

**Road Traffic (Driving Licences) (Amendment) Regulation 2021
("Amendment Regulation")**

**Government's responses to written submissions
received by the Subcommittee on the Amendment Regulation**

The Government has read in details the submissions received by the Subcommittee on the Amendment Regulation from deputations/individuals and noted the relevant views. The views in these submissions can be summarised as follows –

- (i) the "two-pronged approach" adopted by the Government in respect of driver training policy;
 - (ii) the number of private driving instructors ("PDIs") and the demand for driver learning;
 - (iii) the refined issuing mechanism for PDI licences; and
 - (iv) the overall quality of driving instructors.
2. The responses of the Government are set out below for the reference of the Subcommittee.

(i) The "two-pronged approach" of driver training policy

3. With regard to the busy traffic conditions in Hong Kong, the Government adopts a "two-pronged approach" in respect of driver training policy in Hong Kong by promoting off-street driver training through the establishment of driving schools, while maintaining a proper supply of PDIs for on-street driver training on the premise that it will not escalate traffic congestion or lead to road safety problems. The "two-pronged approach" provides a choice for learner drivers having regard to the prevailing traffic conditions in Hong Kong. Under this policy, the proportion of learner driver training provided by PDIs of Group 1¹ and driving schools has been maintained at about 70:30 in recent years, while that for Group 2 and Group 3 has been maintained at about 90:10.

¹ PDI licences are currently classified into three groups, namely Group 1 (private car and light goods vehicles), Group 2 (light buses and buses) and Group 3 (medium goods vehicles, heavy goods vehicles and articulated vehicles).

4. There are concerns on the impact on the “two-pronged approach” brought by the Amendment Regulation. As the main objectives of the Amendment Regulation are to refine the issuing mechanism for new PDI licences as well as enhance the quality of PDIs and restricted driving instructors (“RDIs”) of driving schools, it will not affect the “two-pronged approach” adopted by the Government in respect of driver training policy. When the Transport Department (“TD”) conducted a comprehensive review on PDIs in 2019, it had adopted various means to gauge opinions from different stakeholders, which included engaging an independent consultant to conduct face-to-face opinion surveys with learner drivers and members of the public in the vicinity of driving test centres (“DTCs”), telephone surveys with the public and working group meetings with the PDI trades and representatives of the RDIs, etc. The review findings showed that learner drivers and other members of the public chose PDIs or driving schools based on their own needs and taking into account factors such as the expected teaching quality, recommendation by relatives/friends and training schedule, etc. This demonstrated the need of maintaining the “two-pronged approach” which was also supported by the PDI and RDI trades.

(ii) Number of PDI licences and demand for driver learning

5. Regarding the benchmark for the number of PDI licences, TD had taken a holistic look into the changes in the demand for driving tests (as reflected by the test forms sold to learner drivers who received driver training from PDIs by TD upon application for driving test) and in the supply of PDIs (as reflected by the number of valid PDI licence holders) since 1999. Having considered the demand and supply situation of PDIs in various vehicle groups, including the projected number of “inactive” PDIs² and data obtained from the opinion surveys with learner drivers on the actual and preferred training hours of learner drivers, TD decided to raise the benchmark for Group 1 from 1 050 in 1999 to 1 170, with a view to improving the ratio of the number of valid PDI licences to driving test forms sold³ and ensuring an adequate supply

² There is no clear or widely accepted definition for determining whether a PDI is “active” or “inactive” as there are many factors affecting whether or not a PDI provides training. For projection purpose in the comprehensive review in 2019, TD assumed PDIs who did not accompany any candidate to attend driving tests in a year as “inactive” PDIs.

³ The demand for Group 1 driving test had increased significantly by 25.6% from 77 790 test forms sold in 1999 to 97 706 in 2018. During that period, the benchmark for the number of Group 1 PDI licence was maintained at the 1999 level of 1 050. Therefore, the ratio of the

of PDIs in Group 1. Given the adequate supply of PDIs in Group 2 and Group 3 to meet the market demand, TD decided to maintain the benchmarks for these groups at 130 and 230 respectively.

6. There are views that issuing new PDI licences will encourage more people to learn driving and cause burden on the traffic. Currently, learner drivers can only practise driving on public roads during specified time periods, and cannot use roads which expressly prohibit learner drivers. In order to avoid causing impact to the traffic by the conduction of on-street driving training by PDIs, the Government is mindful of the need to strike a delicate balance between meeting the demand for driver training and minimising the impact on local residents by closely monitoring the traffic conditions of relevant districts, searching for suitable land for establishing DTCs, etc.

7. There are also views that no benchmarks should be set for the number of PDI licences, and all licences should be open for public application. In view of the busy traffic conditions in Hong Kong, the Government needs to strike a balance between maintaining a proper supply of PDIs and ensuring that it will not aggravate traffic congestion or lead to road safety problems. We consider it appropriate and prudent to adopt the current well-established practice to assess the need to issue new licences by objectively assessing the demand and supply of driver training.

