

L.N. 3 of 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- (1) Regulation 11(1) is repealed and the following substituted—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”.

Eva CHENG
Secretary for Transport and
Housing

2 January 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).