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Office of The Ombudsman



主動調查行動報告
Direct Investigation Operation Report

運輸署有關駕駛考試的安排
Transport Department's Arrangements for Driving Tests

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CONTENTS

Executive Summary

<i>Chapter</i>	<i>Paragraph</i>
1 INTRODUCTION	
<i>Background</i>	1.1 – 1.4
<i>Scope of Investigation</i>	1.5
<i>Process of Investigation</i>	1.6 – 1.7
2 DRIVING TEST SERVICES: AN OVERVIEW	2.1
<i>Eligibility for Driving Tests</i>	2.2
<i>Composition and Requirements of Driving Tests for Various Vehicle Classes</i>	2.3 – 2.5
<i>Application Procedures for Driving Tests</i>	2.6 – 2.13
<i>Details of Driving Test Services</i>	2.14 – 2.27
3 DRIVING TEST ASSESSMENTS AND APPEALS HANDLING	
<i>Measures to Ensure Fairness and Integrity of Driving Tests</i>	3.1 – 3.6
<i>Arrangements for Recording Assessments</i>	3.7 – 3.13
<i>Appeal Mechanism</i>	3.14 – 3.25
<i>Driving Test Appeal Cases</i>	3.26 – 3.35
<i>Arrangements for Video-recording Road Tests and Handling Appeals in Mainland and Other Regions</i>	3.36 – 3.40
4 PUBLIC VIEWS	4.1
(1) <i>Validity Period of LD Licence</i>	4.2 – 4.6
(2) <i>Validity Period of Driving Test Form</i>	4.7 – 4.9
(3) <i>Registration of Test Vehicles</i>	4.10 – 4.12
(4) <i>“Venue Assistants” near Driving Test Centres</i>	4.13 – 4.19

5 OUR COMMENTS AND RECOMMENDATIONS	5.1 – 5.2
<i>(I) Proactively Explore Ways to Improve Driving Test Services and Shorten Waiting Time for Road Tests</i>	<i>5.3 – 5.9</i>
<i>(II) Enhance Arrangements for Recording Road Test Assessments</i>	<i>5.10 – 5.13</i>
<i>(III) Enhance Arrangements Relating to Driving Tests</i>	<i>5.14 – 5.19</i>
<i>Recommendations</i>	<i>5.20</i>
<i>Acknowledgements</i>	<i>5.21</i>

Executive Summary

Direct Investigation Operation Report

Transport Department's Arrangements for Driving Tests

Introduction

In recent years, there is a growing public demand for driving tests (especially road tests) and the average waiting time of driving tests is very long. However, the number of road test provided by the Transport Department (TD) is affected by various factors, including the objective conditions of the venues of the test centers, the traffic conditions in the vicinity, the demand for road tests for different types of vehicles, as well as the manpower of the TD, etc., resulting in an insufficient number of driving tests to satisfy the public demand over the years. Furthermore, driving test services had been suspended intermittently by TD six times between 2020 and 2022 in response to the Government's anti-epidemic and social distancing measures during the COVID-19 outbreak. As a result, the waiting time for taking the more popular driving test for non-commercial vehicles had once been as long as nearly a year.

2. In addition, the number of appeals against road test results also shows a rising trend in recent years, reflecting an increase in the public's discontent with TD's road test arrangements. We have also received public complaints and queries about TD's decision of and justification for prohibiting video recording of road tests with the dashboard cameras in test vehicles.

3. Against this background, we have examined TD's administrative arrangements for and management of driving test services, its mechanisms for evaluating candidates' performance in road tests and handling appeals, as well as explored the feasibility for TD to record driving tests more objectively with the help of technology. Based on our findings in the investigation, we have the following observations and comments with respect to TD's arrangements for driving tests.

Our Findings

(I) PROACTIVELY EXPLORE WAYS TO IMPROVE DRIVING TEST SERVICES AND SHORTEN WAITING TIME FOR ROAD TESTS

Explore Ways to Increase Road Test Output by Putting in More Manpower Resources and Designating New Test Venues

4. During the last 12 years, both the number of applications for road tests and the road test output of TD had increased, but the road test services still failed to meet the demand. Put simply, the waiting time for road tests would remain excessively long unless there is a sustained and substantial decrease in the demand for the tests. In other words, the waiting would only be prolonged again if more and more people apply for the road tests in the future. This Office considers the situation is undesirable. TD should, therefore, make every effort to increase road test output to ensure a shorter waiting time of candidates.

5. We noticed that since the end of the epidemic, TD has arranged for Driving Examiners (“DEs”) to work extra hours in a bid to increase road test output, and indicated that it will look for suitable sites to set up new driving test centres. We agree to the above measures and recommend that TD explore how to increase road test output by putting in more manpower resources and designating new test venues. For instance, it can arrange for DEs to take up additional work on weekends so that more road tests can be arranged. Besides, the Department should consider setting up additional driving test centres at locations with lower traffic flows in various parts of Hong Kong (e.g. at locations in the New Territories or outlying islands which are farther away from the city centre or residential areas). If designating new driving test centres proves to be effective in shortening the candidates’ waiting time for road tests, TD should, in the long run, consider replacing those driving test centres currently located in busy districts with the newly set up centres, where feasible.

Continue to Review and Enhance the “Duty Reporting Arrangement” to Increase Road Test Output

6. Under the “Duty Reporting Arrangement”, DEs must first arrive at the TD Headquarters in Ho Man Tin, Kowloon by 8 am every working day for computer ballot-drawing, then proceed to the various driving test centres to discharge their testing duties. Such arrangement results in extra travel time by the staff involved and would in effect reduce the time available to DEs for conducting road tests each day.

7. We are glad to learn that in response to our investigation, TD had completed another review on the “Duty Reporting Arrangement” at the end of 2023, and has since mid-June this year adopted the “Direct Reporting Arrangement” (DEs should be allowed to travel directly from residence premises to driving test centres assigned by balloting to discharge testing duties) on a trial basis at four of the non-commercial vehicles driving test centres. We recommend that TD review the “Direct Reporting Arrangement” after a certain period into the trial run at the four test centres. If the trial is effective and staff’s feedback is positive, TD should proactively study the feasibility of implementing the “Direct Reporting Arrangement” at other driving test centres so as to increase its road test output.

Re-establish Target Waiting time and Achievement Rate on Conducting Road Tests for Non-Commercial Vehicles

8. Previously, TD had set performance pledge at within 82 days and a 95% achievement target regarding the waiting time for road tests for non-commercial vehicles. This is a demonstration of good public administration. Nevertheless, the Department abolished the performance pledge and no longer projected the achievement rate in 2016 due to changes in supply and demand for the tests. We consider that waiting time is not only a significant statistical indicator, but also an important yardstick with which TD can assess and enhance its operations, optimise its resource deployment and allocation, as well as a criterion for the Department and the public to monitor TD’s work efficiency. We recommend that TD resume the practice of setting service standards in respect of road tests for non-commercial vehicles and state clearly the target of arranging a road test for candidate within certain number of days upon receiving an application for the test.

(II) ENHANCE ARRANGEMENTS FOR RECORDING ROAD TEST ASSESSMENTS

Provide Guidelines to DEs on Making Instant Remarks

9. Both TD and the Transport Tribunal have been handling more and more appeal and review cases in recent years. Currently, the handling procedures rely heavily on the instant remarks and records made by the DEs in the course of the road tests. Nevertheless, when we scrutinised the instant records made by various DEs during road tests, we noticed obvious differences in how the DEs had made the records and what

they had written down. We consider it imperative that TD promulgate guidelines on the making of instant remarks by DEs during road tests to enable DEs to record driving road test assessments more efficiently and more accurately by means of standardized criteria.

Installing Video Recording Equipment in Test Vehicles

10. At present, TD prohibits the installation of video recording equipment in test vehicles. As such, appeals and review requests can only be processed based on the reports written by DEs immediately after the road tests. Having examined the administrative arrangements for road tests in the Mainland and other regions, we found that video recording equipment are already being used in the Mainland and some other countries to record the course of road tests and candidates can request to review the recorded footages in order to file appeals. In some countries, electronic systems have already been or are going to be adopted to evaluate road test performance.

11. With the growing popularity of dashboard cameras as well as the rapid development and reliability of technology, installing video recording equipment in test vehicles is in line with the prevailing trend in society, and it actually has certain practical benefits. This Office opines that TD should seriously review its current practice of prohibiting video recording of road tests and consider whether introducing video recording systems or equipment specifically for road tests is adequate and reasonable. This arrangement would facilitate collection of data and video images during the tests by TD and the candidates and make it easier for DEs to explain their professional assessment of candidates' performance, as well as raise the Department's efficiency in handling candidates' appeals and requests for review. We agree that protecting personal privacy is of paramount importance. So, in addition to making video-recording arrangement, TD should also examine ways to properly manage and maintain the personal data contained in the footages. It should communicate with the stakeholders continuously and respond to their different concerns. We are pleased to note that TD has already conducted a feasibility study on the installation of video recording equipment in test vehicles. In the long run, the Department should further consider whether advanced technology (such as electronic assessment systems) should be employed to help DEs evaluate candidates' performance in driving tests.

(III) ENHANCE ARRANGEMENTS RELATING TO DRIVING TESTS

Extend Validity Period of Learner's Driving Licence and Driving Test Form

12. Recent years saw a growing demand for road tests and a lengthening waiting time for taking the tests. Currently, candidates usually have to wait around 7 to 8 months. The waiting had once been as long as about a year during the epidemic. Under such circumstances, it is not pragmatic for TD to set a validity period of 12 and 18 months respectively for the learner's driving licence and the driving test form. Candidates who have failed the road test and are allotted an end-of-list test appointment date for retest would probably have to apply for a learner's driving licence again because the original licence would have expired by then. Similarly, the driving test forms of candidates who have applied for postponing the road test may also have expired before the candidates can actually take the road tests, given the growing demand and the already long waiting time for the tests.

13. We are of the opinion that unless TD can, within a short period, reduce the waiting time for road tests to around 82 days, just as it had been ten years ago, otherwise, with the current long waiting time for the tests, the short validity period of the learner's driving licence and the driving test form would indirectly cost road test candidates more time and money. Besides, TD would also need to spend resources accordingly to handle applications for renewing the learner's driving licence and the driving test form. This would in effect increase its administrative cost. In this light, we recommend that TD review the validity period of the learner's driving licence and the driving test form.

Registration of Test Vehicles

14. Some candidates indicated that despite having arrived at the driving test centres on time, they still could not sit for the road test because their driving instructors, together with the test vehicles, failed to show up for the tests. Since private driving instructors can have a number of students simultaneously, they may have to shuttle between different driving test centres within a short period of time on the same day so that their students can use the vehicle for the driving tests scheduled for the day. At present, TD only requires the candidates to provide the registration numbers of the test vehicles and information about the driving instructors when they attend the road test. If the same test vehicle is found to have been registered for several road tests to be held at the same test session, only the first candidate who registers the vehicle would be allowed to sit for the test. The other candidates whose tests are scheduled for a later time would have to look for another eligible vehicle on the spot at once.

