

**For discussion
on 19 July 2013**

Legislative Council Panel on Transport

Private Driving Instructor's Licences

PURPOSE

This paper briefs Members on the outcomes of the biennial review in 2012 on the need to issue new Private Driving Instructor's (PDI) licences and the review on the existing issuing mechanism of PDI licences. Both reviews are conducted by the Transport Department (TD).

BACKGROUND

2. The Government had stopped issuing PDI licences since 1972¹. In 1980, the Government decided to provide off-street driver training through the setting up of designated driving schools (DDS) alongside on-street driving training by PDIs. This is the background of the "two-pronged" approach of the current driver training policy. To support the operation of the first DDS which was established in 1983, TD issued driving instructors' licences to the driving instructors employed by the driving school. To stick with the policy of not issuing any new PDI licences, TD issued driving instructors' licences to the respective driving instructors with a condition that the licence holders may only give driving instruction on behalf of the driving school.

3. A comprehensive review on the driver training policy was conducted in 1999 which concluded that the "two-pronged approach" should be maintained. Under this policy, we promote off-street driver training through the establishment of driving schools on the one hand, and maintain a sufficient supply of PDIs for on-street driver training on the other. The review also sought to streamline the PDI licensing regime.

¹ Since 1972, the Government has not issued any PDI licences, except on two special occasions:

- In 1993, 61 Driving Instructor Licences were issued for public light buses to regularize unlicensed instructors existing at the time; and
- In 1994, 144 Driving Instructor Licences were issued for articulated vehicles which were a new class of vehicles introduced under the Road Traffic Ordinance.

With the support of the majority of the trade and the Legislative Council Panel on Transport (the Panel), we amended the Road Traffic (Driving Licences) Regulations (Cap. 374B) (the Regulations) in September 2000 and July 2001 to provide a legal basis for the regrouping of PDI licences and the mechanism to issue new PDI licences.

4. PDI licences were regrouped from seven groups into three as follows:

- Group 1: Private Cars and Light Goods Vehicles
- Group 2: Light Buses and Buses
- Group 3: Medium Goods Vehicles, Heavy Goods Vehicles and Articulated Vehicles

The above grouping was drawn up after careful consideration of the driver training skills for each group of vehicles. There are common features for vehicles within each group - Group 1 vehicles are small vehicles for training of beginners, Group 2 vehicles are vehicles for the carriage of a substantial number of passengers, and Group 3 vehicles are vehicles for the carriage of goods.

5. We also agreed with the trade in 1999 that the number of valid PDI licences then prevailing for the three groups of PDIs (1 050 for Group 1, 130 for Group 2 and 230 for Group 3) would be used as benchmarks. The trigger point for the Commissioner for Transport (“the Commissioner”) to consider issuing new PDI licences for a particular group is when the number of valid PDI licences falls below the benchmark by 10%. The Commissioner reviews biennially the need to issue new PDI licences. In so doing, the Commissioner is required to take into account the following factors as set out in the Regulations:

- (a) prevailing traffic conditions;
- (b) policy adopted for driver training; and
- (c) the demand of learner drivers to receive driving instructions from PDIs in respect of that group of motor vehicles.

6. Since 1999, reviews on the need to issue new PDI licences have been carried out in 2002, 2004, 2006 and 2008. A total of 173 new licences for Group 1 PDI were issued in 2002 while no new PDI licence had been issued following reviews in 2004 and 2006. In the 2008 review, the Commissioner decided to issue a total of 460 new PDI licences (347 for Group 1, 55 for Group 2 and 58 for Group 3).

7. As regards Restricted Driving Instructors (RDIs) employed by organizations such as DDS and franchised bus companies, they are issued with driving instructors' licences that are subject to a condition that they shall only give driving instruction on behalf of a driving school or other organization. Upon receipt of applications from a driving school or other organization for driving instructors' licences for RDIs, TD would assess the applications taking account into factors such as the supply and demand for driver training, the wastage of RDIs etc. By June 2013, there were a total of 420 valid driving instructors' licences issued to RDIs (RDI licences) employed by the four DDS². A breakdown of these 420 valid RDI licences by the employing DDS is at Annex I.

