

LEGISLATIVE COUNCIL PANEL ON TRANSPORT

Driver Improvement Scheme

PURPOSE

This paper seeks Members' views on the coverage and the proposed mode of operation of the proposed Driver Improvement Scheme (DIS).

BACKGROUND

2. In early 2000, the Administration put forward the proposal of DIS as an alternative to penalty for traffic offences to be imposed by the court. The objective was to provide an educational element to the efforts in improving driving behaviour and hence enhance road safety. The main features of the then proposed DIS were as follows -

- (a) drivers who had committed minor driving offences incurring 5 driving-offence points (DOPs) or less would be eligible;
- (b) DIS would be an intensive course of 6 to 8 hours, including both theory and practice sessions, and the course would be provided by private operators through a tendering process; and
- (c) drivers would be required to pay the full course fees.

CONSULTATION

3. The Administration consulted the LegCo Panel on Transport, Transport Advisory Committee, Road Safety Council, and also the transport trades on the proposed DIS. They all expressed support for the proposal in general, but raised the following issues for further consideration by the Administration –

- (a) the scheme might have significant implications on court resources because if all offenders who received fixed penalty tickets (FPT) chose to participate in the scheme, the court might have to process some 130,000 additional cases a year;

- (b) whether the DIS should replace the punitive element of driving offence points (DOPs) and fine in total, or should it be an alternative or additional penalty to be determined by the court;
- (c) whether the DIS should also apply to offenders who have committed more serious traffic offences;
- (d) whether an exit test should be introduced to prevent offenders from abusing the system; and
- (e) whether drivers could choose to attend DIS voluntarily.

4. Having taken into account the comments received and examined further overseas experience in the implementation of DIS, the Administration has modified the proposals as set out in paragraphs 5 to 14 below.

MAIN FEATURES OF THE REVISED PROPOSAL FOR DIS

Coverage of the DIS

5. Under the original proposal, drivers who had committed minor traffic offences (i.e. those offences involving a deduction of 5 DOPs or less) and received fixed penalty tickets but wished to attend the DIS could opt not to pay the fixed penalty and apply to the court for attending the course as a substitute. Drivers who have completed the course would have a reduction of 3 to 5 DOPs from his DOP balance. The scheme would not apply to drivers who had committed more serious traffic offences (i.e. those offences involving a deduction of more than 5 DOPs).

6. Under this proposal, it is possible theoretically that all 130,000 drivers issued with fixed penalty tickets could apply to the court to opt for participating in the DIS. The court clearly would not have the necessary resources to deal with such a vast number of cases even if all offenders were to plead guilty in writing. On the other hand, the court does not have the power to direct drivers who have committed serious traffic offences to attend the DIS course, although the course may be beneficial to these drivers.

(A) Court to direct attendance

7. To address these issues, the Administration considers that there

should be two ways to join the DIS scheme. First, it is proposed that the court should be empowered to direct drivers who have committed any traffic offence to attend the DIS course. The Court will decide whether a driver is required to attend the DIS course having regard to the circumstances and severity of the traffic offence he has been convicted of. Ontario of Canada, Virginia of the U.S.A. and New Zealand adopt a similar approach. Satisfactory completion of the course by the driver is required for discharging his liability. As incompleteness of course or unsatisfactory performance in class may constitute contempt of court, the likelihood of effective attendance in such scheme will be high.

(B) Voluntary participation

8. However, if drivers could only attend DIS under the direction of the court, we may not be able to achieve our original intention of introducing an educational element to our efforts in improving driving behaviour. We therefore also propose that drivers should be allowed to take the course voluntarily.

9. To encourage drivers to attend to the problems of their driving habits and attitudes and make necessary corrections, many states in the US will reduce a driver's DOPs if he has satisfactorily completed a course on a voluntary basis. This will provide incentives both to drivers who positively want to improve their driving skills and others who have accumulated some DOPs to join such courses. If drivers are joining the course of their own accord, at their own cost and out of their own time, we can expect them to be more attentive in class and receptive to the course.

