

LEGISLATIVE COUNCIL PANEL ON TRANSPORT

**PROBATIONARY DRIVING LICENCE SCHEME
FOR INEXPERIENCED MOTORCYCLISTS**

Purpose

This paper seeks members' advice on a proposal to introduce a probationary driving licence scheme for inexperienced motorcyclists with a view to reducing their accident involvement rate.

Background

2. Under the current licensing system in Hong Kong, applicants for driving examinations in respect of motorcycles, private cars and light goods vehicles are not required to possess any prior driving experience. For other classes of vehicles such as buses and heavy goods vehicles, applicants are required to have held a full valid driving licence for private car or light goods vehicle for at least three years.

3. An analysis of the road traffic accidents involving drivers of private cars, light goods vehicles and motorcycles in the past five years (1993-1997) revealed that inexperienced drivers (i.e. those with less than two years of driving experience) generally had a higher accident involvement rate (see **Annex A**). The inexperienced motorcyclists were found to be particularly accident-prone, i.e. on average 4.8 times higher than that of experienced motorcyclists. In 1997, an inter-departmental working group was formed to study measures to reduce the accident rates of inexperienced motorcyclists.

Overseas Practice

4. To reduce the accident involvement rate of inexperienced drivers, overseas countries commonly adopt two different approaches, namely, a probationary driving licence system and a graduated driving licence system. These two systems are usually applied to target inexperienced drivers of private cars, light vans and motorcycles.

Probationary Driving Licence System

5. The probationary driving licence system imposes a probationary period on newly qualified drivers after they have passed the required driving test. During the probationary period, drivers are subject to comparatively more stringent restrictions than normal drivers with more road experience. For example, if probationary drivers violate certain traffic laws or accumulate a specified number of driving-offence points, they will be subject to extension of probationary periods or required to undergo further training or re-testing. When the probationary drivers satisfactorily complete the probationary period, they will be able to obtain a full licence.

6. Probationary driving licence systems are adopted in countries including Singapore and Australia. In Singapore, the probationary period is 12 months which applies to all new drivers. A probationary driving licence will be revoked upon accumulation of 13 or more driving-offence points within the first 12 months and the driver will be required to undergo the theory and practical tests again. In Australia, a probationary period of 12 months applies to newly qualified drivers of private cars and motorcycles. The driver will lose his probationary licence upon incurring four or more driving-offence points.

Graduated Driving Licence System

7. This is a multi-stage licensing system designed to help inexperienced drivers to gain road experience under less risky road conditions first, and progressively expose them to more difficult driving environment in stages. Under this system, drivers are required to go through several licensing stages before getting a full driving licence. Certain restrictions will initially be imposed on beginners in the first (learner) stage and as the drivers gain more experience, they will take further tests and upon passing, the restrictions will be lifted stage by stage until the inexperienced drivers have graduated.

8. The graduated system is adopted in a number of countries including the US, New Zealand and Ontario in Canada. For instance, in Ontario, the graduated system is of two stages. For motorcyclists, the first stage lasts for a period of at least 60 days and the second stage lasts for 22 months. A motorcyclist in the first stage is not allowed to drive on roads with speed limit exceeding 80 km/h, drive at night-time, and carry passengers. After completing stage two, the motorcyclist can then attend a final test of overall driving ability.

Situation in Hong Kong

9. Hong Kong has already adopted a licensing system similar to the graduated driving licence system in the training of motorcyclists. Under the existing licensing system, a learner motorcyclist is required to enroll with a designated driving school for a mandatory training course to acquire the basic skills. After passing Part A (Written Test) and Part B (Competency Test) of the driving test, a learner driving licence will be issued to the eligible applicant. After passing Part C (Road Test) of the driving test, the learner motorcyclist will be eligible to apply for a full driving licence. Qualified drivers should have already gained sufficient driving training.

10. However, accident statistics reveal that, even under the existing system, newly qualified motorcyclists are still prone to accidents. We consider that a probationary driving licence system should be introduced to allow these drivers to gain more road experience under a more restrictive, and thus, safer driving environment.

The Proposed Scheme

11. Under the proposed scheme, when a motorcyclist has passed Part C (Road Test) of the driving test, he may apply for a probationary driving licence and undergo a mandatory probationary period of two years. After satisfactory completion of the probationary period, the motorcyclist will be issued a full driving licence.

12. During the probationary period, motorcyclists will be required to observe the following restrictions:

(a) Display of “P” Plate

Motorcyclists will be required to display a “P” plate at the front and rear of their motorcycles for enforcement purpose. This measure will also provide a warning to other road users.

