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Supplementary Material for Governance of the Risks of Ridesharing in South East Asia: An In-depth Analysis

Supplementary Part S1

1. Philippines

In July 2013, Grab entered the Philippine market under the name GrabTaxi, initially offering only a smartphone app that helped match taxi drivers and passengers using the app. The price structure for GrabTaxi followed the price structure of normal taxis (i.e., metered fare based on rates determined by the transport regulator) with the exception that a booking fee would be paid in addition to the metered fare [1]. The following year, in February 2014, Uber introduced its ridesharing service in the Philippines [2]. No regulations were in place specifically regulating ridesharing services at the time of Uber's entry.

In October 2014, after several months of undertaking no enforcement action since Uber's entry in February 2014, the Philippine transport regulator started its operations apprehending drivers operating vehicles under Uber for not having a valid franchise to transport persons [3]. Following public outcry against the apprehensions, the government transport department announced that it would be working with Uber in order to facilitate the regulation of ridesharing. This came about as a result of the negative public response due to the transport regulator imposing fines on a driver operating under Uber when the vehicle being operated had no public franchise. The transport regulator also stopped apprehending drivers operating under Uber and Grab [4].

In the last quarter of 2014, the Philippine transport regulator and Uber discussed the possible means of regulating Uber and its partner drivers. The transport regulator announced that it would issue rules and regulations that would include vehicles operating under Uber in the "vehicles-for-hire" category and would subject them to the oversight of the transport regulator [5]. Members of the lower house of Philippine congress called for the stoppage of operations of Uber while lawmakers were determining whether Uber and other similar ridesharing services should be regulated and if so, how they should be regulated. The transport regulator, however, continued to allow the operation of Uber pending the formulation of regulations [6]. A public hearing was scheduled subsequent to the meeting between the transport regulator and Uber for the purpose of determining whether app-based transportation service-providers like Uber and Grab (then GrabTaxi) were merely technology providers or if they were engaging in the provision of public-services, hence, requiring regulation [7].

In the first quarter of 2015, pending discussions on the appropriate means of regulating ridesharing, Uber offered the Philippine government access to information about its drivers to address any concerns regulators may have regarding Uber's security. This was brought about as a result of concerns overseas where Uber drivers were reported to have assaulted passengers [8]. In the second quarter of 2015, Grab relaunched its GrabCar service [9]. In the same quarter the transport department announced that it was issuing regulations covering Uber and Grab (then operating two brands as GrabCar and GrabTaxi) that would allow them to operate in the Philippines. Uber and Grab would be classified a Transport Network Companies (TNCs). A TNC is defined as "an organization that provides pre-arranged transportation services for compensation using an internet-based technology application or a digital platform technology to connect passengers with drivers using their personal vehicles [10]." On the other hand, owners of vehicles under TNCs would be classified as Transportation Network Vehicles Services (TNVS) [11]. The accreditation and registration process to operate as a TNC started in June 2015. TNVS accreditation and registration also began in the same month [12].

The regulations governing TNCs and TNVSs were set out in various memorandum circulars issued by the transport regulator. To register as a TNVS, the applicant needs to prove Philippine citizenship, the existence of a valid passenger insurance policy, and proof of financial capacity. The drivers of the TNVs would also need to prove accreditation by the TNC, the existence of a professional driver's license, and proof from two law enforcement agencies that the driver has not been convicted of a crime or that there is no criminal suit pending against the driver [13]. The regulation on the operation of a TNVS also provides that "all transportation must be pre-arranged through the use of a TNC provided internet-based digital technology application of the [TNC] on an internet-connected device." [14]. The same regulation provided that TNVS were precluded from accepting rides through street hailing, telephone calls, hand gestures. Drivers registered were also required to display the trade dress of the TNC under which they are operating when they are carrying passengers.

The Philippine taxi industry did not welcome new regulations governing ridesharing as, in its opinion, taxis were subject to stricter requirements for franchise awarding. Taxi operators also protested the fact that vehicles operating under Uber or Grab could ply the streets pending registration while regular taxis could not. Taxi drivers also took issue with the fact that it appeared that the TNC was the relevant entity that accredited a TNVS, as opposed to a taxi that was accredited by the transport regulator. Further, taxi operators were limited to a certain number of taxi units versus TNCs whose vehicles were not limited [15].

It is noted that as opposed to taxis that have fares fixed by the transport regulator, the TNVS fare are set by the TNC, subject only "to oversight from the LTFRB in cases of abnormal disruption of the market" [16]. From this, the regulation of taxis and ridesharing were indeed treated differently, with taxis appearing to be subject to stricter regulation by the transport regulator.

In July 2015, GrabCar was accredited as a TNC [17]. In August 2015, the Philippine government stated that it would begin apprehending Uber and GrabCar drivers who failed to register as a TNVS and secure a public franchise from the transport regulator [18]. In the same month, Uber's accreditation as a TNC was approved by the Philippine transport regulator. Due to Uber's status of being previously unregistered, its drivers could not register as TNVSs, hence rendering them open to being apprehended by government agents [19].

