

立法會
Legislative Council

LC Paper No. CB(1)952/07-08
(These minutes have been seen
by the Administration)

Ref: CB1/SS/4/07

**Subcommittee on
Road Traffic (Driving Licences) (Amendment) Regulation 2008**

**Minutes of meeting on
Tuesday, 29 January 2008, at 2:30 pm
in Conference Room B of the Legislative Council Building**

Members present : Hon James TO Kun-sun (Chairman)
Hon Miriam LAU Kin-ye, GBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon CHEUNG Hok-ming, SBS, JP

Members absent : Hon Andrew CHENG Kar-foo
Hon LI Fung-ying, BBS, JP

**Public officers
attending** : **Agenda item II**

Ms Annette LEE
Deputy Secretary for Transport and Housing (Transport) 3

Mr Alan CHU
Principal Assistant Secretary for Transport and
Housing (Designate)

Miss LUI Ying
Assistant Commissioner for Transport/
Administration & Licensing

Mrs Margaret CHAN
Principal Executive Officer/VALID & Licensing
Transport Department

Mr Honson YUEN
Chief Transport Office/Driving Services
Transport Department

Ms Rayne CHAI
Senior Government Counsel
Department of Justice

Clerk in attendance : Mr Andy LAU
Chief Council Secretary (1)2

Staff in attendance : Mr KAU Kin-wah
Assistant Legal Adviser 6

Mr Noel SUNG
Senior Council Secretary (1)4

I Election of Chairman

Mr James TO, the member with the highest precedence among members of the Subcommittee, presided over the election of Chairman. Mr James TO called for nominations. Mr James TO was nominated by Ms Audrey EU as Chairman. The nomination was seconded by Ms Miriam LAU. There being no other nominations, Mr James TO was declared the Chairman.

II Meeting with the Administration

- (LC Paper No. CB(1)678/07-08(01) - Marked-up copy of the Regulation prepared by the Legal Service Division ;
- File Ref THB(T) 3/7/36 - Legislative Council Brief ; and
- LC Paper No. LS 37/07-08 - Legal Service Division Report on Subsidiary Legislation tabled in the Legislative Council on 16 January 2008)

2. The Subcommittee deliberated (index of proceedings attached at **Annex**).

Admin

3. The Administration was requested to:

- (a) seek the Security Bureau's view on the proposed exclusion of Police Warrant Card as an approved type of document of identity for the purpose of applying a full driving licence;

Action

- (b) clarify whether a Mainland visitor who held a valid domestic driving permit or domestic driving licence issued by the Mainland Authority might operate a commercial vehicle in Hong Kong, during the period of 12 months following the date of his last entry into Hong Kong, a motor vehicle of any class, including commercial vehicle which he was authorized by that permit or licence to drive notwithstanding that he was not a holder of a commercial vehicle driving licence issued under the Road Traffic (Driving Licences) Regulations (Cap. 374. sub. leg. B);
- (c) clarify whether a Mainland visitor could obtain a valid international driving permit (IDP) to operate a commercial vehicle in Hong Kong notwithstanding that he was not a holder of a commercial vehicle driving licence issued under the Road Traffic (Driving Licences) Regulations (Cap. 374. sub. leg. B); and
- (d) clarify whether it was the Administration's policy intention to alter the existing direct endorsement arrangements for issuing driving licences to Hong Kong Permanent Identity Card holders and non-Permanent Identity Card holders who were not subject to a condition of stay. If not, whether the Administration was prepared to move a motion to rectify the unintended amendment to regulation 11(2).

4. Pending the Administration's reply, the Subcommittee agreed that a meeting might be held on 13 February 2008 at 4:30 to follow up on the outstanding issues.

(Post-meeting note: The Administration's response was circulated to members vide LC Paper No. CB(1)791/07-08 on 11 February 2008. As the Secretariat had not received any request for holding a meeting on 13 February 2008 to discuss the outstanding issues, the meeting on 13 February 2008 was cancelled.)

III Any other business

5. There being no other business, the meeting ended at 4:00 pm.

**Proceedings of the meeting of the Subcommittee on
Road Traffic (Driving Licences) (Amendment) Regulation 2008**

**on Tuesday, 29 January 2008, at 2:30 pm
in Conference Room B of the Legislative Council Building**

| Time marker | Speaker | Subject(s) | Action required |
|---|--|--|--|
| Agenda Item I – Election of Chairman | | | |
| 000000-000153 | Mr James TO Ms Audrey EU Ms Miriam LAU | Election of Chairman | |
| Agenda Item II – Meeting with the Administration | | | |
| 000154 - 000459 | Chairman Admin | Briefing by the Administration on the Amendment Regulation | |
| 000505 - 002507 | Chairman Admin Ms Miriam LAU | Issue and renewal of full driving licences for commercial vehicles: <ul style="list-style-type: none"> ● Discussion on the rationale for the proposed amendments; ● Discussion on whether visitors or holders of non-Permanent Identity Cards who were subject to a condition of stay could operate a commercial vehicle in Hong Kong, either for private use or commercial use, and the discretion granted to the Commissioner for Transport to issue or renew commercial vehicle driving licence as the case might be. | |
| 002508 - 002629 | Chairman Admin | Inclusion of Iceland as one of the countries eligible for direct issue of Hong Kong driving licences. | |
| 002630 – 002740 | Chairman Admin | Section-by-section examination: Commencement date of the Amendment Regulation. | |
| 002741 – 003332 | Chairman Admin | <i>New Regulation 2 -</i> Whether persons admitted into Hong Kong under the Quality Migrant Admission Scheme and the Capital Investment Entrant Scheme were subject to any condition of stay, and if so, whether they were eligible for applying a full driving licence for commercial vehicles under the Amendment Regulation. | |
| 003333 - 005059 | Chairman Admin Ms Miriam LAU | <i>New Regulation 10 –</i> Discussion on the exclusion of Police Warrant Card as a document of identity | The Administration was requested to seek the Security Bureau's |

| Time marker | Speaker | Subject(s) | Action required |
|---|---|---|--|
| | ALA6 | under the Amendment Regulation. | view on the exclusion. |
| 005100 - 010348 | Chairman Admin | Discussion on whether visitors holding an international driving permit or a valid domestic driving licence could operate a commercial vehicle in Hong Kong either for private or commercial use. | The Administration undertook to provide further information to address members' concern. |
| 010349 - 011316 | Chairman Administration Ms Audrey EU Ms Miriam LAU | <i>New Regulation 11(2)</i> – Discussion on whether it was the Administration's intention to alter the existing direct endorsement arrangements for issuing driving licences to Hong Kong Permanent Identity Card holders and non-Permanent Identity Cards holders who were not subject to a condition of stay. | The Administration undertook to provide further information to address members' concern. |
| 011317 - 011737 | Admin Chairman ALA6 | Use of personal identification number for on-line renewal of full driving licences. | |
| 011738 - 012055 | Chairman Admin Clerk | Date of next meeting The way forward | |
| Agenda Item III – Any other business | | | |
| | Members | There being no other business, the meeting ended at 4:00 pm. | |