

LN161-E

L.N. 161 of 2000

Road Traffic (Driving Licences) (Amendment) Regulation 2000

(Made under section 8(1) of the Road Traffic

Ordinance (Cap. 374))

1. Commencement

This Regulation shall come into operation on 1 September 2000.

2. Interpretation

Regulation 2 of the Road Traffic (Driving Licences) Regulations (Cap. 374 sub. leg.) is amended by adding---

" "group" (組別), in relation to a driving instructor's licence, means a group of motor vehicles specified in regulation 20A;"

3. Regulation added

The following is added in Part III---

"20A. Classification of motor vehicles for issue of driving instructors' licences

For the purpose of the issue of driving instructors' licences, classes of motor vehicles shall be divided into the following groups---

(a) group 1---private cars and light goods vehicles;

(b) group 2---public light buses, private light buses, public buses and private buses;

(c) group 3---medium goods vehicles, heavy goods vehicles and articulated vehicles;

(d) group 4---motor cycles and motor tricycles;

(e) group 5---Government vehicles."

4. Application for driving instructors' licences

Regulation 21 is amended---

(a) by repealing "class of motor vehicle" and substituting "group of motor vehicles";

(b) in paragraph (c), by repealing the full stop and substituting "in respect of all classes of motor vehicles in that group."

5. Issue of driving instructors' licences

Regulation 22 is amended---

(a) by repealing paragraph (2)(a) and substituting---

"(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;"

(b) by adding---

"(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."

6. Regulation added

The following is added---

"22A. Application for driving instructors' licences issued under regulation 22(4) and conditions of issue

(1) An application for a driving instructor's licence referred to in regulation 22(4) by a person holding a driving instructor's licence issued before 1 September 2000 ("existing licence") may be made at any time not later than 3 years after the date of expiry of the existing licence.

(2) The applicant shall deliver to the Commissioner an application in a form specified by the Commissioner, signed by the applicant, together with---

- (a) his identity document;
- (b) the existing licence held by him;
- (c) the full driving licence held by him; and
- (d) the fee prescribed in the Second Schedule.

(3) The applicant shall not be issued a driving instructor's licence under regulation 22(4) if he has been convicted of an offence under section 36 or 39 of the Ordinance since the existing licence was issued to him.

(4) A driving instructor's licence issued under regulation 22(4) in respect of any group shall entitle the applicant to give driving instruction only in respect of those classes of motor vehicles in that group in respect of which the applicant has held full driving licence for a period of at least 3 years immediately preceding the date of the application.

(5) A driving instructor's licence issued under regulation 22(4) shall---

- (a) be effective from the date of issue; and
- (b) be valid for one year."

7. Renewal of driving instructors' licences

Regulation 23 is amended---

- (a) in paragraph (1)(d), by adding "in respect of all classes of motor vehicles in the group" after "him";
- (b) in paragraph (3)(a), by repealing "the class of motor vehicle" and substituting "all classes of motor vehicles in the group";
- (c) by adding---

"(4) This regulation does not apply to driving instructors' licences to which

regulation 23A applies.".

8. Regulation added

The following is added---

"23A. Renewal of certain driving instructors' licences issued under regulation 22(4)

(1) This regulation applies to a driving instructor's licence that---

(a) is issued under regulation 22(4); and

(b) does not entitle its holder to give driving instruction in respect of all classes of motor vehicles in the group in respect of which the application is made.

(2) Subject to paragraph (4), the Commissioner shall renew a driving instructor's licence to which this regulation applies on receipt of an application in a form specified by the Commissioner, signed by the applicant, together with---

(a) his identity document;

(b) the driving instructor's licence held by him;

(c) the full driving licences held by him; and

(d) the fee prescribed in the Second Schedule.

(3) An application for renewal of a driving instructor's licence to which this regulation applies may be made at any time---

(a) during the period of 4 months before its expiry, such renewal to be effective from the date of expiry;

(b) within 15 days after the date of its expiry, such renewal to be effective from the date of expiry;

(c) during the period exceeding 15 days but not exceeding 3 years after the date of its expiry, such renewal to be effective from the date of renewal.

(4) The driving instructor's licence shall not be renewed if the applicant has been convicted of an offence under section 36 or 39 of the Ordinance since the driving instructor's licence was issued to him.

(5) A driving instructor's licence renewed under paragraph (2) in respect of any group shall entitle the applicant to give driving instruction only in respect of those classes of motor vehicles in that group in respect of which the applicant has held full driving licence for a period of at least 3 years immediately preceding the date of the application.".

9. Test of continued ability and fitness

to give driving instruction

Regulation 25(5) is amended by adding ", as determined by the Commissioner, in the group" after "class".

10. Conduct of driving instructions, etc.

Regulation 27(1) is amended---

(a) in subparagraph (a), by adding "which entitles him to give driving instruction for the class of motor vehicle in respect of which driving instruction is given" after "licence";

(b) in subparagraph (b), by adding "motor" after "class of".

11. Cancellation of driving instructors' licences

Regulation 28(1)(a) is amended by repealing everything after "drive" and substituting "any class of motor vehicle in the group for which he is entitled by the driving instructor's licence to give driving instruction;".

12. Driving under instruction

Regulation 30(1) is amended by repealing everything after "drive" and substituting "a motor vehicle of the class specified in the learner's driving licence unless he is accompanied by a driving instructor who is the holder of a valid driving instructor's licence which entitles him to give driving instruction in respect of that class of motor vehicle.".

13. Fees

The Second Schedule is amended by repealing "23(1)" and substituting "22A(2), 23(1), 23A(2)".

14. Conditions of issue of a driving instructor's licence

The Fifth Schedule is amended in paragraph 1 by repealing everything after "drive" and substituting "all those classes of motor vehicles in the group for which he is entitled by the driving instructor's licence to give driving instruction.".

15. Saving

(1) A driving instructor's licence issued under the Road Traffic (Driving Licences) Regulations (Cap. 374 sub. leg.) before 1 September 2000 and which is in force immediately before that date shall continue to have effect until its expiry as if this Regulation had not been enacted.

(2) Subsection (1) shall expire at the beginning of 31 August 2001.

Nicholas NG

Secretary for Transport

16 May 2000

Explanatory Note

This Regulation amends the Road Traffic (Driving Licences) Regulations (Cap. 374 sub. leg.) to provide for the grouping of motor vehicles for the issue of driving instructors' licences.

2. 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 a full driving licence in respect of all classes of motor vehicles in the same group for a period of at least 3 years immediately preceding the date

of the application to be issued a driving instructor's licence.

3. Special arrangements are made for holders of driving instructors' licences issued before 1 September 2000 (sections 6, 8 and 15).