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8 November 2001

Clerk to Bills Committee  
(Attn.: Ms Mabel Chan)  
Legislative Council  
Legislative Council Building  
8 Jackson Road, Central  
Hong Kong

Dear Ms Chan,

**Bills Committee on  
Road Traffic Legislation (Amendment) Bill 2001**

Thank you for your letters of 30 October, 1 November and 7 November enclosing the submissions from the Urban Taxi Drivers Association Joint Committee Co., Ltd. (“the Joint Committee”), the Public and Private Light Buses Driving Instructors’ Society (“the Society”) and the Hong Kong Automobile Association (HKAA) respectively.

The Administration is pleased to note the support from the three organisations towards the proposed Driver Improvement Scheme (DIS). Our responses to their comments are set out below -

***Coverage of DIS***

The Joint Committee suggested that traffic offences such as “drink driving” and “motor racing on the road” should not be covered by DIS.

Under our proposal, the Court is empowered to direct a driver who has committed any scheduled offence under the Road Traffic (Driving-Offence Points) Ordinance (Cap. 375) to attend the DIS course as one of the penalty options. In this regard, the Court will take into account the nature, circumstances, and severity of each case in deciding whether the driver concerned should be directed to attend DIS course. We therefore consider that it is appropriate to empower the Court with the discretion to impose penalty which should be commensurate with the severity of the offence a driver has been convicted of.

### ***Accumulation Limit of Driving-Offence Points (DOPs)***

The Joint Committee considered that, given the improvements in the performance of new vehicles and design of roads, a driver should only have his driving licence suspended if he has accumulated 25 or more DOPs, instead of 15 or more DOPs as currently in force, within a period of two years.

The limit of DOPs is a separate issue from the DIS proposal. We will take note of the suggestion put forward by the Joint Committee for future reference.

### ***DIS Course Providers***

The Society suggested that at least 10 organisations including driving instructors' unions, private driving schools and private driving instructors and other qualified organisations should be allowed to provide DIS courses.

Under our proposal, the detailed requirements of a DIS course provider will be prescribed in the tendering documents. Any organisation complying with such requirements are welcome to submit bids for the provision of DIS courses through a fair and equitable selection process. Having regard to our estimate of the demand for the course, we consider that about four to five course providers will be needed to meet the demand at the initial stage. We will closely monitor the demand position and review the need for additional course providers upon implementation of DIS.

### ***Duration of the Course***

HKAA suggested that drivers participating in the course should be given the flexibility of finishing the course either in one stretch or in two separate sessions. We agree with the views of HKAA that this would facilitate the attendance of participants. We will include this as a requirement in the tendering document that the future course providers should allow participants to attend and complete the DIS course according to more flexible schedules.

### ***Course Fee***

HKAA suggested that the course fee should be lower than \$1,000. In so far as course fee is concerned, what we have proposed is that the Commissioner for Transport should be given the discretion to determine the maximum fee that may be charged by the course providers having regard to all relevant factors including, but not limited to, the demand and supply of the course, affordability of the public, the average fine for traffic offences attracting

3 to 5 DOPs, the operating environment of the course providers and their profit margins, etc. While we consider the maximum fee should be no more than \$1,000, the actual course fee would be decided by the course providers subject to the approval of the Commissioner for Transport. By stipulating only a maximum fee, participants of DIS will be able to compare prices offered by different course providers and competition between the course providers should keep the fees at a reasonable level.

### *Location of Course Centres*

HKAA suggested that there should be course centres in different districts to facilitate attendance of course participants. We will bear this suggestion in mind when selecting course providers for the DIS courses.

### *Deduction of DOPs*

HKAA suggested that the details regarding the mechanism of DOP deduction, particularly the time limit thereof, upon successful completion of DIS should be clearly set out. In this connection, the Bill should have addressed the concern raised by HKAA and the example suggested would not occur. We have already spelt out in the Bill the conditions under which there would be no deduction upon completion of DIS course. These conditions include –

- (i) he has zero balance of DOPs;
- (ii) he has accumulated 15 or more DOPs; or
- (iii) he is in the process of appealing against a decision of the court to convict him of a scheduled offence committed within a period of two years, until the appeal is determined.

Yours sincerely,

(Mrs Sharon Yip)  
for Secretary for Transport