

Executive Summary

Direct Investigation Report

Transport Department's Requirements for Physical Fitness Certification of Driving Licence Applicants/holders

Introduction

In Hong Kong where the traffic is busy, drivers must have good driving manner and skills, and maintain both physical and mental health to ensure their capability to drive motor vehicles and avoid accidents.

2. Many jurisdictions have introduced more stringent requirements for physical fitness certification of senior drivers and professional drivers, and even imposed driving restrictions on them to enhance road safety. In Hong Kong, driving licence applicants/holders are required by law to declare to the Transport Department ("TD") as to whether or not they are suffering from any disease or physical disability specified in the relevant legislation or any of those which would be liable to cause their driving of a motor vehicle to be a source of danger to the public. As for drivers having reached the age of 70, they must provide a Medical Examination Certificate to TD at least every three years for the issue or renewal of their driving licence. Nevertheless, in terms of setting the medical examination items and standards and specifying requirements for drivers' physical fitness for different classes of vehicles, there is still a gap between Hong Kong and other jurisdictions. In view of the ageing population in Hong Kong and the fact that commercial vehicles, especially heavy vehicles, have a greater risk of being involved in traffic accidents and casualties, we consider that TD should keep pace with the times and learn from the experience of other jurisdictions in adjusting the requirements for physical fitness certification of drivers. This will help mitigate the risk of traffic accidents caused by drivers' health problems that affect their capability to drive.

Our Findings

3. On TD's requirements for physical fitness certification of driving licence applicants/holders, we find the following areas for improvement.

(I) To Specify Examination Items of Physical Fitness Certification for Obtaining a Driving Licence and Provide Medical Professionals with Guidelines in This Regard

4. In Hong Kong, the law requires that when people aged 70 or above apply for the issue or renewal of a driving licence, they shall produce a Medical Examination Certificate completed and signed by a registered medical practitioner to confirm that they are medically fit to drive and control any vehicles of the class to which the licence relates. Nevertheless, the Medical Examination Certificate only sets out the suggested scope of medical checks to be performed by medical practitioners without specifying any compulsory examination items. Medical practitioners are not required to put the examination items of the applicant and the results thereof in the certificate unless they consider the applicant not physically fit to drive. Moreover, TD has not established any uniform medical standards for completing the Medical Examination Certificate or issued any guidelines to medical practitioners responsible for performing the medical examinations.

5. In our opinion, TD should make reference to the relevant requirements in different jurisdictions and consider specifying the examination items that driving licence applicants must undergo and the information that registered medical practitioners should put in the Medical Examination Certificate. That will help both the Government and the applicants understand whether the latter are physically fit to drive. TD can also, upon consultation with medical professionals and the related sectors, consider establishing uniform guidelines for the relevant medical examinations so that medical professionals can assess more effectively whether the driving licence applicants are physically fit to drive.

(II) To Establish a Mechanism for Medical Examinations of Commercial Vehicle Drivers (Especially Drivers of Heavy Vehicles) Reaching a Specified Age and Impose More Stringent Requirements for Their Physical Fitness

6. The relevant legislation in Hong Kong contains no specific requirements for physical fitness of professional drivers of commercial vehicles including public transport. Currently, only franchised bus operators and the tram company have mechanisms in place to arrange regular medical examinations for their drivers in a systematic manner. Other professional drivers of commercial vehicles are only required to undergo medical examinations of the same standards as those required of private car drivers when they reach the age of 70 or above.

7. Given that commercial vehicles are bulky and they carry a large amount of goods or passengers, traffic accidents and collisions involving commercial vehicles can have dire consequences. Hence, it is not unreasonable for the Government to be more prudent about the physical condition of professional drivers. We consider that TD should learn from the practices of other jurisdictions and establish a system for medical examinations of commercial vehicle drivers (especially those driving heavy vehicles). Under such system, those drivers reaching a specified age will be required to undergo regular medical examinations and meet more stringent requirements for physical condition before they can be issued a driving licence for commercial vehicles or get their licences renewed.

(III) To Step up Publicity and Education to Remind Drivers to Take Care of Their Physical and Mental Health and to be Alert to Changes in Their Capability to Drive

8. In our opinion, TD should continue to step up its publicity and education among drivers of different age groups to remind them to pay attention to their physical fitness and also be considerate towards others. Drivers should be alert to potential health risks that may affect their capability to drive, and be advised to prevent such problems. They should also be encouraged to undergo regular and specific medical examinations for prevention/treatment of diseases or changes in functional capacity that may affect their capability to drive. If drivers can make efforts to slow down the degeneration of their functional capacity and receive timely treatment for diseases, it will help extend their driving years.

9. Furthermore, TD should strengthen education of drivers on the legal requirement for reporting changes in their health condition to TD and the importance of so doing. TD can also make reference to the practices in other jurisdictions to approach medical professionals and seek their support in reminding drivers to notify TD as soon as possible when their health condition is at a stage that may affect their capability to drive.

(IV) To Explore Ways to Facilitate Professional Drivers of Commercial Vehicles to Undergo Medical Examinations

10. We understand that it will inevitably increase the financial burden of professional drivers of commercial vehicle if they are required to undergo and pay for

more frequent and stringent medical examinations. Nevertheless, if the Government were to provide free medical examinations to a large number of professional drivers in the long run, it would involve resources and public funds and it requires careful consideration. TD should, therefore, proactively explore ways to facilitate professional drivers to take medical examinations, such as subsidising the medical examinations of professional drivers in need and liaising with relevant departments including the Department of Health to explore suitable medical resources that can be used on the medical examinations.

Recommendations

11. In view of the above, The Ombudsman has made four recommendations to TD:

- (1) specify examination items of physical fitness certification for obtaining a driving licence and provide medical professionals with guidelines in this regard so that they can assess more effectively whether the driving licence applicants are physically fit to drive;
- (2) establish a mechanism for medical examinations of commercial vehicle drivers (especially drivers of heavy vehicles) reaching a specified age and impose more stringent requirements for their physical fitness;
- (3) step up publicity and education to remind drivers to take care of their physical and mental health and to be alert to changes in their capability to drive; and
- (4) explore ways to facilitate professional drivers of commercial vehicles to undergo medical examinations.

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