

For information

Legislative Council Panel on Transport
Amendments to Subsidiary Legislation
to Improve the Transport-Related Licensing Arrangements

PURPOSE

This paper informs Members of our plan to amend the Road Traffic (Driving Licences) Regulations (Cap. 374B) to implement several proposals to improve the arrangements for the issue and renewal of driving licence.

PROPOSAL

(A) Issue and renewal of full driving licences for commercial vehicles

2. Under the Immigration Ordinance and Immigration Regulations, any person who lands in Hong Kong as a visitor will breach his condition of stay if he takes up any employment without the prior permission of the Director of Immigration. However, under Cap. 374B, the Commissioner for Transport (C for T) does not have the discretion to reject an application for a driving licence for commercial vehicles¹ (referred to as commercial vehicle driving licences, CDL, hereunder) even if the applicant is not allowed to perform commercial driving duties for employment purpose under the immigration law. This legal anomaly is undesirable and should be rectified.

3. We propose to amend Cap. 374B so that C for T will be given the discretion to issue or renew CDLs only to those who are eligible to perform commercial driving duties for employment purpose in Hong Kong, including Hong Kong Permanent Identity Card holders² and holders of non-Permanent Identity Cards who are not subject to a condition of stay. C for T will also take into account the applicants' eligibility to perform commercial driving

¹ Commercial vehicles include taxis, public and private light buses, public and private buses, medium and heavy goods vehicles, special purpose vehicles and articulated vehicles.

² All Hong Kong Permanent Identity Card holders are not subject to any condition of stay.

duties for employment purpose in Hong Kong when issuing driving licences under the direct endorsement arrangement³.

(B) Renewal of full driving licences

4. Under the current arrangement, for authentication of his identity, a driving licence holder will need to include a copy of his identity document (ID) in submitting his application by post or make use of an e-certificate for on-line renewal of his driving licence.

5. To simplify the procedure for renewal of full driving licences and to promote postal and electronic applications, TD will in future send to each holder of a full driving licence a renewal application form before the expiry of the driving licence to remind him of the need for renewal. Each renewal application form will contain a unique personal identification number, which is linked to the number of the licence holder's ID recorded in TD's computer system. In submitting his renewal application by post, the licence holder will only need to fill in his ID number, while in the case of Internet application, he will need to provide his ID number and the personal identification number for authentication. The applicant will no longer need to provide a copy of his ID (for postal application) or use e-certificate (for online application).

(C) Direct issue of full driving licences to holders of Icelandic driving licences

6. Under Cap. 374B, C for T may issue Hong Kong driving licences to holders of driving licences issued by countries/places listed in the Fourth Schedule to Cap. 374B without requiring them to pass Hong Kong driving tests. This direct issue arrangement applies only to driving licences for private cars, light goods vehicles, motorcycles and motor tricycles. The Schedule was first drawn up in the 1970s to include countries where driving tests were known to be of a standard comparable with that in Hong Kong. Since then, requests for inclusion in the list made by other countries/places have been considered on a case-by-case basis by TD having regard to the

³ Under the direct endorsement arrangement, public/private light bus driving licences are directly granted to public/private bus driving licence holders without requiring them to sit for another driving test. This is because driving licence holders of a larger passenger-carrying vehicle are recognised by C for T to have the competence to drive a similar vehicle of smaller carrying capacity.

standard of driving test in the country/place concerned.

7. The Iceland authority, which has been recognising driving licences issued by Hong Kong, has asked that the above direct issue arrangement be extended to Icelandic driving licence holders. Having examined the driving test standard in Iceland, C for T is satisfied that it is comparable with that in Hong Kong. We therefore propose to include Iceland in the Fourth Schedule to Cap. 374B as one of the countries eligible for direct issue of Hong Kong driving licences.

(D) Empowering C for T to designate countries/places eligible for direct issue

8. The Road Traffic Ordinance (Cap. 374) provides that the Secretary for Transport and Housing (STH) may make regulations to allow C for T to amend by order in the Gazette the list of countries/places eligible for the direct issue arrangement. However, this regulation has not yet been made under Cap. 374B and only STH has the power to amend the list at present.

9. Considering that C for T is the competent authority in deciding on the eligibility for direct issue arrangement, which carries no policy implications, we propose to take the opportunity to amend Cap. 374B such that C for T may amend the list of countries/places eligible for direct issue arrangement by order in the Gazette in future.

LEGISLATIVE TIMETABLE

10. We plan to introduce the amendment regulations to the Legislative Council for negative vetting and commencement in the first quarter of 2008.

INFORMATION

11. Members are requested to note the legislative proposals set out in paragraphs 2 to 9 above.

**Transport and Housing Bureau
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