

LEGISLATIVE COUNCIL BRIEF

ROAD TRAFFIC LEGISLATION (AMENDMENT) BILL 1999

PROBATIONARY DRIVING LICENCE SCHEME FOR INEXPERIENCED MOTORCYCLISTS

INTRODUCTION

At the meeting of the Executive Council on 23 November 1999, the Council ADVISED and the Chief Executive ORDERED that the Road Traffic Legislation (Amendment) Bill 1999, at Annex A, should be introduced into the Legislative Council to implement the probationary driving licence scheme for inexperienced motorcyclists.

BACKGROUND AND ARGUMENT

Accident Statistics for Motorcyclists

2. An analysis of the road traffic accidents in Hong Kong in the past five years (1994 - 1998) revealed that motorcyclists had a much higher accident involvement rate (an average of 22 per 1,000 drivers) than that of private cars and light goods vehicles (6.8 and 4 per 1,000 drivers respectively). Among motorcyclists, inexperienced drivers (i.e. those with less than one year of driving experience) had an accident involvement rate of about **five times** that of experienced drivers. For private cars and light goods vehicles, the accident involvement rate of inexperienced drivers was 1.7 and 1.9 times higher than the experienced drivers respectively. Details of the accident statistics are at Annex B.

3. The accident involvement rate of inexperienced motorcyclists has remained at a high level for the past few years. To address the issue, it is proposed that a probationary driving licence system should be introduced to allow these drivers to gain more road experience under a more restrictive, hence, safer driving environment before being granted a full driving licence. The Administration will continue to monitor the accident involvement rates of newly-qualified drivers of private cars and light goods vehicles to assess whether similar schemes would be required for this group.

Probationary Driving Licence System - overseas experience

4. 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 knowledge and 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 to enable him to practise on public roads. Upon passing Part C (Road Test) of the driving test, the learner motorcyclist will then be eligible to apply for a full driving licence.

5. To reduce the accident involvement rate of inexperienced drivers, countries such as Australia and Singapore adopt a probationary driving licence system. Singapore imposes a probationary period of 12 months on all newly qualified drivers while in Australia, the 12-month probationary period only applies to new drivers of private cars and motorcycles. During the probationary period, if the probationary drivers violate certain traffic laws or accumulate a specified number of driving-offence points, they will be subject to extensions of the probationary period or required to undergo further training or re-testing.

The Proposal

6. It is proposed that when a motorcyclist has passed Part C (Road Test) of the driving test, he can only apply for a probationary driving licence, instead of a full driving licence, and must undergo a mandatory probationary period. After satisfactory completion of the probationary period, the motorcyclist will be issued a full driving licence.

Probationary Period

7. The accident statistics revealed that those motorcyclists with less than one year of driving experience had a much higher accident involvement rate. It is therefore proposed that the probationary period should be set at one year to allow newly qualified motorcyclists to build up their road experience before being granted a full driving licence.

Restrictions

8. During the probationary period, motorcyclists will be required to display a "P" plate at the front and rear of their motorcycles for enforcement purposes, and will not be allowed to carry passengers. They will also be

prohibited to drive at a speed above 70 km/h and to travel on the offside (fast) lane on expressways where there are three lanes or more.

Extension of Probationary Period and Cancellation of Probationary Licence

9. To deter inexperienced drivers from violating the above restrictions and committing traffic offences, it is proposed that when a probationary motorcyclist is convicted of a minor offence as listed in Annex C, his probationary period will be extended by six months. It is further proposed that the probationary driving licence will immediately be cancelled under the following conditions -

- (a) when convicted of a serious offence as listed in Annex C while driving a motor cycle;
- (b) when convicted of two or more minor offences as listed in Annex C while driving a motor cycle; or
- (c) when convicted of a minor offence as listed in Annex C while driving a motor cycle and thereafter a subsequent offence, either serious or minor, during the remaining extended probationary period.

If the probationary driving licence is cancelled, the probationary motorcyclist will be required to apply and retake the Road Test, and on passing proceed on a 12-month probationary period.

Penalty

10. In addition to the extension of probationary driving period and cancellation of the probationary driving licence, the probationary motorcyclist will also be subject to pecuniary penalties, imprisonment sentence for conviction of traffic offences, and the Driving-Offence Points system.

Licence Fee

11. The proposed fee for the new one-year probationary driving licence is \$52, which is one-tenth of that for a 10-year full driving licence. For the extension of the probationary driving licence (for six months), the fee is proposed to be \$26, which is one half of that for a 12-month probationary driving licence.

THE BILL

12. To implement the probationary driving scheme, amendments to the Road Traffic Ordinance (Chapter 374) and its subsidiary legislation, the Traffic Accident Victims (Assistance Fund) Ordinance (Chapter 229) and the Fixed Penalty (Criminal Proceedings) Ordinance (Chapter 240) are required. These amendments are dealt with in a composite bill.

13. The Bill comprises three sets of legislative amendments. **Part II** of the Bill amends the Road Traffic Ordinance and its subsidiary legislation to provide for the probationary driving period and the probationary driving licence. Provisions have also been made for the issue, renewal and cancellation of probationary driving licences as well as the fees payable in respect of such licences.

14. **Part III** of the Bill amends Section 6 and the Schedule of the Traffic Accident Victims (Assistance Fund) Ordinance to impose a levy on the holder of the new probationary driving licence which contributes to the fund for assisting traffic accident victims. This is in line with the arrangement currently applied to holders of other licences under the Road Traffic Ordinance.

15. **Part IV** of the Bill amends the Fixed Penalty (Criminal Proceedings) Ordinance to specify the penalty levels for the new driving offences created under the probationary driving scheme.

LEGISLATIVE TIMETABLE

16. The legislative timetable will be -

Publication in the Gazette	26 November 1999
First Reading and commencement of Second Reading debate	8 December 1999
Resumption of Second Reading Debate, committee stage and Third Reading	to be notified

COMMENCEMENT

17. The Bill will take effect on a date to be appointed by the Secretary for Transport.

BINDING EFFECT OF THE LEGISLATION

18. The amendments in the Bill will not affect the current binding effect of the Road Traffic Ordinance (Cap. 374), the Traffic Accident Victims (Assistance Fund) Ordinance (Cap. 229) and the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240).

HUMAN RIGHTS IMPLICATIONS

19. The Department of Justice advises that the proposed legislative amendments are consistent with the human right provisions of the Basic Law.

FINANCIAL AND STAFFING IMPLICATIONS

20. The Police and the Transport Department will absorb the additional workload generated from the proposed legislative amendments. There are no financial and staffing implications.

ECONOMIC IMPLICATIONS

21. The proposed legislative amendments will have economic benefits in terms of savings in human lives and reduction in costs of traffic accidents.

PUBLIC CONSULTATION

22. The probationary driving licence proposal was put to the Transport Advisory Committee and the Legislative Council Panel on Transport in November and December 1998 respectively and received wide support. The Road Safety Council also supported the proposal.

PUBLICITY

23. The Bill will be gazetted on 26 November 1999. A press release will be issued on 24 November 1999.

ENQUIRIES

24. Any enquiries can be directed to the following officer in the Transport Bureau -

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Transport Bureau
Government Secretariat
24 November 1999