

**立法會**  
***Legislative Council***

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From : Clerk to the Legislative Council

To : All Members of the Legislative Council

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**Council meeting of 5 March 2008**

**Proposed resolution under section 34(2) of the  
Interpretation and General Clauses Ordinance**

I forward for Members' consideration a proposed resolution which the Secretary for Transport and Housing will move at the Council meeting of 5 March 2008 under section 34(2) of the Interpretation and General Clauses Ordinance relating to the Road Traffic (Driving Licences) (Amendment) Regulation 2008. The President has directed that "it be printed in the terms in which it was handed in" on the Agenda of the Council.

2. The speech, in both English and Chinese versions, which the Secretary for Transport and Housing will deliver when moving the proposed resolution, is also attached.

( Mrs Justina LAM )  
for Clerk to the Legislative Council

Encl.

# INTERPRETATION AND GENERAL CLAUSES ORDINANCE

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## **RESOLUTION**

(Under section 34(2) of the Interpretation and General Clauses Ordinance  
(Cap. 1))

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### **ROAD TRAFFIC (DRIVING LICENCES)(AMENDMENT) REGULATION 2008**

RESOLVED that the Road Traffic (Driving Licences)(Amendment) Regulation 2008, published in the Gazette as Legal Notice No. 3 of 2008 and laid on the table of the Legislative Council on 16 January 2008, be amended by repealing section 5(3) and substituting –

“(3) Regulation 11(2) is repealed and the following substituted –

“(2) The Commissioner shall issue a full driving licence (other than a full driving licence to drive a taxi, public light bus, private light bus, public bus, private bus, medium goods vehicle, heavy goods vehicle, special purpose vehicle or articulated vehicle) to an applicant to drive a motor vehicle of the class to which his application relates if the applicant holds a valid full driving licence for a class of motor vehicle which the Commissioner accepts as evidence of his competence to drive a motor vehicle of the class to which his application relates.

(2A) The Commissioner shall issue a full driving licence to drive a taxi, public light bus, private light bus, public bus, private bus, medium goods vehicle, heavy goods vehicle, special purpose vehicle or articulated vehicle to an applicant for such a licence if –

- (a) the applicant –
  - (i) is the holder of a permanent identity card; or
  - (ii) is the holder of an identity card (other than a permanent identity card) and is not subject to any condition of stay other than a limit of stay as defined in section 2(1) of the Immigration Ordinance (Cap. 115); and
- (b) the applicant holds a valid full driving licence for a class of motor vehicle which the Commissioner accepts as evidence of his competence to drive a motor vehicle of the class to which his application relates.

(2B) The Commissioner may waive the requirement of paragraph (2A)(a) if he considers it appropriate to do so.”.”.

**Meeting of the Legislative Council on 5 March 2008**

**Motion to amend the Road Traffic (Driving Licences)  
(Amendment) Regulation 2008  
made under the Interpretation and General Clauses Ordinance**

**The speech of the Secretary for Transport and Housing**

Madam President,

I rise to move the motion on the Agenda to amend the Road Traffic (Driving Licences) (Amendment) Regulation 2008 (“the Amendment Regulation”).

The Amendment Regulation primarily seeks to amend the Road Traffic (Driving Licences) Regulations to implement several proposals to improve the arrangements for the issue and renewal of driving licences. These proposals include-

- (i) empowering the Commissioner for Transport (“the Commissioner”) to consider the applicants’ eligibility to perform commercial driving duties for employment purpose in Hong Kong when processing applications for the issue and renewal of commercial driving licences;
- (ii) improving the renewal arrangement for full driving licences by replacing the existing requirement of producing a copy of identity document or using an e-certificate for authentication of identity with a personal identification number issued by the Transport Department, so as to facilitate postal and electronic applications;
- (iii) introducing direct issue of full driving licences to holders of Icelandic driving licences, thereby removing the need for

applicants to attend the local driving test;

- (iv) empowering the Commissioner to amend the list of countries/places eligible for direct issue by order published in the Gazette. Only the Secretary for Transport and Housing has the power to amend the list at present.

I would like to express my gratitude to the Subcommittee chaired by the Honourable James To, which has completed its work within a short time frame and tendered invaluable advice. Having considered the views of the Subcommittee, we now propose to amend Reg. 5(3) of the Amendment Regulation on “Issue of full driving licences”. Reg. 5(3) of the Amendment Regulation relates to Reg. 11(2) of the Road Traffic (Driving Licences) Regulations, i.e. the existing direct endorsement arrangement for driving licences.

Under the direct endorsement arrangement, the Commissioner will issue driving licences accepted as related classes to applicants, without requiring them to sit for another driving test. For instance, public/private light bus driving licences are directly granted to public/private bus driving licence holders; medium goods vehicle driving licences are also directly granted to heavy goods vehicle driving licence holders. This is because driving licence holders of a larger passenger/goods vehicle concerned are accepted by the Commissioner to have the competence to drive a similar vehicle of smaller carrying capacity.

Under the existing regulations, the Commissioner has no discretion in the direct endorsement arrangement for driving licences. To complement the new arrangement for issue and renewal of commercial driving licences, we originally proposed to amend the relevant provisions to accord discretion to the Commissioner. The Administration’s intention is to maintain the existing direct endorsement arrangement for issuing driving licences to Hong Kong Permanent Identity Card

holders and Non-permanent Identity Card holders who are not subject to any condition of stay. In examining the Amendment Regulation, the Subcommittee commented that the Amendment Regulation has not reflected this intention clearly.

In response to the comments of the Subcommittee, we now move the motion to propose that the Commissioner's discretion under Reg. 11(2) of the Road Traffic (Driving Licences) Regulations is only applicable to applicants for commercial driving licences who are subject to conditions of stay. In other words, the motion will clearly reflect that the existing direct endorsement arrangement for issuing driving licences to Hong Kong Permanent Identity Card holders and Non-permanent Identity Card holders who are not subject to any condition of stay will remain unchanged.

The Subcommittee is in support of the proposed amendment. I hope Members would support the motion.

Madam President, I beg to move.