

For information

Legislative Council Panel on Transport

**Amendments to Subsidiary Legislation
to Improve the Current Transport-Related Licensing Arrangements**

PURPOSE

This paper briefs Members of our plan to amend five pieces of subsidiary legislation under the Road Traffic Ordinance (Cap. 374) to improve the arrangements for the issue and renewal of certain transport-related licences and permits. The five regulations are:

- Road Traffic (Construction & Maintenance of Vehicles) Regulations (Cap. 374A);
- Road Traffic (Driving Licences) Regulations (Cap. 374B);
- Road Traffic (Parking) Regulations (Cap. 374C);
- Road Traffic (Public Service Vehicles) Regulations (Cap. 374D);
- Road Traffic (Registration & Licensing of Vehicles) Regulations (Cap. 374E)

PROPOSAL

2. Following a recent review of the arrangements for the issue and renewal of transport-related licences and permits, the Transport Department (TD) has identified the following areas for improvement -

- (a) removing the requirement that the applicant should produce certain driving licences in applying for their issue and renewal;
- (b) removing the requirement that the applicant to produce a driving licence and vehicle registration document in applying for a disabled person's parking permit;
- (c) removing the restriction that certain permits issued by TD can only take effect from the date of issue;

- (d) removing obsolete references to two international conventions that are no longer applicable to Hong Kong; and
- (e) rectifying an anomaly regarding references to change of address specified in driving licences and vehicle registration documents.

3. Details of the proposed amendments are set out below.

(a) Removing the requirement to produce certain driving licences in applying for their issue/renewal – Currently, an applicant is required to produce (i) a probationary driving licence, a full driving licence or a driving licence to drive Government vehicles in applying for the renewal of these licences; (ii) a driving licence and a driving instructor’s licence in applying for the issue/renewal of a driving instructor’s licence; and (iii) a full driving licence in applying for an International Driving Permit. As TD already has the information of these licences, there is no need to require the applicant to produce the relevant licences. We therefore propose to dispense with this requirement.

(b) Removing the requirement to produce a driving licence and vehicle registration document in applying for a disabled person’s parking permit – At the present moment, a disabled person needs to produce his/her driving licence/learner’s driving licence and the registration document of his vehicle when he applies for a disabled person’s parking permit. As TD’s computer system already holds the full record of all driving licences and vehicles, we consider this requirement superfluous.

(c) Removing the restriction on the effective date of permits/licences – Currently, 16 licences/permits issued by TD may require regular renewal. 7 of them¹ have legislative provisions stipulating that their validity shall commence from the date on which they are issued. Given this restriction, if an existing holder applies for a renewal of his/her licence/permit before its expiry, the validity of his/her current one will be curtailed, and the licence-holder will have to pay a higher fee than others due to his/her submitting an early application for renewal. To rectify this anomaly, we propose to remove the restriction

¹ These are bus lane permits, prohibited zone permits, restricted zone permits, closed road permits, expressway permits, trade licences and passenger service licence certificates.

that these licences/permits should only take effect from the date of their issue.

(d) Removing obsolete references to two international conventions – The 1931 International Convention regarding the Taxation of Foreign Motor Vehicles² was extended to Hong Kong in 1935 by the United Kingdom. As the United Kingdom denounced the Convention in 1963, it ceased to apply to Hong Kong since 1964. Separately, prior to 1 July 1997, both the 1926 International Convention relative to Motor Traffic and the 1949 International Convention on Road Traffic were applicable to Hong Kong. However, it was agreed by the Sino-British Joint Liaison Group that with effect from 1 July 1997, only the 1949 Convention, which contained provisions similar to the 1926 Convention, would apply to Hong Kong, while the 1926 Convention would cease to apply.³ To reflect the fact that both the 1926 Convention and the 1931 Convention no longer apply to Hong Kong, we propose to delete all references to these two conventions in the legislation.

(e) Rectifying an anomaly regarding references to change of address on driving licences and vehicle registration documents – Currently, a driving licence holder or a registered owner of a motor vehicle has to report to TD any change of address specified in his driving licence or registration document. However, following a format change some years ago, current driving licences and registration documents no longer specify the addresses of the holders. This legal anomaly has undermined the integrity of the records of personal particulars of licence holders/vehicle owners maintained by TD, and hence the effectiveness of communication between TD and licence holders/vehicle owners on traffic and transport matters. To rectify these problems, we propose to change the reporting requirement such that the licence holders/vehicle owners would need to report a change in address they previously provided to TD.

4. We will also take the opportunity to formalise the existing

² It allowed a motor vehicle of a contracting state to be exempted from taxes or charges on its circulation in other Contracting states up to a maximum of 90 days.

³ Both the 1926 Convention and the 1949 Convention allowed the issue of International Driving Permits to holders of Hong Kong driving licences so that they can drive in the territories of the contracting states. The 1926 Convention contains a requirement that motor vehicles circulating at other contracting states be issued with International Certificates, while the 1949 Convention has dispensed with this requirement.

arrangement whereby a licence-holder will need to return his driving licence and driving instructor's licence for variation when he changes his name or identity document. Furthermore, we will extend the requirement to report any change in name, address and identity document, which only applies to holders of driving licences, driving instructors' licences, vehicle registration documents and personalized registration marks, to holders of International Circulation Permits.

5. A related issue is the authenticity of the address provided. We propose to empower TD to ask for the production of documentary proof when the licence or registration document holder reports a change of address. Failure to do so will be an offence. TD will also be empowered to refuse to process an application for issue or renewal of transport-related licences if the applicant refuses to produce address proof as required by TD.

LEGISLATIVE TIMETABLE

6. We plan to introduce the relevant amendment regulations to the Legislative Council for negative vetting in March 2007. The amendment regulations will take effect in May 2007.

INFORMATION

7. Members are requested to note the legislative proposals set out in paragraphs 2 to 5.

Environment, Transport and Works Bureau
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