

LEGISLATIVE COUNCIL BRIEF

Road Traffic Ordinance
(Chapter 374)

ROAD TRAFFIC (DRIVING LICENCES) (AMENDMENT) REGULATION 2008

INTRODUCTION

The Secretary for Transport and Housing (STH) has made the Road Traffic (Driving Licences) (Amendment) Regulation 2008 (the Amendment Regulation) (at **Annex A**) to implement several proposals to improve the arrangements for the issue and renewal of driving licences.

JUSTIFICATIONS

(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 the Road Traffic (Driving Licences) Regulations (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, CDLs, 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

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.

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 other than a limit of stay. C for T will also take into account the applicants' eligibility to perform commercial driving 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, the Transport Department (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 applications) or use e-certificate (for online applications).

(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

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

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.

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 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 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.

THE AMENDMENT REGULATION

10. The main provisions of the Amendment Regulation are as follows –

- (a) **clause 2** adds two new definitions of “identity card” and “permanent identity card” in the interpretation section;

- (b) **clause 3** amends the manner of making a declaration of physical fitness by an applicant for a driving licence in that the requirement to sign the declaration is dispensed with in order to facilitate online application;
- (c) **clause 4** specifies the type of document of identity required of an applicant in an application for a full driving licence;
- (d) **clauses 5 and 6** differentiate the various types of vehicle for the purpose of issuing or renewing full driving licences, and set out the requirement that an applicant for a full driving licence to drive a taxi, public light bus, private light bus, public bus, private bus, medium goods vehicle, heavy goods vehicle, special purpose vehicle or articulated vehicle in Hong Kong must be a holder of an identity card not subject to any condition of stay other than a limit of stay;
- (e) **clause 5** empowers the C for T to amend, by order published in the Gazette, the Fourth Schedule, in which countries or places are specified as countries or places the holders of whose driving certificates or licences are exempt from the requirement to take a driving test in Hong Kong;
- (f) **clause 6** provides for the requirement an applicant has to meet in applying for renewal of his full driving licence by making use of a unique password assigned to him by TD;
- (g) **clause 7** includes the Republic of Iceland in the Fourth Schedule to permit the direct issue of Hong Kong full driving licence to holders of driving licences issued in the Republic of Iceland.

_____ 11. The existing provisions being amended are at **Annex B**.

LEGISLATIVE TIMETABLE

12. The legislative timetable is as follows -

Publication in the Gazette	11 January 2008
Tabling at the Legislative Council	16 January 2008

The negative vetting period will expire on 5 March 2008. The Amendment Regulation will come into effect on 10 March 2008.

IMPLICATIONS OF THE PROPOSALS

13. The proposals are in conformity with the Basic Law, including provisions concerning human rights. They do not affect the existing binding effect of Cap. 374B. The proposals have no civil service, productivity, environmental or sustainability implications. The proposal of streamlining the procedures for full driving licence renewal will enhance efficiency and thereby will indirectly benefit the economy.

14. In connection with the proposal to empower C for T to refuse issuing CDLs to applicants not eligible to perform commercial driving duties in Hong Kong, a one-off capital cost of \$3.89 million has been earmarked for the enhancement of the existing computer system for driving licensing arrangements in TD. The financial implications of the other proposals are minimal.

PUBLIC CONSULTATION

15. An information paper on the legislative amendments was issued to the Legislative Council Panel on Transport on 18 December 2007. Members have no objection to the proposals.

PUBLICITY

16. A press release will be issued and a spokesman will be available to answer media enquiries. Promotional leaflets of TD will also be distributed to inform the applicants of the arrangements.

ENQUIRIES

17. Please direct all enquiries to Mr Donald Ng, Principal Assistant Secretary for Transport and Housing (Transport), at 2189 2186.