15. When candidates fail to sit for road tests because their test vehicles are engaged in road tests held at a similar time and cannot attend their road tests on time, it would not only affect the candidates (who would have to queue up for the road test again as a result), it would also waste the precious test sessions. We consider that the above situation can be avoided with administrative measures, such that test resources can be better utilised, different candidates would not register the same test vehicle for road tests scheduled for the same time slot, and those candidates given a later test slot would not miss the road test for not having a test vehicle, thereby wasting the test sessions.

“Venue Assistants” near Driving Test Centres

16. With respect to the “venue assistants” hired by the different Driving Instructors Associations, TD considered that they have not affected the road tests process and the Department has communicated with the relevant sector regarding the issue. Our observations found that the “venue assistants” had in fact rendered the candidates a lot of help in the course of the road tests. As TD confirmed that it had received complaints about some assistants asking for money at test venues, we consider that it should step up venue management at driving test centres and keep communicating with the driving instructor sector to help monitor the operations of “venue assistants” so as to ensure that the road tests are conducted in a fair and orderly manner.

Our Recommendations

17. In light of the comments above, The Ombudsman has the following recommendations to TD:

- (1) to proactively explore ways to further increase road test output through flexible manpower deployment. For instance, it can consider arranging for the DEs to work extra hours on Weekends;
- (2) to study proactively the feasibility of increasing road test output by designating more driving test centres at locations with lower traffic flows in various parts of Hong Kong (e.g. at locations farther away from the city centre or residential areas);

- (3) to conscientiously review the trial run of the “Direct Reporting Arrangement” at the four driving test centres;
- (4) if the above trial arrangement is positively received, TD should proactively examine the possibility of extending the Arrangement to other driving test centres;
- (5) to resume the practice of setting service standards and achievement targets in terms of waiting time for road tests for non-commercial vehicles;
- (6) to promulgate guidelines as soon as possible on the making of instant remarks by DEs during road tests;
- (7) to review its practice of prohibiting video recording of road tests;
- (8) if video recording is feasible upon review, TD should examine measures to protect personal privacy and communicate with the stakeholders continuously in the course of introducing video recording equipment specifically for road tests;
- (9) in the long run, to consider whether advanced technology (such as electronic assessment systems) should be employed to help DEs evaluate candidates’ performance in driving tests;
- (10) to seriously review the validity periods of the learner’s driving licence and driving test form;
- (11) to implement suitable measures as soon as possible to prevent the situation where more than one candidate registers the same test vehicle for their road tests during the same time slot because the private driving instructor has to provide his/her vehicle for use by several candidates under a tight road test schedule; and

(12) step up management at driving test centres and keep in constant communication with the driving instructor sector with respect to the monitoring the operations of their staff so as to ensure that road tests are conducted in a fair and orderly manner.

Office of The Ombudsman

September 2024

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I

INTRODUCTION

BACKGROUND

1.1 Driving a vehicle in the Hong Kong Special Administrative Region requires a valid driving licence, which is usually obtained by taking and passing a driving test administered by the Transport Department (“TD”).

1.2 In recent years, there is a growing public demand for driving tests and the average waiting time for the tests (especially road tests) is excessively long. The number of road test slots provided by TD is subject to a raft of factors, including the objective condition of the venues of the test centres, the traffic condition in the vicinity, the demand for road tests for different classes of vehicles, as well as the manpower of the TD, etc., resulting in an insufficient number of driving road tests to satisfy the public demand for years. Furthermore, driving test services had been suspended intermittently by TD between 2020 and 2022 in response to the Government’s anti-epidemic and social distancing measures during the COVID-19 outbreak. As a result, the waiting time for taking some of the popular driving test for non-commercial vehicles had once been as long as nearly a year¹.

1.3 Meanwhile, we have received public complaints and queries about TD’s decision of and justification for prohibiting video recording of road tests with the dashboard cameras in test vehicles. We also noticed a rising trend in the number of appeal cases relating to driving tests. Whether TD and the Transport Tribunal (“Tribunal”)² should accept video footages of the process of road tests as objective evidence when handling complaints and appeals relating to driving tests is also an issue worthy of extensive study.

¹ In November 2022, the waiting time for the Combined Test for public light buses had once been as long as 350 days.

² The Transport Tribunal is a committee established in accordance with section 17 of the Road Traffic Ordinance.

1.4 Against this background, The Ombudsman declared on 18 May 2023 to launch a direct investigation operation against TD pursuant to section 7(1)(a)(ii) of The Ombudsman Ordinance.

SCOPE OF INVESTIGATION

1.5 The scope of this direct investigation operation covers:

- administrative arrangements for and management of driving test services;
- feasibility of using technology for more objective record of road tests;
- evaluation and appeal mechanisms for road tests, as well as TD's investigation and follow-up in appeal cases; and
- other areas for improvement.

PROCESS OF INVESTIGATION

1.6 On 18 May 2023, we announced the launch of this direct investigation operation and invited public views on the subject.

1.7 On 18 July 2024, we issued a draft investigation report to TD for comments. Upon considering and duly incorporating its comments, we finalised this report on 2 September 2024.

2

DRIVING TEST SERVICES: AN OVERVIEW

2.1 The applications for and the assessment of driving tests, as well as the handling of appeals relating to the tests are processed by TD in accordance with the Road Traffic Ordinance (Cap. 374, “the Ordinance”) and its subsidiary legislation – the Road Traffic (Driving Licences) Regulations (Cap. 374B, “the Regulations”). In addition, TD has implemented administrative measures for driving test-related issues, such as scheduling of driving tests and Repeater Early Test Appointment Booking Service.

ELIGIBILITY FOR DRIVING TESTS

2.2 Applicants have to be physically fit to drive³. Those with physical disabilities must attend a driving ability assessment before applying for a driving test. Applicants for driving tests for non-commercial vehicles⁴ must be at least 18 years old; while those for driving tests for commercial vehicles (see **Note 4**) should be aged 21 or above. Applicants for driving tests for commercial vehicles must be either a holder of a valid full driving licence for private cars or light goods vehicles for at least one year⁵ immediately preceding their application, or have completed a probationary driving period for private cars or light goods vehicles of at least a year and are holders of a valid

³ The law prescribes that driving licence applicants must declare their status with respect to the diseases or physical disabilities specified in Schedule 1 to the Regulations or any other disease or physical disabilities such that public safety may be at jeopardy when they are driving a motor vehicle.

⁴ The current legislation makes no definitions for non-commercial vehicles and commercial vehicles. With respect to categorisation of driving licences, private cars, light goods vehicles, motor cycles and motor tricycles are considered “non-commercial vehicles”, while taxis, private light buses and public light buses, private buses, franchised buses, medium goods vehicles, heavy goods vehicles, articulated vehicles and special purpose vehicles are in general deemed “commercial vehicles”.

⁵ If the full driving licence is not obtained by completing the probationary driving periods.

full driving licence for private cars or light goods vehicles on the date of application. Besides, they should not breach the relevant road traffic legislation⁶ during the five years immediately preceding the application.

COMPOSITION AND REQUIREMENTS OF DRIVING TESTS FOR VARIOUS VEHICLE CLASSES

2.3 TD has established different arrangements and requirements for driving tests for different vehicle classes. For non-commercial vehicles, the driving test consists of three parts. Candidates must pass “Part A Test (Written Test)” on knowledge about road traffic regulations and driving safety awareness (“Part A Test”) before they would be arranged to sit for the “Part B Test (Competence Test)” (“Part B Test”) and “Part C Test (Road Test)” (“Part C Test”) to demonstrate their actual driving skills.

2.4 The Part B Test is mandatory for motor cycle learners. After passing the Part A Test, candidates are required to enrol on a mandatory motor cycle training course at a designated driving school⁷ and pass the Part B Test before being eligible to apply for the Part C Test either by themselves or via a designated driving school. Candidates for the driving test for private cars and light goods vehicles may apply on their own or via a designated driving school. They must first pass the Part A Test, then apply for the “Combined Test” (i.e. the Part B Test and the Part C Test taken in one go) in order to obtain a driving licence. Alternatively, candidates can, via a designated driving school, apply for taking the Part B Test and the Part C Test separately. Candidates who fail part of the Road Test have to apply for re-test for that part.

2.5 On the other hand, regarding commercial vehicles (see **Note 4**), the driving test for taxis only comprises a “written test for taxi drivers”. Candidates of driving tests for commercial vehicles other than taxis need not take the Part A Test again, but

⁶ Having committed and convicted of the crimes specified in the following sections of the Ordinance: section 36 (Causing death by dangerous driving), section 36A (Causing grievous bodily harm by dangerous driving), section 39 (Driving a motor vehicle under the influence of drink), section 39A (Driving, attempting to drive or being in charge of a motor vehicle with alcohol concentration above prescribed limit), section 39B (Screening breath tests), section 39C (Provision of specimens for alcohol analysis), section 39J (Driving motor vehicle without proper control under influence of specified illicit drug), section 39K (Driving motor vehicle with any concentration of specified illicit drug), section 39L (Driving motor vehicle without proper control under influence of drug other than specified illicit drug), section 39O(1) (Failure to undergo preliminary drug test), or section 39S (Failure to provide specimen of blood or urine).

⁷ Refer to **paragraph 2.12**.

are required to pass the “Competence Test” and the “Road Test” for that particular vehicle class. Furthermore, given that drivers of commercial vehicles would be driving heavy goods vehicles or passenger vehicles on the road for a long period of time, TD has stricter requirements for road test for the candidates for such licences, that is, they have to pass both the “Competence Test” and the “Road Test” for that particular class of vehicle in one go in order to obtain a pass.

APPLICATION PROCEDURES FOR DRIVING TESTS

Purchase a Driving Test Form

2.6 The Regulations stipulate that persons who apply for taking a driving test shall use the application form specified by the Commissioner for Transport (“Commissioner”), stating the class of vehicles for the driving test and providing the details about the Learner’s Driving Licence (“LD Licence”) or the provisional driving licence⁸ (if they already got one). Candidates can submit a driving test application in person or by agent over the counter at a TD Licensing Office (with advance booking available), or via the drop-in boxes at Licensing Offices, by post or online.

2.7 Candidates have to purchase a Driving Test Form⁹ every time they take a driving test. The Regulations state that on receipt of an application and the payment of the prescribed fee, the Commissioner shall issue to the applicant a driving test form in a specified form (i.e. the Driving Test Form)¹⁰, which is valid for 18 months. On the other hand, if a candidate fails to attend for the test at the specified time and test venue without notifying TD at least seven days in advance, or is absent for the test and it is not due to circumstances beyond his/her control, the Driving Test Form will cease to be valid. The current legislation does not empower the Commissioner to extend the validity period of the Driving Test Form.

⁸ Any person arriving in Hong Kong to take up residence who is the holder of a valid driver’s certificate or licence issued outside Hong Kong by a competent authority in any country or place not listed in the Fourth Schedule of the Regulations; and within 3 months after the date of his arrival in Hong Kong, makes an application for a driving test can apply for a temporary driving licence. The temporary driving licence is valid for 12 months from the date of expiry of the original driving licence or the date of the applicant’s arrival in Hong Kong, whichever is earlier.

⁹ The current fee is \$510.