In September 2015, the transport regulator directed GrabCar to remove the feature showing a passenger's destination which allegedly allowed drivers to pick and choose bookings. This was after users of the app failed to get rides through the GrabCar app [20].

In January 2016, GrabTaxi and GrabCar unified both brands under the brand Grab [21]. Subsequently, in July 2016, a year after the regulations for ridesharing came into force in the Philippines, registration of new vehicles to operate as TNVS was stopped by the transport regulator. New applications were stopped to clear the backlog of pending applications which at that time were for 29,000 vehicles [22].

In December 2016, the transport regulator received complaints about prices of both Grab and Uber during the Christmas holidays. Reports indicated that customers had experienced fares ranging from 40 to 530 USD. Due to these complaints, the transport regulator set a maximum limit on surge pricing of both Grab and Uber. The regulator set the maximum surge multiplier at two times the fare, but excluding the base fare. The transport regulator also fixed the fares of both Uber and Grab [23]. Following this, the senate committee on public services led a probe on pricing of Grab and Uber, stating that the legislature should craft guidelines to curb surge pricing [24].

In July 2017 after a year of the moratorium on registration being in effect, Grab, Uber, and passengers of the ridesharing firms filed an application with the transport regulator seeking to lift the moratorium [25]. In an apparent reaction to the petition, the transport department announced that its officials along with officials of the transport regulator would meet to review the regulations on accreditation of ridesharing firms and vehicles operating under them [26]. It is noted that despite the moratorium, Grab and Uber had allowed new drivers without franchises to operate under them [26].

Subsequently, the transport regulator ordered Uber and Grab to deactivate drivers who registered in their systems after 30 June 2017 and to cease accepting new drivers. Uber did not comply with the order, hence the transport regulator suspended Uber's operation for one month starting on 14 August 2017 [27]. Following the suspension, the chair of the senate committee on public services said that Uber's suspension would only lead to detriment to the riding public [28]. Uber's suspension was lifted in the same month after payment of 489 PhP Million (9.3 USD Million) representing the fine imposed by the transport regulator and the compensation to be paid to drivers representing lost income as a result of the suspension [29].

In October 2017, following a senate inquiry on the operation of ridesharing services earlier in the year, the transport regulator released amended guidelines on TNCs and TNVSs. The amended guidelines explicitly provide for the distribution of liability between the TNC and the TNVS. The guidelines for TNCs explicitly state that due diligence must be exercised by a TNC when accrediting and supervising drivers [30] and that it will be liable should it knowingly accredit an ineligible driver [31]. On the other hand, the liability of TNVSs were clarified as being equal to that of other modes of transport–they were now explicitly stated as having the liability of common carriers once they offer their services to the public [32]. This meant that liability would only fall directly on the TNVS in cases of accidents–a TNC would not be held liable provided that it exercised due diligence in the accreditation of a TNVS.

In the first quarter of 2018, the transport regulator limited the number of vehicles that could register to operate under rider-sharing firms. The cap was initially set at 45,000. It was later increased to 66,750 aggregate units across all ridesharing firms. The cap was set in order to control vehicle congestion in Manila [33].

In March 2018, the transport regulator resumed entertaining applications for the registration of drivers and vehicles allowed to operate under ridesharing firms [34]. In the same month, Grab and Uber announced that Grab would be acquiring the SEA operations of Uber. The competition regulator announced that the deal could be blocked if found to be anti-competitive [35]. The deal was subject to anti-trust investigation starting on 3 April 2018. Uber and Grab were directed to operate separately until completion of the investigation [36]. However, the transport regulator directed Uber to cease operations due to the regulator's judgment that Uber could no longer operate in a viable manner [37].

In August 2018, the acquisition by Grab of the Southeast Asian assets of Uber was approved by the competition authority, subject to conditions that its quality of service and its prices do not unreasonably differ from pre-acquisition levels [38]. Grab's minimum fares should not increase by more than 22% from pre-acquisition levels. Another condition was that the electronic receipt should show the fare breakdown of a trip per component (i.e., distance charge, time charge, base fare, and surge). Other conditions required that Grab prevent drivers from knowing the destination of passengers requesting rides on the app. This would prevent drivers from discriminating between passengers based on destination [39].

Despite the approval, fines were imposed on Grab and Uber for violation of orders of the anti-trust body. In October 2018, Grab and Uber fined for failing to follow an order of the anti-trust body to maintain separate operations. Grab and Uber were also fined in January 2019 for failing to provide correct and sufficient price data, a condition for the approval of the deal [40].

As of the end of 2018, there were 8 ridesharing firms aside from Grab accredited by the transport regulator. However, it is estimated that Grab still has a bulk of registered drivers with Grab having approximately 33,000 drivers on its platform and the other ridesharing firms having only between hundreds to 5000 drivers [41].