**Transport and Housing Bureau
January 2008**

**ROAD TRAFFIC (DRIVING LICENCES)
(AMENDMENT) REGULATION 2008**

(Made by the Secretary for Transport and Housing under section 8(1) of
the Road Traffic Ordinance (Cap. 374))

1. Commencement

This Regulation shall come into operation on 10 March 2008.

2. Interpretation

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

““identity card” (身分證) has the meaning assigned to it by section 1A of
the Registration of Persons Ordinance (Cap. 177);

“permanent identity card” (永久性居民身分證) has the meaning assigned
to it by section 1A of the Registration of Persons Ordinance (Cap.
177);”.

3. Physical fitness

(1) Regulation 9(1) is amended by repealing “the application form”
and substituting “such form and in such manner as is specified by the
Commissioner”.

(2) Regulation 9(2) is amended by repealing “in the application form”
and substituting “required by paragraph (1)”.

4. Applications for full driving licences

(1) Regulation 10(1) is amended by repealing “identity document” and
substituting “document of identity”.

(2) Regulation 10 is amended by adding –

“(4) In this regulation, “document of identity”
(證明身分的文件), in relation to an applicant, means –

- (a) where the applicant holds a permanent identity card, his permanent identity card;
- (b) where the applicant does not hold a permanent identity card –
 - (i) his identity card (other than a permanent identity card), if he has one; and
 - (ii) his valid travel document as defined in section 2(1) of the Immigration Ordinance (Cap. 115).”.

5. Issue of full driving licences

- (1) Regulation 11(1) is repealed and the following substituted –

“(1) Subject to regulations 6, 7, 8 and 9, the Commissioner shall issue a full driving licence (other than a full driving licence to drive a motor cycle, motor tricycle, taxi, public light bus, private light bus, public bus, private bus, medium goods vehicle, heavy goods vehicle, special purpose vehicle or articulated vehicle) to an applicant for such a licence if he has passed, within 3 years prior to the date of his application, a driving test in respect of the class of motor vehicle to which his application relates.”.
- (2) Regulation 11 is amended by adding –

“(1B) Subject to regulations 6, 7, 8 and 9, the Commissioner shall issue a full driving licence to drive a taxi, public light bus, private light bus, public bus, private bus, medium goods vehicle, heavy goods vehicle, special purpose vehicle or articulated vehicle to an applicant for such a licence if –

 - (a) the applicant –

- (i) is the holder of a permanent identity card; or
 - (ii) is the holder of an identity card (other than a permanent identity card) and is not subject to any condition of stay other than a limit of stay as defined in section 2(1) of the Immigration Ordinance (Cap. 115); and
- (b) the applicant has passed, within 3 years prior to the date of his application, a driving test in respect of the class of motor vehicle to which his application relates.

(1C) The Commissioner may waive the requirement of paragraph (1B)(a) if he considers it appropriate to do so.”.

(3) Regulation 11(2) is amended –

(a) by repealing “shall issue” and substituting “may issue”;

(b) by repealing “if the” and substituting “if the Commissioner is satisfied that the”.

(4) Regulation 11(4) is amended by adding “or (3A)” after “(3)”.

(5) Regulation 11 is amended by adding –

“(5A) The Commissioner may by order published in the Gazette amend the Fourth Schedule.”.

6. Regulation substituted

Regulation 15 is repealed and the following substituted –

“15. Renewal of full driving licence

(1) Subject to paragraphs (2), (6), (7) and (9) and regulations 6 and 9, the Commissioner shall renew a full driving licence on receipt of

an application made in such form and in such manner as is specified by the Commissioner, together with –

- (a) the applicant's document of identity as defined in regulation 10(4); and
- (b) the fee prescribed in the Second Schedule.

(2) No driving licence authorizing a person to drive a taxi, public light bus, private light bus, public bus, private bus, medium goods vehicle, heavy goods vehicle, special purpose vehicle or articulated vehicle shall be renewed under paragraph (1) unless the applicant –

- (a) is the holder of a permanent identity card; or
- (b) is the holder of an identity card (other than a permanent identity card) and is not subject to any condition of stay other than a limit of stay as defined in section 2(1) of the Immigration Ordinance (Cap. 115).