(iii) Refined issuing mechanism for PDI licences

8. In order to encourage new blood to join the trade while utilising the driving competence and training experience of Group 2 and Group 3 PDIs as well as that of RDIs, the Government has refined the existing issuing mechanism by –

number of valid Group 1 PDI licences to the number of test forms sold had increased substantially from 1:74 in 1999 to 1:104 in 2018.

- (a) allocating 75% (i.e. 169 of the 226 new Group 1 PDI licences) to eligible members of the public by open application⁴;
- (b) allocating the remaining 25% (i.e. 57 of the 226 new licences) as “quota for specified persons” for application by valid licence holders of PDIs in Group 2 and Group 3, as well as serving and ex-RDIs⁵ (of driving schools and franchised bus companies (“FBCs”)) in recognition of their driving competence and training experience; and
- (c) adopting the refined issuing mechanism for issue of new Group 2 and/or Group 3 PDI licences in future, i.e. the same proportion (25%) of Group 2 and/or Group 3 new PDI licences will be allocated to eligible Group 1 PDIs as well as serving and ex-RDIs of driving schools and FBCs.

9. The Government considers that the refined mechanism can continue to invite members of the public to apply for new PDI licences so as to attract new entrants to the trade, while eligible driving instructors can also be invited to apply for the “quota for specified persons” to provide quality driving training service. This is compatible with the overall interests of learner drivers. We will continue to closely monitor the demand for driver training and the supply of PDIs, which include reviewing the number of valid licences in each PDI group⁶.

⁴ A two-stage approach in issuing the 226 new Group 1 PDI licences is adopted. The first stage is to invite application from the public according to the existing arrangement. TD has already invited the public to apply for the 169 new Group 1 PDI licences in the fourth quarter of 2020, and is now processing the applications received (including arranging written tests/road tests for the applicants in batches). This will be followed by the second stage in which applications will be invited for the remaining 57 “quota for specified persons” after the commencement of the Amendment Regulation.

⁵ Ex-RDI refers to a person who once held a RDI licence in respect of Group 1, 2 or 3 vehicles within three years immediately preceding the application date for the new licence.

⁶ When the number of valid licences in a PDI group (the average number of valid licences for the period of six months prior to a review is used for comparison) falls below the benchmark of the relevant group by 10% (the “triggering point”), TD will consider issuing new PDI licences for that group.

10. There are views against the method of determining by lot the order of processing the applications for new PDI licences⁷, and they propose setting up a scoring system to assess the qualifications of the applicants, including the types of driving licences, traffic conviction records, academic qualifications, etc. We have reservations on the suggestion as it would be difficult to define a set of objective criteria for determining the scoring and weighting of various items under assessment. Besides, the suggestion will lengthen the processing time of the applications as verification will need to be conducted on more information and supporting documents submitted by the applicants. The Government considers it a fair and practical arrangement to determine by lot the order of applicants and request them to meet the strict standards for passing the written test and road test for PDIs before they are issued with the licences.

(iv) Overall quality of driving instructors

11. There are concerns about the existing overall quality of driving instructors and its impact on road safety. We agree that it is vital to enhance the quality (including their driving attitude) of PDIs for setting a good example for learner drivers. To this end, in the Amendment Regulation, we have raised the minimum period of holding a full driving licence for Group 1 vehicles from three to six years immediately preceding the application for a licence of PDI and RDI of driving schools⁸; and required that, in addition to the existing requirements for no conviction records on certain traffic offences, the applicants shall not be convicted of a dangerous driving offence under section 37 of the Road Traffic Ordinance (Cap. 374) (“RTO”), during the five years, or a careless driving offence under section 38 of the RTO during the two years, immediately before the date of the application.

⁷ Under the Road Traffic (Driving Licences) Regulations (Cap. 374B), if the total number of applications received by TD exceeds the number of licences to be issued, TD will determine by lot the order of processing the applications.

⁸ RDIs of driving schools are similar to PDIs in that they provide driving training to the public. Therefore, they should also be subject to the more stringent new requirements.

12. Besides, all new licence holders of PDIs and RDIs of driving schools shall attend a mandatory induction course before they are issued with the licence. The purpose of the induction course is to instil proper knowledge, skills and attitude into the prospective driving instructors by covering the role and conduct of a driving instructor, the driving test system, areas where candidates are prone to make mistakes, etc. In respect of the existing licence holders of PDIs and RDIs of driving schools, 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, a PDI is required to display an identity plate inside the vehicles which should be clearly visible to the public in order to deter illegal driving training services. The above measures aim to enhance the overall quality of driving instructors and improve road safety.

**Transport and Housing Bureau
Transport Department
September 2021**