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8 September 2021

Clerk to Subcommittee
Subcommittee on Road Traffic (Driving Licences)
(Amendment) Regulation 2021
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

(Attn: Ms Mina CHAN)

Dear Ms Chan,

**Re: Subcommittee on Road Traffic (Driving Licences)
(Amendment) Regulation 2021**

Follow-up to meeting on 30 August 2021

I refer to your letter dated 1 September 2021 inviting the Administration to provide the respective numbers of fixed penalty tickets and traffic summons issued in the past three years in respect of illegal driving training activities, and the relevant penalties for those convicted. The bilingual information requested is at Annex.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Percy Leung', written over a horizontal line.

(Percy LEUNG)
for Secretary for Transport and Housing

Numbers of traffic summons and fixed penalty tickets issued in the past three years in respect of illegal driving training activities and the relevant penalties

The Transport Department pays great attention to illegal driving training activities and has been working closely with the Police to regularly conduct joint enforcement operations to combat relevant illegal activities. From 2018 to now, the Police issued a total of 415 traffic summons and 33 fixed penalty tickets. The illegal activities involved and the relevant penalties are summarised below –

Illegal activity	Penalty
(a) Giving driving instruction without valid driving instructor's licence	Liable to, in the case of a first conviction, a fine of \$2,000 and imprisonment for three months; and in the case of a second or subsequent conviction, a fine of \$5,000 and imprisonment for six months ¹
(b) Driving learning at unspecified time period	
(c) Driving learning in prohibited area for learners	
(d) Driving learning without a learn plate ("L")	
(e) Learner's driving licence expired	Liable to, in the case of a first conviction, a fine of \$5,000 and imprisonment for three months; and in the case of a second or subsequent conviction, a fine of \$10,000 and imprisonment for six months ²
(f) Learner driver failed to carry driving licence when driving	Liable to, in the case of a first conviction, a fine of \$1,000; and in the case of a second or subsequent conviction, a fine of \$2,000 ²

¹ Regulations 27, 30 and 46 of the Road Traffic (Driving Licences) Regulations (Cap. 374B). For illegal activity items (b), (c) and (d) involving regulation 30(4) (contravening condition of learner's driving licence) and regulation 30(3)(b) (failing to display "L" plates) of Cap. 374B, they are also scheduled offences under the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240), with a fixed penalty amount of \$450.

² Section 42 of the Road Traffic Ordinance (Cap. 374). For illegal activity items (e) and (f) involving section 42(1) (driving with an expired driving licence) and section 42(2) (failing to carry driving licence when driving) of Cap. 374, they are also scheduled offences under Cap. 240, with a fixed penalty amount of \$320.

(Chinese Translation)

過去三年有關違法駕駛訓練活動的交通傳票及 定額罰款通知書數字，以及相關罰則

運輸署一直非常關注違法駕駛訓練活動，並與警方緊密合作，定期舉行聯合行動打擊有關違法活動。由 2018 年至今，警方共發出 415 張交通傳票及 33 張定額罰款通知書，當中所涉及的違法事項及相關罰則載列於下表：

違法事項	罰則
(a) 教授駕駛時沒有持有有效駕駛教師執照	首次定罪可處罰款\$2,000 及監禁 3 個月；如屬第二次定罪或隨後再次定罪，則可處罰款\$5,000 及監禁 6 個月 ¹
(b) 非學車時間內學車	
(c) 在禁止學車範圍內學車	
(d) 學車時沒掛上「學」字牌	
(e) 學車人士的學習駕駛執照過期	首次定罪可處罰款\$5,000 及監禁 3 個月；如屬第二次定罪或隨後再次定罪，則可處罰款\$10,000 及監禁 6 個月 ²
(f) 學車人士未有攜帶駕駛執照學車	首次定罪可處罰款\$1,000；如屬第二次定罪或隨後再次定罪，則可處罰款\$2,000 ²

¹ 《道路交通(駕駛執照)規例》(第 374B 章)第 27、30 及 46 條。第(b)、(c)及(d)項違法事項涉及的第 374B 章第 30(4)條(違反學習駕駛執照的條件)及第 30(3)(b)條(沒有展示“學”字牌)亦屬《定額罰款(刑事訴訟)條例》(第 240 章)的表列罪行，定額罰款額為\$450。

² 《道路交通條例》(第 374 章)第 42 條。第(e)及(f)項違法事項涉及的第 374 章第 42(1)條(持過期駕駛執照駕駛)及第 42(2)條(駕駛時沒有攜帶駕駛執照)亦屬第 240 章的表列罪行，定額罰款額為\$320。