

立法會
Legislative Council

LC Paper No. LS37/07-08

**Paper for the House Committee Meeting
on 18 January 2008**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 11 January 2008**

Date of tabling in LegCo : 16 January 2008

Amendment to be made by : 30 January 2008 (or 5 March 2008 if extended by resolution)

Road Traffic Ordinance (Cap. 374)

Road Traffic (Driving Licences) (Amendment) Regulation 2008 (L.N. 3)

By this Regulation made by the Secretary for Transport and Housing (the Secretary) under section 8(1) of the Road Traffic Ordinance (Cap. 374) (the Ordinance), the Road Traffic (Driving Licences) Regulations (Cap. 374 sub. leg. B) (the principal regulations) are amended for the purposes and in the manner described in the following paragraphs.

Issue and renewal of full driving licences for commercial vehicles

2. Under the Hong Kong immigration legislation, a visitor may only take up any employment with the permission of the Director of Immigration. The principal regulations presently allow the issue and renewal of full driving licences (FDL) for driving a taxi, public light bus, private light bus, public bus, private bus, medium goods vehicle, heavy goods vehicle, special purpose vehicle or articulated vehicle (commercial vehicles) without requiring an applicant for such licence being lawfully permitted to perform commercial driving duties in Hong Kong. Regulations 11 and 15 of the principal regulations are amended to the effect that only—

- (a) holders of Hong Kong permanent identity cards; and
- (b) holders of non-permanent identity cards who are not subject to a condition of stay other than a limit of stay

may be issued FDL for commercial vehicles or have such licences renewed (sections 5 and 6). Regulation 10(1) is correspondingly amended to require the submission of the applicant's document of identity when applying for a FDL and the term "document of identity" is defined in the new regulation 10(4) (section 4). The definitions of the terms "identity card" and "permanent identity card" are added to

Regulation 2 (section 2).

Renewal of full driving licences

3. According to the LegCo Brief, to simplify the procedure for renewal of FDL and to promote postal and electronic applications, the Transport Department will in future send to each holder of FDL a renewal application form before the expiry of a holder's current licence. Each renewal application form will contain a unique personal identification number which allows the applicant to be identified. The applicant may submit the renewal application either by post or via the internet without supplying a copy of document of identity or using an e-certificate. The Commissioner for Transport (the Commissioner) is accordingly empowered to waive the submission of an applicant's document of identity when a renewal application is made with such form or online by the new regulation 15(3) and (4) (section 6).

Declaration of physical fitness

4. To facilitate online applications for the issue or renewal of FDL, regulation 9(1) and (2) are amended to dispense with the requirement to actually sign a declaration of physical fitness in an application form (section 3).

Direct issue of FDL to holders of Icelandic driving licences

5. The principal regulations authorize the Commissioner to issue FDL (other than for driving a public or private bus, a medium or heavy goods vehicle or an articulated or special purpose vehicle) to a holder of a driving licence issued by a country or place listed in the Fourth Schedule to the principal regulations (the Fourth Schedule) without having passed Hong Kong driving tests. An amendment adds the Republic of Iceland to the Fourth Schedule (section 7), so that holders of Icelandic driving licences may be issued local driving licences.

Empowering the Commissioner to designate countries or places eligible for direct issue

6. The Commissioner is to be empowered by the new regulation 11(5A) to amend the Fourth Schedule by order published in the Gazette (section 5(5)). Before the amendment, the power to amend the Fourth Schedule is vested in the Secretary.

7. Members may wish to refer to the LegCo Brief (File Ref: THB(T) 3/7/36) issued by the Transport and Housing Bureau in January 2008 for background and further information. This Regulation will come into effect on 10 March 2008.

8. An information paper on the proposed amendments (LC Paper No. CB(1)438/07-08(01)) was issued by the Transport and Housing Bureau for the Panel on Transport in December 2007. There is no indication that the public has been consulted.

9. No difficulties have been identified in the legal or drafting aspects of the above subsidiary legislation.

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