In March 2019, Go-Jek's bid to enter the Philippines was denied on the ground that it failed to satisfy the minimum 60% Philippine equity requirement [42]. In 2020, the privacy commission prohibited Grab from monitoring its riders with video and audio equipment [43].

2. Singapore

Uber launched its Singaporean operations in January 2013, followed by its rival Grab later in October of that year. During this time, Uber and Grab operated in Singapore without regulation, being seen as technology companies and not transport providers. They were also seen as a means to complement taxi transport [44]. Due to the prevalence of ridesharing, tensions began to rise between ridesharing companies and taxi drivers. Ridesharing vehicles were seen as less regulated and due to this, taxi drivers demanded that ridesharing be subject to the same regulations [44]. Towards the end of 2014, the Singapore Land Transport Authority (LTA) issued several regulations that required registration of ridesharing applications with the LTA, requiring vocational licenses for drivers, and increased price transparency, among others [45].

The following year, the Singapore Parliament enacted the Third-Party Taxi Booking Service Providers Act that required registration of ridesharing vehicle operators under the LTA if the company owns more than 20 taxis [46]. Later in that year, the Ministry of Transport led a review of ridesharing and taxi services, consulting various stakeholders in the process. Stakeholders affiliated with the taxi industry sought the harmonization of regulations for the taxi industry and the ridesharing industry, with stakeholders proposing that vehicles operating under ridesharing services be required to undergo the same safety checks and procure the same insurance at taxis [44].

In 2016, new regulations were released that would require drivers of ridesharing vehicles to undergo background checks, attend training courses, and pass tests. Simultaneously, training for taxi drivers was shorted in duration and now included training on the use of a global positioning system. Later in the same year, the LTA undertook a review of existing taxi regulations and announced the removal of minimum daily mileage requirements. The following year, it was reported that Uber suffered a data breach involving 380,000 accounts in Singapore [44]. Also in 2016, the LTA declared that Grab's carpooling service between Singapore and Malaysia, GrabHitch, was illegal for non-compliance with Singaporean regulations [45].

On 7 March 2018, the transport ministry of Singapore announced that the government was reviewing means to regulate the private-hire car industry and booking service operators. Regulations were minimal as the intention at the time of their enactment was to avoid hampering innovation in the industry [47].

On 30 March 2018, a few days after the announcement of Grab's acquisition of the SEA assets of Uber, the Competition & Consumer Commission of Singapore (CCCS) announced that it had reasonable grounds to believe that the transaction violated the Competition Act. In accordance with this assessment, the CCCS proposed interim measures that included the maintenance of independent pricing and pricing policies, and a condition that the parties should not integrate their businesses pending approval of the deal. No confidential information could also be exchanged between the two [48].

In May 2018, Go-Jek announced that it would be entering the Singaporean market [49]. Two months after, the CCCS concluded its investigation of the merger and had a finding that it substantially lessened competition and has infringed the competition act [50]. In accordance with these findings, the CCCS proposed remedies that prevented of Grab from requiring drivers to operate exclusively on its platform [50]. The CCCS also proposed that Grab maintain the same pricing algorithm as well the rate of driver commissions that were in place prior to the transaction [50].

In September 2018, the CCCS rendered its decision with a final finding that the merger resulted in a substantial lessening of competition in the ride-hailing market. CCCS finalized its proposed remedies and also imposed a fine on Grab and Uber for a total of SGD13 Million. The remedies would remain until a competitor maintains a market share of 30 percent of total rides for six months in a row [51]. In October 2018, Uber stated that it would appeal the decision of the CCCS. Grab on the other hand stated that it would not be appealing the decision. The appeal of Uber, however, was only with respect to the financial penalty and not on the remedies imposed by the competition agency [52]. In the same month, Indonesian ride-hailing firm Go-Jek opened its pre-registration process for Singaporean drivers [53].

In December 2018, industry associations proposed to the Land Transport Authority (LTA) that taxis and private-hire drivers such as those operating under Grab should be allowed to use bus stops and bus lanes in order to better provide flexible transportation options as opposed to fixed route transport offered by buses and the MRT [54]. The industry associations likewise noted that while private-hire drivers are subject to contractual obligations, they are not considered employees of their operators under law. To remedy this, they proposed that Singapore transport authority be allowed act as a third-party mediator for any disputes between drivers and operators [55].

In January 2019, Go-Jek opened its services to all customers in Singapore [56]. It was reported that Go-Jek's prices were approximately 10–30% lower than the prices of Grab, Go-Jek also reportedly provided better driver benefits [57]. Following Go-Jek's entry into the Singaporean market, Grab started offering promotional discounted fares for rides again, despite earlier statements that it would no longer be offering such promotions [58]. In the same month, Grab granted a medical leave insurance scheme for its drivers, provided they meet a certain level of earnings [59].

Also in January, the LTA announced that it was proposing changes to the regulatory and licensing framework of private ridesharing vehicles. The proposed regulations, according to the LTA, would harmonise the regulations between taxis and private ridesharing services as they were both transport services [60]. In March 2019, it was reported that the prices of certificates of entitlement-documents necessary to own cars in Singapore-were rising due to increased demand for cars for ridesharing services, with prices rising by 0.03% to 2.6% [61].

