

LCQ17: Charging of taxis for wheelchair users

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Following is a question by the Hon Leung Kwok-hung and a written reply by the Secretary for Transport and Housing, Ms Eva Cheng, at the Legislative Council meeting today (May 4):

Question:

Quite a number of elderly people, persons with disabilities and concern groups for these people have complained to me that recently, several taxis (commonly known as "diamond cabs") which boast their special design for wheelchair users, do not charge fares according to taximeters (meters) but bargain the fares with passengers according to the distance of their trips, and the fares so charged are very often higher than those charged according to meters. The complainants also considered that these diamond cabs had violated the Road Traffic Ordinance (Cap. 374) for not charging fares according to meters, while the practice of adopting a charging method for wheelchair users which is different from that for other passengers has contravened the Disability Discrimination Ordinance (Cap. 487). In this connection, will the Government inform this Council:

(a) whether taxis are required to charge fares according to meters under the existing legislation; if so, of the penalties for contravening such legislation;

(b) whether it has granted approval for diamond cabs or other taxis not to charge fares according to meters from passengers picked up on the streets or through telephone bookings; if so, in respect of diamond cabs and other taxis, when such approval was granted, of the number of taxis granted such approval and the terms and conditions for granting approval; if only diamond cabs are granted such approval, of the reasons for that; if diamond cabs are not granted such approval, of the reasons for them not charging fares according to meters blatantly;

(c) whether it will request the Equal Opportunities Commission to investigate immediately if diamond cabs' practice of adopting a charging method for wheelchair users which is different from that for other passengers has contravened the Disability Discrimination Ordinance; if so, when it will make such request; if not, of the reasons for that;

(d) whether it will institute prosecution immediately against taxi drivers who do not charge fares according to meters; if so, when it will do so; if not, of the reasons for that; and

(e) of the number of cases in which taxi drivers were prosecuted in the past five years for not charging fares according to meters?

Reply:

President,

(a) to (c) At present, the scale of fares for the hiring of taxis is specified in Schedule 5 of the Road Traffic (Public Service Vehicles) Regulations (the Regulations). Meters are installed in taxis to show the legal fares for hiring the taxis so that passengers and drivers can pay and charge according to meters. Regulations 47 and 48 stipulate respectively that a taxi driver shall not charge a fare exceeding the legal fare and a passenger shall pay the legal fare for hiring a taxi. Currently, taxi services generally operate on the basis of charging according to meters.

On the other hand, regulation 38 provides for the hiring of a taxi as a whole. The registered owner of a taxi may hire the taxi to any person at a rate of hire based on the time during which the taxi is hired, or on such other terms as may be agreed with the hirer. According to this provision, before a taxi is hired, the registered owner and hirer concerned shall complete and sign two copies of a document which shall contain the following particulars:

- (i) the charges applicable to the hiring of the taxi;
- (ii) details of the third party risks insurance held in respect of the concerned taxi; and
- (iii) the names, addresses, and the numbers of the driving licences of the drivers of the concerned taxi .

Under this hiring model, the registered owner of the taxi shall retain one copy of the document and shall produce it on demand by a police officer made within three months after the commencement of the hiring. The hirer shall retain one copy of the document and shall produce it on demand by a police officer made during the hiring

period.

Taxis are required to operate either by charging according to meters under regulations 47 and 48 or by hiring the taxi as a whole in accordance with the requirements under regulation 38.

Any taxi driver who contravenes regulation 47 is liable on conviction to a fine of \$10,000 and imprisonment for six months. Any person who contravenes any requirement under regulations 38 or 48 is liable on conviction to a fine of \$3,000 and imprisonment for six months.

We note that a social enterprise, in collaboration with taxi companies, has launched a trial service with a fleet of five wheelchair accessible vehicles, known as "diamond cabs", to provide 24-hour taxi hiring services for wheelchair users for point-to-point single trips or by hourly rates since the latter half of January this year. Patrons of these diamond cabs have to make reservations in advance and agree with the operator on the service details. As with other taxis, these "diamond cabs" have to comply with the above regulations in their operation. The Transport Department has reminded the operator of the "diamond cabs" to comply with the relevant regulations, both at the planning stage and after the service launch.

(d) and (e) It is an offence for a taxi driver to charge above metered fares. The Police is committed to combating the practice of not charging according to meters by taxi drivers. The number of prosecution cases on overcharging of taxi fares in the past five years is as follows:

	Number of prosecution cases on overcharging of taxi fares
2006	9
2007	16
2008	19
2009	35
2010	16

Ends/Wednesday, May 4, 2011

Issued at HKT 12:02