

## **Summary of Investigation Report**

### **Complaint against Transport Department about Handling of Taxi Complaints**

#### **The Complaint**

A taxi passenger (“the complainant”) complained to the Transport Complaints Unit (“TCU”) about the poor attitude of a taxi driver. He provided the driver’s name and taxi driver identity plate (“TDIP”) number but TCU said that the taxi vehicle registration number (“VRN”) was required. The complainant considered that TCU should be able to obtain the driver’s information from the Transport Department (“TD”) based on the TDIP number, but TCU said TD would not provide such information. The complainant thus lodged a complaint with this Office against TD.

#### **Our Findings**

##### ***Background***

2. There are around 18,100 taxis in Hong Kong and over 210,000 drivers with taxi driving licences. Among them, around 57,000 are active taxi drivers.
3. TD and the Police are the major government departments that monitor and regulate taxi services. In general, the Police has the power to take enforcement action against taxi drivers’ mal-practices and misbehaviours, while TD is mainly responsible for the general planning, development and monitoring of taxi services, including handling of complaints from the public. TD does not have enforcement power under the law.
4. TCU is the principal agent that receives transport complaints. For complaints relating to taxi services, TCU would refer the case to TD or the Police according to the complainant’s intention and the nature of the case.
5. In general, complaints amounting to suspected criminal offences, like overcharging and touting, will be referred to the Police for investigation. The Police will try to identify the taxi drivers concerned and take further action including prosecution if the situation warrants. Complaints which are related to the general mis-behaviour of taxi drivers will be referred to TD for follow up actions, normally by way of liaison with the taxi trade and issuance of advisory letters.
6. If the complainant does not request any follow up actions, TCU will monitor the case. If another complaint against the same taxi is received within 12 months, both the former and the latter complaints will be referred to TD or the Police as appropriate.

7. For most of the complaints, the complainants are unwilling to be involved in the subsequent investigation/prosecution proceedings or to testify in court. In such case, the complaint cannot be referred to the Police for investigation or prosecution. As there are usually only two parties involved in the incident – the driver and the passengers – in the absence of other independent evidence, TD is unlikely to be able to judge whether the complaint is substantiated or not. Against such background, TD will only ride on those complaints to educate and urge the taxi trade to enhance their service standard.

### *TD's position*

8. Under the current practice, TD does not issue advisory letters direct to the drivers under complaint. TD considers that the most cost-effective means to exert pressure and prompt those misbehaving taxi drivers to improve their service is for the relevant taxi owners to reason with or warn them direct. Upon receipt of complaints from TCU, TD will, based on the taxi VRN (i.e. the car plate number) concerned, identify and issue advisory letters to the taxi owners so that they may exert pressure on the drivers for improvement. Therefore, complainants are required to provide the taxi VRN when lodging complaints to TCU.

9. During the period between March 2011 and March 2013, TD issued about 2,300 advisory letters to taxi owners. A breakdown of the nature of complaints is at **Appendix 1**. During the same period, TCU referred 3,479 cases to the Police for investigation. A breakdown of the nature of complaints is at **Appendix 2**.

10. TD believes that issuing advisory letters to taxi owners is the most cost-effective way in handling taxi complaints because:

- (i) Mal-practices and misbehaviours of the taxi driver would eventually lead to prosecution for breaching traffic regulations. The taxi owner would then be involved in the investigation and legal proceedings. In some serious cases, the taxi involved may be damaged in a traffic accident or impounded by the Police. All these will incur heavy time and financial costs to the owner. Therefore, it is in the interest of taxi owners to promote proper driver behaviour.
- (ii) Big taxi companies keep proper records on the drivers who rent their vehicles. A driver having a bad track record in one company would likely be rejected by all companies. For small companies and individual taxi owners, they prefer renting their taxis to people they know and trust as this involves property in which they have a big financial interest. Under such circumstances, drivers with improper behaviour will find it hard to rent a taxi.
- (iii) The current practice is supported by the taxi trade.

11. Also, there are practical difficulties for TD to issue advisory letters to the drivers direct. As there are over 210,000 taxi driving licence holders in Hong Kong, if the complainant can only provide the name of a taxi driver, there is a possibility that the name matches more than one taxi driver. Besides, TD believes that without involvement of the taxi owners, the taxi drivers will very likely ignore the advisory letters, particularly when TD does not have any enforcement power under the law.

## **Our Comments**

12. The focus of this investigation is whether the current system adopted by TD is reasonable and effective in deterring the poor performance and behaviour of taxi drivers.

