

**BILLS COMMITTEE ON
ROAD TRAFFIC LEGISLATION (AMENDMENT) BILL 2001**

**Administration's Comments on the Submission
by The Goods Vehicle Fleet Owners Association Limited
on Driver Improvement Scheme**

THE DRIVER IMPROVEMENT SCHEME

The Administration's analysis is that many traffic accidents have been the result of improper driving behaviour rather than a lack of skills. Punishment is therefore not necessarily the only effective remedial measure. The Administration considers that by tackling the problem at root, i.e. to seek to change the drivers' driving behaviour, road safety will be enhanced.

2. A Working Group was set up in 1998 to consider how best to take this matter forward. References have been drawn on the experiences in the operation of driver improvement schemes in Europe and the USA, where such schemes have been running successfully for more than 20 years.

3. Having considered overseas experiences and the local circumstances, the Administration proposes the introduction of a Driver Improvement Scheme (DIS) with a view to educating drivers proper driving behaviour and attitude. The proposed DIS would comprise a 6 to 8 hour course covering topics such as safe driving strategies, driver's responsibility, emotion management and occupant protection. The Administration would set out guidelines on course contents and would invite interested parties to be the course providers through a selection process. The detailed requirements for and operation of the course providers would be prescribed in a set of code of practice to be issued by the Commissioner for Transport.

4. Since it is our primary objective to introduce DIS for education purpose, we hope that more drivers could benefit from it. As such, there would be two avenues for joining the scheme. The first would be for any driver to join on a voluntary basis, and the second would be for the court to direct drivers who have been convicted of traffic offences covered by the Road Traffic (Driving-Offence Points) Ordinance (Cap. 375) to join.

5. To encourage drivers to attend DIS, the Administration also proposes that any driver who successfully completes DIS would, subject to conditions laid down in the proposed legislation, have three driving offence points (DOPs) deducted from the total number of DOPs he has previously incurred. To ensure that there would be no abuse of the scheme, DOPs should only be deducted at most once every two years. It is also recommended that

there should be an evaluation of the course participants' performance and that only those who meet the prescribed criteria should have the DOPs deducted. The Administration would draw reference to the criteria commonly used in overseas driver improvement schemes including punctuality, completion of course evaluation forms, etc. when deciding such criteria. The criteria will be stipulated in the code of practice to be issued by the Commissioner for Transport.

6. The above proposal has incorporated the comments of the LegCo Panel on Transport, Transport Advisory Committee, Road Safety Council, the transport trade and professional driving organisations. The proposed scheme received wide support from all organizations and many urged for its early implementation.

COMMENTS ON THE SUBMISSION BY THE GOODS VEHICLE FLEET OWNERS ASSOCIATION LIMITED

7. The Administration welcomes the comments and suggestions from the Goods Vehicle Fleet Owners Association Limited ("the Association") on DIS in their letter to the Legislative Council of 3 August 2001. Our comments on the individual points raised by the Association are set out in the paragraphs below.

A. Avenues for Participating DIS

8. We are pleased to note that the Association supports voluntary participation of the DIS. We consider that if drivers are joining the course of their own accord, we can expect them to be more attentive in class and more receptive to the course. This will have a positive impact on their driving attitude and hence enhance road safety.

B. Frequency of attendance and DOP deduction

9. We are pleased to note that the Association supports our proposed DOP deduction mechanism under which a driver would have 3 DOPs deducted at most once every two years. This deduction would provide a suitable incentive for drivers to participate in the Scheme so that they would have a chance to attend to the problems in their driving behaviour. On the Association's suggestion of allowing DOP deduction once a year for completing DIS at a later stage after evaluating the Scheme's effectiveness, the Administration will closely monitor the effectiveness of DIS and propose refinements where necessary.

C. Evaluation Mechanism

10. We agree with the Association on the need to introduce a fair evaluation mechanism to assess the performance of the participants. In this connection, it is worth noting that there would be two “levels” of completion when it comes to performance assessment. The first level applies to any person who attends and completes a driving improvement course, regardless of his performance. A person who is directed by the court to complete the course will be regarded as having complied with the court order upon attaining this level of completion.

11. The second level of completion is for those people who can complete the driving improvement course with satisfactory performance. Subject to the conditions laid down in the proposed legislation, these people will enjoy a deduction of 3 DOPs. As explained in paragraph 5 above, the criteria for deciding whether a person has completed the course satisfactorily will be stipulated in the code of practice to be issued by Commissioner for Transport. The Administration will take into account the comments of the Association in finalising the code of practice.

D. Quality of course provider/facilities/course fee

12 We agree with the Association that the quality of the course providers should be closely controlled. The Commissioner for Transport will issue a code of practice to prescribe the requirements for and operation of the course providers. Under our current plan, these requirements should include, but not limited to, proposed course content, quality of classrooms and instruction facilities, qualification of teaching staff, management capability, and relevant experience. As for course instructors, we propose that they should have attended and passed the training course conducted by a training institution approved by the Commissioner for Transport. They must also attend a refresher course held by the training institution biannually. With these requirements in place, the quality of both the course providers and course instructors should be guaranteed.

13. On course fee, we propose the Commissioner for Transport to be empowered to stipulate the maximum fee and approve any revision of fee that could be charged by a course provider. This would leave the Commissioner with the flexibility to adjust the maximum fee chargeable having regard to changing circumstances in a responsive manner. This will also allow the participants of the course to compare prices offered by different course providers thereby keeping the fees at a reasonable level.

E. Course content

14. The Administration's preliminary views are that the course content should cover a range of topics including, among other things, safe driving strategy, recently enacted traffic legislation and common mistakes of motorists. The course will also include both theories and practical sessions. We welcome suggestions on the course content and will consider the Association's comments in devising the detailed course programme.

F. Other Suggestions

15. The Administration is pleased to note the support of the Association for the DIS. We will continue to work with the transport trades and professional driving organisations in the implementation of the DIS.

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