(3) Where the application is for the renewal of a full driving licence (other than a full driving licence to drive a taxi, public light bus, private light bus, public bus, private bus, medium goods vehicle, heavy goods vehicle, special purpose vehicle or articulated vehicle), the Commissioner may waive the requirement of paragraph (1)(a) if –

- (a) the application is made in a form specified by the Commissioner that contains a unique password assigned to the applicant by the Commissioner; or
- (b) the application is made electronically by means of an online communication system using a template specified by the Commissioner and –
 - (i) the applicant identifies himself by the unique password assigned to him by the Commissioner; and

- (ii) the applicant provides the information required by the Commissioner as set out in the template.

(4) Where the application is for the renewal of a full driving licence to drive a taxi, public light bus, private light bus, public bus, private bus, medium goods vehicle, heavy goods vehicle, special purpose vehicle or articulated vehicle, the Commissioner may waive the requirement of paragraph (1)(a) if –

- (a) the application is made in the manner referred to in either paragraph (3)(a) or (b); and
- (b) the applicant makes a declaration in a manner specified in the form or template (as the case may be) that –
 - (i) he is the holder of a permanent identity card; or
 - (ii) he is the holder of an identity card (other than a permanent identity card) and is not subject to any condition of stay other than a limit of stay as defined in section 2(1) of the Immigration Ordinance (Cap. 115).

(5) The Commissioner may waive the requirement of paragraph (2) if he considers it appropriate to do so.

- (6) A full driving licence may be renewed at any time –
 - (a) during the period of 4 months before the date of its expiry, such renewal to be effective from the date of expiry;
 - (b) within 15 days after the date of its expiry, such renewal to be effective from the date of expiry;

(c) during the period exceeding 15 days but not exceeding 3 years after the date of its expiry, such renewal to be effective from the date of renewal.

(7) Before a full driving licence is renewed, where the applicant is 70 years of age or more, he shall produce to the Commissioner a certificate referred to in regulation 10(3) and the Commissioner shall satisfy himself that the applicant is able to read a registration mark at a distance of 23 metres in good daylight (with the aid of spectacles or other corrective lenses, if worn).

(8) Where due to circumstances beyond his control the Commissioner is unable for the time being to renew a driving licence, the receipt issued by him for the payment of the renewal fee shall be deemed for the purposes of these regulations to be a valid driving licence in place of the driving licence to be renewed, until the driving licence is renewed or the expiry of a period of 30 days after the issue of the receipt, whichever is the earlier.

(9) No fee shall be payable in respect of the renewal of a full driving licence held by a disabled person.”.

7. List of countries or places for purposes of regulation 11(3)

The Fourth Schedule is amended by adding –
“Iceland, Republic of”.

Secretary for Transport and Housing

2008

Explanatory Note

This Regulation amends the Road Traffic (Driving Licences) Regulations (Cap. 374 sub. leg. B) (“principal regulation”) to –

- (a) add two new definitions of “identity card” and “permanent identity card” in the interpretation section of the principal regulation (section 2);
- (b) amend the manner of making a declaration of physical fitness by an applicant for a driving licence in that the requirement to sign the declaration is dispensed with (section 3);
- (c) specify the type of document of identity required of an applicant in an application for a full driving licence (section 4);
- (d) differentiate the various types of vehicle for the purpose of issuing or renewing full driving licences, and set out the requirement that an applicant for a full driving licence to drive a taxi, public light bus, private light bus, public bus, private bus, medium goods vehicle, heavy goods vehicle, special purpose vehicle or articulated vehicle in Hong Kong must be a holder of an identity card not subject to any condition of stay other than a limit of stay (sections 5 and 6);
- (e) empower the Commissioner for Transport to amend, by order published in the Gazette, the Fourth Schedule to the principal regulation, in which countries or places are specified as countries or places the holders of whose driving certificates or licences are exempt from the requirement to take a driving test in Hong Kong (section 5);

- (f) provide for the requirement in respect of an application for renewal of a full driving licence through online communication system (section 6); and
- (g) include the Republic of Iceland in the Fourth Schedule to the principal regulation to permit the direct issue of Hong Kong full driving licence to holders of driving licences issued in the Republic of Iceland (section 7).

