However, for a subsequent conviction, when implementing the existing regime (i.e. section 93 of Part 10 of Cap. 374), the Commissioner or the Transport Tribunal must deduct the six-month suspension period already imposed under Part 9C of Cap. 374 from the 12-month suspension period to be imposed. The Legal Adviser notes that the drafting of the proposed new section 102AA(2) of Cap. 374 presupposes that the vehicle licence suspension period for a first conviction under the existing Part 10 is consistent with that under the proposed new Part 9C of Cap. 374. The Legal Adviser has requested the Administration to clarify whether, if the Chief Executive in Council amends the vehicle licence suspension period for first convictions under the proposed new Part 9C of Cap. 374 pursuant to the proposed new section 88ZF(2) of Cap. 374, the suspension period for first convictions under the existing Part 10 would also be amended correspondingly. The Administration confirms that when the time comes, it will consider the suspension periods under both the proposed and existing regimes together to ensure consistency.

<u>Administration's proposed amendments to individual clauses of the Bill</u>

66. After considering the views of members, the Administration proposes to replace the conjunction "and" between the proposed new sections 55P(1)(a) and 55P(1)(b) of Cap. 374 with "or". Upon the proposed amendment, if the Commissioner, after considering a report made by a public officer under the proposed new section 55N(2) of Cap. 374, is satisfied as to a matter set out in section 55N(1)(a), (b) or (c), the Commissioner may impose a financial penalty under section 55(O)(1); vary, suspend or cancel the ride-hailing service licence under section 55P(1)(a) and (2); or concurrently impose a financial penalty and vary, suspend or cancel the ride-

hailing service licence. In addition, if a ride-hailing service licensee has not paid in full the financial penalty imposed by the Commissioner under section 55(O)(1), the Commissioner may vary, suspend or cancel the ride-hailing service licence under section 55P(1)(b) and (2). The Administration has advised that the amended provisions will allow the Commissioner greater flexibility to impose appropriate penalties on the ride-hailing service licensee depending on the specific circumstances of non-compliance.

67. Furthermore, members note that according to the proposed new section 55Z(1) of Cap. 374 under the Bill (Chapter 374), the Commissioner may, if satisfied that the circumstances specified in paragraphs (a) to (e) have arisen, cancel or temporarily suspend a driving licence, or vary the validity period or conditions of a driving permit in accordance with section 55Z(2). However, the proposed section 55Z(4) of Cap. 374 states that the Commissioner's decision in this regard will take effect on the date following the end of the period of 21 days beginning on the date on which the written notice referred to in the proposed new section 55Z(3) of Cap. 374 is given. Members are concerned whether the Administration will reconsider the above proposed arrangement, so as to ensure that in the event a person's driving licence is cancelled or the person is disqualified from driving a taxi, his or her driving permit should also be cancelled concurrently with such cancellation or disqualification.

68. After considering the views of members, the Administration proposes to introduce amendments to the Bill to delete paragraphs (b) and (c) of the proposed new section 55Z(1) of Cap. 374, and add the proposed new section 55ZAA of Cap. 374 under Subdivision 2 of Division 5 of the proposed new Part 6A of Cap. 374 to stipulate that:

(a) if a ride-hailing vehicle driving permit holder's full driving licence to drive a private car or light goods vehicle is cancelled, the ride-hailing vehicle driving permit concerned is cancelled; and

(b) if a ride-hailing vehicle driving permit holder is disqualified from driving a taxi under Cap. 374 or the Taxi-Driver-Offence Points Ordinance (Cap. 647) for a period, the ride-hailing vehicle driving permit concerned is to be suspended during that period.

69. The Administration has advised that upon the above proposed amendments, if a person's full driving licence to drive a private car or light goods vehicle is cancelled, or he/she is disqualified from driving a taxi for a period, then his/her driving permit will also be cancelled or suspended (as

the case may be), without having to wait 21 days for the cancellation/suspension to take effect.

