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Ms Sophie LAU
Clerk to Panel on Transport
Legislative Council Secretariat
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17 March 2014

(Fax No. 2978 7569)

Dear Ms LAU,

Arrangements for Issuing Driving Instructors' Licences and Driving Tests

At the Panel meeting on 19 July 2013, the Government was requested to provide information about the differences in the licensing mechanisms between restricted driving instructors (“RDI”) and private driving instructors (“PDI”), and whether the Hong Kong School of Motoring was given privileges in the processing of driving tests and in the driving instructors’ licensing mechanisms. Our reply is set out below.

Driving instructors’ licences

The Government adopts a two-pronged approach in respect of driver training in view of the traffic situation in Hong Kong. On the one hand, we promote off-street driver training through the establishment of designated driving schools (“DDS”). On the other hand, we maintain a sufficient supply of PDI to provide on-street driver training.

There are two types of driving instructors’ licences, namely PDI licences and RDI licences. The Road Traffic (Driving Licences)

Regulations (Cap 374B) (“the Regulations”) set out, amongst others, the requirements for applying for PDI and RDI licences and the assessment criteria of driving instructor’s test. A copy of the relevant provisions is at **Annex I**. While the same set of assessment criteria is adopted for driving instructor’s test taken by applicants for PDI licences or RDI licences, the issuing mechanisms for the two types of driving instructors’ licences are different. Details of the issuing mechanisms are set out in the following paragraphs.

PDI Licences

The arrangements for issuing PDI licences are set out in reg. 21A of the Regulations. If the Commissioner for Transport (“the Commissioner”) considers that it is desirable to issue PDI licences in respect of any group of motor vehicles having regard to the prevailing traffic conditions, policy adopted for driver training and the market demand for driver training, she may determine the number of PDI licences to be issued for any particular group of motor vehicles. If new PDI licences are to be issued, the Commissioner will invite applications from members of the public by a notice published in at least one English and two Chinese newspapers circulating in Hong Kong. If the total number of applications received exceeds the number of licences to be issued, the Transport Department (“TD”) will draw lot to determine the order of an application in which it will be dealt with. Eligible applicants will be invited to take the driving instructor’s test conducted by TD according to their orders as determined by the lot.

RDI Licences

As regards RDI licences, they were first issued against the background that the Government had decided to stop issuing new PDI licences in 1972¹. To support the operation of DDS while adhering to the policy of not issuing any new PDI licences, TD issued RDI licences to the driver instructors employed by DDS, with a condition that the licence holders could only give driving instruction on behalf of the driving school. In other words, after 1972 and before TD resumed issuance of new PDI

¹ Except on the following two special occasions –

- In 1993, 61 driving instructor licences were issued for public light buses to regularise unlicensed instructors existing at the time; and
- In 1994, 144 driving instructor licences were issued for articulated vehicles which were then a new class of vehicles introduced under the Road Traffic Ordinance.

licences in 2002 after an extensive policy review, the issue of RDI licences allowed interest parties to join the driving instructor trade.

The mechanism to issue RDI licences is stipulated in the Regulations. Under reg. 22(1A) of the Regulations, the Commissioner may issue an RDI licence to an applicant if he is an employee of a DDS or other organisation (such as a franchised bus company) as a driving instructor, or is otherwise required under a contract to give driving instruction on behalf of a driving school/organisation subject to a condition that the applicant shall only give driving instruction on behalf of the driving school/organisation.

A DDS or other organisation is required to seek TD's prior approval of the number of new RDI licences to be issued when it intends to recruit new RDI. In considering a request for issuing new RDI licences, TD will take into account factors such as the supply and demand for driver training and the wastage of RDI in the driving school/organisation, etc. With TD's approval, the driving school/organisation will then submit applications for RDI licences to TD on behalf of its employees. TD will check the driving records of the applicants and arrange driving tests to assess their eligibility for obtaining RDI licences.

The Regulations set out clearly the issuing mechanisms for both RDI and PDI licences. DDS have not been provided with any special treatment in the driving instructors' licensing mechanisms.