2012 REVIEW ON THE NEED TO ISSUE NEW PDI LICENCES

8. In 2012, TD conducted a review on the numbers of valid PDI licences in the three groups based on their respective positions in the latter half of 2012. The results are as follows:

PDI Group	(A) Benchmark (as at 1 Nov 1999)	(B) Average number of valid PDI licences (Jul – Dec 2012) (percentage of the benchmarks)	(A) – (B) Difference
1	1 050	838 (80%)	212
2	130	98 (75%)	32
3	230	187 (81%)	43

9. The average number of valid PDI licences in the three groups were all below 90% of the benchmarks during the review period which triggered the consideration of issuing new PDI licences. In this connection, the Commissioner has reviewed the need to issue new licences taking account into the factors stated in the Regulations (i.e. (a) to (c) in paragraph 5 above). After the review, she has decided to issue new PDI licences to the three groups with a view to filling up the shortfall, i.e.

² At present, there are four DDS, namely Siu Lek Yuen Driving School, Ap Lei Chau Driving School, Yuen Long Driving School and Kwun Tong Driving School

issuing 212, 32 and 43 new PDI licences for Group 1, Group 2 and Group 3 respectively.

REVIEW ON THE ISSUING MECHANISM OF NEW PDI LICENCES

10. In accordance with section 21(A) of the Regulations, the Commissioner should invite the public to apply for new PDI licences. If the total number of applications received exceeds the number of new PDI licences to be issued, TD will draw lot to determine the order in which the applications are to be dealt with. The Commissioner has no power to issue direct new PDI licence or to give any priority to any individual or particular groups of individuals.

11. Some members of the PDI trade considered that the existing issuing mechanism of new PDI licences was inflexible and failed to recognize the experience of existing PDIs. They requested that existing PDIs be accorded priority in applying for new PDI licences of other groups. On the other hand, serving RDIs and former RDIs demanded removal of the restriction imposed on their RDI licences and the issue of PDI licences to them, on the ground that they had comparable driving training skills and teaching experience as PDIs.

12. Against the above background, TD has conducted a review on the existing issuing mechanism of PDI licences and come up with nine options which are set out below:

- Option 1: Maintaining the status quo (i.e. both the existing issuing mechanism of new PDI licences and the benchmarks of the three groups remain unchanged);
- Option 2: Maintaining the benchmarks; new PDI licences for issue to be equally shared among (i) PDIs of other groups; (ii) serving and former RDIs and (iii) members of the public;
- Option 2 (A): Similar to Option 2 but grouping PDIs and RDIs into one group; new PDI licences to be equally shared by (i) driving instructors (“DI”) (including PDIs of other groups, serving and former RDIs) and (ii) members of the public:

- Option 3 : Maintaining the benchmarks; new PDI licences to be equally shared among (i) PDIs of other groups and (ii) serving and former RDIs. If there are any PDI licences in any group left after applications by PDIs and RDIs, members of the public will be invited to apply;
- Option 3 (A): Similar to Option 3 but grouping PDIs and RDIs into one group.
- Option 4 : Maintaining the benchmarks; new PDI licences to be issued to serving and former RDIs only;
- Option 5 : Maintaining the benchmarks; new PDI licences to be issued under this review to be equally shared among (i) PDIs of other groups and (ii) serving and former RDIs. All new PDI licences to be issued in next biennial review would be allocated to members of the public and so forth;
- Options 5(A): Similar to Option 5, but grouping PDIs and RDIs into one group;
- Option 6: Maintaining the existing grouping of PDIs but removing the benchmarks of each group (i.e. no restriction on the number of PDI licences). Interested and qualified person can apply for PDI licence at any time.

13. It should be noted that amendments to existing legislation would be required for all the options other than Option 1 (i.e maintaining the status quo).

CONSULTATION WITH THE TRADE

14. TD has carried out consultations with the relevant driving instructor trade in order to gauge their views on the options proposed in paragraph 12 above. A copy of the trade consultation paper is at **Annex II**.

15. TD consulted the 11 PDI associations at the regular trade conference on 21 June 2013. Their views on the options were diverse.

Whilst most of the associations supported maintaining the benchmarks for the three groups of PDIs as well as the biennial review on the issue of new PDI licences, there was no consensus on the preferred mechanism for issuing new PDI licences. In general, associations representing Group 1 PDIs preferred the status quo (i.e. Option 1) or Option 2(A), whereas associations representing Group 2 and Group 3 PDIs supported Option 3. The “方案一大聯盟” which claimed to represent the interests of individual Group 1 PDIs, requested maintaining the status quo (i.e. Option 1).