In September 2020, the LTA announced that new guidelines would take effect governing the operation of ridesharing vehicles. Under the new guidelines, drivers would have to be Singaporean citizens. The minimum age of drivers would also be raised to 30, raising it from the original 20 years old. The new guidelines would only affect new applicants and not existing drivers [62]. In the same month, ridesharing firm Grab was fined for its fourth data breach in 2 years. The breach involved providing multiple drivers access to passenger names and profile pictures, as well as trip details [63].

In November 2020, following the lapse of the 2-year period imposed by the CCCS on Grab requiring it to refrain from changing its pricing structure, Grab announced that it would add a platform fee of S$0.30 [64].

3. Indonesia

In 2014, Uber and Grab entered the Indonesian market. Both companies undertook soft launches around the same time [65,66]. In January of the following year, Go-Jek launched a mobile application to connect motorbikes to passengers. Founded in 2010, Go-Jek originally operated as a platform to hail *ojek* or motorbikes through a call centre [67,68]. Initially, Go-Jek started with only 1000 *ojek* drivers, however, within the same year it had a total of 200,000 *ojek* drivers across Indonesia [68].

In the second quarter of 2015, Grab undertook a full launch of its GrabTaxi and GrabCar service in Jakarta following an earlier launch in Bali [69]. In the last quarter of 2015, the transport ministry banned ridesharing applications, whether operating motorbikes or 4-wheeled vehicles. This was on the basis that these ridesharing applications did not comply with the relevant laws and regulations on traffic and public transportation [70]. However, the president of Indonesia withdrew the ban the next day after public backlash [71].

In early 2016, violent conflicts erupted between driver of traditional modes of public transportation, including taxis and public minivans, and drivers of ridesharing vehicles. There was also conflict between Go-Jek motorcycle drivers and traditional *ojek* drivers [72]. In March of the same year, the Indonesian transport ministry declared that Uber and Grab were in violation of transportation regulations. This statement was made as an apparent reaction to protests by drivers of public transportation vehicle and the prior violent confrontations between public vehicle operators and ridesharing operators. Public vehicle operators stated that Uber and Grab negatively impacted their income. However, consumers were of the opinion that a ban would negatively affect them as prices of ridesharing services was cheaper than conventional taxis [73]. Following the announced ban of ridesharing applications, the transport ministry announced that it would be issuing regulations for the operation of ridesharing services, stating that vehicles must undergo vehicle road worthiness tests similar to taxis [74].

In the latter part of March 2016, Go-Jek entered the market for online hailing of taxis with its Go-Car service. It announced that it would be entering into partnerships with taxi drivers by using an "online-based taxi service" [75]. Following this, in May 2016, Indonesia's largest taxi operator, Blue Bird, entered into a partnership with Go-Jek. This allowed users of the Go-Jek application to hail Blue Bird taxis using the app [76].

In April 2016, the ministry of transport issued regulation No. 32 of 2016 which specifically regulated ridesharing [77]. The regulation, which took effect in October 2016, provided that vehicles operating under ridesharing apps should have an engine with a minimum displacement of 1300 cc and that car pool facilities be provided. This resulted in similar regulations for taxis and ridesharing [78]. The same regulations also prohibited vehicles used for ridesharing from being placed under individual owners, with ownership of these vehicles required to be under a corporate entity [79]. It is noted that the regulations did not fix the fares of ridesharing services [80]. The new regulations were not welcomed by ride hailing drivers, with drivers stating that these regulations would force drivers to become employees as opposed to entrepreneurs [79]. Drivers also expressed dissatisfaction with the requirement to obtain public driving licenses and undergo roadworthiness tests [79]. Ridesharing drivers faced difficulty in complying with Ministerial Regulation No. 32/2016, with drivers failing the licensing tests. It was reported that in August 2016, only 329 of 13,000 vehicles operating under all ridesharing firms met the roadworthiness requirement [81]. Following protests against the requirement for cooperative ownership of vehicles imposed by the transportation ministry, the ministry for cooperatives clarified that private vehicles operated by ridesharing drivers need not be transferred to cooperatives [82].

Despite initial acceptance by public transportation drivers, Ministerial Regulation No. 32/2016 was eventually met with protest in 2017. Public transportation drivers said that the regulation led to lower revenues as it allowed vehicles operating under ridesharing applications to operate without specific routes. The protests called for the revocation of the regulation [83]. Subsequent to the protests, the Indonesian government announced it would undertake revisions of Ministerial Regulation No. 32/2016. Among the changes announced were fare regulation by the introduction of floor and ceiling prices for trips, maximum fleet quotas, and bumper stickers to identify cars operating under ridesharing services [84]. The revised regulations, Ministerial Regulation No. 26/2017, created the app-based transportation provider classification that prohibits ridesharing services from directly acting as transportation companies and requiring them to "collaborate with a public transportation company that holds a transportation license" [78] (p.1).