Enquiries by the Legal Adviser to the Bills Committee on the Bill and the Administration's amendments, and the Administration's responses

70. The Legal Adviser has made written enquiries to the Administration regarding the Bill and the Administration's proposed amendments. The relevant letters are contained in LC Paper Nos. CB(3)1323/2025(01) and CB(3)1346/2025(01). The Administration has replied to these enquiries, with its responses set out in LC Paper Nos. CB(3)1346/2025(02) and CB(3)1365/2025(02). Members have taken note of the contents of the above papers.

71. The Legal Adviser has made enquiries with the Administration in his letter regarding various aspects of the Bill. The Administration has provided a general response during a meeting and subsequently given the detailed written reply referred to above. The Legal Adviser's enquiries include:

(a) the proposed new section 55N of Cap. 374 seeks to provide that the Commissioner could appoint a public officer to conduct an inquiry. Please clarify whether it is necessary to provide for the procedures for conducting an inquiry (e.g. requirement on service of a notice to fix a time and place for the inquiry);

(b) the proposed new section 55J of Cap. 374 does not contain requirements for certain basic information to be specified in ride-hailing service licences, nor is such information (e.g. the validity period, permit number) specified in ride-hailing vehicle permits and ride-hailing vehicle driving permits under the proposed new sections 55U and 55Y of Cap. 374. Please clarify whether basic information for identification purposes would be included in the above-mentioned licences/permits;

(c) under the proposed new section 55M(2) of Cap. 374, the Commissioner could give a written notice of his decision to exercise a direction. Please clarify whether the notice would specify the date the decision takes effect and if so, whether the Bill should provide such specification as a requirement; and

(d) a ride-hailing service licensee would have the duty to "ensure that proper and efficient ride-hailing service is maintained to the satisfaction of the Commissioner" under the proposed new section 55K(1)(a) of Cap. 374. Please clarify the scope of the licensee's duty under the proposed requirement to maintain "proper and efficient ride-hailing service to the satisfaction of the Commissioner".

72. The Administration's responses to the above issues are set out below:

(a) the Administration plans to stipulate the relevant provisions for the procedures for conducting an inquiry in the subsidiary legislation to be submitted to LegCo in the next stage;

(b) the Administration will, through subsidiary legislation, provide for the basic information that must be specified in a ride-hailing service licence, a vehicle permit and a driving permit;

(c) the Administration plans to specify the relevant requirements concerning the effective date of the decision in the subsidiary legislation; and

(d) the proposed new section 55K(2) provides for the matters that the Commissioner may take into account when determining whether a ride-hailing service licensee has maintained proper and efficient ride-hailing service (e.g. whether the licensee has ensured the quality of the service in accordance with the legal provisions, licence conditions and directions given by the Commissioner). The Administration will also specify concrete operational requirements in the licence conditions when issuing ride-hailing service licences in the future.

Resumption of Second Reading debate on the Bill

73. The Bills Committee has completed scrutiny of the Bill. The Administration has indicated its intention to resume the Second Reading debate on the Bill at the Council meeting of 15 October 2025, to which the Bills Committee has no objection.

Amendments

74. Members raise no objection to the Administration's proposed amendments, as set out in paragraphs 51-52, 63-64 and 66-69 above.

75. The Bills Committee will not propose any amendments to the Bill.

Consultation with the House Committee

76. The Bills Committee reported its deliberations to HC on 26 September 2025.

Council Business Divisions
Legislative Council Secretariat
8 October 2025

Appendix 1

Bills Committee on
Road Traffic (Amendment) (Ride-hailing Service) Bill 2025

Membership list

Chairman	Hon CHAN Kin-por, GBS, JP
Members	Hon Frankie YICK Chi-ming, GBS, JP Dr Hon CHAN Han-pan, BBS, JP Hon Martin LIAO Cheung-kong, GBM, GBS, JP Hon LUK Chung-hung, JP Hon Doreen KONG Yuk-foon Hon Stanley LI Sai-wing, MH, JP Hon CHAN Pui-leung Hon Sunny TAN Ir Hon CHAN Siu-hung, BBS, JP Hon CHAN Hok-fung, MH, JP Ir Hon Gary ZHANG Xinyu Revd Canon Hon Peter Douglas KOON Ho-ming, SBS, JP Hon LAI Tung-kwok, GBS, IDSM, JP Hon Adrian Pedro HO King-hong (Total: 15 members)
Clerk	Ms Joanne MAK
Legal Adviser	Mr Jonathan CHENG