Driving tests for learner drivers

After passing the written test, learner drivers may arrange to learn driving before taking the driving tests. Learner drivers are free to choose whether to receive their driving training from DDS or PDI. All applicants for driving tests should make driving test appointments and purchase driving test forms from TD².

² Learner drivers of DDS may make their test appointments through their respective driving schools. Learner drivers of PDI may make their test appointments at the Driving Test Appointment Office of TD by themselves or their authorised representatives.

All driving tests are conducted at driving test centres (“DTC”) by driving examiners (“DE”) of TD. At present, there are a total of sixteen DTC in Hong Kong. Twelve DTC are opened to the learner drivers of PDI and four are for learner drivers of the existing four DDS³. The location of the sixteen DTC is at **Annex II**. At present, TD deploys DE to conduct driving tests according to the numbers of driving test forms sold to learner drivers of DDS and PDI respectively. The deployment will be reviewed half-yearly and adjustment will be made according to the updated proportion⁴ of the test forms sold.

Since 2010, the waiting time for taking driving tests as a whole has increased due to an upsurge of almost 10% per year in the demand for driving tests. Generally speaking, the waiting time for taking a driving test depends on the demand for driving tests of a particular type of motor vehicles and the capacity of the DTC concerned. It is noted that geographical location of DTC is one of the important factors considered by candidates receiving training from PDI. If the demand exceeds the capacity of one Region, the waiting time of that particular Region will become longer.

As shown from the average waiting time for taking driving tests of different types of vehicles at different DTC at **Annex III**, the average waiting time for taking driving tests at DTC for learner drivers of PDI is shorter than that of learner drivers of DDS in respect of all types of driving tests. It is clear that DDS have not been given any privileges in the processing of driving tests.

Yours sincerely,

(Miss Josephine TSANG)
for Secretary for Transport and Housing

cc: Commissioner of Transport
(Attn: Mr Patrick WONG, Chief Transport Officer/Driving Services)

³ Driving tests for learner drivers of DDS are conducted at DTC in the respective DDS, whilst learner drivers of PDI may choose to take their driving tests in the Hong Kong Region or the Kowloon and New Territories Region. TD will then randomly assign to the candidate a DTC in the chosen Region.

⁴ As at December 2013, the proportion of test forms sold to learner drivers of DDS to PDI is about 30% : 70%.

Relevant provisions on driving instructors' licences

Chapter:	374B	Title:	ROAD TRAFFIC (DRIVING LICENCES) REGULATIONS	Gazette Number:	L.N. 49 of 2007
Regulation:	21	Heading:	Application for driving instructors' licences for restricted driving instructors	Version Date:	19/05/2007

A person who wishes to obtain a driving instructor's licence of a restricted driving instructor in respect of any group of motor vehicles shall deliver to the Commissioner- (L.N. 161 of 2000; L.N. 97 of 2001)

- (a) an application in a form specified by the Commissioner and signed by the person; and
- (b) the person's identity document.

Chapter:	374B	Title:	ROAD TRAFFIC (DRIVING LICENCES) REGULATIONS	Gazette Number:	L.N. 49 of 2007
Regulation:	21A	Heading:	Application for private driving instructors' licences	Version Date:	19/05/2007

(1) If the Commissioner considers that it is desirable to issue private driving instructors' licences in respect of any group of motor vehicles, he may-

- (a) determine the number of licences to be issued for that group; and
- (b) by a notice published once in at least 1 English and 2 Chinese newspapers circulating in Hong Kong, invite applications for the issue of licences of that group.

(2) The Commissioner may not publish a notice under paragraph (1)(b) unless he is satisfied that the issue of private driving instructors' licences in respect of any particular group of motor vehicles is desirable having regard to-

- (a) prevailing traffic conditions;
- (b) policy adopted for driver training for the time being; and
- (c) the demand for learner drivers to receive driving instruction from private driving instructors in respect of that group of motor vehicles.

