

LEGISLATIVE COUNCIL PANEL ON TRANSPORT

Driver Improvement Scheme

PURPOSE

This paper seeks Members' comments on the proposal to introduce a Driver Improvement Scheme (DIS) in Hong Kong as an alternative to penalty for minor traffic offences.

BACKGROUND

2. Analysis of traffic accidents attributable to driver behaviour consistently identify tail gating, negligently cutting lanes and manoeuvring turns without due care as the principal causes of traffic accidents. In addition, about 10% of the persons who were convicted of "careless driving" were repeated offenders. This suggests that improper driving attitude, rather than lack of skills, is the source of the problem, punishment is not therefore necessarily the only effective measure to rectify problematic driving behaviour.

3. To address the issue, the Administration set up a Working Group in 1998 to study the possibility of introducing a driver improvement scheme in Hong Kong, which would provide an educational element to the efforts in improving driving behaviour.

OVERSEAS EXPERIENCE

4. Driver improvement schemes have been in existence for more than 20 years in some European countries and the United States. The scheme targets at drivers who have committed minor traffic offences and generally serves as an alternative to penalty. These overseas schemes share a number of common features.

Target drivers

5. DIS usually caters for drivers who have committed minor driving offences which do not involve personal injuries or fatalities. Such drivers however must not have committed other offences at the time which will subject them to prosecution, e.g. driving without a valid licence or car theft. Also, there must be a reasonable chance that the driver can be successfully prosecuted.

Course content

6. Intensive courses ranging from 8 to 16 hours are organised which aim at improving driving behaviour, hazard awareness and driving skills and cultivating a sense of the importance of being responsible road users. Such training courses are usually provided by the private sector (e.g. driving schools, local automobile associations), with the course content, teaching standards and qualifications of professional instructors approved and monitored by the Government. Full attendance of the course is required.

Fees

7. Drivers are required to pay the full training fees. Course fees are set by the private sector in some countries while others require the Government to set the fee.

Course benefits

8. The UK authorities carried out an evaluation on the effectiveness of DIS¹ and found that the immediate effect of the course on attitudes towards traffic violations was an overall improvement in the drivers' general safety-orientation. In particular, there was significant improvement in relation to speeding and dangerous overtaking.

9. The UK's Devon and Cornwall report showed that 94% of the surveyed drivers provided a positive response to the course, and 84% said that the course had effects on their driving. When asked about the lasting effect of the course, 76% suggested that there was a lasting effect, compared with 22% who claimed a diminished effect over time.

THE PROPOSED SCHEME

10. Having considered the overseas experience, the Working Group recommends that DIS should be introduced as an alternative to penalty to be imposed by the court. This has the following advantages -

¹ From "Evaluating the Effectiveness of the UK National Driver Improvement Scheme" commissioned by UK's Department of the Environment, Transport and the Regions and a report on Driver Improvement Scheme by the Devon and Cornwall Constabulary November 1996.

- (a) in addition to proposals to combat traffic offences like speeding, reckless driving and drink driving through increased penalties and tightening up prosecution, the scheme allows Government to approach the issue of problematic driving behaviour from a more positive and educational aspect;
- (b) to many professional drivers, driving offence points (DOP) and disqualification could threaten their livelihood. The scheme will not only provide the drivers with the opportunity to improve their driving behaviour but will also allow them an alternative to the DOP system; and
- (c) as the power to determine when to apply DIS is vested in the court, the convicted cannot provide excuses to avoid or delay paying course fees or not attending the course, or else he will be accused of contempt of court.

11. Transport Department has consulted the professional drivers on the proposed introduction of DIS in Hong Kong. The trade in general welcome the proposal as it would offer an opportunity for a driver to improve his driving manner and to avoid incurring driving offence points. They also suggested that the courses should be conducted in the evenings as far as possible to avoid affecting their normal working hours and the course fee should be as low as possible.

Scope of DIS for Hong Kong

12. As the purpose of DIS is to rectify drivers' attitude, the target drivers should be offenders of minor traffic offences which do not involve personal injuries or fatalities. We propose to include both first time and repeated offenders.