¹⁰ If an applicant does not hold an LD Licence for the class of motor vehicle in respect of which the driving test is required, then, unless he holds a temporary driving licence for such class of motor vehicle, the Commissioner may refuse to issue to him a Driving Test Form.

2.8 Once a driving test application has been accepted, the TD computer system will allocate an end-of-list appointment date (so called “end-date”) available at that time for the Part A written test. On the day the candidate passes the written test, the computer system will assign a driving test centre in the preferred district (see **para. 2.11**) for the road test (currently either “Kowloon and New Territories” or “HK Island”) as indicated by the candidate in the Driving Test Form and the end-date at that time. End-date applications are processed in accordance with the waiting time at the time of application.

Apply for an LD Licence

2.9 Applicants learning to drive on the road must hold a valid LD Licence for the particular class of vehicle. An LD Licence is valid for 12 months and the current fee is HK\$548 per application. Under the Regulations, a person without a valid Driving Test Form is not eligible for the driving test. Nevertheless, the law does not require a driving test candidate to hold a valid LD Licence before he can apply for or take a driving test. In other words, driving test applicants need not apply for the driving test and an LD Licence in tandem; instead, they can apply for the driving test first, then for an LD Licence in due course in order to take up driving training, and vice versa. However, the above arrangement is not applicable to applicants for motor cycle driving tests or a motor cycle LD Licence.

2.10 The current legislation requires all candidates for the motor cycle driving test to complete a compulsory preparatory course for the Part B Test at a TD-designated driving school before sitting for the Part B Test (Competence Test) and the Part C Test (Road Test). Motor cycle learner drivers must complete training at a designated driving school and pass the compulsory Part B Test to ensure that they possess the basic skills to manoeuvre a motor cycle before they can apply for an LD Licence to start motor cycle driving practice on the road on their own.

Driving Test Centres

2.11 There are 17 driving test centres under TD scattered across the territory. Among these centres, 11 are designated for non-commercial vehicles road tests, 4 are designated for road tests for commercial vehicles, and the remaining two are dedicated to both types of road tests. Each test centre has multiple test routes for road tests for the same vehicle class. Each route takes a similar time to complete and covers all the

elements required in the road test. Currently, all test routes are specifically designed for conducting road tests of the corresponding vehicle class in order to test the candidates' driving competency. The test route is chosen by the Driving Examiner ("DE") in random. Candidates cannot choose the DE or the test route so as to ensure fairness in driving tests.

Designated Driving Schools

2.12 The Government adopts a "two-pronged approach" in respect of driving training. Designated driving schools are established to encourage the provision of off-street driving lessons, while maintaining a sufficient supply of private driving instructors for providing on-street driving trainings. According to section 88K of the Ordinance, the Commissioner may designate any place as a driving school and impose any condition relating to that designation as he thinks fit. At present, there are four government-designated driving schools, respectively located in Sha Tin, Yuen Long, Ap Lei Chau and Kwun Tong.

Driving Training Vehicles

2.13 Section 30(3) of the Regulations prescribes that a learner driver shall not drive a vehicle unless (1) the vehicle has a braking system readily accessible to the driving instructor or an effective braking system of remote braking control which is under the driving instructor's manual control (applicable to designated driving schools); and (2) an "L-plate" (indicating "learner driver under instruction") prescribed by the law. In addition, section 32(4) of the Regulations clearly states that a person who wishes to undergo a driving test shall provide at his own expense for the driving test a motor vehicle which conforms to any TD requirement specified for a test vehicle.

DETAILS OF DRIVING TEST SERVICES

Driving Test Scheduling

2.14 According to the TD current requirements, for the sake of fairness, driving test candidates (including repeaters¹¹) are normally allotted an end-date on the waiting

¹¹ Repeaters are those who fail all parts or certain part(s) of a road test. TD pointed out that candidates need not state whether they are repeaters or not when applying for a driving test. Currently, such statement on the candidate's status is mainly used in applications for Repeater Early Test Appointment Booking Service (see paras. 2.25 to 2.26).

list. The waiting time depends on the number of applications for driving tests. The Driving Test Appointment Office under TD is responsible for scheduling driving tests, including allocating test dates for candidates, issuing test appointment letters and handling administrative tasks such as test rescheduling or cancellations.

2.15 Designated driving schools, in addition to providing driving training services, also take up part of the driving test scheduling work. They allocate end-dates for driving tests to candidates in accordance with TD's principles for scheduling driving test, and will handle only type 1 and type 3 test postponement applications (see **para. 2.23**). Type 2 applications for test postponement will be referred to TD for follow-up.

Performance Pledge for Driving Tests

2.16 TD has currently laid down the following four performance pledges regarding driving tests:

- (1) conducting road test within 82 days of receiving an application for driving licence for light bus, bus, medium goods vehicle and heavy goods vehicle and articulated vehicle;
- (2) conducting written test within 45 days upon receipt of application for LD Licence;
- (3) conducting written test within 60 days upon receipt of application for taxi driving licence; and
- (4) announcing written test result within 15 minutes of test completion.

2.17 Prior to 2016, TD had pledged to conduct road test within 82 days of receiving an application for driving licence for non-commercial vehicles (hereafter referred to as "pledge for non-commercial vehicles road test") and set down a 95% achievement target, which TD had been able to meet between 2008 and 2010. Nevertheless, an acute increase in applications for non-commercial vehicle driving tests since 2010 had rendered TD unable to meet the target since 2011. In 2011, the achievement rate of the "pledge for non-commercial vehicles road test" plummeted to 48%. As TD's manpower increment continued to be outpaced by the growing number of applications for road tests, the achievement rate of the "pledge for non-commercial vehicles road test" fell further to just 29% in 2013. At that time, TD anticipated a low

target achievement rate in view of the sustained increase in demand for non-commercial vehicle driving tests as opposed to its capacity for providing driving tests, which is limited by the number of test centres. Since the number of applications for driving tests was beyond its control but the supply of driving test services was limited, TD decided upon review to abolish the performance pledge and stop projecting the achievement rate in 2016. Instead, its service performance for the year would be reflected by the actual number of driving tests arranged.

Waiting Time for Driving Tests

2.18 According to statistics from TD, the number of driving test applications increased by 73% between 2012 and 2021. The outbreak of COVID-19 epidemic in 2020 directly impacted on TD's driving test services between 2020 and 2022, resulting in a huge backlog of driving test cases. During that period, driving test services (including both written tests and road tests) had been suspended intermittently by TD six times¹² in response to the Government's social distancing measures. Upon each resumption of service, TD had to arrange make-up tests for the affected candidates first, while new applications could only be submitted after resumption of scheduling services. The number of applications for written tests and road tests was also affected and the waiting time for all kinds of driving tests significantly increased between 2020 and 2022.

2.19 If we compare the pre-epidemic average waiting time in 2019 with the waiting time at the peak of the epidemic (i.e. in 2022) (see **Table 1**), we can see that the average waiting time for road tests for non-commercial vehicles such as private cars, light goods vehicles and motor cycles had increased by about 32%, 32% and 4% respectively; while that for commercial vehicles¹³ had increased by about 46%.

¹² During the outbreak of COVID-19, TD's driving test services (including both written tests and road tests) had been suspended between 29 January 2020 and 4 February; 10 February and 1 March; 23 March and 3 May; 29 July and 6 September; 2 December and 21 February 2021; and 27 January 2022 and 18 April 2022.

¹³ Including medium trucks, heavy trucks, public/private mini buses, public/private buses and articulated vehicles.

Table 1 : Average waiting time for road tests for various vehicle classes in the past 12 years

Year	Private Cars (Combined Test)	Light Goods Vehicles (Combined Test)	Motor Cycles (Part C Test)	Commercial Vehicles (Note 13) Road Test
2012	136	138	125	77
2013	179	184	122	60
2014	185	194	128	62
2015	204	216	138	64
2016	230	238	156	55
2017	237	239	197	60
2018	237	253	244	61
2019	256	261	236	61
2020	182	189	153	50
2021	268	272	210	84
2022	338	344	245	89
2023	321	325	220	78
Percentage increase in 2022 over 2019	32%	32%	4%	46%

2.20 At present, the waiting time for driving tests has dropped from the peak, with the waiting time for road tests for private cars, light goods vehicles and motor cycles being the longest and candidates need to wait about 7 to 8 months for the tests. As at 15 August 2024, the longest waiting time for road tests for non-commercial vehicles (including private cars, light goods vehicles, motor cycles and motor tricycles) at various driving test centres varies between 130 and 213 days.

Supply and Demand for Driving Tests

Table 2 : No. of written tests applied for and conducted in the past 12 years

Year	Non-commercial vehicles ¹⁴ Part A Written Test		Taxis Written Test	
	No. of applications for written test	No. of written tests conducted ¹⁵	No. of applications for written test	No. of written tests conducted ¹⁵
2012	57,162	55,059	10,406	7,735
2013	62,534	59,665	9,982	7,506
2014	67,881	65,286	9,490	7,402
2015	70,339	67,823	11,439	8,988
2016	69,684	66,704	11,666	9,260
2017	67,335	64,382	11,315	9,115
2018	66,627	64,147	11,196	8,997
2019	65,120	62,346	12,388	9,967
2020	76,829	43,695	11,599	4,812
2021	123,334	100,195	13,903	10,189
2022	68,850	57,777	10,694	7,654
2023	55,121	52,654	14,052	11,398
Percentage increase in 2023 over 2012	-4%	-4%	35%	47%

¹⁴ Including private cars, light goods vehicles, motor cycles and motor tricycles.

¹⁵ Excluding cases in which the written tests were cancelled because of inclement weather (such as the Tropical Cyclone Warning Signal No.8 or above was hoisted or a Black Rainstorm Warning Signal was issued), and when the candidates were absent from the written tests.

Table 3A: No. of driving tests (road tests) for non-commercial vehicles applied for and conducted in the past 12 years

Year	Road test for non-commercial vehicles (see Note 14)				
	No. of applications for road test ¹⁶	No. of road tests arranged	No. of road tests conducted (%)	No. of road tests with candidate absent (%)	No. of road tests not conducted ¹⁷ (%)
2012	101,721	95,749	87,449 (86%)	6,561 (6%)	1,739 (2%)
2013	118,165	112,441	101,080 (86%)	8,714 (7%)	2,647 (2%)
2014	135,976	142,117	126,786 (93%)	12,721 (9%)	2,610 (2%)
2015	151,117	152,589	136,369 (90%)	13,958 (9%)	2,262 (1%)
2016	146,294	155,655	138,243 (94%)	12,211 (8%)	5,201 (4%)
2017	151,194	154,059	138,783 (92%)	11,653 (8%)	3,623 (2%)
2018	147,693	152,308	138,030 (93%)	11,142 (8%)	3,136 (2%)
2019	149,775	148,450	134,352 (90%)	10,673 (7%)	3,425 (2%)
2020	128,419	119,274 ¹⁸	103,949 (81%)	11,664 (9%)	3,661 (3%)
2021	176,166	158,387 ¹⁸	141,717 (80%)	11,713 (7%)	4,957 (3%)
2022	133,401	141,646 ¹⁸	121,511 (91%)	14,610 (11%)	5,525 (4%)
2023	131,857	156,814	138,048 (105%)	12,294 (9%)	6,472 (5%)
Percentage increase in 2023 over 2012	30%	64%	58%	87%	272%

¹⁶ The number of road test applications is equal to the total number of driving test applications minus the number of written tests in which the candidates have failed.

