

立法會
Legislative Council

LC Paper No. CB(1)182/05-06

Ref. : CB1/PL/TP

Panel on Transport

**Background brief on
private driving instructors' licences**

Purpose

This paper sets out the background information on the mechanism for issuing new private driving instructors' licenses (PDI licenses).

Driving training policy

2. The Government has all along adopted a two-pronged approach in respect of driver training. On one hand, off-street driver training is promoted through the establishment of driving schools. On the other hand, the Government maintains a sufficient supply of PDIs for on-street driver training.

The 1999 Review

3. In pursuance of the above policy and following a review in 1999, the Administration developed a package of proposals in November 1999 which aimed at ensuring a good supply of PDIs, streamlining the operation of PDI licences and better management of on-street driver training activities. The proposals included:

(a) organizing the 7 types of PDIs into 3 groups:

- Group 1 - private cars and light goods vehicles
- Group 2 - bus and public light bus
- Group 3 - articulated vehicles, heavy goods vehicles and medium goods vehicles

(b) capping the Group 1 licences at 1 050 and not to issue Groups 2 and 3 licences for four years;

(c) on the methods for issuance of new PDI licences, two options were proposed: eligible candidates should be invited to take test by lot or on a first-come-first-served basis; and

(d) setting down the criteria for the provision of off-street practice sites for PDIs.

4. The Administration briefed the Panel on the proposals at its meeting on 26 November 1999 and consulted the driving instructor trade, including PDIs and operators of designated driving schools.

5. On 28 April 2000, the Administration briefed the Panel on the outcome of the consultation with the trade and on changes to the system. Subsequent legislative amendments were introduced to effect the following changes.

6. The seven types of PDI licences were re-organized into three groups. The grouping and the numbers of valid driving instructor's licences as at November 1999 were as follows:

Group 1	Private car and light goods vehicle (1036 licences)
Group 2	Light bus (public and private) and bus (public and private) (124 licences)
Group 3	Medium/heavy goods vehicle and articulated vehicle (221 licences)

7. The new grouping took effect on 1 September 2000. Since then, an existing PDI holding one type of instructor licence in a group can give instructions to all other type(s) of vehicle in the same group provided that he is in possession of a valid driving licence for not less than 3 years for the other type(s) of vehicles in that group. Otherwise, he will not be allowed to give instructions to the other type(s) of vehicle in the group other than the type he is currently qualified to.

8. Under the new system, the respective numbers of valid PDI licences for the three groups of motor vehicles as at November 1999 are regarded as benchmarks for issue of new PDI licences. The trigger point for the Commissioner for Transport (the Commissioner) to consider issuing new PDI licences for that group is when the number of valid licences falls below the benchmark by 10%. The Commissioner conducts a review at two-year intervals on the number of driving instructors' licences for PDIs before he determines the number of new licences to be issued each time. For Group 1 licences, if it is found that the number of valid licences falls below the level of 1,050 by 10 %, the Commissioner may, after taking into account all relevant

factors, including the impact on traffic conditions, the prevailing policy for driver training and the demand, invite applications for new licences to fill up the difference. For Group 2 and Group 3 licences, a similar mechanism is used for the issue of new licences. However, in view that there was substantial over-supply of Group 2 and Group 3 driving instructors, it was decided that new DILs for PDIs of these two groups should not be issued for four years from 2000 to 2004.

9. Against the above background, the Administration introduced the Road Traffic (Driving Licences) (Amendment) Regulation 2001 (“the Amendment Regulation”) in May 2001 to put the practice adopted for issuing of DILs in clear statutory provisions and to provide the procedures for issue of such licences. The Amendment Regulation, which came into operation on 1 July 2001, empowered the Commissioner for Transport to fix the number of PDI licences to be issued. 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. Where a PDI has his licence cancelled, his re-application for a licence in respect of the same group of vehicles shall not be affected by the quota system. Provisions have also been made to incorporate the practices of restricting a driving instructor of a driving school or an organization to giving instructions only on behalf of the school or organization, and dividing a driving instructors’ test into parts and allowing exemption from any part if there is adequate past experience.

The 2002 Review

10. A review based on the arrangements set out in paragraph 8 was conducted by Transport Department in 2002, following which, 173 new Group 1 PDI licences were issued.