(b) Carrying no Passenger

Because inexperienced motorcyclists are prone to accidents and additional skill is required for controlling a motorcycle when carrying a passenger, probationary motorcyclists will not be allowed to carry passengers.

(c) Driving on Expressways

Accident statistics in the past five years indicated that inexperienced motorcyclists had a significantly higher accident rate than their more experienced counterparts on expressways. The average ratio of accident rates for inexperienced to experienced motorcyclists was 6 to 1 in the first year and 4 to 1 in the second year. We recommend to ban probationary motorcyclists from using expressways in the first 12 months of the probationary period. The ban will allow them to practise on less demanding roads at lower speeds first to gain more road experience. However, the ban will be lifted in the second year in order to allow the probationary motorcyclists to gain experience on expressways.

(d) Extension of Probationary Period and Cancellation of Probationary Licence

Extension of the probationary period and cancellation of probationary driving licence can create a deterrent effect to inexperienced drivers from violating restrictions and committing traffic offences. We recommend that when a probationary motorcyclist is convicted of a minor offence as listed in **Annex B**, his probationary period will be extended by six months. However, his probationary driving licence will immediately be cancelled under the following conditions:

- (i) when convicted of a serious offence as listed in **Annex B**; or
- (ii) when convicted of a minor offence as listed in **Annex B** and thereafter a subsequent offence, either serious or minor, during the remaining extended probationary period.

The probationary motorcyclist is then required to apply and re-take the Road Test, and re-start the probationary period.

(e) Counting of Probationary Period

If a probationary motorcyclist is disqualified by court under section 69 of the Road Traffic Ordinance (Cap. 374) or under the Road Traffic (Driving-offence Points) Ordinance (Cap. 375), the period of disqualification will not be counted as part of the probationary period and he is required to extend his probationary driving licence in order to satisfy the mandatory two years (including possible extension) probationary period.

If a motorcyclist has completed his two years probationary period with outstanding committed offence(s) pending legal proceedings, he can choose either to extend his probationary period or to apply for a full driving licence (on the condition that his full driving licence will be cancelled without refund upon conviction). If he chooses the former, he is still required to observe the conditions of the probationary driving licence and if he is acquitted, he may apply for a full driving licence.

A motorcyclist who has held a valid overseas motorcycle driving permit for two years or more will be able to apply for a direct issue of a full motorcycle driving licence if he satisfies other direct issue requirements. However, if he has held the overseas permit for less than two years, he can only apply for a probationary driving licence. In this case, his overseas driving experience will be counted and the probationary period can be shortened accordingly.

If a probationary motorcyclist who is convicted of scheduled offence(s) (i.e. one serious offence, or one minor offence plus subsequent offence) leading to cancellation of his licence submits an appeal and the appeal is allowed, the legal proceeding period would also be counted as part of the probationary period.

Advice Sought

13. Members' comments are invited on the proposed probationary driving licence scheme, as set out in paras. 11 and 12 of this paper.

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Table 1

Accident Involvement Rates per 1000 Drivers (1993 - 1997)
(Motorcycle)

| | <u>1993</u> | <u>1994</u> | <u>1995</u> | <u>1996</u> | <u>1997</u> |
|---|-------------|-------------|-------------|-------------|-------------|
| <u>Group A</u> (with less than 2 years driving experience) | | | | | |
| Number of involvements | 893 | 915 | 991 | 1041 | 916 |
| Number of licensed drivers (000') | 14.0 | 14.6 | 15.3 | 15.2 | 12.9 |
| Involvements per 1,000 drivers | 63.8 | 62.7 | 64.8 | 68.5 | 71.0 |
| <u>Group B</u> (with 2 or more years driving experience) | | | | | |
| Number of involvements | 1366 | 1361 | 1408 | 1377 | 1512 |
| Number of licensed drivers (000') | 93.5 | 98.2 | 101.4 | 105.5 | 111.4 |
| Involvements per 1,000 drivers | 14.6 | 13.9 | 13.9 | 13.0 | 13.6 |
| <u>Overall</u> | | | | | |
| Number of involvements | 2647 | 2683 | 2761 | 2779 | 2718 |
| Number of licensed drivers (000') | 107.5 | 112.8 | 116.7 | 120.8 | 124.2 |
| Involvements per 1,000 drivers | 24.6 | 23.8 | 23.7 | 23.0 | 21.9 |
| <u>Ratio</u> (Group A/Group B) | 4.4 | 4.5 | 4.7 | 5.3 | 5.2 |