¹⁷ Including cases in which the road test was cancelled because of rain (applicable only to motor cycles) or inclement weather (e.g. the Tropical Cyclone Warning Signal No.8 or above was hoisted or a Black Rainstorm Warning Signal was issued); or cases in which the candidate had shown up for the test, which was subsequently cancelled due to special circumstances (e.g. a traffic accident not caused by the candidate took place after the road test had begun).

¹⁸ Excluding the number of road tests already scheduled for the periods when driving test services were suspended because of the COVID-19 epidemic.

Table 3B: No. of driving tests (road tests) for commercial vehicles applied for and conducted in the past 12 years

Year	Road test for commercial vehicles (see Note 13)				
	No. of applications for road test	No. of road tests arranged	No. of road tests conducted (%)	No. of road tests with candidate absent (%)	No. of road tests not conducted ¹⁹ (%)
2012	14,056	13,666	12,468 (89%)	1,160 (8%)	38 (0%)
2013	14,990	15,865	14,398 (96%)	1,334 (9%)	133 (1%)
2014	14,917	14,285	13,120 (88%)	1,125 (8%)	40 (0%)
2015	15,955	16,318	14,881 (93%)	1,420 (9%)	17 (0%)
2016	13,727	14,975	13,497 (98%)	1,334 (10%)	144 (1%)
2017	13,878	14,007	12,755 (92%)	1,184 (9%)	68 (0%)
2018	14,691	14,385	12,968 (88%)	1,335 (9%)	82 (1%)
2019	16,313	17,196	15,412 (94%)	1,677 (10%)	107 (1%)
2020	10,800	9,032 ¹⁸	7,619 (71%)	1,322 (12%)	91 (1%)
2021	18,269	17,849 ¹⁸	15,484 (85%)	2,201 (12%)	164 (1%)
2022	15,472	16,331 ¹⁸	13,957 (90%)	2,294 (15%)	80 (1%)
2023	17,803	19,788	17,328 (97%)	2,127 (12%)	333 (2%)
Percentage increase in 2023 over 2012	27%	45%	39%	83%	776%

¹⁹ Including cases in which the road test was cancelled because of inclement weather (e.g. the Tropical Cyclone Warning Signal No.8 or above was hoisted or a Black Rainstorm Warning Signal was issued); or cases in which the candidate had shown up for the test, which was subsequently cancelled due to special circumstances (e.g. a traffic accident not caused by the candidate took place after the road test had begun).

Table 4: No. of DEs hired by TD in the past 12 years

Year	Actual no. of DEs ²⁰
2012	55
2013	55
2014	65
2015	73
2016	70
2017	67
2018	71
2019	69
2020	79
2021	85
2022	81
2023	84
Percentage increase in 2023 over 2012	53%

2.21 **Tables 2, 3A and 3B** above reflect a persistently keen demand for driving tests (including both written tests and road tests) by members of the public. Comparing the number of applications for driving tests for non-commercial vehicles and commercial vehicles in 2023 and 2012, the figures show that, except for a slight decrease in the number of applications for written tests for non-commercial vehicles, the number of applications for written tests for taxis, road tests for non-commercial vehicles and road tests for commercial vehicles have increased by 35%, 30% and 27% respectively. During the same period, TD had increased the output of the above driving tests respectively by 47% (written tests for taxis), 64% (road tests for non-commercial vehicles) and 45% (road tests for commercial vehicles). Besides, **Table 4** shows that the number of DEs hired by TD had increased by 53% between 2012 and 2023.

²⁰ In addition to evaluating candidates' performance in road tests, DEs are also responsible for other duties including assessing the driving competency of those with physical disabilities, handling complaints and enquiries, organising induction or refresher courses for driving instructors, providing support services for driving tests, inspecting designated driving schools and monitoring the performance of DEs who provide training to private driving instructors.

2.22 To handle cases of candidates affected by the COVID-19 epidemic, TD indicated that it had, in the wake of the epidemic, made use of electronic technology and arranged for DEs to work extra hours in a bid to increase road test capacity where feasible. Since the peak of the epidemic, the average waiting time for road tests has shrunk: that for non-commercial vehicles has reduced from between 245 and 344 days in 2022 (see **Table 1**) to between 130 and 213 days in mid-August 2024 (see **para.2.20**). Meanwhile, TD had filled the manpower gap and maintained manpower level by recruiting more DEs and extending the employment period of retiring DEs. In the long run, the Department would identify more suitable locations to set up driving test centres across Hong Kong so as to further increase road test capacity.

Application for Postponing Driving Test

2.23 TD would accept applications for postponing the driving test by candidates under three circumstances: (1) the application is submitted at least 7 clear days before the original test date; (2) the candidate was absent from the test due to circumstances beyond his/her control, and (3) the test could not be conducted as scheduled due to inclement weather, or, the candidate has arrived at the test venue on time and completed registration, but the DE concerned could not complete the test due to special reason(s).

2.24 Designated driving schools will assist TD with the administrative work relating to the postponement of driving tests under the circumstances (1) and (3) aforementioned. Absence from a driving test due to circumstance (2) (such as absence on medical grounds) will be referred by a designated driving school to TD for follow-up action.

Repeater Early Test Appointment Booking Services

2.25 In order to fully utilise the test slots vacated by candidates who have applied to postpone or temporary cancel their road tests, TD provides “Repeater Early Test Appointment Booking Services (“RETAS”) which, through ballot-drawing, allots such vacated test slots (so called “early test appointments”) to candidates who have failed the road test and applied for re-test. Candidates who have failed certain or all parts of the road test can, via the RETAS, register online or by phone to participate in the ballot-drawing for an early test appointment. Ballot winners are required to select a test slot during a specific period on the day of the balloting, but are not allowed to choose among the test centres. Early test appointments are non-transferrable, and repeaters are required to register in real name.

2.26 Designated driving schools adopt a different approach from TD regarding the repeater early test appointment applications. Instead of drawing ballots, the schools would follow the sequence of enrolment by learner drivers on their refresher course and contact them one by one accordingly to arrange the early test appointments on a first-come, first-served basis. Candidates who do not wish to accept the early test appointment allotted by the schools can book an “end-date” as per the standard procedure.

2.27 TD said that since the availability of “early test appointments” is subject to the actual number of applications for test postponement. The supply is limited and varies from day to day. The RETAS is supplementary in nature and aims to provide an alternative to “end-dates”. As such, “early test appointments” cannot satisfy the needs of the majority of repeater candidates, who generally still have to apply for an “end-date” to re-take the road test.

3

DRIVING TEST ASSESSMENTS AND APPEALS HANDLING

MEASURES TO ENSURE FAIRNESS AND INTEGRITY OF DRIVING TESTS

3.1 TD stated that, to ensure fairness, efficiency and integrity of road tests, its staff members are randomly assigned to the various driving test centres across the territory through computer balloting to discharge road test duties. There are currently 17 driving test centres in Hong Kong.

3.2 Prior to mid-June 2024, TD adopted the “Duty Reporting Arrangement” at all driving test centres. DEs and Driving Tests Centre Officers (“DTC Officers”) were required to report for duty at the TD Headquarters in Ho Man Tin every morning for computer balloting first, then proceeded to the various driving test centres thus assigned to discharge their road test duties. Details of the Arrangement are as follows:

- i. on every working day, DEs and DTC Officers shall report for duty at the TD Headquarters in Ho Man Tin by 8 am. DEs shall put on uniforms and obtain a personal tablet computer;
- ii. at 8 am, a senior DE or a DE I and the DTC Officer shall hold a 5-minute morning briefing to alert duty DEs of the urgent matters relating to the tests that day, and other special news or temporary measures relating to test venues or test routes;
- iii. at 8:05 am, a non-DE grade officer of TD would conduct computer balloting to determine manpower deployment (including DEs and DTC Officers) to the various test centres;
- iv. at 8:10, DEs and DTC Officers will proceed to the various test centres after obtaining their duty supplies;

- v. between 8:35 and 9:15 am, DEs and DTC Officers arrive at the various test centres. Before the road tests commence, the DTC Officer would draw ballots by computer to determine the DEs' order of duty.

3.3 In 2019, TD reviewed whether the “Duty Reporting Arrangement” for DEs and DTC Officers could be enhanced to become a “Direct Reporting Arrangement”, under which instant communication software would be used to inform DEs of the balloting results, so that they could proceed directly to the driving test centres assigned to discharge duties. Upon review, TD estimated that the “Direct Reporting Arrangement” could accommodate an additional 5,500 road tests for non-commercial vehicles²¹ each year, while reducing the waiting time for the Combined Test for private cars and light goods vehicles and that for the road test for motor cycles by half a month and one month respectively²². Nevertheless, TD concluded that the “Direct Reporting Arrangement” would adversely affect the operation of road tests, the duty arrangement of DEs and the traffic loading in the vicinity of the test centres. Consequently, TD did not replace the “Duty Reporting Arrangement” with the “Direct Reporting Arrangement” at that time.

3.4 We conducted a preliminary inquiry for this direct investigation operation in October 2022 and declared to the public the launch of the direct investigation operation in May 2023. Subsequently, in December 2023, TD completed another review of the “Duty Reporting Arrangement”, taking into consideration factors such as the operational needs of test venues, traffic conditions, actual arrangements and staff feedback, etc. TD then concluded that four of the driving test centres for non-commercial vehicles²³ can conditionally allow DEs and DTC Officers to report for duty at the centres directly. Trial runs have begun in mid-June 2024.

²¹ The estimation was based on the assumption that the “Direct Reporting Arrangement” is being implemented at all driving test centres for conducting road tests for private cars/light goods vehicles (Combined Tests and Part C Tests), without taking into consideration that the probable operational problems may affect the effectiveness of the Arrangement, including that its staff members still need to go to the TD Office on Pui Ching Road (i.e. the TD Headquarters in Ho Man Tin) to pick up a motor cycle for conducting the Part C Test for motor cycles at other test centres, the replacement arrangement in case staff members are absent on medical or personal grounds, and the impact on local traffic conditions, etc.

²² According to the estimation in the 2019 review.

²³ They are namely the Pui Ching Road Driving Test Centre, the Chung Yee Street Driving Test Centre in Ho Man Tin, and the test centres in the Kwun Tong district: the Yau Tong Driving Test Centre and the Driving Test Centre in New Kwun Tong Driving School.

3.5 Specifically, TD will draw ballots for DEs and DTC Officers by computer on the working day before the road tests. Those assigned to the four driving test centres trial-running the “Direct Reporting Arrangement” will receive details about the assigned centre one working day ahead, and should proceed to the test centre directly on the day of the test. Those assigned to the other test centres should follow the “Duty Reporting Arrangement” and report for duty at the TD Headquarters in Ho Man Tin first on the test day, then head for the test centre assigned upon knowing the ballot-drawing results.

3.6 TD pointed out that the “Duty Reporting Arrangement” can prevent DEs from knowing the test venue prior to a driving test, thereby ensuring the fairness, equity and integrity of driving tests.