Annex B

Chapter:	374B	ROAD TRAFFIC (DRIVING LICENCES) REGULATIONS	Gazette Number	Version Date
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Regulation:	2	Interpretation	L.N. 49 of 2007	19/05/2007
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- In these regulations, unless the context otherwise requires-
- "applicant" (申請人) means a person who has applied for a driving licence, driving test, motor cycle driving test, driving instructor's licence or permit under these regulations, as the case may be, or for renewal of a driving licence or driving instructor's licence; (L.N. 273 of 1989)
- "articulated vehicle" (掛接式車輛) has the meaning assigned to it by regulation 2 of the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap 374 sub. leg. A);
- "authorized examiner" (經授權牌主任) means a person appointed under regulation 29(1) to be an authorized examiner for the purpose of conducting driving tests;
- "class" (種類), when used in relation to a motor vehicle in connection with any matter relating to a driving licence, driving test, driving instructor's licence or permit, means a class of motor vehicle specified in regulation 5;
- "1949 Convention" (1949年國際公約) means the International Convention relative to the international circulation of motor traffic concluded at Geneva on 19 September 1949; (L.N. 49 of 2007)
- "driving instructor" (駕駛教師) means a person who is the holder of a valid driving instructor's licence;
- "driving instructor's licence" (駕駛教師執照) means a driving instructor's licence issued under regulation 22;
- "driving instructor's test" (駕駛教師的測驗) means a test referred to in regulation 24;
- "driving test" (駕駛測驗) means a test of competence to drive a motor vehicle (other than a motor cycle and a motor tricycle) conducted in accordance with regulations 32 and 33; (L.N. 273 of 1989)
- "full driving licence" (正式駕駛執照) means a driving licence other than a learner's driving licence, temporary driving licence, probationary driving licence or a driving licence to drive Government vehicles; (49 of 2000 s. 3)
- "Government vehicle" (政府車輛) means a vehicle owned by the Government;
- "group" (組別), in relation to a driving instructor's licence, means a group of motor vehicles specified in regulation 20A; (L.N. 161 of 2000)
- "identity document" (身分證明文件) has the meaning assigned to it by regulation 2 of the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap 374 sub. leg. E);
- "international driving permit" (國際駕駛許可證) means-
- (a) an international driving permit in Form 1 of the Ninth Schedule issued under the authority of a country or place which is a party to the 1949 Convention; or
 - (b) an international driving permit issued under regulation 36; (L.N. 49 of 2007)
- "learner driver" (學習駕駛人士) means a person who is the holder of a valid learner's driving licence;
- "learner's driving licence" (學習駕駛執照) means a learner's driving licence issued under regulation 12 or 12A; (L.N. 273 of 1989)
- "licence holder" (執照持有人) means a person to whom a driving licence or driving instructor's licence has been issued under these regulations so long as such licence remains in force;
- "motor cycle driving test" (電單車駕駛測驗) means a test of competence to drive a motor cycle or a motor tricycle conducted in accordance with regulation 12C; (L.N. 273 of 1989)