附錄2
Appendix 2

《2025年道路交通(修訂)(網約車服務)條例草案》委員會
Bills Committee on Road Traffic (Amendment) (Ride-hailing Service) Bill 2025

曾向法案委員會提交意見書的團體/個別人士名單
List of organizations/individuals which/who have provided submissions to the Bills Committee

	名稱	Name
1.	滴滴(香港)科技有限公司	DiDi(HK) Science and Technology Limited
2.	香港的士業議會	Hong Kong Taxi Council
3.	自由黨	Liberal Party
4.	汽車交通運輸業總工會	Motor Transport Workers General Union
5.	新界的士營運協會	NT Taxi Operations Union
6.	公共運輸研究組	Public Transport Research Team
7.	香港公共交通智庫	Public Transport Think Tank of Hong Kong
8.	順豐車行投資管理有限公司	Shun Fung Motors Investment Management Company Limited
9.	的士車行車主協會有限公司	Taxi Dealers & Owners Association Limited

	名稱	Name
10.	香港運輸物流業工會聯會	The Federation of Hong Kong Transportation and Logistics Industry Unions
11.	香港的士小巴商總會	The Hong Kong Taxi & Public Light Bus Association Ltd.
12.	Uber香港團隊	Uber HK team
13.	Benny CHAN	Benny CHAN
14.	Jacky CHAN	Jacky CHAN
15.	Mr John CHAN	Mr John CHAN
16.	Ken CHAN	Ken CHAN
17.	Sean CHAN	Sean CHAN
18.	Ms Tiffany CHAU	Ms Tiffany CHAU
19.	周啟文先生	Mr CHAW Kai-man
20.	Mr Brian CHOI	Mr Brian CHOI
21.	FONG Tsz-kit	FONG Tsz-kit
22.	Wally HO	Wally HO
23.	Jerry HUI	Jerry HUI
24.	Kevin KWAN	Kevin KWAN
25.	Ms KWAN Li-chu	Ms KWAN Li-chu

	名稱	Name
26.	林修齊	LAM Sau-chai
27.	Mr Gavin LAU	Mr Gavin LAU
28.	Mr LEE	Mr LEE
29.	Mr Eric LEE	Mr Eric LEE
30.	Myran LI	Myran LI
31.	廖東強	George LIU
32.	LSK	LSK
33.	LUI Wai-chung	LUI Wai-chung
34.	Arjun NAIR	Arjun NAIR
35.	Sally NG	Sally NG
36.	Tony NGAI	Tony NGAI
37.	蘇淑娟女士	Ms Natalie SO
38.	Stephen TANG	Stephen TANG
39.	Anthony TSANG	Anthony TSANG
40.	Eugene WONG	Eugene WONG
41.	Kevin WONG	Kevin WONG
42.	余銘基先生	Mr YU Ming-kei

	名稱	Name
43.	YU Tsz-lam	YU Tsz-lam
44.	Prof ZHOU Wen	Prof ZHOU Wen
45.	朱岸南先生	朱岸南先生
46.	黃永祥	黃永祥
47.	一名公眾人士	a member of the public

Appendix 3

Road Traffic (Amendment) (Ride-hailing Service) Bill 2025

Key features of vehicle impoundment and temporary suspension of vehicle licences

While the introduction of a regulatory regime for ride-hailing services will significantly enhance passenger protection, the Administration recognizes that a small number of law-breakers may still use private cars for illegal carriage of passengers for reward. To address this concern, the Administration proposes to strengthen measures against "white licence cars", thereby enhancing overall protection for legal and compliant personalized point-to-point transport services and their passengers. The Administration proposes to strengthen the arrangements for vehicle impoundment and temporary suspension of vehicle licences. Under the proposed arrangements, even if the driver involved cannot be identified for the purpose of instituting criminal proceedings, there will still be a regime to impound vehicles suspected of being used for illegal carriage of passengers for reward.