13. We do not dispute that TD's current practice of issuing advisory letters to taxi owners can help to monitor the performance of taxi drivers and deter misbehaviours. We accept that taxi owners do have the incentive to ensure that their taxi drivers are behaving properly. Even if the complainant can only provide the taxi VRN but not the driver's name (together with information like the time and location of the incident), the taxi owner should have no difficulty in providing the driver's name to TD or Police for follow-up action if necessary. As such, we consider that the current practice of issuing advisory letters to taxi owners should continue.

### ***Issuing Advisory Letters to Taxi Drivers***

14. While we agree that the current system is largely reasonable and effective, we consider that there is definite room for improvement. We note that there could be more than one driver with the same name. But in cases such as the present one where the complainant was able to provide the driver's name as well as his TDIP number, TD should have no problem identifying the exact driver. While agreeing that the effect of issuing advisory letters to taxi drivers may be limited, we do not think this will have no positive value at all. It can at least provide useful feedback to the driver that his/her behaviour is attracting complaints. Therefore, we consider that in this case even if the complainant cannot provide the taxi VRN, TCU can still take up the complaint.

### ***Monitor complaints on driver basis***

15. At present, TCU has a system to monitor complaints on a vehicle basis. We consider that TD/TCU may also set up a system to monitor complaints on a driver basis. This information should be even more effective in deterring poor driver behaviour.

16. In order for this system to be effective, TD needs to educate and facilitate the public to mark down the TDIP number of the driver concerned when lodging complaints. The TDIP number of the driver is currently shown in his/her taxi driver identity plate, but not elsewhere inside the taxi. TD may need to consider ways to

make it easier for the public to obtain the information (such as including this information in the taxi receipt).

### *Step-up action for repeated offenders*

17. At present, TD does not require the taxi owner to report back on their follow-up actions. We are of the view that, if the number of complaints against a particular taxi or driver reaches a certain level (say, two complaints in a year), TD should consider stepping up its actions, like requiring the taxi owner to report back on the follow-up actions taken.

### *Education and Publicity to Passengers*

18. We have also examined whether passengers are well informed of the need to record the taxi VRN when lodging complaints against taxi drivers. We observe that the message is mentioned in the leaflet posted on TD's website (**Appendix 3**). At the same time, TCU's website has a Taxi Complaint Form which requires the complainant to input the taxi VRN as well as the driver's name. However, it does not mention in the form that TCU cannot take up the complaint if the complainant cannot provide the taxi VRN. Since TCU is the main agent receiving transport complaints, TD may consider discussing with TCU to remind the public on its Taxi Complaint Form of the importance to record the taxi VRN when lodging complaints against taxi drivers. Moreover, TD may consider spelling out this message clearly inside the taxi as well.

19. In addition, we understand that getting a taxi fare receipt can serve as useful evidence for the complaint. TD may wish to step up publicity and advise the passengers to obtain a receipt from the driver if he/she wants to lodge a complaint.

### **Conclusion**

20. According to the latest statistics of TCU (**Appendix 4**), taxi was the largest source of complaint in the past three years. In view of this, we consider it necessary for TD to consider ways to improve the current system with a view to raising the overall standard of the taxi service. This complaint has given an opportunity for the Ombudsman to examine the current complaint handling mechanism for taxis. We hope TD can make good use of this opportunity to review its current system and identify areas for improvement.

21. Since TD has followed the established procedure in handling the complainant's complaint, and we find the current system largely reasonable and effective, this Office considers the complaint **unsubstantiated**, but the current system shows areas for improvement.

## **Recommendations**

22. The Ombudsman recommends that TD should discuss with TCU the following ways to improve the system of complaint handling on taxi services:

- (i) Take up a complaint even where only the taxi driver but not the owner can be identified, by issuing an advisory letter to the driver;
- (ii) In addition to monitoring complaints on a vehicle basis, set up a system to monitor complaints on a driver basis;
- (iii) Step up education to the public in lodging complaints against taxis; and
- (iv) Step up follow-up actions with the taxi owner upon receiving repeated complaints against a particular taxi or driver, such as requiring the owner to explain or report his/its rectification measures.

**Office of The Ombudsman  
October 2013**

**Breakdown of nature of advisory letters**  
(March 2011 – March 2013)

	<b>Nature of complaint/Suggestion</b>	<b>Number of Cases</b>
1.	Conduct and performance of drivers	
	(i) Behaving other than in a civil & orderly manner	372
	(ii) Refusing hire	337
	(iii) Soliciting passengers	0
	(iv) Refusing to drive to destination	35
	(v) Failure to display taxi driver identity plate	16
	(vi) Failure to display taxi driver identity plate properly	4
2.	Improper driving behavior	347
3.	Overcharging	344
4.	Taximeter irregularities	58
5.	Failure to take the most direct route	289
6.	Others	76
7.	Multiple cases	424
	Total	2,302