The imposition of price regulation was due to concerns of traditional public transport operators that Go-Jek, Grab, and Uber were allegedly practicing predatory pricing [85]. Ridesharing operators opposed these regulations stating that some of these regulations, particularly those related to price ceilings and floors and fleet quotas, did not concern safety. They also stated that these would negatively affect customers [86]. However, the fleet and fare restrictions were later struck down by the Indonesian Supreme Court in August 2017 [87].

After Ministerial Regulation No. 26/2017 was struck down by the Supreme Court, the government revised the regulations governing ridesharing and issued Ministerial Regulation No. 108/2017 [88]. While the regulations also contained provisions relating to fleet quotas and price controls, the imposition of price controls included a requirement to discuss with stakeholders prior to imposition [89]. The revised regulations also required that insurance be procured by ridesharing firms [90]. Ridesharing operators stated that they would comply with the new regulations [91].

In March 2018, Grab acquired the SEA assets of Uber, including its assets in Indonesia. It is noted that no anti-trust or competition enforcement was undertaken by the competition authority of Indonesia as the transaction did not involve a change of control of a corporate entity and involved only a sale of assets [92]. Following this acquisition, the Indonesian government announced that it planned on creating its own ridesharing application to be owned by a state-owned enterprise. The purpose of the government-operated ridesharing application was to give more consumer choice and to promote competition in the market [93].

In September 2018, Ministerial Regulation No. 108/2017 was also struck down [88]. New regulations were issued in December, with the transportation ministry issuing Ministerial Regulation No. 118/2018. Several requirements were removed from this regulation, including the requirement to use stickers identifying vehicles used for ridesharing and roadworthiness tests. The regulation likewise included floor and ceiling rates [88]. In February 2019, nearly a year after Uber's exit from Indonesia, Grab claimed it had a market share of approximately 60% in the ridesharing market [94].

In July 2020, it was reported that Grab and its car rental partner were fined by the competition authority of Indonesia in the amount of US $2 million for contravening Indonesia's competition law. Grab alleged favoured drivers who rented vehicles from Grab's car rental partner in the allocation of ridesharing orders from customers [95].

4. Malaysia

In June 2012, MyTeksi, GrabTaxi's local name, launched in Malaysia, allowing passengers to book taxi rides through SMS and through a mobile application [96]. In 2014, Uber entered the Malaysian market offering its UberX and UberBlack services in Kuala Lumpur [97]. In the middle of 2014, Singapore's Temasek Holdings invested an unspecified amount in the ridesharing firm [98]. MyTeksi also launched the GrabCar service in the same year [99]. However, drivers of ridesharing vehicles who did not have Public Service Vehicle (PSV) licenses were apprehended by the transport commission [100].

In June 2015, taxi drivers protested GrabCar, stating that after the introduction of the services in 2014 their incomes dropped. This drop was due to GrabCar having lower prices than regular taxis. Drivers also protested the different qualifications required for ridesharing drivers and taxi drivers–taxi drivers have to possess a vocational license, as well as undergo regular medical checks. Taxi drivers were of the opinion that ridesharing services were illegal in Malaysia [101]. The transport commission subsequently issued a statement that it would apprehend cars used for ridesharing that would violate transport rules [102]. In that year, the transport commission continued apprehending GrabCar and Uber drivers without PSV licenses, emphasizing that while the services were not illegal, operating without a license was illegal [100]. The use of private vehicles for ridesharing services was also illegal [103].

Following these declarations, MyTeksi sought to discuss the regulation of ridesharing with the transport commission, however, the transport commission emphasized the licensing requirements present under the Land Public Transport Act of 2010 for vehicles to legally operate ridesharing services [104]. Subsequent to these declarations, the transport commission's statements were mixed. The transport commission declared that amendments would be introduced to the Land Transport Act of 2010 specifically to regulate ridesharing services without banning them [105], but subsequent to this it also issued a statement that banning vehicles from operating ridesharing applications was a possibility [106].

Later in the same year, there were several incidents of harassment of GrabCar and Uber drivers, with their vehicles being vandalised or damaged, often by taxi drivers. Ridesharing drivers likewise reported harassment from their passengers [107]. During this time, taxi drivers and operators began apprehending Uber and GrabCar drivers who were ferrying passengers in their area. Taxi drivers eventually turned over apprehended drivers to the police for further action [108].

Tensions between taxi drivers and ridesharing service providers resulted in hundreds of taxi drivers in Kuala Lumpur protesting against the transport commission. Taxi drivers protested the alleged failure of the transport commission to adequately control and apprehend drivers operating under ridesharing services [109]. Drivers subsequently threatened to block Kuala Lumpur's main roads should the government not ban Uber and GrabCar [110].