- "permit" (許可證) means an international driving permit;
- "photograph" (照片) means a photograph in accordance with regulation 43(2);
- "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); (L.N. 97 of 2001)
- "private driving instructor's licence" (私人駕駛教師執照) means the driving instructor's licence of a private driving instructor; (L.N. 97 of 2001)
- "probationary driving licence" (暫准駕駛執照) means a driving licence to drive a motor cycle or motor tricycle issued under regulation 12G; (49 of 2000 s. 3)
- "probationary driving period" (暫准駕駛期) means the probationary driving period provided for in regulation 12F; (49 of 2000 s. 3)
- "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); (L.N. 97 of 2001)
- "rigid vehicle" (整體式車輛) has the meaning assigned to it by regulation 2 of the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap 374 sub. leg. A);
- "temporary driving licence" (臨時駕駛執照) means a temporary driving licence issued under regulation 13;
- "visitor" (到港人士) has the meaning assigned to it by regulation 2 of the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap 374 sub. leg. E).
(34 of 1993 s. 3)

Chapter:	374B	ROAD TRAFFIC (DRIVING LICENCES) REGULATIONS	Gazette Number	Version Date
Regulation:	9	Physical fitness		30/06/1997

(1) On application for a driving licence or renewal thereof, the applicant shall make a declaration in the application form as to whether or not he is suffering from any disease or physical disability specified in the First Schedule, or any other disease or physical disability which would be liable to cause the driving by him of a motor vehicle of such class as he would be authorized to drive by the licence for which he is applying to be a source of danger to the public.

(2) If, from the declaration in the application form, it appears to the Commissioner that the applicant is suffering from any disease or physical disability referred to in paragraph (1), the Commissioner shall refuse to issue or renew the driving licence:

Provided that-

- (a) a driving licence limited to driving an invalid carriage may be granted or renewed if the Commissioner is satisfied that the applicant is fit to drive an invalid carriage;
- (b) the applicant may, except in the case of any disease or physical disability specified in the First Schedule, claim to be subjected to a test specified by the Commissioner as to his fitness or ability to drive a motor vehicle of any such class as he would be authorized by the driving licence to drive, and if the applicant passes the test the driving licence shall not be refused by reason only of the declared disease or physical disability but may, if the test proves the applicant's fitness to drive only a motor vehicle of a particular construction or design, be limited to the driving of a vehicle of such construction or design.

(2A) Without prejudice to paragraph (2), a holder of a valid driving licence who suffers from-

- (a) any disease or physical disability specified in the First Schedule; or
- (b) any disease or physical disability-
 - (i) not being a disease or physical disability specified in the First Schedule; and

- (ii) which is liable to cause the driving by him of a motor vehicle (being a motor vehicle of any such class as he is authorized by the driving licence to drive) to be a source of danger to the public,

from which he did not suffer at the time when the issue or renewal (as the case may be) of the licence was applied for shall, after he becomes aware of such disease or disability, forthwith give notice in writing of such fact to the Commissioner. (L.N. 183 of 1997)

(2B) Where a notice under paragraph (2A) is received by the Commissioner from a holder of a driving licence, the Commissioner may, if after making such inquiry as he considers necessary he is satisfied that there is reasonable ground to believe that the licence holder is suffering from any disease or disability referred to in paragraph (2A)(b)-

- (a) cancel the driving licence and grant a driving licence limited to driving an invalid carriage to the licence holder if he is satisfied that the licence holder is fit to drive an invalid carriage; or
- (b) cancel the driving licence after giving to the licence holder written notice of his intention to do so. (L.N. 183 of 1997)

(2C) A holder of a driving licence to whom a notice is given under paragraph (2B)(b) may claim to be subjected to a test as to his fitness or ability to-

- (a) drive a motor vehicle of a particular construction or design; or
- (b) drive a motor vehicle of any class he is authorized by the licence to drive provided he wears suitable spectacles or other corrective lenses, a hearing aid or other apparatus,

and if he passes the test specified by the Commissioner the driving licence shall not be cancelled or, if it has already been cancelled, it shall be returned to the licence holder and the cancellation shall be rescinded. (L.N. 183 of 1997)

