

LCQ22: Barrier-free taxi services

Following is a question by the Hon Tony Tse and a written reply by the Secretary for Transport and Logistics, Mr Lam Sai-hung, in the Legislative Council today (May 24):

Question:

It is learnt that currently, members of the public who call barrier-free taxis by telephone need to pay a booking fee of more than \$100, and a survey has revealed that the absence of regulation of relevant fees has resulted in their being on the high side. In this connection, will the Government inform this Council:

(1) of the current number of taxis equipped with ramps for wheelchair access; whether such number meets the target set by the Government;

(2) whether it knows the following information about the wheelchair accessible vehicle transport services currently provided for passengers in the form of "hire-as-a-whole service": the number of taxis or other types of vehicles providing the services, the number of operators, and the levels of fees charged for the services;

(3) as a study report has pointed out that in 2015, 58 per cent of taxis in England were wheelchair accessible, and all 22 500 taxis in London were wheelchair accessible, whether the authorities will enact legislation or formulate policies to require that taxis must be wheelchair accessible; and

(4) of the current regulatory measures put in place by the authorities for the situation of members of the public being charged booking and other fees for calling barrier-free taxis by telephone; given that some wheelchair users have been charged a barrier-free taxi telephone booking fee in addition to the fee calculated by the taximeter for using barrier-free taxi services, whether the drivers concerned have violated the relevant provisions of the Road Traffic (Public Service Vehicles) Regulations (Cap. 374D) or the Disability Discrimination Ordinance (Cap. 487)?

Reply:

President,

After consulting the Constitutional and Mainland Affairs Bureau, our reply to Hon Tony Tse's question is as follows:

The Government has been pursuing a public transport-oriented policy, promoting the arrangement to facilitate the use of public transport services by people with disabilities (PwDs) and committed to implementing the concept of "Transport for All". The Government has also been improving public transport facilities and promoting a barrier-free transport system in collaboration with various public transport operators to cater for the travel needs of PwDs.

(1) and (3) Currently, there are 18 163 taxis in Hong Kong, of which around 3 900 are wheelchair accessible models.

The Government has no plan of mandating all taxis be replaced with wheelchair accessible models at the moment. Nevertheless, under the concept of "Transport for All", the Government has been actively encouraging the taxi trade to introduce more wheelchair accessible taxis and different models, so that wheelchair users may have more choices and more convenient access to wheelchair accessible taxis. The Government will continue to communicate with the taxi trade and vehicle suppliers to help them better understand the relevant standards and approval procedures for introduction of wheelchair accessible taxis, thereby facilitating their search for suitable wheelchair accessible taxi models for use in Hong Kong.

Besides, to further improve taxi service quality, the Government has earlier reviewed the overall taxi operation and management, and proposed to take forward a series of measures to enhance the development of the taxi industry. One of the proposed measures is to introduce a taxi fleet management regime, under which existing taxis may form a fleet and apply to the Transport Department (TD) for a Taxi Operator Fleet Licence. We propose to specify in the fleet licence conditions that the fleet must include a certain number of wheelchair accessible taxis to facilitate travelling by wheelchair users. The Government is formulating the details of the relevant legislative amendments and will submit them to the Legislative Council for scrutiny in due course.

(2) It is understood that there are individual taxi operators and taxi owners in the market that provide wheelchair accessible taxi booking services. The fees for such taxi services are generally based on the hire-as-a-whole mode as agreed between the taxi operators or owners and the passengers. The TD does not have the information on the number of taxis, the number of operators or the level of fees of such services.

In addition, there are currently private vehicles issued with hire car permits that provide wheelchair accessible vehicle pick-up and drop-off services. The number of vehicles providing such services is 50, and these vehicles are held by 28 hire car permit holders. The fees of the hire car services are agreed between the permit holders and passengers. The TD does not have the relevant information.

(4) In general, the fare for the hiring of taxis should be calculated in accordance with the scale of fares specified in Schedule 5 to the Road Traffic (Public Service Vehicles) Regulations (Cap. 374D) (the Regulations) (i.e. the fare as shown on the taximeter). If a taxi picks up passengers (including wheelchair users) directly on the street or at a taxi stand on a non-booked basis, the taxi cannot charge any fare other than the scale of fares specified in Schedule 5 to the Regulations.

Nonetheless, under Regulation 38 of the Regulations, a registered taxi owner may also hire the taxi to a hirer for a period of time at a rate based on the period during which the taxi is hired (whether or not an additional charge is payable for the mileage travelled while the taxi is hired) or on

other terms as agreed with the hirer. Regarding whether the booking fee charged by individual taxi operators or owners in providing wheelchair accessible taxi services is in compliance with the Regulations, it would depend on the specific circumstances of the case (e.g. whether the taxi is hired as a whole and whether the registered taxi owner has agreed with the hirer on the fee in accordance with Regulation 38 of the Regulations).

Besides, the Equal Opportunities Commission (EOC) has advised that, according to the Disability Discrimination Ordinance (Cap. 487) (the Ordinance), it is unlawful for a service provider to discriminate against a service user by treating him/ her less favourably on the ground of disability during the provision of goods, services or facilities. As regards the arrangement for individual operators or persons to impose booking fee when providing wheelchair accessible taxi services, the EOC has advised that if the same amount of additional charges is imposed uniformly on all passengers (regardless of whether they are PwDs (including wheelchair users)), no disability discrimination under the Ordinance would be constituted.