16. On the RDI side, the Hong Kong School of Motoring Driving Instructors Union demanded that all the restrictions on the RDI licences be lifted for serving RDIs, and that no more new RDI licence be issued to the DDS. Other RDI representatives of the DDS only requested for direct issue of PDI licences to them. The “駕駛導師權益關注組”, which claimed to represent a group of former RDIs, preferred Option 3(A).

17. The two DDS, namely the Hong Kong School of Motoring and Kwun Tong Driving School, expressed no preference on Options 1 to 5 but objected to Option 6. They also stressed that maintaining a sufficient number of RDIs was vital to the stable and sustainable operations of their driving schools.

NEXT STEPS

18. The existing general traffic conditions of public roads cannot cope with an increase in traffic generated by learner drivers of large numbers. Indeed, from time to time, we received public views asking for the abolition of some of the existing driving test routes so that learner drivers, who tend to practise driving along these routes and who tend to drive at slower speed, would not slow down the traffic. There is therefore a need to continue to adopt a “two-pronged” approach in providing for driver training in the community.

19. On the basis that the existing “two-pronged” approach on driver training will continue, we have put forth the nine options in paragraph 12 above for discussion. Each option has its pros and cons in terms of its impact on stakeholders. We have an open mind on all these options, although if changes to status quo are to be made it will be necessary for such changes to have the clear and firm support of stakeholders.

ADVICE SOUGHT

20. Members' views are invited on the paper.

Transport Department
Transport and Housing Bureau
July 2013

Annex I

**Number of Valid RDI Licences
Issued to the Designated Driving Schools
(as at June 2013)**

RDI Group	Hong Kong School of Motoring*	Kwun Tong Driving School	Total
1	302	57	359
2	20	3	23
3	28	10	38

* Note: Siu Lek Yuen Driving School, Ap Lei Chau Driving School and Yuen Long Driving School are operated by Hong Kong School of Motoring.

諮詢文件
私人駕駛教師執照

目的

本文件旨在闡述：

- (i) 2012 年就是否需要簽發新私人駕駛教師執照進行檢討的結果；及
- (ii) 私人駕駛教師執照簽發機制的檢討摘要，及擬諮詢的各個初步方案。

背景

2. 在現行機制下，運輸署署長（下稱「署長」）會每兩年檢討私人駕駛教師執照的數目。根據《道路交通（駕駛執照）規例》（香港法例第 374B 章），署長在進行上述檢討時，必須考慮下列因素，以決定是否有需要發出新的私人駕駛教師執照：

- 一、 當時的交通運輸情況；
- 二、 當其時採取的駕駛訓練政策；及
- 三、 學習駕駛人士在該汽車組別方面對接受私人駕駛教師的駕駛訓練的需求。

3. 運輸署在 1999 年與業界及立法會交通事務委員會達成共識，把當時三個私人駕駛教師組別內的有效執照數目訂為基準，即第一組別（私家車和輕型貨車）為 1 050 個、第二組別（巴士和小型巴士）為 130 個及第三組別（中型貨車、重型貨車和掛接車輛）為 230 個。當某個組別的有效執照數目降至基準的九成或以下，署長可考慮就該組別發出新的私人駕駛教師執照。新發出的執照數目不得令該組別有效執照的總數超越基準。由於有效執照的數目時有變動，進行比較時，運輸署會採用檢討進行前六個月內有效私人駕駛教師執照的平均數目。

2012 年就發出私人駕駛教師執照的需要進行的檢討

4. 運輸署最近就三個組別的有效私人駕駛教師執照數目進行新一輪檢討。在2012年7月至12月，三個組別的執照數目較1999年訂定的基準水平分別下降約20%、25%和19%；詳情如下：

私人駕駛教師組別	(A) 基準 (於 1999 年 11 月 1 日 訂定) (個)	(B) 2012 年 7 月至 12 月 調整後私人駕駛教師 執照的平均數目 ¹ (個)	(A)-(B) 差額 (個)
第一組別	1 050	838	212 (-20%)
第二組別	130	98	32 (-25%)
第三組別	230	187	43 (-19%)

5. 在檢討進行期間，三個組別的私人駕駛教師執照平均數目均低於基準的九成，達到考慮發出新執照的觸發點。因此，運輸署已按上述機制就是否有需要簽發新私人駕駛教師執照進行檢討，而署長在檢討後決定向三個組別簽發新私人駕駛教師執照：第一組別為212個；第二組別為32個；及第三組別為43個。