The 2004 Review

11. Transport Department has recently conducted another round of review on the number of valid PDI licences for each of the three groups of motor vehicles. Although the respective numbers of Group 1, 2 and 3 PDI licences in 2004 have dropped by some 16%, 19% and 12% compared to the benchmark numbers in 1999, the Administration is of the view that it is not necessary to issue any new PDI licences, having considered the demand for learner drivers to receive driver training. The details are set out in LC Paper No. CB(1) 1829/04-05(01).

Views received

12. There are divergent views over the issue of new PDI licences. Some PDI associations and the Quality Driver Training Centre Limited indicate that having

regard to the decreasing demand for driver training, they support the Administration's proposal to withhold issuing new PDI licences. The written submissions from these organizations are in LC Papers Nos. CB(1) 34/05-06(01) and CB(1) 111/05-06(02).

13. On the other hand, a group of ex-Hong Kong School of Motoring driving instructors holds a different view. They are dissatisfied that the Administration has not consulted the trade over the issue before coming to the conclusion that there is no need to issue new PDI licences. They also take the view that the Administration has failed to exercise proper control over the Hong Kong School of Motoring, and hence, individual PDIs cannot compete with designated driving schools on fair grounds. The group was received by Duty Roster Members on 15 July 2005. Relevant correspondence are circulated vide LC Paper No. CB(1) 111/05-06(01).

14. Views have also been expressed that existing PDIs should be allowed to apply for other types of driving instructor licences.

15. The Panel will discuss the related issues at the forthcoming meeting on 4 November 2005.

16. A list of the relevant papers is in **Appendix I**.

Council Business Division 1
Legislative Council Secretariat
31 October 2005

Private driving instructor's licences

List of relevant papers

Panel/Committee	Date	Paper
Transport Panel	28 May 1999	<p>Administration's paper on the issue of Private Driving Instructors' Licences (LC Paper No. CB(1)1370/98-99(08))</p> <p>http://www.legco.gov.hk/yr98-99/english/panels/tp/papers/tp28054j.htm</p> <p>Minutes of the meeting (LC Paper No. CB(1)1823/98-99)</p> <p>http://www.legco.gov.hk/yr98-99/english/panels/tp/minutes/tp280599.htm</p>
Transport Panel	26 November 1999	<p>Administration's information paper on the outcome of the review on driver training policy (LC Paper No. CB(1)419/99-00(04))</p> <p>http://www.legco.gov.hk/yr99-00/english/panels/tp/papers/a419e04.pdf</p> <p>Minutes of the meeting (LC Paper No. CB(1)869/99-00)</p> <p>http://www.legco.gov.hk/yr99-00/english/panels/tp/minutes/tp261199.pdf</p>
Transport Panel	28 April 2000	<p>Administration's information paper on the views of the driving instructor trade on the package of proposals on driver training (LC Paper No. CB(1)1435/99-00(04))</p> <p>http://www.legco.gov.hk/yr99-00/english/panels/tp/papers/a1435e04.pdf</p>

Panel/Committee	Date	Paper
		Minutes of the meeting (LC Paper No. CB(1)1663/99-00) http://www.legco.gov.hk/yr99-00/english/panels/tp/minutes/tp280400.pdf
House Committee	May 2000	Legislative Council brief on Road Traffic (Driving Licences) (Amendment) Regulation 2000 for regrouping of motor vehicles for the issue of group driving instructors' licences http://www.legco.gov.hk/yr99-00/english/subleg/brief/161_brf.pdf
House Committee	15 May 2001	Legislative Council brief on Road Traffic (Driving Licences) (Amendment) Regulation 2001 for putting the current practice adopted for issuing driving instructor's licences in clear statutory provisions and for providing the procedures for issue of such licences http://www.legco.gov.hk/yr00-01/english/subleg/brief/97_brf.pdf
Council	23 October 2002	Question raised by Hon Emily LAU on students of driving schools having shorter queuing time for driving tests http://www.legco.gov.hk/yr02-03/english/counmtg/hansard/cm1023ti-translate-e.pdf
Council	15 January 2003	Question raised by Hon LEUNG Fu-wah on driving instructors' licences http://www.legco.gov.hk/yr02-03/english/counmtg/hansard/cm0115ti-translate-e.pdf
Transport Panel	24 June 2005	Administration's information paper on the outcome of the biennial review in end 2004 on the need to issue private driving instructor's licences (LC Paper No. CB(1)1829/04-05(01)) http://www.legco.gov.hk/yr04-05/english/panels/tp/papers/tp0624cb1-1829-1e.pdf