Reduction of DOP balance for satisfactory completion of the course

10. In line with current overseas practices, the Administration proposes that any driver who satisfactorily completes a course would have a reduction of 3 DOPs from his DOP balance, as long as the existing balance is not greater than 14 DOPs and that the resultant balance will not be less than zero. To avoid possible abuse of the scheme, a driver would at most be allowed to have his DOP balance reduced once every two years for attending the course, but there would be no restriction on the number of times he can attend the course.

Satisfactory completion of course

11. As a driver's balance of DOPs will be reduced by attending DIS, it is necessary to ensure that a participating driver should improve his driving

behaviour/attitude through the scheme.

12. It is recommended that there should be an evaluation of the participants' performance during the scheme and that only those who meet the following criteria, which are common in overseas countries having DIS, should be regarded as having satisfactorily completed the course –

- (a) punctuality and full attendance;
- (b) active participation in class; and
- (c) completion of all evaluation forms/questionnaires.

Course providers and course content

13. As suggested in the original proposal, it is considered that DIS courses should be provided by private operators through a tendering process. The Administration proposes that there should be at least three to four course providers at the initial stage to allow choices for the course participants. The operators would be selected based on the following criteria –

- (a) proposed course content;
- (b) quality of classroom and instruction facilities;
- (c) qualification of teaching staff;
- (d) management capability;
- (e) ability to meet the auditing and documentation requirements set by C for T;
- (f) course fee; and
- (g) relevant experience.

14. As regards course content, the Administration has examined overseas practices and the proposed topics to be covered are set out in **Annex A**. The Administration would stipulate the course requirements, including the maximum fees to be charged, and lay down the requirements on the operation of the course providers administratively by means of a code of practice.

SUMMARY OF RECOMMENDATIONS

15. It is recommended that –
- (a) a two-pronged approach should be adopted – the court would have the discretion to direct drivers to attend the DIS if they are prosecuted by way of summons, and a driver could also voluntarily participate in the scheme;
 - (b) 3 DOPs already incurred in a driver's DOP balance could be reduced no more than once every two years subject to satisfactory completion of the course;
 - (c) an evaluation of the participants' performance should be conducted to ensure satisfactory completion of the course; and
 - (d) DIS courses should be provided by private operators through a tendering process and the operators would be monitored administratively by means of a code of practice.

CONSULTATION OF THE REVISED PROPOSAL

16. We have consulted the Transport Advisory Committee and the Road Safety Council on the present proposal of DIS. They are supportive of the proposal and wish to see its early implementation. We have also been maintaining a dialogue with the transport trades, who are generally supportive of the revised proposal. Subject to any comments Members may have, we will press ahead with its implementation.

ADVICE SOUGHT

17. Members are invited to comment on the recommendations as set out in paragraph 15 above.

**Government Secretariat
Transport Bureau
17 February 2001**

Proposed Course Content

The course should be 6 to 8 hours in total comprising the following –

(A) Theory Part (4 to 5 hours)

1. Self analysis (A questionnaire for participants to reflect on their driving habit and attitude. This will provide a basis for the before-and-after comparison and help identify possible inadequacies in the drivers' driving behaviour.)
2. Safe driving strategies / principles
3. Pre-trip inspection
4. Driving under the influence of alcohol
5. Passing, turning, changing lanes, approaching intersections
6. Collisions
7. Occupant protection
8. Emergencies on road
9. Aggressive driving
10. Driver's responsibility, courtesy, emotion management
11. New road traffic legislation highlights
12. Scenario / content / error analysis vs. situational test-yourself analysis (this can be in the form of video or description in text. Participants take note of errors committed and state how they would respond in the same situation)

(B) Practical Part (2 to 3 hours)

(the followings are suggested as possible options)

13. Self witnessing (by video taping, keeping log-book, etc)
14. Dialogue driving (i.e. the driver keeps on describing road conditions and things he notes all the way, while the trainer keeps silent and assesses how risk alert the driver is and how well the driver reacts to the risks identified. This method is adopted in Canada)
15. Stationary witnessing (i.e. stay at a point and observe how normal drivers behave on roads and identify the common errors and ways of improvements)
16. Group witnessing (i.e. 3 participants drive in turn. While acting as observer, the other two at the back mark mistakes and take notes for discussion afterwards)