ARRANGEMENTS FOR RECORDING ASSESSMENTS

3.7 The law stipulates that if a driving test candidate can satisfy a DE that he/she is able to meet the statutory requirements of a driving test, he/she would be considered to have passed the test. The statutory requirements for road tests are set out in the Eighth Schedule to the Regulations (applicable to driving tests for vehicle classes other than the motor cycles) and the Eleventh Schedule (applicable to motor cycle driving test).

3.8 TD also pointed out that DEs conduct driving tests and evaluate candidates’ competency in accordance with the Ordinance, the Regulations, the Road Users’ Code drawn up by TD for road users and the Guide to Driving Test devised for candidates, as well as other relevant requirements. The Department provides training to DEs in accordance with the relevant documents to ensure that consistent evaluation criteria are adopted for driving tests.

3.9 With respect to road tests, in addition to ticking the appropriate boxes to indicate mistakes made by candidates during the test, DEs also make instant remarks about serious mistakes (see **para. 3.10**) separately to record where and how the mistakes took place when evaluating a candidate’s performance. They would provide a copy of the Driving Test Form to the candidate upon completion of the road test.

3.10 Mistakes made by candidates during road tests are categorised into minor mistakes and serious mistakes. Minor mistakes are slight technical errors that would

not endanger other road users or even cause inconvenience to them. They will not lead to failure in the test and DEs do not make remarks about them. Serious mistakes include those that would cause immediate or direct danger, or a candidate's driving technique or basic control not being up to the stipulated standard of TD. During road tests, candidates who made one or more serious mistakes would be assessed as having failed the test; while candidates who made the same minor error three times or more would also be considered to have flunked the test.

3.11 TD's information shows that each DE handles about 2,500 road tests a year on average (more than 10 road tests per day). DEs are responsible for driving test evaluation and making remarks on candidates' performance during the tests on the Driving Test Form, which contains only basic information of the candidate, but not the number of driving tests he/she has taken in the past, the results and complaint record, etc. DEs make independent evaluation and judgement based on a candidate's extempore performance and the road condition during the test.

3.12 On the other hand, in order to help candidates understand the road test requirements, TD has drawn up the Guide to Driving Test for distribution to candidates when they enrol at a designated driving school ("driving school candidates") or after they pass the written test ("non-driving school candidates"). The Guide can also be downloaded from the TD website. The driving skills required of candidates and the DEs' evaluation methods are set out concisely in the Guide.

3.13 Regarding explanations on the content of road test evaluation, TD indicated that DEs would not debrief candidates on their performance after the road test to avoid unnecessary argument on the spot. Furthermore, road tests are conducted at the scheduled time with hardly any intervals in between. Discussing road test assessment with candidates, therefore, would affect the flow of the tests and drag down the overall efficiency of driving test services. Candidates can ring up the TD hotline to lodge enquiries or complaints about road test results.

APPEAL MECHANISM

3.14 Candidates not satisfied with their road test results can appeal to TD or the Transport Tribunal²⁴ ("Tribunal") to request a review.

²⁴ Refer to **paragraph 3.18** for details about the Tribunal.

Appeals to TD

3.15 The appeal would first be handled by DE I who are responsible for handling appeals. They will carry out inquiries and inform the candidate concerned of the result upon completion of the inquiries. If the candidate is still dissatisfied, the case would be referred to a senior DE for review. The senior DE would meet with the candidate and hear his/her justification for review, then inform him/her of the review result in writing.

3.16 In general, if the appellant requests a written reply, TD will ask the DE in question to provide within 3 working days a detailed report on the reasons for failing the candidate and a response to the allegation(s) depending on the case circumstances and on a need basis. Subject to circumstances, the DE I who handles the appeals will decide whether an interview and a site inspection with the DE concerned are warranted, and will reply to the candidate in no later than 21 working days. If the candidate requests a review of the road test result by a senior DE, the senior DE will also ask the DE concerned to provide a detailed report and respond to the candidate's allegation(s).

Appeals to Tribunal

3.17 Pursuant to section 45 of the Regulations, if a candidate is still dissatisfied with the senior DE's review result, he/she can request a review of the driving test result by the Tribunal within 14 days of being notified of the review result. According to that same section of the Regulations, a candidate can also request for a review by the Tribunal direct upon receipt of the driving test result.

3.18 The Tribunal, a statutory body set up under section 17 of the Ordinance, is comprised of professionals in the community and independent of TD. Its chairman and panel members are public figures appointed by the Secretary for Transport and Logistics. The Tribunal will conduct a hearing on the review case and invite the driving test candidate and TD's representatives (including the DE) to attend. The law prescribes that the practice and procedure of or in relation to the proceedings before the Tribunal are to be determined by the chairman of the Tribunal. Besides, the Tribunal shall consider all evidence it collects and considers to be relevant to the case when conducting a review. In recent years, the number of complaints handled by TD and the Tribunal about the reviews on driving tests results has been on the rise (see **Table 5**).

Table 5 : No. of review and appeals in relation to driving tests handled by TD and the Tribunal

Year	Reviews and appeal cases handled by the authorities	
	Appeals handled by TD (include only requests by candidates relating to driving test results)	Reviews handled by Tribunal (include only requests by candidates relating to driving test results)
2017	192	5
2018	205	4
2019	235	10
2020	201	8
2021	290	12
2022	314	8
2023	380	21

Prohibition on video-recording

3.19 In order to protect the privacy of candidates and DEs, and in view of the absence of uniform standards on the installation, filming and data retention formats, TD at present does not permit video recording during road tests. Since test vehicles are primarily supplied by private driving instructors or the designated driving schools, the Department indicated that it has ensured that the driving instructor sector is aware of the relevant arrangement. In addition, relevant notices have been displayed at the various driving test centres to inform candidates. If a candidate requests to have the road test recorded, the DE will explain in detail and request that all video recording devices are turned off before commencement of the road test.

3.20 Currently, the law stipulates that when conducting a review, the Tribunal has to consider all evidence it collects and considers to be relevant to the case. TD points out that, even if the footage was not recorded with TD's consent, if a candidate provides a video footage of the driving test in question when he/she makes an appeal, the Tribunal shall decide its admissibility as evidence relevant to the appeal.

Feasibility Study on Video-Recording Road Tests

3.21 On the other hand, in response to our inquiry in late 2022, TD pointed out that it had conducted a feasibility study in 2017 regarding the video recording of road

tests in light of the growing popularity of dashboard cameras. Upon assessment of the study results, it opined that more thorough consideration was necessary.

3.22 Specifically, TD's findings revealed that, technically, the filming should cover both the inside of the vehicle and the surrounding road conditions outside so as to faithfully capture the candidate's reactions to what happens on and around the road during the tests. Nevertheless, onboard filming devices have rather serious limitations in this aspect. For example, the design of the video system renders it virtually impossible to capture in entirety the traffic conditions, the road signs and the pedestrians around the vehicle, or the candidate's hand-foot coordination in controlling the vehicle. With the limitations of applying related technology, installing filming equipment on test vehicles may not yield the expected benefits, but may instead exert unnecessary pressure on candidates and affect their performance. There are also other factors to consider, including the fact that test vehicles are private vehicles of varying models and sizes provided by driving instructors or designated driving schools. Whether there exists a video-recording device that suits each vehicle model and meets the standardised configurations is yet to be examined. Besides, if driving instructors are required to install the specific video-recording devices onboard, issues about installation, repair and maintenance of the devices also call for careful study. In addition, TD had consulted the driving instructor associations at that time and more than 80% of the member instructors objected to the arrangement. Lastly, TD must also handle issues about personal data protection principles and related legal liabilities under the Personal Data (Privacy) Ordinance.

3.23 Although TD recommended against filming during road tests in view of the technical and operational issues involved, the lack of consensus within the industry, as well as other complications such as privacy and legal issues, it had also indicated to us towards the end of 2022 that it had already launched another feasibility study on video-recording during road tests and examined the related factors of consideration, including technical requirements, personal privacy protection, legal liabilities relating to the filming devices and the footages captured, as well as the cost incurred, etc.

3.24 In 2022 and 2024, TD engaged consultants to conduct feasibility studies and carried out internal assessments and tests on its own respectively regarding the proposal to film and record the process of road tests. The consultants' studies and TD's internal tests rendered the following preliminary observations:

- (1) having scrutinised the experience of the Mainland and some overseas regions, the consultants found that quite a number of countries or

jurisdictions which allow video-recording during road tests (see those listed in **paras. 3.36 – 3.40**) are using test vehicles and equipment owned by official agencies or designated driving schools. To further enhance efficiency, some countries (such as the Mainland and Malaysia) have even purpose-built test centres for conducting electronic driving tests. Such arrangements are different from the practice in Hong Kong where the test vehicles are owned by either private driving instructors or designated driving schools. TD considered it necessary to carefully assess the feasibility of such arrangements in Hong Kong, particularly from the perspective of government resources.

- (2) TD had used internal resources to arrange filming of road tests in order to analyse the effectiveness of different devices and set-ups. In the process, TD noticed that the number and positioning of video-recording devices would directly affect the efficacy of post-test reviews. However, test vehicles are now privately-owned, and TD has not specified a certain model of vehicles for the driving tests. Consequently, more time is needed for TD to draw up the relevant technical requirements; and
- (3) TD needs more time to communicate with stakeholders on the technical, privacy and legal aspects for consensus on a feasible plan.

3.25 Given the complexity of the issue, TD considers it imperative to carefully examine the feasibility of video-recording driving tests in Hong Kong. Relevant studies are still on-going.

DRIVING TEST APPEAL CASES

3.26 In the seven years between 2017 and 2023, TD had handled in total 1,817 appeal cases relating to driving tests, among which 13 were successful, meaning a 0.71% success rate of appeal against road test results during those seven years. In the process of investigating an appeal, if TD identifies procedural inadequacies on the part of DEs in conducting a test (such as failure to conduct the test properly or incorrect record, etc.), or evidence of wrong or obviously questionable judgement that may have implications on the result of the road test, the Department may consider a re-test for the candidate concerned or amend the test result.

Table 6: No. of driving test appeals screened in by TD between 2017 and 2023

Year	No. of cases screened-in	No. of successful appeals (%)
2017	192	0 (0%)
2018	205	1 (0.49%)
2019	235	1 (0.43%)
2020	201	2 (1.0%)
2021	290	2 (0.69%)
2022	314	2 (0.64%)
2023	380	5 (1.31%)
Total	1,871	13 (0.71%)

3.27 Having examined the information of the 13 successful appeal cases between 2017 and 2023 provided by TD at our request, we have the following observations.

(I) Reasons for successful driving test appeals

3.28 The reasons for those 13 cases of successful appeals against driving test results can be categorised as below:

Table 7: Successful driving test appeals between 2017 and 2023

Reason for successful driving test appeal	No. of cases
(a) Road test not properly conducted	3
(b) Incorrect test result recorded by DEs	5
(c) Tribunal overturned evaluation result upon review	2
(d) Others ²⁵	3
Total	13

²⁵ Among the three appeal cases, two involved free re-tests arranged for the candidates concerned because TD could not ascertain whether the candidate's performance in the test and the DE's evaluation had been affected by the construction works near the test venue. In the remaining case, the candidate claimed he/she felt aggrieved because of the problems with the test venue. TD, upon investigation, overturned the test result and directly ruled that the candidate had passed the test. See details in paragraph 3.31.

