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運輸及房屋局

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Mr Andy Lau
Clerk to Subcommittee on
Road Traffic (Driving Licences) (Amendment) Regulation 2008
Legislative Council Secretariat
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3 Garden Road
Hong Kong

11 February 2008

By Fax (2121 0420)

Dear Mr Lau,

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

Our responses to issues raised at the meeting of the Subcommittee held on 29 January 2008 are set out in this letter.

Use of International Driving Permits

Under Reg. 37(1)(a) of the Road Traffic (Driving Licences) Regulation (Cap. 374B), a visitor to Hong Kong holding an International Driving Permit (IDP) issued by a party to the Geneva Convention on Road Traffic 1949 (the 1949 Convention) may drive a motor vehicle of any class specified in the IDP for a period of 12 months from the date of his last entry. Article 5 of the 1949 Convention imposes an express prohibition on hire and reward uses. Therefore, an IDP does not confer any right for its holder to perform commercial driving duties.

As the Mainland of China is not a party to the 1949 Convention, no IDPs are issued by the relevant Mainland authorities. By virtue of Reg. 37(1)(b) of Cap. 374B, a visitor from the Mainland may drive in Hong Kong on the strength of his Mainland driving licence. Nevertheless, all visitors including Mainland visitors are subject to Reg. 2 of the Immigration Regulation (Cap.

115A), i.e. subject to conditions of stay that they shall not take up any employment either paid or unpaid during his stay in Hong Kong.

Hence, it is unlawful for visitors holding IDP or domestic driving licence to perform commercial driving duties during their stay in Hong Kong.

Document of identity

We have consulted the Security Bureau on the Road Traffic (Driving Licences) (Amendment) Regulation 2008. The Security Bureau confirms that the exclusion of police warrant cards in the new definition of “document of identity” under the new Reg. 10(4) of Cap. 374B will not pose any difficulties to the Police because all Police officers are required to register for Hong Kong Identity Cards.

Direct endorsement arrangement

We confirm that it is the Administration’s intention 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 conditions of stay. In the light of our discussions at the meeting on 29 January, we will amend Reg. 11(2) of Cap. 374B to reflect clearly this intention as at **Annex**. The Administration will move a motion to amend the gazetted Road Traffic (Driving Licences) (Amendment) Regulation 2008 according to the draft at **Annex** at the LegCo meeting on 5 March 2008.

Yours faithfully,



(Alan K M Chu)

for Secretary for Transport and Housing

c.c.

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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."