In March 2016, the transport commission indicated that it would be regulating Uber and GrabCar and appealing to taxi drivers, it stated that regulation of these services would take time [111]. However, public support for taxi drivers was on the decline due to cheaper fares of ridesharing services and the perception that taxi drivers provided a lower quality of service [112]. In the following month, the transport ministry found that there was an overwhelming preference for ridesharing over traditional cabs, with 80% of respondents to the ministry's survey stating this preference [113].

Taxi driver protests continued into 2016 [114,115]. Confrontations between taxi drivers and Uber and GrabCar drivers also continued [116]. Eventually, the transport commission recommended the legalisation of ridesharing services in Malaysia [117].

In August 2016, the Malaysia Cabinet authorized the transportation commission to regulate ridesharing by the end of 2016 [118]. However, taxi drivers were dissatisfied with the decision, adding that problems with illegal taxis in the city should first be resolved [119]. In the same month, the transport authority unveiled a program for the modernization of the taxi industry called the Taxi Industry Transformation Programme (TITP). The goal of the TITP was to modernize the taxi industry and to legalize ride hailing [120]. The proposed regulations would require the registration of ridesharing companies to incorporate in Malaysia, subjecting them to local taxation. Vehicles operating under ridesharing companies must also register with the transport authority and pass roadworthiness tests. The transport authority would also require pre-screening of drivers seeking to operate either taxis or ridesharing vehicles [120]. Screening would include annual physical and mental checks, as well as criminal background investigations and traffic records. Other than these measures specifically related to ridesharing, several reforms were also intended for taxis. These taxi industry reforms include liberalizing requirements for the kind of vehicles that may be registered as taxis, revising taxi rental contract terms in favour of the taxi driver, and introduction of key performance indicators for taxi operators in order to govern minimum hours of operation of taxi drivers, among others [120].

In September of 2016, the High Court of Malaysia denied the lawsuit brought by 102 taxi drivers who sought to require the transport authority to prohibit ridesharing applications from operating in Malaysia. However, it is noted that the denial of the suit was because the taxi drivers had initiated the wrong legal action. The court did not rule on the legality of the ridesharing applications [121]. Subsequently, in October 2016, the tourism and culture minister announced that vehicles operating under ridesharing services would follow the same rules and regulations as taxi drivers, which include registration, vehicle inspection, accident coverage insurance, and PSVs for drivers [122].

Towards the end of 2016, it was estimated that up to 60,000 Malaysians are registered with Grab and Uber as drivers. However, only 20% of these drivers operated on a full-time basis with the remaining 80% only operating under the ridesharing services on part-time basis [123].

The bill regulating ridesharing was tabled for parliamentary approval in April of 2017. Under the proposed law, ridesharing vehicles would need intermediation business licenses and would be subject to regulation by the Commercial Vehicles Licensing Board [124]. This was welcomed by consumers who believed that regulating the ridesharing vehicles would make the service safer [124]. The law was passed in July of 2017 [125]. The law provided, among others, for the recognition of ridesharing services, and the requirement of registering as a business in Malaysia as an intermediation business. The law also provides for the liability of corporate bodies in case of the commission of an offence punishable under the Commercial Vehicles Licensing Board Act [126]. Separate amendments to the Land Public Transport Act have also required that ridesharing services providers to provide the transport regulator the identification of their drivers and to allow criminal checks of potential drivers. The amendments would also require health check-ups for drivers, vehicle roadworthiness inspections, and insurance coverage [127].

Despite public support for legalisation, taxi drivers still opposed ridesharing services as it caused a drop in their income, with taxi driver income dropping by 30% in some Malaysian states [128]. In October of 2017, cab drivers asked the state government of Penang to provide them with its own taxi hailing application. This came about due to taxi driver sentiment that low fares of ridesharing service providers were making it difficult for them to compete. Drivers said that they were unable to lower prices due to having to pay expensive road taxes as well as secure insurance for their taxis [129].

Towards the end of 2017, the government of Malaysia itself was encouraging taxi drivers to utilise the ridesharing platforms such as Uber and Grab. The move was done in order to allow taxis to compete with private ridesharing vehicles and to improve taxi driver income [130]. Drivers who did register under ridesharing services found that their incomes increased, with some drivers estimating that their monthly incomes had doubled due to this [131].

In March 2018, Grab announced that it would be buying the SEA assets of Uber. In the same year the Malaysian Competition Commission (MyCC) announced that it would probe the merger [132]. However, MyCC stated that it could only take action once a party abuses its monopoly status [133]. Following the announcement of the transaction, drivers under ridesharing apps Uber and Grab speculated that it might lower their incomes due to loss of competition. Drivers cited that Grab and Uber would compete by giving incentives to drivers to use their ridesharing platforms. However, other drivers stated that Grab has a more driver-friendly policy, such as allowing drivers to see the destinations of their passengers [134]. The month following the transaction, the Malaysian government provided taxi drivers with assistance cards worth RM800 that could be spent on fuel. According to the government, the purpose of the card was to improve the competitiveness of taxi drivers. The government, in the same program where the assistance was provided, stated that it sought to level the playing field between taxis and ridesharing services and that due to this, Malaysia would enforce its new policies regulating ridesharing [135].

