

**L.N. 49 of 2007****ROAD TRAFFIC (DRIVING LICENCES) (AMENDMENT)  
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**ROAD TRAFFIC (DRIVING LICENCES) (AMENDMENT)  
REGULATION 2007**

(Made by the Secretary for the Environment, Transport and Works  
under sections 5 and 8 of the Road Traffic Ordinance (Cap. 374))

**1. Commencement**

This Regulation shall come into operation on 19 May 2007.

**2. Interpretation**

(1) Regulation 2 of the Road Traffic (Driving Licences) Regulations (Cap. 374 sub. leg. B) is amended by repealing the definitions of “1926 Convention” and “1949 Convention” and substituting—

““1949 Convention” (1949年國際公約) means the International Convention relative to the international circulation of motor traffic concluded at Geneva on 19 September 1949;”.

(2) Regulation 2 is amended by repealing the definition of “international driving permit” and substituting—

““international driving permit” (國際駕駛許可證) means—

- (a) an international driving permit in Form 1 of the Ninth Schedule issued under the authority of a country or place which is a party to the 1949 Convention; or
- (b) an international driving permit issued under regulation 36;”.

**3. Renewal of probationary driving licences**

- (1) Regulation 12H(1)(a) is amended by adding “and” at the end.
- (2) Regulation 12H(1)(b) is repealed.

**4. Renewal of full driving licence**

- (1) Regulation 15(1)(b) is amended by adding “and” at the end.
- (2) Regulation 15(1)(c) is repealed.

**5. Renewal of driving licences for Government vehicles**

- (1) Regulation 16(1)(b) is amended by adding “and” at the end.
- (2) Regulation 16(1)(c) is repealed.

## 6. Notification of change of particulars in driving licences

(1) The heading of regulation 18 is amended by repealing “in driving licences” and substituting “of licence holders”.

(2) Regulation 18(1) is repealed and the following substituted—

“(1) If a change occurs in the name, address or identity document of a licence holder previously provided by the licence holder to the Commissioner, the licence holder shall, within 72 hours of the change—

(a) notify the Commissioner in writing of such change; and

(b) (in the case of a change of name or change of identity document) deliver to the Commissioner his existing driving licence and, if he also holds a driving instructor’s licence, his existing driving instructor’s licence.”.

(3) Regulation 18 is amended by adding—

“(1A) The Commissioner may require a person who has given a notification under paragraph (1) to provide such information or produce such document as the Commissioner may reasonably require as proof of the change within 14 days from the day on which the requirement is made, and the person shall comply with such requirement.”.

(4) Regulation 18(2) is amended by repealing “notice under paragraph (1), the Commissioner shall” and substituting “notification under paragraph (1), the Commissioner shall, if satisfied that the change specified in the notification has occurred,”.

## 7. Regulation added

The following is added—

### “18A. Variation of licence on change of particulars

(1) On receipt of a notification under regulation 18(1) and an existing driving licence mentioned in regulation 18(1)(b) (referred to in this regulation as “existing licence”), the Commissioner shall, if satisfied that the change specified in the notification has occurred and a variation of the existing licence is required, issue to the licence holder a driving licence with the relevant particulars varied to replace the existing licence.

(2) Unless the licence holder applies for the renewal of his existing licence when delivering his existing licence under regulation 18(1)(b), the licence issued pursuant to paragraph (1) shall expire on the date on which his existing licence expires.

(3) The provisions of paragraphs (1) and (2) shall also apply to the variation of a driving instructor's licence as if references in those paragraphs to a driving licence were references to a driving instructor's licence.”.

**8. Application for driving instructors' licences for restricted driving instructors**

Regulation 21 is amended by repealing everything after “to the Commissioner” and substituting—

“—

- (a) an application in a form specified by the Commissioner and signed by the person; and
- (b) the person's identity document.”.

**9. Application for private driving instructors' licences**

Regulation 21A(4) is amended by repealing everything after “specified date” and substituting—

“—

- (a) an application in a form specified by the Commissioner and signed by the person; and
- (b) the person's identity document.”.

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

- (1) Regulation 22A(2)(a) is amended by adding “and” at the end.
- (2) Regulation 22A(2)(b) and (c) is repealed.

