

L.N. 97 of 2001

Road Traffic (Driving Licences) (Amendment) Regulation 2001

(Made under section 8(1) of the Road Traffic

Ordinance (Cap. 374))

1. Commencement

This Regulation shall come into operation on 1 July 2001.

2. Interpretation

Regulation 2 of the Road Traffic (Driving Licences) Regulations (Cap. 374 sub. leg.) is amended by adding---

"private driving instructor" (私人駕駛教師) means a driving instructor whose driving instructor's licence is not subject to a condition imposed under regulation 22(1A);

"private driving instructor's licence" (私人駕駛教師執照) means the driving instructor's licence of a private driving instructor;

"restricted driving instructor" (受限制駕駛教師) means a driving instructor whose driving instructor's licence is subject to a condition imposed under regulation 22(1A);".

3. Application for driving instructors' licences

for restricted driving instructors

Regulation 21 is amended---

(a) by adding "of a restricted driving instructor" after "licence";

(b) in paragraph (c), by repealing "印" and substituting "有".

4. Regulation added

The following is added---

"21A. Application for private driving instructors' licences

(1) If the Commissioner considers that it is desirable to issue private driving instructors' licences in respect of any group of motor vehicles, he may---

(a) determine the number of licences to be issued for that group; and

(b) by a notice published once in at least 1 English and 2 Chinese newspapers circulating in Hong Kong, invite applications for the issue of licences of that group.

(2) The Commissioner may not publish a notice under paragraph (1)(b) unless he is satisfied that the issue of private driving instructors' licences in respect of any particular group of motor vehicles is desirable having regard to---

(a) prevailing traffic conditions;

(b) policy adopted for driver training for the time being; and

(c) the demand for learner drivers to receive driving instruction from private driving instructors in respect of that group of motor vehicles.

(3) A notice published under paragraph (1)(b) must specify---

- (a) the number of licences that the Commissioner proposes to issue for any group of motor vehicles in respect of that invitation; and
- (b) a date by which applications are to be received by the Commissioner ("the specified date").

(4) A person who wishes to obtain a private driving instructor's licence shall deliver to the Commissioner by the specified date an application signed by the person in a form specified by the Commissioner together with---

- (a) the person's identity document; and
- (b) a full driving licence held by the person in respect of all classes of motor vehicles in that group.

(5) If the total number of the applications received by the Commissioner by the specified date exceeds the number of licences that he proposes to issue, the Commissioner may cause the applications and the order in which they are to be dealt with to be determined by lot."

#### 5. Issue of driving instructors' licences

Regulation 22 is amended---

(a) in paragraph (1)---

- (i) by repealing "shall" and substituting "may";
- (ii) by adding "or 21A" after "21";

(b) by adding---

"(1A) Without prejudice to the general power of the Commissioner to impose conditions under paragraph (1), if an applicant is employed by a driving school or other organization as a driving instructor, or is otherwise required under a contract to give driving instruction on behalf of a driving school or other organization, the Commissioner, in relation to an application made under regulation 21, may issue a driving instructor's licence subject to a condition that the applicant shall only give driving instruction on behalf of the driving school or other organization.";

(c) in paragraph (2)(b), by adding "in relation to which the application is made or has been exempted by the Commissioner from attending all parts of the driving instructor's test" after "test";

(d) in paragraph (4), by adding at the end---

"A driving instructor's licence issued under this paragraph shall be subject to the conditions set out in the Fifth Schedule and to any further conditions which the Commissioner may impose."

#### 6. Regulation substituted

Regulation 24 is repealed and the following substituted---

"24. Driving instructors' tests

(1) A driving instructor's test may be divided into parts, and, subject to paragraph (5), no part of a driving instructor's test shall be taken until the applicant has passed any preceding part.

(2) The Commissioner may appoint in writing any authorized examiner to conduct driving instructor's tests.

(3) The fee prescribed in the Second Schedule shall be payable for a driving instructor's test.

(4) An applicant shall pass a driving instructor's test if the applicant satisfies the authorized examiner conducting the test of his ability and fitness to give driving instruction assessed in accordance with Part I of the Sixth Schedule.

(5) The Commissioner may exempt an applicant from any part of a driving instructor's test where he considers the applicant's previous experience is adequate in that part."

#### 7. Cancellation of driving instructors' licences

Regulation 28 is amended by adding---

"(4) Where the driving instructor's licence of a private driving instructor has been cancelled under paragraph (1), the Commissioner may, if that instructor applies for a private driving instructor's licence in respect of the same group of motor vehicles as that of the licence which has been cancelled, issue to that instructor a private driving instructor's licence for that same group of motor vehicles in accordance with such of the provisions of this Part that applied to the issue of such licences prior to the commencement of regulation 21A, as if the Road Traffic (Driving Licences) (Amendment) Regulation 2001 (L.N. 97 of 2001) had not been enacted."

#### 8. Conditions of issue of a driving instructor's licence

The Fifth Schedule is amended within the square brackets by repealing "(1)".

Nicholas NG

Secretary for Transport

15 May 2001

Explanatory Note

This Regulation amends the Road Traffic (Driving Licences) Regulations (Cap. 374 sub. leg.) ("the principal Regulations") to---

(a) provide for the issue of new private driving instructors' licences (sections 2 and 4);

(b) state the current practice adopted for the issue of driving instructors' licences in clear statutory terms (sections 3, 5 and 6); and

(c) state that in the case where the driving instructor's licence of a private driving instructor has been cancelled under regulation 28(1) of the principal Regulations and the instructor subsequently applies for a private driving instructor's licence

in respect of the same group of motor vehicles as that which has been cancelled, the procedure for the issue of private driving instructors' licences introduced under section 4 of the Regulation does not apply to the instructor (section 7).