In August 2018, the Malaysian transport minister continued prior government encouragement for taxi drivers to operate on ridesharing platforms. This was along with what the minister described as "softened" regulations to allow taxi companies to compete with private ridesharing vehicles. At this time, it was estimated that there were approximately 300,000 vehicles operating on ridesharing applications while only 70,000 had registered with the transport ministry [136].

In February 2020, it was reported that Grab had contested, in court, the fine imposed by the Malaysian competition authority over its practices following its acquisition of Uber. Such practices alleged by the Malaysian authorities include the imposition of restrictions on drivers concerning advertising [137]. The legal proceedings were dismissed the following month, stating that the matter is not yet subject to judicial review [138].

5. Vietnam

In February 2014, GrabTaxi entered the Vietnamese market, first establishing operations in Ho Chi Minh City. As with other countries, the GrabTaxi app functioned on smartphones starting with a taxi hailing service [139]. In June of the same year, Uber entered the Vietnamese market, also in Ho Chi Minh City. Uber faced competition from two incumbent taxi companies in the city, both of which were using the taxi hailing features of GrabTaxi [140].

Later in 2014, the Vietnam Ministry of Transport issued Decree No. 86/2014 providing for regulation of the automobile transport business. While there was no specific provision that regulated ridesharing applications or other electronic means to hail vehicles, the law appears to apply to ridesharing service drivers who were classified as private contract vehicles. Towards the end of 2014, Ho Chi Minh City authorities started a crackdown of cars operating under Uber. Taxi firms complained that Uber was operating illegally and was undercutting legitimate taxi operators. Ho Chi Minh City likewise called the operations of Uber illegal and started apprehending Uber drivers and imposing fines on them for operating unlicensed taxi businesses [141].

In December 2014, taxi associations called for the prohibition of Uber due to alleged unfair competition with the taxi industry. The taxi association cited that Uber did not pay taxes and do not have to comply with rules applicable to taxis such as carrying signage [142]. Following this, in January 2015, the Ministry of Transport stated that it had no control over the business of Uber as it operated as an information technology enterprise and not as a transport company. However, the Ministry clarified that it must obtain a business license and must partner with licensed transport operators [143].

In July 2015, Grab proposed a scheme for regulation to the Ministry of Transport of Vietnam which involved the limited licensing for a two-year trial aimed at "applying technology to the transportation sector". Grab subsequently received Ministry of Transport approval of the scheme, making it the first licensed ridesharing application in Vietnam [144]. While Uber applied for the same treatment, it was consistently rejected for failing to declare and pay taxes in Ho Chi Minh City. According to city authorities, there was difficulty in monitoring Uber's unpaid taxes as payments to Uber were done electronically Vietnam [145].

In 2016, it appeared that Grab and Uber were about to be legally recognised by the Vietnamese government, with there being proposals to amend the existing transport decree to take into account ridesharing applications. However, the amendment was not passed following protests from traditional taxis who cited unfair treatment as traditional taxis have to comply with several regulations such as the possession of a business license and a taxi driving license [146]. In 2017, taxi associations criticised what they viewed as the preferential treatment of Uber and Grab, stating that both companies enjoy markedly low taxes against traditional taxis. While traditional taxis paid 10% value added tax and 20% corporate income, taxi operators claimed that ridesharing service providers like Grab and Uber only pay three percent value added tax. This disparity, according to operators, results in traditional taxis incurring significant losses as well as loss of tax revenue [147].

In April of the same year, following two rejections of its application since 2015, the Ministry of Transport approved Uber's application for the contract allowing it to operate on a trial scheme. Uber was able to register with the Ministry after changes in its corporate purpose that integrated information technology services [148].

In the same month, Hanoi and Ho Chi Minh City officials publicly stated that they were considering limiting the number of vehicles allowed to operate under ridesharing services as they found that these services contributed to congestion. The officials suggested stopping the issuance of licenses to cars that were seeking to operate under ridesharing service providers. Other than increased congestion, it was found that Uber and Grab were causing revenue losses for taxi companies and drivers, resulting in drivers quitting or suffering a reduction in their earnings [149]. In the latter half of 2017, Hanoi banned new carpooling services UberPool and GrabShare that allowed drivers to carry passengers in addition to the passenger who originally booked the ride. Hanoi banned this service as existing law only allows a driver to have one contract for each trip, whereas the new service introduced by Uber and Grab would allow multiple contracts per trip. This action followed clamour from taxi associations to level the playing field between ridesharing services and traditional taxis [150].

In January 2018, Uber and Grab drivers protested the fare structures of both ridesharing platforms. Both Uber and Grab receive more than 25% of fares paid for every ride. Drivers under both platforms wanted a return to the 15% share, with drivers stating that the new fare structure is unreasonable due to difficulties already faced by drivers in earning income and in having to pay for loans taken out for the cars that they use to operate under the ridesharing platforms [151].