(3) If it appears to the Commissioner that there is reason to believe that any person who holds a driving licence is suffering from a disease or physical disability not specified in the First Schedule which is liable to cause the driving by him of a motor vehicle, being a motor vehicle of any such class as he is authorized by the driving licence to drive, to be a source of danger to the public, and after making such inquiry as he considers necessary the Commissioner is satisfied that the licence holder so suffering from such disease or physical disability has previously passed a test under this regulation, the Commissioner, after giving to the licence holder notice of his intention to cancel the driving licence, may cancel the driving licence: (L.N. 183 of 1997)

Provided that a licence holder, except in the case of any disease or physical disability specified in the First Schedule, may claim to be subjected to a test as to his fitness or ability to-

- (a) drive a motor vehicle of a particular construction or design; or
- (b) drive a motor vehicle of any class he is authorized by the licence to drive provided he wears suitable spectacles or other corrective lenses, a hearing aid or other apparatus,

and if he passes the test specified by the Commissioner the driving licence shall not be cancelled or, if it has already been cancelled, it shall be returned to the licence holder and the cancellation thereof shall be rescinded.

(4) The Commissioner may impose on a driving licence the holder of which has been subjected to a test under paragraph (2C) or (3) a condition that the licence holder shall wear suitable spectacles or other corrective lenses, a hearing aid or other apparatus while driving, or may limit the driving licence to the driving of a motor vehicle of a particular construction or design. (L.N. 183 of 1997)

(5) A licence holder whose driving licence is endorsed with a condition that he shall wear suitable spectacles or other corrective lenses, a hearing aid or other apparatus when driving shall not drive without wearing such spectacles or other corrective lenses, hearing aid or other apparatus.

(6) The Commissioner shall refuse to issue or renew a driving licence in the case of an applicant, who is 70 years of age or more, who-

- (a) is not medically fit to drive and control a motor vehicle in the class to which his application relates; or
- (b) is not able to read a registration mark at a distance of 23 metres in good daylight

(with the aid of spectacles or other corrective lenses, if worn).

(7) A licence holder who has been given a notice in accordance with paragraph (3) shall, within 72 hours after receipt of such notice, surrender his driving licence to the Commissioner for cancellation.

(8) (a) Paragraphs (2A), (2B) and (2C) do not apply in relation to driving licences issued before the commencement of the Road Traffic (Driving Licences) (Amendment) (No. 2) Regulation 1997 (L.N. 183 of 1997).

(b) This paragraph shall cease to have effect at the end of the period of 3 years after the commencement of the Road Traffic (Driving Licences) (Amendment) (No. 2) Regulation 1997 (L.N. 183 of 1997). (L.N. 183 of 1997)

Chapter:	374B	ROAD TRAFFIC (DRIVING LICENCES) REGULATIONS	Gazette Number	Version Date
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Regulation:	10	Applications for full driving licences	49 of 2000	01/10/2000
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Remarks:

Adaptation amendments retroactively made - see 3 of 2002 s. 15

(1) A person who wishes to obtain a full driving licence in respect of any class of motor vehicle shall deliver to the Commissioner an application therefor in a form specified by the Commissioner, signed by the applicant, together with his identity document. (L.N. 192 of 1989)

(2) In addition to making a declaration required by regulation 9(1), the applicant shall state in his application under paragraph (1)-

(a) whether he has held a driving licence issued in Hong Kong or a driving certificate or driving licence issued in any country or place other than Hong Kong; and if the applicant has held any such licence or certificate, he shall also state the class of motor vehicle which he was permitted to drive under such licence or certificate; (3 of 2002 s. 15)

(b) whether any such licence or certificate held previously has been endorsed, suspended or cancelled;

(c) whether under regulation 9(2), the Commissioner has at any time refused to issue him a driving licence or renew his driving licence; and

(d) whether he is or has at any time been disqualified from holding or obtaining the driving licence for which he is applying.