私人駕駛教師執照簽發機制的檢討

6. 現行的私人駕駛教師發牌制度於1999年制定。《道路交通（駕駛執照）規例》（第374B章）清楚訂明私人駕駛教師執照發牌機制。根據規例，署長決定發出新私人駕駛教師執照時必須公開邀請公眾申請。如申請的總數超過署長擬發出的執照數目，所有申請及其獲處理的優先次序須以抽籤決定。運輸署會根據抽籤結果，順序邀請申請人

¹包括在2012年12月尾時尚待發出的私人駕駛教師執照數目。

接受相關的考核。在現行法例下，署長無權力只邀請個別人士或界別申請私人駕駛教師執照，亦不能給予任何人士優先申請的權利。即使有私人駕駛教師及受限制駕駛教師欲申請其他組別的執照，署長亦無權力不經抽籤優先處理有關申請。

7. 部分私人駕駛教師業界認為，由於各組別駕駛教師已擁有駕駛訓練技術及經驗，他們理應可獲安排優先申請其他組別的新私人駕駛教師執照。另一方面，受限制駕駛教師業界及前任受限制駕駛教師亦指出，他們具有和私人駕駛教師一樣的駕駛訓練技術及經驗，但在現行制度下，限制駕駛教師只可以在指定駕駛學校內任教，一旦離開指定駕駛學校，他們便會失去有關資格。他們認為現行制度對他們並不公平，並要求可獲安排優先申請私人駕駛教師執照。

8. 運輸署最近已就私人駕駛教師執照簽發制度作出了檢討，建議維持三個私人駕駛教師組別。此外，因應以上駕駛教師業界所提出的意見，運輸署提出以下建議修改現時私人駕駛教師執照簽發機制的初步方案，諮詢業界意見：

方案一：維持現狀，即現有的私人駕駛教師簽發制度，以及三個組別的基準(即私人駕駛教師執照數目)不變。

方案二：維持三個組別的基準不變，但將新發出的私人駕駛教師執照配額，平均分配給(i)私人駕駛教師；(ii)現任和前任受限制駕駛教師；及(iii)公眾人士申請。

方案二(A)：此方案和方案二相似，惟將私人駕駛教師和受限制駕駛教師合為一個類別，而新發出的私人駕駛教師執照配額，會平均分派給(i)駕駛教師(包括私人駕駛教師及現任和前任受限制駕駛教師)及(ii)公眾人士申請。

方案三：維持三個組別的基準不變，並將新發出的私人駕駛教師的執照配額，優先平均分派給(i)私人駕駛教師及(ii)現任和前

任受限制駕駛教師申請。若有配額剩下，則該等配額會給予公眾人士申請。

方案三(A)：此方案和方案三相似，惟建議將私人駕駛教師和受限制駕駛教師合為一個類別。

方案四：維持三個組別的基準不變，而新發出的私人駕駛教師的執照配額，只限現任和前任受限制駕駛教師申請。

方案五：維持三個組別的基準不變，而於是次檢討新發出的私人駕駛教師的執照配額會平均分派給(i)私人駕駛教師及(ii)現任和前任受限制駕駛教師申請。而公眾人士則會在下一次兩年檢討並決定簽發新私人駕駛教師執照時，獲發全數配額。如此類推。

方案五(A)：此方案和方案五相似，惟將私人駕駛教師和受限制駕駛教師合為一個類別。

方案六：維持現行三個私人駕駛教師組別的分組方式，但每個組別的基準取消(即私人駕駛教師執照數目不再受限制)。有興趣及符合資格申請私人駕駛教師執照的人士，任何時候均可申請。

除方案一建議維持現有的私人駕駛教師簽發制度外，其他方案均必須進行修改法例後才可實施。除了方案六因建議取消每個組別的基準而不需要再檢討發出新私人駕駛教師執照的需要，其他方案均維持每兩年檢討私人駕駛教師執照的數目。有關各個方案的詳細資料載列於附件。