Following the acquisition by Grab of Uber's assets in SEA, Vietnam launched an in-depth probe of the deal. The investigation was to find if the deal violated the antitrust law of Vietnam after an initial finding that the deal violated the law [152]. Other than the investigation, Grab was the subject of public complaints due to allegedly rising prices and poor service quality. Consumers have complained that prices rose between 25–30 percent following the Grab-Uber deal [153]. Consumers have likewise reported the discontinuation of fare promotions that Grab regularly provided prior to the exit of Uber. Grab stated that the price increase was due to gasoline prices. Drivers have likewise complained that Grab has been suspending driver accounts more liberally than prior to the deal [153].

In the same year, taxi firms took steps to address the market dominance of Grab. In Hanoi, three taxi firms operating a total of 3000 vehicles cooperated to work under a single brand. The united taxi firms also announced that they were developing a ride hailing application to compete with Grab [154]. Go-Jek was also reported to have been initiating moves to enter the Vietnamese market. Other ridesharing apps, such as locally made VATO and motorbike firm Aber were also developing or launching their services for the Vietnamese market [153].

In August 2018, Go-Jek entered the Vietnamese market starting with Ho Chi Minh, and launching in Hanoi the next month [155]. Towards the end of that year, a suit involving Grab and taxi company Vinasun was resolved by a Vietnamese court, with Vinasun being awarded approximately 208,000 USD. The suit involved a complaint by Vinasun that Grab committed several errors in its operations in Vietnam that damaged Vinasun's, such errors included reducing the market share of Vinasun. The errors in Grab's operations were, according to the court, failure to follow the law on automobile transportation that requires ensuring a certain number of vehicles and a service quality level. Other violations include failure to provide employees with contracts, safety training, and social security. Further, the court found that Grab's practice of giving out promotions and fluctuating prices also violated the law [156].

In January 2019, Vietnam found that the Grab-Uber deal potentially violated its antitrust law as the merged business of Grab and Uber had a market share exceeding 50%. This breach of the market share threshold would make it liable to a fine and, possibly, a prohibition of the deal [157].

With respect to regulation, there were several announcements from the government about the intent to regulate ridesharing services. In 2017, the Hanoi City government proposed draft guidelines that would require vehicles operating under ridesharing service providers would have to display taxi signs on their roofs [158]. The Ministry of Transport likewise drafted a circular, amending the existing Decree No. 86/2014 that would regulate Uber and Grab, with a new category for the use of software to connect operators, drivers, and passengers [159].

In January 2018, it was reported that the Ministry of Transport submitted a draft circular that would regulate ridesharing apps. Ridesharing applications service providers would have to comply with several conditions including possession of a licence to do business and a certification from the ministry of transport that applicants have completed registration. An additional requirement is that software providers, such as Grab and Uber, are required to have contracts to provide software to transport companies that possess transport licences. Other measures to ease tax collection were also sought to be introduced [160]. Towards the end of 2019, it was reported that the ridesharing market in Vietnam quintupled in value from its size in 2015. However, it still formed the smallest part of Vietnam's digital economy [161].

In April 2020, Decree 10/2020 came into effect which provided for updated regulations on ridesharing. Such regulations included badges for vehicles involved in ridesharing [162]. It also included confidentiality obligations with respect to passenger and driver data [163]. In July of the same year, there was a report that GV Taxi entered the ridesharing market, competing directly with Grab and Go-Jek [164].

Supplementary Part S2

Interview Questions

1. When did ridesharing enter your country? And how has ridesharing evolved over the years in your country?
2. Who are the main ridesharing providers in your country? And what are the historical changes of the market share of these providers in your country?
3. Who are the actors involved in the governance of ridesharing in your country?
4. Is there any competition in ridesharing in your country?
5. How did this competition in ridesharing start in your country?
6. What are your concerns about ridesharing? (e.g., congestion, safety, liability)
7. Does ridesharing influence public transportation decision making? If so, how? (e.g., In terms of investment in infrastructure and level of public transport share)?
8. What actions have been taken/are being taken by the government in your country to address concerns about ridesharing?
9. What additional actions need to be taken to prevent or mitigate your concerns about ridesharing?
10. What are the best ways in governing risks in ridesharing from your perspective?
11. What is the relationship between ridesharing and the taxi industry in your country?
12. What is the influence of ridesharing on the taxi industry in the medium/long term in your country?
13. What is the influence of the taxi industry on ridesharing?
14. What are the best strategies to reconcile the relationship between ridesharing and the taxi industry from your perspective?
15. Do ridesharing companies utilize sufficient safeguards to protect user's private information?
16. How can government regulation be utilized for protecting the citizens from data breach and other privacy concerns?
17. How can the regulation be improved in regards to accidents from ridesharing?
18. How can the safety of ridesharing be improved?
19. What other social issues can arise from ridesharing?
20. What is the future of ridesharing in your country?
21. What actions/approaches other countries are taking to ridesharing which is similar/different from the approach to your country?
22. Do you know the other persons who can talk with us about ridesharing and its governance in your country?

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