(3) In the case of an applicant for a full driving licence to drive any class of motor vehicle, where the applicant is 70 years of age or more, his application under paragraph (1) shall be accompanied by a certificate by a registered medical practitioner who is acceptable to the Commissioner that on a date within 4 months before the application, the applicant is medically fit to drive and control any vehicle in that class and the Commissioner shall satisfy himself that-

(a) the medical fitness of the applicant has not deteriorated substantially since that date; and

(b) the applicant is able to read a registration mark at a distance of 23 metres in good daylight (with the aid of spectacles or other corrective lenses, if worn). (49 of 2000 s. 4)

Chapter:	374B	ROAD TRAFFIC (DRIVING LICENCES) REGULATIONS	Gazette Number	Version Date
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Regulation:	11	Issue of full driving licences	49 of 2000	01/10/2000
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Remarks:

Adaptation amendments retroactively made - see 3 of 2002 s. 15

(1) Subject to paragraphs (2), (3), (3A) and (4) and regulations 6, 7, 8 and 9, the Commissioner shall issue a full driving licence (other than a full driving licence to drive a motor cycle or motor tricycle) to an applicant if he has passed, within 3 years prior to the date of his application, a driving test in respect of the class of motor vehicle to which his application relates. (L.N. 259 of 1984; 49 of 2000 s. 5)

(1A)The Commissioner shall issue a full driving licence to drive a motor cycle or motor tricycle to an applicant for such licence if he has complied with regulation 12F. (49 of 2000 s. 5)

(2) The Commissioner shall issue a full driving licence to an applicant to drive a motor vehicle of the class to which his application relates if the applicant holds a valid full driving licence for a class of motor vehicle which the Commissioner accepts as evidence of his competence to drive a motor vehicle of the class to which his application relates.

(3) Subject to paragraph (4), the Commissioner may issue a full driving licence to an applicant if the Commissioner is satisfied that-

- (a) some time within 3 years before the date on which the applicant makes the application he had held a driver's certificate or licence issued by a competent authority in any country or place listed in the Fourth Schedule authorizing him to drive motor vehicles of the class which he would be authorized to drive by the licence for which he has applied; and
- (b) the certificate or licence was originally issued to the applicant after successful completion of a test of competence to drive motor vehicles of the class or description concerned conducted by or on behalf of the competent authority which issued the certificate or licence; and
- (c) (i) the certificate or licence was originally issued to the applicant during a period of residence of not less than 6 months in the country or place of issue; (L.N. 259 of 1984)
- (ii) the certificate or licence was originally issued to the applicant not less than 5 years immediately prior to the application; or
- (iii) the applicant is the holder of a passport or other equivalent travel document issued in the country or place in which the certificate or licence was issued. (3 of 2002 s. 15)

(3A)Subject to paragraph (4), the Commissioner may issue a full driving licence to an applicant who is a consular officer or consular employee (as defined in the Schedule to the Consular Relations Ordinance (Cap 557)) if the Commissioner is satisfied- (16 of 2000 s. 15)

- (a) that some time within 3 years before the date on which the applicant makes the application he had held a driver's certificate or licence issued by a competent authority in the country or place of which he is a consular officer or consular employee authorizing him to drive motor vehicles of the class which he would be authorized to drive by the licence for which he has applied; and (3 of 2002 s. 15)
 - (b) as regards the requirements of paragraph (3)(b) and (c)(iii). (L.N. 259 of 1984)
- (4) No driving licence shall be issued under paragraph (3) authorizing any person to drive-
- (a) a public bus or private bus;
 - (b) a medium goods vehicle;
 - (c) a heavy goods vehicle; (L.N. 259 of 1984)
 - (ca) an articulated vehicle; or (L.N. 259 of 1984)
 - (d) a special purpose vehicle.
- (5) (Repealed 89 of 1994 s. 29)