13. In defining what constitutes minor traffic offences, we could make reference to the driving-offence points system, whereby the number of points to be deducted in general reflects the seriousness of the traffic offence committed. The points deducted for a traffic offence range from 3 to 10. The majority of traffic offences involve a deduction of 3 driving-offence points (see **Annex A**). There are a few traffic offences which carry 5 driving-offence points, such as careless driving, failure to stop after an accident and speeding in excess of the speed limit by 30 - 45 km/h². For those traffic offences which carry 8 or 10 driving-offence points, these are the more serious offences such as reckless

² Legislative amendments have been proposed to revise the DOP for speeding in excess of the speed limit by 30 - 45 km/h from 5 to 6.

driving, drink driving, motor racing and speeding in excess of the speed limit by more than 45 km/h.

14. Having examined the seriousness of the offences involved, it is recommended that the scheme should apply to those offences which carry 5 driving-offence points or less, except for the following -

- (a) failure to stop after an accident (5 points);
- (b) failure to give particulars after an accident (3 points);
- (c) failure to report an accident (3 points); and
- (d) failure to obey directions of police officer or traffic warden (3 points).

15. The above offences do not have a direct relationship with a person's driving skill or driving behaviour and should not be covered by the proposed scheme.

16. If a person completes the course, it is recommended that no driving-offence points should be deducted. To avoid the scheme being abused by drivers, it is recommended that a driver should not be allowed to attend the course more than once within a period of two years.

The Course

17. It is proposed that the driver improvement course should mainly focus on improving driving attitude, comprising both theoretical and practical sessions. Each course is expected to last for about 6 hours. The Administration will make reference to overseas practice when drawing up the framework of the course materials. The provision of the course would be contracted out to one or more private organisations through an open tender. It would be necessary for the Government to fix a maximum fee which would be comparable to the existing levels of fine for minor traffic offences. Tenderers would then make proposals as to how they would deliver the course and their proposed charges. Three organisations have shown interests in operating the course, including the Hong Kong School of Motoring, Hong Kong Automobile Association and the Institute of Advanced Motorists Hong Kong. Full attendance of the course is required. There would be no test for the course as the objective of the scheme is to educate drivers. It is considered not appropriate to place them under the double jeopardy of having to face prosecution after failing the course.

ADVICE SOUGHT

18. Members are invited to comment on the proposed DIS as set out in paragraphs 12-17 above.

Government Secretariat
24 March 2000

List of Traffic Offences Incurring 5 DOP or below

Section/ Regulation/By-law	Nature of Offence	<u>DOP</u>
s.38 of RTO	Careless Driving	5
- s.41 of RTO; - r.4 & 18 of Road Tunnels (Gov) Reg; - By-law10(a) of EHCRT By-laws; - By-law10(1) of TC Tunnel By-laws; - s.7 of WHC Bylaw; - s.9 & 10(2) of TMCA (Gen.) Reg	Driving in excess of speed limit by 15-45 km/h	3-5
s.56(1) of RTO	Failing to stop after an accident	5
s.56(2) of RTO	Failing to give particulars after an accident	3
s.56(3) of RTO	Failing to report an accident	3
s.61 of RTO	Failing to obey directions of police officer or traffic warden	3
- r.11(1) of RT(TC)R; - r.9(g) & 18(4) of Road Tunnels (Gov) Reg; - By-law 8 & 10(b) of EHCRT By-laws; - By-law 8 & 10(2) of TC Tunnel By-laws; - s.8 & 10(b) of WHC Bylaw; - s.9 of TMCA (Gen.) Reg	Crossing double white lines/continuous double white lines	3
r.18 of RTO (TC)R	Failing to comply with traffic signals	3
r.31 of RTO (TC)R	Failing to give precedence to pedestrians on zebra crossing	3
r.38(2) of RTO (TC)R	Failing to stop for school crossing patrol	3

Abbreviation:

RTO	Road Traffic Ordinance (Cap 374)
RT(TC)R	Road Traffic (Traffic Control) Regulations (Cap 374 sub leg)
Road Tunnels (Gov) Reg	Road Tunnels (Government) Regs (Cap 368 sub leg)
EHCRT By-laws	Eastern Harbour Crossing Road Tunnel By-laws (Cap 215 sub leg)
TC Tunnel By-laws	Tate's Cairn Tunnel By-laws (Cap 393 sub leg)
WHC Bylaw	Western Harbour Crossing Bylaw (Cap 436 sub leg)
TMCA (Gen) Reg	Tsing Ma Control Area (General) Regulation (Cap 498 sub leg)