3.29 This Office noticed that 8 of the 13 appeal cases were successful owing to errors made by the DEs' (including road test not properly conducted and incorrect test results recorded). TD indicated that the DEs concerned had been reminded of their job requirements and given the required training to avoid recurrence of similar incidents.

3.30 Two of the successful appeal cases were heard by the Tribunal, which subsequently overturned the test results. In those two cases, the Tribunal, having examined the justifications of the candidates and TD, accepted the former's evidence and ruled in their favour.

3.31 As for the other three cases, two involved construction works somewhere near the test venues and TD could not ascertain whether the test vehicles had thus been affected. In the remaining case, TD opined that the uneven surface of the test venue might have affected the candidate's performance during the test. According to TD's case records, there was no concrete evidence of incorrect evaluation by the DEs concerned in those three cases. However, TD, after examining the cases, decided to amend the candidates' test results or arrange a free re-test for the candidate involved.

(II) Basis for Handling Driving Test Appeals

3.32 Since driving test result directly affects whether a driving licence would be issued and the safety of all road users is at stake, the Tribunal must be extremely cautious in handling appeal cases relating to driving tests. In this light, the Tribunal had, in the ruling of one appeal case, indicated that "only when the candidate applying for an appeal can provide sufficient and persuasive evidence will the Tribunal overturn the decision of the Commissioner. Conversely, the Tribunal will uphold the Commissioner's decision in order to protect the safety of all road users". While scrutinising the records of appeal cases handled by the Tribunal, this Office noticed that some panel members of the Tribunal considered that the evidence given by DEs should be accorded bigger weight because it is based on the DEs' instant record of the driving tests. As such, unless the case circumstances are not inherently improbable and there is no objective evidence to the contrary, the Tribunal should accept the DEs' evidence.

3.33 We noticed that in handling road test appeals, TD relied heavily on the instant remarks made by the DEs after the road tests. TD is of the view that the DE's report, based on the remarks made immediately after a road test, forms an effective and apparent basis for appeal handling.

(III) Records Made by DEs

3.34 While TD has provided guidelines to DEs on conducting evaluation of a candidate's performance in a driving test (see **para. 3.8**), the guidelines do not cover all the details DEs have to heed when making instant evaluation remarks in respect of road tests. “Instant remarks” are details about the mistakes a candidate has made during a road test recorded by a DE on the Driving Test Form. They may include the location of the mistakes, the vehicles involved, the instant action or reaction of the candidates, as well as the road conditions at that time, etc.

3.35 Having scrutinised the information on appeal cases provided by TD, we noticed that DEs would make “instant remarks” on items under “serious mistakes”. As for the items under “minor errors”, since a single minor error would not result in failure in the road test, DEs would only make “instant remarks” when the candidates have made the same error three times or more, thereby constituting one serious mistake. Furthermore, the content of the instant remarks made by DEs would differ depending on the circumstances when the serious mistakes were committed. A handful of DEs would also use drawings in addition to words to show the lanes and vehicles on the road section at that time to illustrate in detail how the candidate had made the mistake. Most DEs mainly used words to record candidates' mistakes, while some would use abbreviations and codes.

ARRANGEMENTS FOR VIDEO-RECORDING ROAD TESTS AND HANDLING APPEALS IN MAINLAND AND OTHER REGIONS

3.36 The Traffic Management Bureau of the Ministry of Public Security of the People's Republic of China has established regulations concerning the management of driving tests²⁶, which specify that Vehicle Management Offices²⁷ providing test services shall record and film the entire examination process, and monitor the test process in real time. Examiners are required to use law enforcement recorders throughout the test. Additionally, the Vehicle Management Offices shall broadcast test videos live to the

²⁶ Order of the Ministry of Public Security of the People's Republic of China No. 162 – “Regulations on the Application and Use of Motor Vehicle Driver's License”.

²⁷ The Vehicle Management Offices, which is under the Ministry of Public Security, handle matters in relation to the instruction, monitoring, supervision and administration of the motor vehicle driving business, including matters relating to driving tests, in accordance with the laws.

public in the waiting area of test venues and service halls. Candidates can check their test video materials within three days after the test. According to online information, candidates having queries about test results or test arrangements after completing the driving tests may file a complaint to the authorities.

3.37 The Ministry of Public Security and the Ministry of Transport of the Mainland had also issued guidelines²⁸ in as early as 2015 regarding the driving test system, requiring that the electronic driving test evaluation system be applied in all test items²⁹. The “Road Driving Skills Test”³⁰ employs a combination of manual and electronic assessment methods. The system uses technologies such as satellite positioning, inertial navigation, wireless image transmission and digital communication, while satellite positioning equipment and driving recording devices are installed in the test vehicles. Through wireless transmission, the set-up allows real-time assessment of the candidates' driving performance, thereby ensuring that the tests are conducted rigorously and fairly. On the other hand, the guidelines also recommend that the agencies which provide driving test services record the test process and relevant data comprehensively through real-time video recording, facial recognition and satellite positioning to help the authorities supervise the tests, conduct test feedback investigation, and verify reports or complaints.

3.38 In New Zealand, test officers³¹ can use video-recording devices during driving tests, unless the candidates explicitly indicate otherwise. Relevant video footages can be used to review the performance of the testing officers and assist in investigations in case of disputes or complaints. In New South Wales, Australia, the transport authority³² requires that a video camera be installed in the cabin of a heavy vehicle during a driving test to record the candidate's performance during the entire test process. The footage may be reviewed by the driving test service agencies.

²⁸ [2015] No. 88 – “The Ministry of Public Security and the Ministry of Transport’s Notice on Promoting the Reform of the Training and Examination of Motor Vehicle Driver”, forwarded by the General Office of the State Council.

²⁹ Under the driving test system in the Mainland, the test subjects are “Test on Road Traffic Safety Laws, Regulations and Related Knowledge”, “Field Driving Skills Test”, “Road Driving Skills Test” and “Safe and Civilised Driving Common Sense Test”.

³⁰ Equivalent to the “Part C Test (Road Test)” under the Hong Kong driving test system.

³¹ “Testing Officers” are counterparts of “Driving Examiners” in Hong Kong.

³² Transport for New South Wales.

3.39 Some countries also have arrangements in place for filming driving tests. For example, in Estonia, the authorities allow recording of the driving test process, which will be made available to candidates who wish to file a complaint. In the event of disagreement with the practical driving test result, an appeal can be made to the transport authority³³ within 30 days after the test. Candidates can apply to the driving test centre concerned for viewing the video footage of their road tests. When the application is approved, the candidate is allowed to view the footage at the office of the transport administration, but they cannot take it away for personal use. Israel has put in place similar arrangements: candidates who have failed a driving test can file an appeal with the transport authority³⁴ within seven days of the test and request to view the video footage of the test. Successful applicants can review the footage to identify any inappropriate evaluation during the test. When filing an appeal, candidates have a duty to state clearly the subject matter and reasons for appeal, as well as provide the relevant video clips to support their allegations. However, they can only view the test footage once and file only one appeal. Besides, they cannot apply for taking another driving test until the appeal is settled.

3.40 In Asia, for instance Malaysia, the transport authority³⁵ announced that starting from April 2024, an electronic automated driving test system will be implemented on a trial basis nationwide, with plans for full deployment in all driving tests by 2030. The automated system will collect driving test data via tracking sensors and camera systems installed in the test vehicles to gauge candidate performance, requiring no personnel other than the candidate inside the vehicle during the test. Similarly, since 2017, the authority in Singapore³⁶ has been researching an automated driving test system which is planned for implementation in motor cycle field tests³⁷ first.

³³ Estonian Transport Administration.

³⁴ Ministry of Transport and Road Safety.

³⁵ Ministry of Transport Malaysia.

³⁶ Ministry of Home Affairs.

³⁷ Motor cycle driving test in Singapore comprises two parts: “Driving Test in Circuit” and “Practical Driving Test”.

4

PUBLIC VIEWS

4.1 In the course of investigation, we have received views and suggestions from members of the public concerning arrangements for driving tests. Predominantly, the public feedback reflected an excessively long waiting time and improper arrangements for road tests as well as a lack of objectivity in the road test evaluation process, etc., which were already covered in **Chapters 2 and 3** of this report. The public views on others aspects, our observations and TD's response are detailed below.

(1) VALIDITY PERIOD OF LD LICENCE

4.2 Quite a number of driving test candidates pointed out that the waiting time for the tests are getting longer and longer in recent years, but the LD Licence is only valid for 12 months. Candidates who cannot pass the road test within the validity period of the Licence and are given a re-test date beyond the expiry date will have to apply for an LD Licence again and pay the required fee once more, resulting in higher test costs. Given that the current waiting time for the road test easily exceeds half a year, when a candidate applies for the road test and an LD Licence to undertake driving training at once after passing the Part A Written Test, if he/she fails in the first attempt at the road test and is unsuccessful in obtaining a repeater early appointment via ballot-drawing, he/she will have to queue up again for an end-date. By the time of the re-test, his/her LD Licence is very likely to have expired, meaning that the candidate will have to pay the \$548 fee again to apply for another LD Licence.

4.3 TD explained that the current legislation does not require a road test candidate to hold an LD Licence (see **para. 2.9**) and driving test applicants need not apply for the road test and an LD Licence simultaneously. Upon completion of the Part A Written Test, learner drivers can first queue up for the road test (Part B and Part C Tests) and then apply for an LD Licence and learn driving nearer the date of the test, depending on their own circumstances. The above information is already made available to candidates on the TD website and the various TD licensing offices.

4.4 However, the above arrangement (i.e. candidates need not apply for the road test and an LD Licence simultaneously) only applies to candidates of road tests for private cars and light goods vehicles, but not to motor cycle driving test candidates. TD explained that, unlike learner drivers of private cars and light goods vehicles who must be accompanied by a driving instructor when undergoing driving training in a test vehicle, motor cycle learner drivers do not need to be accompanied when learning to manoeuvre a motor cycle on the road. For the sake of road safety, TD requires learner drivers of motor cycles to apply for the road test (Part C) and an LD Licence simultaneously (see **para. 2.10**). Such arrangement ensures that motor cycle learner drivers will have the road test as their ultimate goal when they apply for an LD Licence, thereby ensuring road safety and the proper use of the LD Licence. It also prevents anyone from holding a motor cycle LD Licence for a protracted period without making arrangement for the road test. TD pointed out that since 1990, applicants for a motor cycle driving test are required to apply for the road test (Part C) and an LD Licence at the same time.

4.5 On the other hand, we noticed that prior to 2016, TD had a performance pledge of providing candidates for non-commercial vehicles with a road test within 82 days of receiving the application. Between 2008 and 2010, TD had an achievement rate of over 95% for this performance pledge (see **para. 2.17**). During that period, theoretically, the validity period of an LD Licence could allow a candidate to apply for at least four road tests if he/she applied for the test and an LD Licence in tandem.