- (6) A full driving licence-
- (a) may, subject to paragraph (6A), be issued on payment of the fee prescribed in the Second Schedule; and
 - (b) shall be valid-
 - (i) in the case of a driving licence issued to an applicant who is at or less than the age of 60 on the date of application, for a period of 10 years from the date of issue;
 - (ii) in the case of a driving licence issued to an applicant who is over the age of 60 but less than the age of 70 on the date of application, for-
 - (A) a period from the date of issue up to the day before he attains the age of 70; or
 - (B) a period of 3 years from the date of issue, whichever is the longer;
 - (iii) in the case of a driving licence issued to an applicant who is at or over the age of 70 on the date of application, for a period of one year or 3 years from the date of issue as the applicant chooses. (L.N. 183 of 1997)

(6A) No fee shall be payable in respect of a full driving licence issued to a disabled person. (L.N. 183 of 1997)

(7) The Commissioner shall specify in a full driving licence the class of motor vehicle, or the type within any class, that the licence holder is authorized to drive.

Chapter:	374B	ROAD TRAFFIC (DRIVING LICENCES) REGULATIONS	Gazette Number	Version Date
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Regulation:	15	Renewal of full driving licence	L.N. 49 of 2007	19/05/2007
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(1) Subject to paragraph (3) and regulations 6 and 9, the Commissioner shall renew a full driving licence on receipt of an application therefor in a form specified by the Commissioner, signed by the applicant, together with-

- (a) (Repealed L.N. 192 of 1989)
- (b) his identity document; and (L.N. 49 of 2007)
- (c) (Repealed L.N. 49 of 2007)
- (d) the fee prescribed in the Second Schedule:

Provided that no fee shall be payable in respect of the renewal of a full driving licence held by a disabled person.

- (2) A full driving licence may be renewed at any time-
- (a) during the period of 4 months before its expiry, such renewal to be effective from the date of expiry;
 - (b) within 15 days after the date of its expiry, such renewal to be effective from the date of expiry;
 - (c) during the period exceeding 15 days but not exceeding 3 years after its expiry, such renewal to be effective from the date of renewal.

(3) Before a full driving licence is renewed, where the applicant is 70 years or more he shall produce to the Commissioner a certificate referred to in regulation 10(3) and the Commissioner shall satisfy himself that the applicant is able to read a registration mark at a distance of 23 metres in good daylight (with the aid of spectacles or other corrective lenses, if worn).

(4) Where due to circumstances beyond his control the Commissioner is unable for the time being to renew a driving licence, the receipt issued by him for the payment of the renewal fee shall be deemed for the purposes of these regulations to be a valid driving licence in place of the driving licence to be renewed, until the driving licence is renewed or the expiry of a period of 30 days after the issue of the receipt, whichever is the earlier.

Chapter:	374B	ROAD TRAFFIC (DRIVING LICENCES) REGULATIONS	Gazette Number	Version Date
Schedule:	4	LIST OF COUNTRIES OR PLACES FOR PURPOSES OF REGULATION 11(3)	3 of 2002	01/07/1997

Remarks:

Adaptation amendments retroactively made - see 3 of 2002 s. 15

[regulations 11 & 13]

Australia	Malaysia
Austria	Netherlands
Banglades, People's Republic of	New Zealand
Belgium	Nigeria, Federal Republic of
Canada	Norway
China, Peoples Republic of	Pakistan
Denmark	Portugal
Finland	Singapore
France	Spain
Germany, Federal Republic of	Sweden
India	Switzerland
Ireland, Republic of	Republic of South Africa together with S.W.
Israel	Africa
Italy	United Kingdom
Japan	together with Alderney (with Channel Islands),
Korea, Republic of	Bermuda, Guernsey, Isle of Man, Jersey
Luxembourg	United States of America

(L.N. 89 of 1986; L.N. 46 of 1987; L.N. 450 of 1991; 3 of 2002 s. 15)