(3) A notice published under paragraph (1)(b) must specify-

- (a) the number of licences that the Commissioner proposes to issue for any group of motor vehicles in respect of that invitation; and
- (b) a date by which applications are to be received by the Commissioner ("the specified date").

(4) A person who wishes to obtain a private driving instructor's licence shall deliver to the Commissioner by the specified date-

- (a) an application in a form specified by the Commissioner and signed by the person; and
- (b) the person's identity document. (L.N. 49 of 2007)

(5) 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.

Chapter:	374B	Title:	ROAD TRAFFIC (DRIVING LICENCES) REGULATIONS	Gazette Number:	L.N. 2 of 2012
Regulation:	22	Heading:	Issue of driving instructors' licences	Version Date:	15/03/2012

(1) Subject to paragraph (2), the Commissioner may on receipt of-

(a) an application under regulation 21 or 21A; and

(b) subject to paragraph (1B), the fee prescribed in the Second Schedule, issue to the applicant a driving instructor's licence in respect of any group of motor vehicles the subject of his application subject to the conditions set out in the Fifth Schedule and to any further conditions which the Commissioner may impose. (23 of 2008 s. 40)

(1A) Without prejudice to the general power of the Commissioner to impose conditions under paragraph (1), if an applicant is employed by a driving school or other organization as a driving instructor, or is otherwise required under a contract to give driving instruction on behalf of a driving school or other organization, the Commissioner, in relation to an application made under regulation 21, may issue a driving instructor's licence subject to a condition that the applicant shall only give driving instruction on behalf of the driving school or other organization. (L.N. 97 of 2001)

(1B) No fee shall be payable in respect of a driving instructor's licence in respect of a group of motor vehicles issued to a person if he holds a valid driving instructor's licence in respect of another group of motor vehicles. (23 of 2008 s. 40)

(2) No person shall be issued a driving instructor's licence-

(a) unless he is the holder of a full driving licence to drive all classes of motor vehicles in the group in respect of which his application for a driving instructor's licence is made and has held such a driving licence for a period of at least 3 years immediately preceding the date of the application; (L.N. 161 of 2000)

(b) unless he has passed the driving instructor's test in relation to which the application is made or has been exempted by the Commissioner from attending all parts of the driving instructor's test;

(c) if he has been convicted of an offence under section 36, 36A, 39, 39A, 39B, 39C, 39J, 39K, 39L, 39O(1) or 39S of the Ordinance during the 5 years immediately preceding his application. (24 of 2011 s. 22)

(3) A driving instructor's licence in respect of a group of motor vehicles shall be valid for-

(a) subject to subparagraph (b), 12 months from the date of issue of the licence;

or

(b) if, on the date of application, the applicant holds a valid driving instructor's licence in respect of another group of motor vehicles, a period that expires at the end of the expiry date of that licence. (23 of 2008 s. 40)

(4) Subject to regulation 22A, the Commissioner shall, upon application made in accordance with that regulation by a person holding a driving instructor's licence issued before 1 September 2000, issue to that person a driving instructor's licence in respect of the group that includes the class of motor vehicle for which the first-mentioned licence was issued. A driving instructor's licence issued under this paragraph shall be subject to the conditions set out in the Fifth Schedule and to any further conditions which the Commissioner may impose. (L.N. 161 of 2000;)

Chapter: 374B Title: **ROAD TRAFFIC** Gazette Number: L.N. 97 of 2001
(DRIVING LICENCES)
REGULATIONS

Schedule: 5 Heading: **CONDITIONS OF ISSUE** Version Date: 01/07/2001
OF A DRIVING
INSTRUCTOR'S
LICENCE

[regulation 22]
(L.N. 97 of 2001)

1. A driving instructor's licence is valid only while the holder is in possession of a valid full driving licence to drive all those classes of motor vehicles in the group for which he is entitled by the driving instructor's licence to give driving instruction. (L.N. 161 of 2000)
2. A driving instructor shall comply with all the regulations and conditions relating to the learner's driving licence of the person he is instructing.
3. A driving instructor shall carry the driving instructor's licence issued to him at all times when driving instruction is being given and shall when called upon to do so, produce this licence for inspection by the Commissioner or any police officer in uniform.
4. No variation shall be made to any part of a driving instructor's licence except by the Commissioner.