**11. Renewal of driving instructors' licences**

- (1) Regulation 23(1)(b) is amended by adding “and” at the end.
- (2) Regulation 23(1)(c) and (d) is repealed.

**12. Renewal of certain driving instructors' licences issued under regulation 22(4)**

- (1) Regulation 23A(2)(a) is amended by adding “and” at the end.
- (2) Regulation 23A(2)(b) and (c) is repealed.

**13. Application for and issue of international driving permits**

(1) Regulation 36(1) is amended by repealing “Any person” and substituting “A holder of a full driving licence”.

(2) Regulation 36(1) is amended by repealing “the 1926 Convention, or the 1949 Convention,” and substituting “the 1949 Convention”.

(3) Regulation 36(1)(a) is amended by adding “and” at the end.

(4) Regulation 36(1)(b) is amended by repealing “; and” and substituting a full stop.

(5) Regulation 36(1)(c) is repealed.

(6) Regulation 36(2) is amended by repealing “each or either of Form 1 and 2” and substituting “Form 1”.

**14. Regulations added**

The following are added—

**“44A. Power of Commissioner to require production of licence**

Notwithstanding anything in these regulations, the Commissioner—

- (a) may, in processing an application under a provision specified in column 1 of Schedule 14, require the applicant to produce for inspection by the Commissioner the licence specified in column 2 of that Schedule opposite to that provision which is held by the applicant; and
- (b) may suspend the processing of the application until the production of the licence.

**44B. Power of Commissioner to require proof of address**

Notwithstanding anything in these regulations, the Commissioner—

- (a) may, in processing an application for the issue or renewal of a driving licence or a driving instructor's licence or the issue of a permit, require the applicant to produce proof of his address; and

(b) may suspend the processing of the application until the production of such proof.”.

## 15. Offences

Regulation 46(1) is amended by adding “or (1A)” after “18(1)”.

## 16. Forms of international driving permits

The Ninth Schedule is amended by repealing Form 2.

## 17. Schedule 14 added

The following is added—

### “SCHEDULE 14

[reg. 44A]

#### LICENCES TO BE PRODUCED FOR INSPECTION WHEN REQUIRED

Regulation	Relevant licence
12H	Probationary driving licence
15	Full driving licence
16	Driving licence to drive Government vehicles
21	Full driving licence
21A	Full driving licence
22A	(a) Driving instructor’s licence issued before 1 September 2000; and (b) Full driving licence
23	(a) Driving instructor’s licence; and (b) Full driving licence
23A	(a) Driving instructor’s licence; and (b) Full driving licence
36	Full driving licence”.

Dr. Sarah LIAO  
Secretary for the Environment,  
Transport and Works

20 March 2007

### Explanatory Note

This Regulation amends the Road Traffic (Driving Licences) Regulations (Cap. 374 sub. leg. B) (“the principal Regulations”) for the following purposes—

- (a) to remove references to the International Convention relative to the international circulation of cars concluded at Paris on 24 April 1926 which no longer applies to Hong Kong;
- (b) to remove the mandatory requirement to submit an existing driving licence or driving instructor’s licence when applying for the issue or renewal of certain licences and permits under the principal Regulations; however, as a contingency measure, a residual power is retained for the Commissioner for Transport to require the licence holder to produce the relevant licence;
- (c) to rectify the anomaly that a licence holder is required by law to report any change in the address specified in his driving licence when in fact no address is so specified;
- (d) to require a licence holder to return his existing driving licence and driving instructor’s licence (if applicable) for variation when there is a change in his name or identity document;
- (e) to empower the Commissioner for Transport to require a person who has given to the Commissioner a notification of change of particulars under regulation 18(1) of the principal Regulations to produce proof of the change; and
- (f) to empower the Commissioner for Transport to require an applicant who applies for the issue or renewal of a driving licence or driving instructor’s licence or the issue of an international driving permit to produce proof of his address.

2. A person who without reasonable excuse fails to comply with the provisions containing the requirements mentioned in paragraph 1(d) or (e) above commits an offence and is subject to a fine of \$2,000.