Average ratio : 4.8

Table 2**Accident Involvement Rates per 1,000 Drivers (1993 - 1997)**
(Private Car)

| | <u>1993</u> | <u>1994</u> | <u>1995</u> | <u>1996</u> | <u>1997</u> |
|---|-------------|-------------|-------------|-------------|-------------|
| <u>Group A</u> (with less than 2 years driving experience) | | | | | |
| Number of involvements | 1361 | 1338 | 1166 | 1112 | 1161 |
| Number of licensed drivers (000') | 136.7 | 136.8 | 131.2 | 126.1 | 123.8 |
| Involvements per 1,000 drivers | 10.0 | 9.8 | 8.9 | 8.8 | 9.4 |
| <u>Group B</u> (with 2 or more years driving experience) | | | | | |
| Number of involvements | 5533 | 5800 | 5577 | 5335 | 5512 |
| Number of licensed drivers (000') | 864.9 | 902.2 | 932.2 | 961.4 | 1010.8 |
| Involvements per 1,000 drivers | 6.4 | 6.4 | 6.0 | 5.5 | 5.5 |
| <u>Overall</u> | | | | | |
| Number of involvements | 7717 | 7984 | 7634 | 7283 | 7460 |
| Number of licensed drivers (000') | 1001.7 | 1039.1 | 1063.4 | 1087.5 | 1134.6 |
| Involvements per 1,000 drivers | 7.7 | 7.7 | 7.2 | 6.7 | 6.6 |
| <u>Ratio</u> (Group A/Group B) | 1.6 | 1.5 | 1.5 | 1.6 | 1.7 |

Average ratio : 1.6

Table 3

Accident Involvement Rates per 1,000 Drivers (1993 - 1997)
(Light Goods Vehicle)

| | <u>1993</u> | <u>1994</u> | <u>1995</u> | <u>1996</u> | <u>1997</u> |
|---|-------------|-------------|-------------|-------------|-------------|
| <u>Group A</u> (with less than 2 years driving experience) | | | | | |
| Number of involvements | 732 | 724 | 571 | 503 | 456 |
| Number of licensed drivers (000') | 59.5 | 68.1 | 69.7 | 70.4 | 72.7 |
| Involvements per 1,000 drivers | 12.3 | 10.6 | 8.2 | 7.1 | 6.3 |
| <u>Group B</u> (with 2 or more years driving experience) | | | | | |
| Number of involvements | 3248 | 3042 | 2771 | 2436 | 2626 |
| Number of licensed drivers (000') | 770.5 | 778.9 | 781.5 | 792.9 | 819.2 |
| Involvements per 1,000 drivers | 4.2 | 3.9 | 3.5 | 3.1 | 3.2 |
| <u>Overall</u> | | | | | |
| Number of involvements | 4494 | 4246 | 3772 | 3372 | 3490 |
| Number of licensed drivers (000') | 830.0 | 847.0 | 851.2 | 863.3 | 891.9 |
| Involvements per 1,000 drivers | 5.4 | 5.0 | 4.4 | 3.9 | 3.9 |
| <u>Ratio</u> (Group A/Group B) | 2.9 | 2.7 | 2.3 | 2.3 | 2.0 |

Average ratio : 2.4

List of Schedule Offences

| Serious Offences |
|---|
| Causing death by reckless driving |
| Reckless driving |
| Driving under the influence of drink or drugs |
| Driving with alcohol concentration above prescribed limit |
| Failing to provide a specimen of breath for screening breath test without reasonable excuse |
| Failing to provide a specimen of breath for breath analysis or a specimen of blood or urine for laboratory test without reasonable excuse |
| Driving in a motor race or speed trial on a road |
| Driving in excess of speed limit by more than 15 kilometres an hour |
| Careless driving |
| Failing to stop after an accident |
| Carrying passenger * |
| Driving on expressway (limited to the first 12 months of the probation period) * |
| Minor Offences |
| Failing to give particulars after an accident |
| Failing to report an accident |
| Failing to obey directions of police officer or traffic warden |
| Crossing double white lines |
| Failing to comply with traffic signals |
| Failing to give precedence to pedestrians on zebra crossing |
| Failing to stop for school crossing patrol |
| Driving in excess of speed limit by 15 kilometres an hour or less |
| Failing to display 'p'-plate * |

Remark : * -denote new offences to be introduced under this scheme