

立法會 *Legislative Council*

LC Paper No. CB(4)1453/20-21(03)

Ref. : CB4/SS/9/20

Subcommittee on Road Traffic (Driving Licences) (Amendment) Regulation 2021

Background brief

Purpose

This paper provides background information on the issuing mechanism for quotas of private driving instructors' licences ("PDI licences") and the imposition of additional conditions on persons applying for or renewing driving instructors' licences (with a limited exception). It also summarizes the major views and concerns expressed by members of the Panel on Transport ("the Panel") when the relevant subject was discussed.

Background

2. The Government adopts a "two-pronged approach" in respect of driver training in Hong Kong by promoting off-street driver training through the establishment of driving schools while maintaining a proper supply of private driving instructors ("PDIs") for on-street driver training, with a view to providing a choice for learner drivers.

3. Currently, PDI licences have been issued for three groups of motor vehicles, namely group 1 (private cars and light good vehicles), group 2 (light buses and buses) and group 3 (medium goods vehicles, heavy goods vehicles and articulated vehicles). Under the existing issuing mechanism, any new PDI licences are for open application and there is no quota reserved for any particular class of persons.

4. In response to members' suggestions raised at the meeting of the Panel in February 2018, the Administration conducted a comprehensive review on PDI licences and made the following recommendations:

- (a) maintaining the "two-pronged approach" of driver training policy;
- (b) raising the benchmark for the number of PDI licences for group 1 motor vehicles from 1 050 to 1 170, while maintaining the benchmarks for group 2 and group 3 motor vehicles at 130 and 230 respectively given the adequate supply of both groups of PDIs to meet the market demand;
- (c) improving the issuing mechanism for new PDI licences, details of which are set out in paragraph 5 below; and
- (d) enhancing the quality of PDIs as detailed in paragraphs 6 and 7 below.

5. In order to utilize the driving competence and training experience of those with PDI licences for group 2 and group 3 motor vehicles as well as of restricted driving instructors ("RDIs") while encouraging new blood to join the trade, the Administration proposes amending the Road Traffic (Driving Licences) Regulations (Cap. 374B) to refine the existing issuing mechanism and the new powers conferred to the Commissioner for Transport ("the Commissioner"), with the intention to:

- (a) allocate a specified quota of new PDI licences for group 1 motor vehicles to eligible members of the public by open application so as to attract new blood to join the PDI industry;
- (b) allocate the remaining specified quota of new PDI licences for group 1 motor vehicles for application by holders of valid PDI licences for group 2 and group 3 motor vehicles, as well as serving and ex-RDIs¹ (of driving schools and franchised bus companies) in recognition of their driving competence and training experience; and
- (c) adopt the new issuing mechanism for the issue of new PDI licences for group 2 or group 3 motor vehicles in the future, i.e. a specified quota of new PDI licences for group 2 or group 3 motor vehicles will be allocated to eligible holders of PDI licences for group 1 motor vehicles, as well as serving and ex-RDIs of driving schools and franchised bus companies.

¹ Ex-RDI refers to a person who once held an RDI licence in respect of group 1, 2 or 3 motor vehicles within three years immediately preceding the application date for the new licence.

6. The Administration regards it vital to enhance the quality of PDIs and RDIs of driving schools,² including their driving attitude, for setting a good example for learner drivers. To this end, the Administration proposes raising the minimum period of holding a full driving licence for group 1 motor vehicles from three years to six years immediately before the date of application for a licence of PDI or RDI of driving schools; and requiring that, in addition to the existing requirements for no conviction records on certain traffic offences, the applicants must not have been convicted of dangerous driving and careless driving offence under section 37 and section 38 of the Road Traffic Ordinance (Cap. 374) ("the Ordinance") during the five and two years respectively immediately before the application date.

7. The Administration also proposes that all new licence holders of PDI and RDI of driving schools must attend a mandatory induction course before they are issued with the licence. The purpose of the induction course is to instill proper knowledge, skills, and attitude into these prospective driving instructors, covering the role and conduct of a driving instructor, the driving test system, etc. In respect of the existing licence holders of PDI and RDI of driving schools, the Administration proposes that they should attend a mandatory refresher course once every three years as a prerequisite for renewal of their licences so as to keep them abreast of the latest development of the profession. Meanwhile, in order to deter illegal driving training services, the Administration proposes that a PDI shall also be required to display an identity plate inside the vehicles which should be clearly visible to the public.

Road Traffic (Driving Licences) (Amendment) Regulation 2021

8. L.N. 154 is made by the Secretary for Transport and Housing under section 8(1) of the Ordinance to amend the Road Traffic (Driving Licences) Regulations (Cap. 374B). The major amendments by L.N. 154 are summarized below:

- (a) providing for a mechanism under which the Commissioner may determine for a particular group of motor vehicles (group 1, 2 or 3 motor vehicles) a quota of new PDI licences to be issued to certain classes of persons;
- (b) requiring a person applying for a driving instructor's licence (with the limited exception), among other conditions:

² RDIs of driving schools are similar to PDIs in that they also provide driver training to members of the public. As such, it is proposed that they will also be subject to the new stricter requirements.