9. 另外，在方案二至五中擬訂只供駕駛教師申請的新簽發執照配額，申請人士須符合以下資格：

- (1) 須為持有有效駕駛教師執照的私人駕駛教師(若有關執照逾期但不超過3年,申請人可先續領原屬組別的駕駛教師執照以符合申請資格。);或
- (2) 須為現職3年或以上的受限制駕駛教師(任何現職或曾任職少於3年(並離職3年或以下)的受限制駕駛教師不符合申請資格。);或
- (3) 須為曾領有駕駛教師執照的私人駕駛教師或受限制駕駛教師,而有關執照已逾期超過三年,此類申請人士只可申請其原屬組別的駕駛教師執照。

上述申請人的資格並不適用於供公眾人士申請的新簽發執照配額。

諮詢意見

10. 請備悉2012年檢討簽發新私人駕駛教師執照數目的結果,及就上文第八段的各個有關私人駕駛教師執照簽發機制的初步方案表達意見。

運輸署駕駛事務組

2013年6月

私人駕駛教師發牌機制檢討
 新建議的發牌方案撮要

	方案一	方案二	方案二(A)	方案三	方案三(A)	方案四	方案五	方案五(A)	方案六
三個駕駛教師組別及各組別私人駕駛執照數目的基準水平	維持不變。	維持不變。	維持不變。	維持不變。	維持不變。	維持不變。	維持不變。	維持不變。	維持三個私人駕駛教師組別，但取消各組別的基準。
執照簽發方式	維持現有的私人駕駛教師執照簽發制度。	新發出的私人駕駛教師執照配額，平均分配給以下三個申請類別(i) 私人駕駛教師，(ii) 現任及前任受限制駕駛教師，及(iii) 公眾人士。同一類別內	此方案和方案二相似，惟將私人駕駛教師和受限制駕駛教師合為一個申請類別，即新發出的私人駕駛教師執照配額，會平均分派給(i)駕駛教師	將新發出的私人駕駛教師執照優先平均分派給(i) 私人駕駛教師，(ii) 現任及前任受限制駕駛教師。 本署會同時接受二個類別人士的申請。同一類	此方案和方案三相似，惟將私人駕駛教師和受限制駕駛教師合為一個申請類別。	新發出的私人駕駛教師執照只接受現任及前任受限制駕駛教師申請。 各申請人的處理次序，由電腦抽籤決定。	以輪流的方式，接受(i) 駕駛教師及(ii) 公眾人士的申請。 在是次發牌時，新發出的私人駕駛教師執照配額，將平均分派給 (i) 私人駕駛教師，及(ii)	此方案和方案五相似，惟將私人駕駛教師和受限制駕駛教師合為一個申請類別。	符合資格的人士，任何時候都可以申請駕駛教師考試。在通過駕駛教師考試後，便可取得駕駛教師執照。

數目	果，三個組別 的建議簽發新執照數目分別為第一組別 212 個，第二組別 32 個，第三組別 43 個。	果，三個組別 的建議簽發新執照數目分別為第一組別 212 個，第二組別 32 個，第三組別 43 個。 各申請類別所得到的私人駕駛教師執照配額大約如下：第一組別 71 個，第二組別 11 個，第三組別 14 個。	果，三個組別 的建議簽發新執照數目分別為第一組別 212 個，第二組別 32 個，第三組別 43 個。 各申請類別所得到的私人駕駛教師執照配額大約如下：第一組別 106 個，第二組別 16 個，第三組別 21 個。	果，三個組別 的建議簽發新執照數目分別為第一組別 212 個，第二組別 32 個，第三組別 43 個。 各申請類別所得到的私人駕駛教師執照配額大約如下：第一組別 106 個，第二組別 16 個，第三組別 21 個。	果，三個組別 的建議簽發新執照數目分別為第一組別 212 個，第二組別 32 個，第三組別 43 個。	果，三個組別 的建議簽發新執照數目分別為第一組別 212 個，第二組別 32 個，第三組別 43 個。	果，三個組別 的建議簽發新執照數目分別為第一組別 212 個，第二組別 32 個，第三組別 43 個。 第一次發牌時，各申請類別所得到的私人駕駛教師執照配額如下：第一組別 106 個，第二組別 16 個，第三組別 21 個。	果，三個組別 的建議簽發新執照數目分別為第一組別 212 個，第二組別 32 個，第三組別 43 個。	
修訂法例	無需修訂法例。	需要修訂法例。	需要修訂法例。	需要修訂法例。	需要修訂法例。	需要修訂法例。	需要修訂法例。	需要修訂法例。	需要修訂法例。