

LEGISLATIVE COUNCIL BRIEF

Road Traffic (Driving Licences) (Amendment) Regulation 2000

INTRODUCTION

By virtue of section 8(1) of the Road Traffic Ordinance (Cap. 374) and section 28(1)(c) of the Interpretation and General Clauses Ordinance (Cap. 1), the Secretary for Transport is empowered to make and amend the Road Traffic (Driving Licences) Regulations (Cap. 374, sub. leg.).

2. In exercise of the aforesaid power, the Secretary for Transport has made the Road Traffic (Driving Licences) (Amendment) Regulation 2000 at **Annex**.

BACKGROUND AND ARGUMENT

3. The Government has all along adopted a “two-pronged” approach in respect of driver training. We promote off-street driver training through the establishment of driving schools while maintaining a sufficient supply of private driving instructors (PDIs) for on-street driver training.

4. In November 1999, we completed a review of the driver training policy and concluded that the existing ‘two-pronged’ approach should be maintained. In pursuance of the ‘two-pronged’ approach, we will continue to establish driving schools where appropriate and have also developed a package of proposals to ensure a good supply of PDIs, to streamline the operation of PDI licences and to better manage on-street driver training activities.

5. The package of proposals was issued to the driving instruction trade in the form of a consultation paper on 19 November 1999 with the consultation period ending on 1 March 2000.

6. In order to allow PDIs greater flexibility and efficiency in their work, one of our key recommendations is to organise the 7 types of PDI licences into 3 groups:

- Group 1 Private Cars and Light Goods Vehicles
- Group 2 Public Light Buses and Buses
- Group 3 Medium Goods Vehicles, Heavy Goods Vehicles and Articulated Vehicles

7. Following the proposed grouping, an existing PDI holding one type of instructor licence in a group can give instruction to other type(s) of vehicle in the same group provided he is in possession of a valid driving licence for not less than 3 years for the other type(s) of vehicles in that group. Otherwise, he will not be allowed to give instructions to the other type(s) of vehicle in the group other than the type he is currently qualified to. The “Group” licence will state clearly the restrictions.

8. The proposed requirement of 3 years of possession of other type(s) of driving licence in the group is considered reasonable to maintain and ensure that standards of driver training and road safety of the learners, instructors and other road-users will not be adversely affected by the regrouping exercise.

9. To ensure that the driving instruction standards will be maintained, we have advised the trade that Transport Department would run seminars on the techniques, driving test requirements and special features of the different classes of vehicles prior to the issue of group licences. All PDIs would be encouraged to attend. According to our experience in organising seminars for PDIs to update them on driving test requirements, we can reasonably expect all active PDIs with the intention to practise instruction for the newly acquired instruction entitlement to attend the seminar.

AMENDMENT REGULATION

10. The Amendment Regulation is to provide for re-grouping of motor vehicles for the issue of group driving instructors’ licences. At present, driving instructors’ licences are issued per class of motor vehicle. After the amendment, different classes of motor vehicles will be divided into groups. A person must hold full driving licences in respect of all classes of motor vehicles in the same group for a period of at least 3 years

immediately preceding the application for the issue of a driving instructor's licence. Special arrangements are made for holders of driving instructors' licences issued before 1 September 2000.

PUBLIC CONSULTATION

11. The driving instruction trade was consulted and there was overwhelming support for the proposed regrouping. The Legislative Council Panel on Transport and Transport Advisory Committee were consulted at their meetings in April 2000 and also rendered strong support.

HUMAN RIGHTS IMPLICATIONS

12. The Department of Justice advises that the Amendment Regulation is consistent with the human rights provisions of the Basic Law.

BASIC LAW IMPLICATIONS

13. The Department of Justice advises that the Amendment Regulation does not conflict with those provisions of the Basic Law carrying no human rights implications.

FINANCIAL AND STAFFING IMPLICATIONS

14. There are no financial and staffing implications.

ECONOMIC IMPLICATIONS

15. There are no economic implications.

LEGISLATIVE TIME TABLE

16. The Amendment Regulation will come into effect on 1 September 2000.

PUBLICITY

17. The Amendment Regulation will be gazetted on 19 May 2000.

ENQUIRIES

18. Any enquiries regarding this brief should be directed to the following officer:

Ms Doris Cheung
Principal Assistant Secretary for Transport
Tel No: 2189 2186
Fax No: 2136 8017

Transport Bureau
May 2000
(TRAN 3/07/18)