Annex II

Locations of Driving Test Centres

	Driving Test Centre	Location	Vehicle Types for which Driving Test Services are Provided*
(A) Centre opened to learner drivers of PDI			
<u>Hong Kong</u>			
1	Happy Valley	15 Hawthorn Road, Happy Valley, Hong Kong.	PC
2	Sheung On	86 Sheung On Street, Chai Wan, Hong Kong.	MGV BUS
3	So Kon Po	Stadium Path, So Kon Po, Hong Kong.	LGV PLB MC
<u>Kowloon and New Territories</u>			
4	Chak On Road	8 Chak On Road South, Shamshuipo, Kowloon.	LGV
5	Chung Yee Street	5 Chung Yee Street, Homantin, Kowloon.	LGV PC
6	Pui Ching Road	19 Pui Ching Road, Homantin, Kowloon.	PC
7	Tin Kwong Road	11 Tin Kwong Road, Kowloon.	LGV MC
8	Yau Tong	6 Ka Wing Street, Yau Tong, Kowloon.	LGV PC
9	Kwai Shing	60 Kwai Shing Circuit, Kwai Chung, N.T.	LGV MGV HGV PLB Bus
10	Shek Yam	103 Lei Muk Road, Kwai Chung, N.T.	PC PLB
11	Tsuen Wan	231 Texaco Road, Tsuen Wan, N.T.	MGV HGV BUS
12	Yuen On Street	Yuen On Street (Mobile Driving Test Centre)	AV

	Driving Test Centre	Location	Vehicle Types for which Driving Test Services are Provided*
(B) Centre opened to learner drivers of DDS			
<u>Hong Kong</u>			
13	Ap Lei Chau Driving School	68 Lee Nam Road, Ap Lei Chau, Hong Kong.	PC LGV MC
<u>Kowloon and New Territories</u>			
14	Kwun Tong Driving School	Hoi Bun Road, Kwun Tong Vehicular Ferry Pier, Kwun Tong, Kowloon	PC LGV MC
15	Siu Lek Yuen Driving School	138 Sha Tin Wai Road, Siu Lek Yuen, Sha Tin, N.T.	PC LGV MC MGV BUS
16	Yuen Long Driving School	38 Chung Yip Road, Nam Sang Wai, Yuen Long, N.T.	PC LGV MC MGV BUS AV

- * AV - Articulated Vehicle
 BUS - Public and Private Bus
 HGV - Heavy Goods Vehicle
 LGV - Light Goods Vehicle
 MC - Motor Cycle
 MGV - Medium Goods Vehicle
 PC - Private Car
 PLB - Public and Private Light Bus

Waiting Time of Driving Tests
(as at 24 February 2014)

Type of Driving Tests		Waiting Time (Days)			
		PDI			DDS
		HK	KLN & NT	Average	Average
Private Car	Combined	114	199	157	166
	Part B	46	46	46	73
	Part C	52	52	52	118
Motor Cycle (Mandatory)		-	-	-	79
Motor Cycle (Road Test)		73	109	91	112
Light Goods Vehicle	Combined	107	205	156	165
	Part B	44	45	45	73
	Part C	64	63	64	120
Medium Goods Vehicle		35	32	34	47
Heavy Goods Vehicle		-	38	38	-
Public/Private Bus		35	35	35	41
Taxi (Computerized Written Test)		-	35	35	-
Public/Private Light Bus		44	45	45	-
Articulated Vehicle		-	36	36	60

Note:

- HK : 3 Driving Test Centres in Hong Kong Region
- KLN&NT : 9 Driving Test Centres in Kowloon and the New Territories Region
- DDS : Yuen Long Driving School, Ap Lei Chau Driving School, Siu Lek Yuen Driving School and Kwun Tong Driving School