4.6 As mentioned in **paragraph 2.17** above, the demand for driving tests kept growing since 2010. Owing to the limited number of test venues and hence an insufficient road test output, TD had since 2016 stopped using the achievement rates of the “performance pledge regarding road tests for non-commercial vehicles” as a measurement of its service performance in a given year. Instead, the actual number of driving tests arranged for a year would be used for the purpose. Since the average waiting time for the combined road tests for private cars and light goods vehicles had stretched to as long as 270 days (and once even longer than 330 days) in 2021, the Department may re-consider whether the 12-month validity period for an LD Licence is appropriate.

(2) VALIDITY PERIOD OF DRIVING TEST FORM

4.7 Some candidates pointed out a similar issue with TD’s Driving Test Form, which is only valid for 18 months (see **para. 2.7**). When a candidate needs to apply

for postponing the road test and queue up again at the end-date, it is very likely that he/she has to purchase another Driving Test Form at a fee of \$510 if the test is rescheduled for a date ten months or more later.

4.8 In this regard, TD pointed out that while the demand for road tests for non-commercial vehicles has been relatively keen and the waiting time relatively long, the total waiting time for taking the main parts of the tests (including Parts A, B and C) for private cars, light goods vehicles and motor cycles averaged around 370 to 480 days in early 2023. TD opined that the time required for candidates to complete the entire process for non-commercial vehicle driving tests still remains within the validity period of the Driving Test Form (*viz.* 18 months or 540 days). Furthermore, if a candidate applies for driving test postponement at least seven days before the original test date (i.e. a “Category 1 postponement” (see **para. 2.23**)), the application does not require any specific reason. The original test date will be cancelled once the postponement is approved so that a “repeater early test appointment” can be arranged. TD will allot an end-date to the candidate at the original test venue and in accordance with the vehicle class, and the candidate concerned cannot choose the date and time for the test. Should a Driving Test Form expire before the end-date, the candidate must re-purchase the Form at least 30 days prior to the test.

4.9 Owing to a persistently high demand for driving tests, road test candidates have to wait a long time before taking the test. TD needs to review whether the validity period of the Driving Test Form can suit candidates’ needs.

(3) REGISTRATION OF TEST VEHICLES

4.10 Some candidates expressed to us their discontent with TD’s management arrangements for test vehicles. They stated that save for the candidates for motor cycle driving tests, no candidates can use their own vehicle for driving training or the road test because of TD’s specific requirements for test vehicles (see **para. 2.13**). Currently, candidates generally use the vehicle of their private driving instructor, which complies with TD’s requirements for driving practice, before and on the day of the road test. Some candidates indicated that despite having arrived at the driving test centres on time, they still could not sit for the road test because their driving instructors, together with the test vehicles, were late or even failed to show up for the tests. The candidates concerned would be deemed absent from the test and have to queue up for the test once again. They consider such arrangement to be unfair.

4.11 TD explained that under the current legislation, road test candidates shall prepare a test vehicle that meets the specific requirements (including size and safety installations) at their own cost. Generally speaking, the vehicles of private driving instructors have met those requirements and candidates normally are inclined to use their vehicles or vehicles of the same model for the road test. Candidates can report their attendance at a road test only after their test vehicles have arrived at the test centre. When registering and reporting for the test, the candidate should provide the vehicle registration number (i.e. the plate number) of the test vehicle to the TD staff. The number will be input into the TD computer system and then sent to the tablet computer of the DE for the road test assessment. The DE would check if the vehicle meets the statutory configuration. Only after full compliance is confirmed will a road test commence.

4.12 If, on the day of the road test, more than one candidate registers the same test vehicle for road tests within the same time slot, the DTC Officers will only perform test registration for the first candidate who registers the vehicle for the road test. Those who register the vehicle later will have to look for a test vehicle that meets TD's requirement within half an hour of his/her test in order to take the test. Regarding the situation mentioned in **paragraph 4.10**, TD stated that if driving instructors fail to provide a test vehicle on time to a candidate due to special reasons (such as the vehicle having broken down or a traffic accident), the candidate involved will be considered "absent". Under such circumstances, the candidate and the driving instructor can provide an explanation to TD together with documentary proof(s) post-factum in order to apply for test rescheduling. Such situation will be deemed "Category 2 postponement" (see **para. 2.23**). TD will examine the candidate's evidence in order to decide whether an end-date for the road test within the validity period of his/her Driving Test Form should be arranged.

(4) "VENUE ASSISTANTS" NEAR DRIVING TEST CENTRES

4.13 We also received public views about the staff hired by various driving instructor associations to manage traffic on their own at some driving test centres. These "venue assistants", as they are commonly referred to, asked for pecuniary rewards from both driving instructors and candidates for their services. For instance, they would stop the pedestrians and vehicular traffic at the entrance to test venues so that test vehicles could enter and leave for the road tests. Such behaviour might affect the road tests but TD chose to turn a blind eye.

4.14 Information provided by the public showed that among the 17 driving test centres, seven that use public roads for conducting road tests had “venue assistants” to help with traffic control. Those seven centres are, namely, the Tsuen Wan Driving Test Centre, the Yuen On Driving Test Centre, the Tin Kwong Road Driving Test Centre, the Chung Yee Street Driving Test Centre, the Yau Tong Driving Test Centre, the Happy Valley Driving Test Centre, and the So Kon Po Driving Test Centre.

4.15 During the site inspections conducted at those seven driving test centres in June 2023, our investigators found “venue assistants” hired by different driving instructor associations operating at all of them. Some venues had only one “venue assistant”, while others had more. A vast majority of the assistants donned yellow or orange reflective vests, and a few did not wear such vests at all.

4.16 We noticed that the “venue assistants” mainly helped test vehicles enter or leave the test centres to avoid collision with other vehicles at the entrances or on the road. They also helped to put up or remove the “DRIVER ON TEST” placard on test vehicles. Besides, when learner drivers of articulated vehicles (i.e. container trucks) required practice in parking on a public road, the venue assistants would place traffic cones on the road as a signal to the vehicles behind to stop and wait.

4.17 According to our observation, in the course of a road test, some “venue assistants” would use hand signals (for example, they might raise the palm to signal “stop and wait” (停止稍候); wave the palm to mean “clear!” (起行); or use the thumb to point out directions, etc.) or short phrases (such as “Careful!” (小心啊！) or “Watch the traffic!” (睇車啊！)) to alert candidates leaving the test centre for the test. The assistants would also direct other vehicles on the road (such as training vehicles) to proceed or stop a while, and signal to the pedestrians near test centre entrances to wait till after a test vehicle has departed before crossing the road. At a test centre where test vehicles have to go up a long narrow steep road before leaving the perimeter of the centre to begin the road test on a public road, “venue assistants” would point either left or right by hand signals to prevent test vehicles from colliding with other objects on that narrow road.

4.18 Regarding the aforementioned, TD stated that “venue assistants” were not employees of the Department or the test centres and their activities were not carried out inside the test centres. The driving instructor associations were not required to report to TD on their employment status. Consequently, TD did not possess any details about

their work. On the other hand, TD had been communicating with the driving instructor sector, and had asked the driving instructor associations to remind their staff to obey the law. The Department had also put up posters and notices at the driving test centres to remind members of the public and those on the venues not to interfere with the traffic for the sake of their own and others' safety. We noticed that while banners which read "Consider your own safety Do not interfere with the traffic" were hung up at those seven test centres, some banners were seriously damaged or worn, defeating their purpose as a warning to the users of the centres.

4.19 TD considered that on the whole, the behaviour of the "venue assistants" hired by the driving instructor associations had not adversely affected the process of driving tests. Nevertheless, it had received complaints about some assistants asking for money from candidates at test venues. TD reiterated that it never allowed anyone to ask for pecuniary rewards from candidates within the driving test centres and it had referred relevant cases to the Independent Commission against Corruption and the Police for follow-up investigation. In terms of publicity, it had put up posters and notices at the various driving test centres to remind the public of the importance of their own and others' safety and not to interfere with road traffic. In the wake of our inquiries in the course of this investigation, TD had also arranged for the replacement of the worn and damaged banners.

5

OUR COMMENTS AND RECOMMENDATIONS

5.1 In recent years, there is a growing public demand for driving tests, and the candidates face very long waiting time before taking the tests. Meanwhile, the number of appeals against road test results shows a rising trend, reflecting greater discontentment amongst the public at TD's road test arrangements.

5.2 TD should, therefore, keep a close watch on the demand for road tests and deploy resources to increase driving test services while continuing to enhance arrangements related to driving test. In light of our investigation findings, we have the following observations and comments on TD's arrangements for driving tests.

(I) PROACTIVELY EXPLORE WAYS TO IMPROVE DRIVING TEST SERVICES AND SHORTEN WAITING TIME FOR ROAD TESTS

Explore ways to Increase Test Output by Putting in More Manpower Resources and Designating New Test Venues

5.3 As shown in the data given in **paragraph 2.20**, during the last 12 years, both the number of applications for road tests and the road test output of TD had increased (see **Tables 3A and 3B**), but the road test services still failed to meet the demand. Put simply, the waiting time for road tests would remain excessively long unless there is a sustained and substantial decrease in the demand for the tests. In other words, the waiting would only be prolonged again if more and more people apply for the road tests in the future. This Office considers the situation undesirable. TD should, therefore, make every effort to increase road test output to ensure a shorter waiting time of candidates.

5.4 We noticed that since the end of the epidemic, TD has arranged for DEs to work extra hours in a bid to increase road test output, and indicated that it will look for

suitable sites to set up new driving test centres (see **para. 2.22**). We agree to the above measures and recommend that TD explore how to increase road test output by putting in more manpower resources and designating new test venues. For instance, it can arrange for DEs to take up additional work on weekends so that more road tests can be arranged. Besides, the Department should consider setting up additional driving test centres at locations with lower traffic flows in various parts of Hong Kong (e.g. at locations in the New Territories or outlying islands which are farther away from the city centre or residential areas). If designating new driving test centres proves to be effective in shortening candidates' waiting time for road tests, TD should, in the long run, consider replacing those driving test centres currently located in busy districts with the newly set up centres, where feasible.

Continue to Review and Enhance the “Duty Reporting Arrangement” to Increase Road Test Output

5.5 Under the “Duty Reporting Arrangement” (see **para. 3.2**), DEs must first arrive at the TD Headquarters in Ho Man Tin, Kowloon by 8 am every working day for computer balloting, then proceed to the various driving test centres to discharge their testing duties. Consequently, the first road tests can only begin at 8:35 am each day the earliest, or even at 9:15 am for those test centres at more remote locations. “Duty Reporting Arrangement” results in extra travel time of the staff involved and would in effect reduce the time available to DEs for conducting road tests each day.

5.6 We are glad to learn that TD had completed another review on the “Duty Reporting Arrangement” at the end of 2023 and has, in response to our investigation, adopted the “Direct Reporting Arrangement” on a trial basis at four of the non-commercial vehicles driving test centres since mid-June this year (see **para. 3.4**). We recommend that TD review the “Direct Reporting Arrangement” after a certain period into the trial run at the four test centres. If the trial is effective and staff’s feedback is positive, TD should proactively study the feasibility of implementing the “Direct Reporting Arrangement” at other driving test centres so as to increase road test output.