- (i) to be a holder of a full driving licence to drive private cars and light goods vehicles and to have held the licence for at least six years immediately before the date of application;
 - (ii) to have completed a driving instructor's induction course; and
 - (iii) not to have been convicted of a dangerous driving offence under section 37 of the Ordinance during the five years, or a careless driving offence under section 38 of the Ordinance during the two years, immediately before the date of application;
- (c) requiring a person applying for renewal of a driving instructor's licence (with the limited exception), among other conditions, to complete a driving instructor's refresher course;
- (d) providing for the driving instructors' induction courses and refresher courses, and the authorization of trainers to provide such courses;
- (e) providing for the issue and display and other requirements regarding PDI identity plates and making it an offence for a PDI not to display the PDI identity plate (punishable by a fine of \$2,000); and
- (f) providing for transitional arrangements.

L.N. 154 comes into operation on 1 December 2021.

Major views and concerns of members

9. At the meeting of the Panel held on 24 April 2020, members were consulted on the comprehensive review of PDI licences.

10. While supporting the Administration's proposal to provide for a mechanism for quotas of PDI licences for certain classes of persons, some members concurred with the Administration that allocating 25% of the new

group 1 PDI licences as "Driving Instructor Quota" ("DI Quota")³ could better utilize the driving competency and training experience of groups 2 and 3 PDIs to enhance the general quality of driver training for private cars. They also considered that it might help to reduce the fee of driver training course by introducing more competition and offer more choices to learner drivers, which in turn would help the development of the PDI trade. Given that the remuneration of RDIs was less favourable than that of PDIs despite the fact that they had similar teaching experience and qualifications, the 25% DI Quota would offer RDIs a good chance to switch to PDIs and improve their livelihood.

11. However, a few members held a contrary view that the proposed arrangement was more favourable to designated driving schools ("DDS") and would further facilitate their monopolization of the driver training market. Given that the 25% DI Quota would be allocated to serving and ex-RDIs, DDS would be less inclined to improve RDIs' remuneration as their chances of attaining a group 1 PDI licence would be higher than people applying in the open market. There was a view that the DI Quota would be against the principles of equitability and openness.

Latest development

12. At the meeting of the House Committee on 20 August 2021, Members agreed to form a subcommittee to examine the above legislative amendments.

Relevant Papers

13. A list of relevant papers is in the **Appendix**.

Council Business Division 4
Legislative Council Secretariat
27 August 2021

³ The Administration advised the Panel on Transport at the meeting held on 24 April 2020 that "it would invite public applications for 75% of the new group 1 PDI licences in the fourth quarter of 2020, to be followed by an invitation of applications for the 25% DI Quota pending the completion of the requisite legislative amendment exercise". However, the proportion of the DI Quota is not indicated in L.N.154.

Appendix

List of relevant papers

Date of meeting	Panel/ Committee	Minutes/Paper	LC Paper No.
23.2.2018	Panel on Transport	Administration's paper on private driving instructors' licences	CB(4)613/17-18(06) https://www.legco.gov.hk/yr17-18/english/panels/tp/papers/tp20180223cb4-613-6-e.pdf
13.6.2018*	Panel on Transport	Administration's supplementary information on the Biennial review on the need to issue new Private Driving Instructors' licences (follow-up paper)	CB(4)1256/17-18(01) https://www.legco.gov.hk/yr17-18/english/panels/tp/papers/tp20180223cb4-1256-1-e.pdf
23.3.2018*	Panel on Transport	Administration's response to the letter from Hon Jeremy TAM Man-ho on private driving instructors' licences as set out in LC Paper No. CB(4)660/17-18(01)	CB(4)814/17-18(01) https://www.legco.gov.hk/yr17-18/english/panels/tp/papers/tpcb4-814-1-e.pdf
15.5.2018*	Panel on Transport	Administration's response to the submission from a member of the public on driving licence fees for the elderly as set out in LC Paper No. CB(4)975/17-18(01)	CB(4)1097/17-18(01) https://www.legco.gov.hk/yr17-18/english/panels/tp/papers/tpcb4-1097-1-e.pdf
24.4.2020	Panel on Transport	Administration's paper on comprehensive review of private driving instructors' licences	CB(4)467/19-20(05) https://www.legco.gov.hk/yr19-20/english/panels/tp/papers/tp20200424cb4-467-5-e.pdf

Date of meeting	Panel/ Committee	Minutes/Paper	LC Paper No.
9.6.2020*	Panel on Transport	Administration's response to the item "Comprehensive review of Private Driving Instructors' licences" raised at meeting on 24 April 2020	CB(4)687/19-20(01) https://www.legco.gov.hk/yr19-20/english/panels/tp/papers/tp20200619cb4-687-1-e.pdf

*Issue date

Council Business Division 4
Legislative Council Secretariat
27 August 2021