**Cases of taxi complaints referred from TCU to Police**  
(March 2011 – March 2013)

	<b>Nature of complaint/Suggestion</b>	<b>Number of Cases</b>
1.	Conduct and performance of drivers	
	(i) Behaving other than in a civil & orderly manner	406
	(ii) Refusing hire	1002
	(iii) Soliciting passengers	4
	(iv) Refusing to drive to destination	149
	(v) Failure to display taxi driver identity plate	59
	(vi) Failure to display taxi driver identity plate properly	54
2.	Improper driving behavior	538
3.	Overcharging	395
4.	Taximeter irregularities	133
5.	Failure to take the most direct route	470
6.	Others	269
	Total	3,479

## 2.1. 如何作出表揚及投訴

乘客如欲表揚的士司機或不滿的士司機所提供的服務，應記下的士司機的名字、的士車輛登記號碼，以及事發的日期、時間和地點，然後循下列的途徑作出表揚或投訴：

### a. 交通投訴組

熱線電話：2889 9999

傳真號碼：2577 1858

網址：<http://www.info.gov.hk/tcu>

電郵地址：[info@tcu.gov.hk](mailto:info@tcu.gov.hk)

郵寄地址：香港中環花園道美利大廈21樓

### b. 警方

熱線電話：2527 7177

或可向任何警務人員或往警署尋求協助

### c. 香港旅遊發展局

熱線電話：2508 1234

傳真號碼：2111 8380

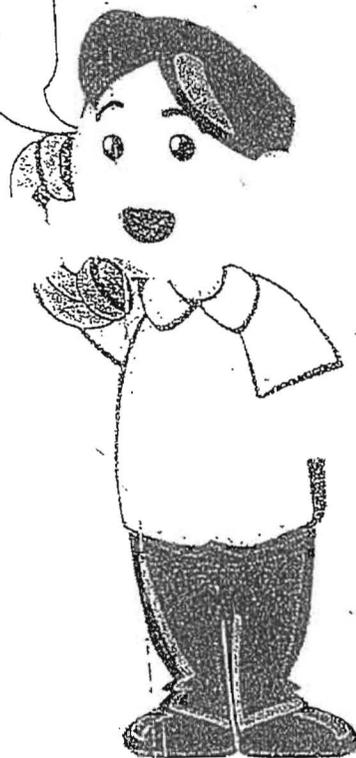
電郵地址：[info@hktourismboard.com](mailto:info@hktourismboard.com)

郵寄地址：香港北角威非路道18號

高國貿通中心9-11樓

### d. 香港旅遊發展局旅客諮詢及服務中心

- 香港國際機場入境大堂轉機區E2、緩衝區A及B
- 羅湖客運大樓2樓入境大堂
- 九龍尖沙咀天星碼頭
- 香港銅鑼灣地鐵站(近F出口)



## 2.1. How to lodge commendations and complaints

If a passenger wants to give commendation to a taxi driver or is not satisfied with the service provided, he/she should note down the driver's name, the registration number of the taxi, and the date, time and place of the incident. Commendations and complaints may be made to:

### a. Transport Complaints Unit

Hotline : 2889 9999

Fax No. : 2577 1858

Website : <http://www.info.gov.hk/tcu>

E-mail : [info@tcu.gov.hk](mailto:info@tcu.gov.hk)

Mailing address : 21/F, Murray Building,  
Garden Road, Central, Hong Kong

### b. Police

Hotline : 2527 7177 or

Any police officer or police station for assistance

### c. Hong Kong Tourism Board

Hotline : 2508 1234

Fax No. : 2111 8380

Email : [info@hktourismboard.com](mailto:info@hktourismboard.com)

Mailing address : 9th-11th Floors, Citicorp Centre,  
18 Whitfield Road, North Point, Hong Kong

### d. Hong Kong Tourism Board Visitor Information & Services Centres

- Buffer Halls and Transfer Area E2 and Buffer Hall A & B at Hong Kong International Airport
- Arrival Hall, 2/F, Lo Wu Terminal Building
- Star Ferry Concourse, Tsim Sha Tsui, Kowloon
- Causeway Bay MTR Station (near Exit F), Hong Kong

### Breakdown of complaints by mode of Transport (Year 2010 – 2012)

Mode of Transport	Year 2010	Year 2011	Year 2012
Taxis (% of Total No. of Complaints)	7,997 (54.8%)	8,789 (53.3%)	9,079 (45.3%)
Bus Services	3,275	3,963	6,482
Green Minibuses	2,656	3,051	3,555
Red Minibuses	307	317	299
Rail Transport	331	318	599
Ferries	40	54	47
Total	14,606	16,492	20,061

(Source : TCU Annual Report 2010 and 2011, TCU Quarterly Reports in 2012)