Re-establish Target Waiting Time and Achievement Rate on Conducting Road Tests for Non-Commercial Vehicles

5.7 In order to clear the backlog of scheduled road test appointments cancelled during the COVID-19 epidemic, TD had implemented a number of improvement measures to solve the problem of excessive waiting time for road tests, including

harnessing technology to introduce the online Driving Test Form, recruiting more staff, arranging driving tests during weekends, and looking for suitable locations for setting up new Driving Test Centres in the long run.

5.8 We consider that previously, TD had set performance pledge at within 82 days regarding the waiting time for road tests for non-commercial vehicles. This is a demonstration of good public administration. Nevertheless, the Department abolished the performance pledge and no longer projected the achievement rate due to changes in supply and demand for the tests (see **para. 2.17**). We consider that waiting time is not only a significant statistical indicator, but also an important yardstick with which TD can assess and enhance its operations, optimise its resource deployment and allocation, as well as a criterion for the Department and the public to monitor TD's work efficiency.

5.9 Therefore, we recommend that TD resume the practice of setting service standards in respect of road tests for non-commercial vehicles and state clearly the target of arranging road tests for candidates within certain number of days upon receiving an application for the test. As to how the target waiting time and achievement rate should be set, TD should make adjustments according to actual circumstances so as to ensure that the indicator is pragmatic and effectively reflects TD's performance.

(II) ENHANCE ARRANGEMENTS FOR RECORDING ROAD TEST ASSESSMENTS

Provide Guidelines to DEs on Making Instant Remarks

5.10 Both TD and the Transport Tribunal have been handling more and more appeal and review cases in recent years (see **Table 5 under para. 3.18**). Currently, TD and the Transport Tribunal's appeal handling procedures rely heavily on the instant remarks and records made by the DEs in the course of the road tests. Both TD and the Tribunal are inclined to accept the said records as an effective and obvious basis for appeal handling (see **paras. 3.32 – 3.33**). Nevertheless, when we scrutinised the instant records made by various DEs during road tests, we noticed obvious differences in how the DEs had made the records and what they had written down (see **para. 3.35**). TD has not formulated any guidelines on how DEs should make instant remarks in recording road test assessment.

5.11 In the course of assessing cases, we also found that the Tribunal had once indicated in the verdict of an appeal against road test result that there were

inconsistencies in the content of the DE's report and the testimony given at the hearing. The Tribunal also questioned the existence of a reasonable basis for the DE to remember individual facts of the road test in question in the absence of relevant records, casting doubts on the credibility and reliability of the DE's testimony on the whole. Consequently, the Tribunal decided that the DE's testimony could not be accepted without reservation. In this light, we consider it imperative that TD promulgate guidelines on the making of instant remarks by DEs during road tests to enable DEs to record road test assessments more efficiently and more accurately by means of standardised criteria.

Installing Video Recording Equipment in Test Vehicles

5.12 At present, TD prohibits the installation of video recording equipment in test vehicles (see **para. 3.19**). As such, appeals and review requests can only be processed based on the reports written by DEs immediately after the road tests. Having examined the administrative arrangements for road tests in the Mainland and other regions, we found that filming equipment are already being used in the Mainland and some other countries to record the course of road tests and candidates can request to review the recorded footages in order to file appeals. In some countries, electronic systems have already been or are going to be adopted to evaluate road test performance (see **paras. 3.36 – 3.40**).

5.13 With the growing popularity of dashboard cameras as well as the rapid development and reliability of technology, installing video recording equipment in test vehicles is in line with the prevailing trend in society, and it actually has certain practical benefits. This Office opines that TD should seriously review whether its current practice of prohibiting video recording of road tests is appropriate and reasonable, and consider introducing video recording systems or equipment specifically for road tests. This arrangement would facilitate collection of data and video images during the tests by TD and the candidates, and make it easier for DEs to explain their professional assessment of candidates' performance, as well as raise the Department's efficiency in handling candidates' appeals and requests for review. We agree that protecting personal privacy is of paramount importance. So, in addition to making video-recording arrangement, TD should also examine ways to properly manage and maintain the personal data contained in the footages. It should communicate with the stakeholders continuously and respond to their different concerns. We are pleased to note that TD has already conducted a feasibility study on the installation of video recording equipment in test vehicles. In the long run, the Department should further

consider whether advanced technology (such as electronic assessment systems) should be employed to help DEs evaluate candidates' performance in road tests.

(III) ENHANCE ARRANGEMENTS RELATING TO DRIVING TESTS

Extend validity period of LD Licence and Driving Test Form

5.14 Recent years saw a growing demand for road tests and a lengthening waiting time for taking the tests. Currently, candidates usually have to wait around 7 to 8 months (see **para. 2.20**). The waiting had once been as long as about a year during the epidemic (see **para. 1.2 and Table 1**). Under such circumstances, it is not pragmatic for TD to set a validity period of 12 and 18 months respectively for the LD Licence and the Driving Test Form. Even if the candidates only apply for an LD Licence after passing the written test, given the relatively low passing rate of road tests (around 30% only³⁸), those who have failed the test and are allotted an end-date for re-test would probably have to apply for an LD Licence again because their original licence would have expired by then. Similarly, the Driving Test Form of candidates who have applied for postponing the road test in advance and vacated the original test slots for TD's reallocation as early test appointments may also have expired before the candidates can actually take the road tests, given the growing demand and the already long waiting time for the tests.

5.15 We are of the opinion that unless TD can, within a short period, reduce the waiting time for road tests to around 82 days, just as it had been ten years ago, otherwise, with the current long waiting time for the tests, the short validity period of the LD Licence and the Driving Test Form would indirectly cost road test candidates more time and money. Besides, TD would also need to spend resources accordingly to handle applications for renewing the LD Licence and the Driving Test Form. This would in effect increase its administrative cost. In this light, we recommend that TD review the validity period of the LD Licence and the Driving Test Form.

Registration of Test Vehicles

5.16 Some candidates indicated that despite having arrived at the driving test centres on time, they still could not sit for the road test because their driving instructors,

³⁸ According to TD statistics in May 2023, the passing rate of first attempts at road tests for non-commercial vehicles (including private cars, light goods vehicles and motor cycles) was only 26% to 30%; while that for commercial vehicles (including medium goods vehicles, heavy goods vehicles, public/private light buses, public/private buses and articulated vehicles) was around 16% to 38%.

together with the test vehicles, failed to show up for the tests. While TD indicated that such “candidate absent from road test” situation is rare, it does not document the reasons for candidates’ failure to take the tests. In other words, it actually does not maintain any data relevant to the above situation.

5.17 Since private driving instructors can have a number of students simultaneously, they may have to shuttle between different driving test centres within a short period of time on the same day so that their students can use the vehicle for the driving tests scheduled for the day. At present, TD only requires the candidates to provide the registration numbers of the test vehicles and information about the driving instructors when they attend the road test. If the same test vehicle is found to have been registered for several road tests to be held during the same test session, only the first candidate who registers the vehicle would be allowed to sit for the test. The other candidates whose tests are scheduled for a later time would have to look for another eligible vehicle on the spot at once.

5.18 When candidates fail to sit for road tests because their test vehicles are engaged in road tests held at a similar time and cannot attend their road tests on time (see **para. 4.12**), it would not only affect the candidates (who would have to queue up for the road test again as a result), it would also waste the precious test sessions. We consider that the above situation can be avoided with administrative measures, such that test resources can be better utilised, different candidates would not register the same test vehicle for road tests scheduled for the same time slot, and those candidates given a later test slot would not miss the road test for not having a test vehicle, thereby wasting the test sessions.

“Venue Assistants” near Driving Test Centres

5.19 With respect to the “venue assistants” hired by various driving instructor associations (see **para. 4.13**), TD considered that they have not affected the road tests process and the Department has communicated with the relevant sector regarding the issue. Our observations (see **paras. 4.15 – 4.17**) found that the “venue assistants” had in fact rendered the candidates a lot of help in the course of the road tests. As TD confirmed that it had received complaints about some assistants asking for money at test venues, we consider that it should step up venue management at driving test centres and keep communicating with the driving instructor sector to help monitor the operations of “venue assistants” so as to ensure that the road tests are conducted in a fair and orderly manner.

RECOMMENDATIONS

5.20 In light of the comments above, this Office has the following main recommendations to TD:

- (1) to proactively explore ways to further increase road test output through flexible manpower deployment. For instance, it can consider arranging for the DEs to work extra hours on weekends (see **para. 5.4**);
- (2) to study proactively the feasibility of increasing road test output by designating more driving test centres at locations with lower traffic flows in various parts of Hong Kong (e.g. at locations farther away from the city centre or residential areas) (see **para. 5.4**);
- (3) to conscientiously review the trial run of the “Direct Reporting Arrangement” at the four driving test centres (see **para. 5.6**);
- (4) if the above trial arrangement is positively received, TD should proactively examine the possibility of extending the Arrangement to other driving test centres (see **para. 5.6**);
- (5) to resume the practice of setting service standards and achievement targets in terms of waiting time for road tests for non-commercial vehicles (see **para. 5.9**);
- (6) to promulgate guidelines as soon as possible on the making of instant remarks by DEs during road tests (see **para. 5.11**);
- (7) to review its practice of prohibiting video recording of road tests (see **para. 5.13**);
- (8) if video recording is feasible upon review, TD should examine measures to protect personal privacy and communicate with the stakeholders continuously in the course of introducing video recording equipment specifically for road tests (see **para. 5.13**);

- (9) in the long run, to consider whether advanced technology (such as electronic assessment systems) should be employed to help DEs evaluate candidates' performance in driving tests (see **paras. 5.13**);
- (10) to seriously review the validity periods of the LD Licence and Driving Test Form (see **para. 5.15**);
- (11) to implement suitable measures as soon as possible to prevent the situation where more than one candidate registers the same test vehicle for their road tests during the same time slot because the private driving instructor has to provide his/her vehicle for use by several candidates under a tight road test schedule (see **para. 5.18**); and
- (12) to step up management at driving test centres and keep in constant communication with the driving instructor sector with respect to monitoring the operations of their staff so as to ensure that road tests are conducted in a fair and orderly manner (see **para. 5.19**).

ACKNOWLEDGEMENTS

5.21 The Ombudsman thanks TD for its cooperation in the course of this investigation.

Office of The Ombudsman

Ref: DI/469

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List of Tables

Table	Caption	Page
Table 1	Average waiting time for road tests for various vehicle classes in the past 12 years	10
Table 2	No. of written tests applied for and conducted in the past 12 years	11
Table 3A	No. of driving tests (road tests) for non-commercial vehicles applied for and conducted in the past 12 years	12
Table 3B	No. of driving tests (road tests) for commercial vehicles applied for and conducted in the past 12 years	13
Table 4	No. of DEs hired by TD in the past 12 years	14
Table 5	No. of review and appeals in relation to driving tests handled by TD and the Tribunal	22
Table 6	No. of driving test appeals screened in by TD between 2017 and 2023	25
Table 7	Successful driving test appeals between 2017 and 2023	25