2. The existing Road Traffic Ordinance (Cap. 374) already provides a regime for vehicle impoundment. When a person is suspected of engaging in illegal carriage of passengers for hire or reward, the Hong Kong Police Force ("the Police") will, upon receiving a report, collect evidence (including requesting the vehicle owner to provide driver information to identify the driver concerned), and may institute criminal proceedings if sufficient evidence is available. Upon conviction of the driver through judicial proceedings, the Commissioner for Transport ("the Commissioner") will initiate procedures to temporarily suspend the licence of the vehicle concerned. The vehicle must then be delivered to the Transport Department ("TD") for custody (commonly referred to as "vehicle impoundment"). The suspension period is six months for a first conviction and 12 months for a subsequent conviction.

3. To strengthen the crackdown on "white licence cars" and address situations where vehicle owners refuse to provide driver information, thus enabling drivers to evade prosecution and vehicles to avoid impoundment, the Administration proposes to extend the existing regime to the pre-conviction stage. As this measure will directly affect the vehicle owner's ability to use the vehicle, it is expected to serve as a deterrent and effectively curb illegal carriage of passengers for hire or reward. Specifically:

(a) when illegal carriage of passengers for hire or reward occurs, the Police will seek to identify the driver involved, including serving on the vehicle owner a "Notice Requiring Provision of Personal Particulars of Driver" under section 63 of Cap. 374. The Administration proposes that if, 60 days after the serving of such notice,[1] the Commissioner of Police ("CP") have reasonable cause to believe that the vehicle was involved in an offence under section 52(3)(a) of Cap. 374, but are unable to identify the driver for the purpose of initiating criminal proceedings, then CP may give a notice to the Commissioner to initiate the vehicle impoundment procedures;

(b) upon receiving the notice from CP, the Commissioner must issue to the vehicle owner a notice for suspension of vehicle licence and vehicle impoundment. This notice requires the vehicle owner to deliver the vehicle into the custody of the Commissioner on the specified date and time. To protect the owner's legal rights and interests, the notice will also specify that the vehicle owner may lodge an objection with the Commissioner within 30 days;[2]

(c) if the vehicle owner does not lodge an objection within 30 days, the Commissioner must suspend the vehicle licence and seize the vehicle for a period of six months, beginning on the specified date. The proposed suspension period is consistent with that imposed for a first conviction under the existing regime and may be amended by the Chief Executive in Council;

(d) if the vehicle owner lodges an objection within 30 days, the Commissioner will notify CP, who may then apply to a magistrate within 30 days for an order to temporarily suspend the vehicle licence;

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1 According to the Administration, the regime is initiated 60 days after serving the notice in order to allow the Police sufficient time to gather evidence upon receipt of a report (including requesting the vehicle owner to provide driver information, taking witness statements, and collecting circumstantial evidence), with the aim of identifying the driver involved for the purpose of instituting criminal proceedings.

2 To ensure the efficiency and certainty of the regime, TD must serve the relevant notice within six months of the alleged commission of the offence of illegal carriage of passengers for hire or reward.

(e) upon receiving an application from CP, the magistrate will invite the vehicle owner to show cause why the vehicle licence should not be temporarily suspended. The owner may either make written representations or appear at the hearing at his/her discretion. This step ensures that the vehicle owner has an opportunity to make representations before the judiciary. With reference to the practice under the Import and Export Ordinance (Cap. 60), whereby a claimant may object to a forfeiture application made by the Customs and Excise Department, the court will apply the civil standard of proof. In determining whether to make the order sought, the magistrate will have regard to the following:

- whether the magistrate is satisfied that the vehicle has been involved in the alleged illegal carriage of passengers for hire or reward;

- whether the magistrate is satisfied that the vehicle owner fails to show cause why an order should not be made; and

- whether the court considers it appropriate to make the order in respect of the vehicle; and

(f) after the magistrate makes an order, the Commissioner must serve a notice on the vehicle owner specifying the date on which the vehicle licence will be suspended and the date on which the vehicle is to be delivered into the custody of the Commissioner.

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