

REVENUE (PERSONALIZED VEHICLE REGISTRATION
MARKS) BILL 2005

COMMITTEE STAGE

Amendments to be moved by the Secretary for
Financial Services and the Treasury

- | <u>Clause</u> | <u>Amendment Proposed</u> |
|---------------|---|
| 3(a)(iii) | (a) By deleting "";"
(b) By adding -
"(hh) the consideration by the Commissioner
as to whether a cancelled personalized
registration mark is suitable for
reallocation;" |
| 4(b) | (a) By deleting "in subregulation (1), by adding -"
and substituting -
"in subregulation (1) -
(i) in the definition of "裝載貨物許可證", by
repealing "·" and substituting a
semicolon;
(ii) by adding -".
(b) In the proposed definition of "certificate of
allocation", by adding ", 12PA(7)" after
"120(3)".
(c) In the proposed definition of "personalized |

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registration mark" -

(i) in paragraph (a), by deleting "or" at the end;

(ii) in paragraph (b), by adding "or" at the end;

(iii) by adding -

"(c) regulation 12PA;".

(d) By adding -

"cancelled personalized registration mark"

(已被取消的自訂登記號碼) means a

personalized registration mark the allocation of which has been cancelled under regulation 12L;

"proposed personalized registration mark"

(擬使用的自訂登記號碼) means a proposed

personalized registration mark within the meaning of regulation 12B(1);".

4(c) In the proposed regulation 2(2), by deleting "or proposed personalized registration mark" wherever it appears and substituting ", proposed personalized registration mark or cancelled personalized registration mark".

9(b) By adding -

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"(4A) The following registration marks are reserved for assignment to vehicles of the Hong Kong Garrison -

- (a) the registration mark consisting only of the letters "ZG";
- (b) all registration marks consisting of the letters "ZG", at the beginning, followed by a numeral or numerals only; and
- (c) all registration marks consisting of the letters "ZG", as the suffix, preceded by a numeral or numerals only."

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- (a) In the proposed regulation 12C(2), by adding -
"(ca) is a cancelled personalized registration mark and that cancelled personalized registration mark is being offered for allocation at a special fee under regulation 12PA(2);".
- (b) In the proposed regulation 12E(4) (a), by deleting "12C(2) (b) or (c)" and substituting "12C(2) (b), (c) or (ca)".
- (c) In the proposed regulation 12F(4), by adding ", subject to subregulation (5)," before "notify the applicant".

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(d) In the proposed regulation 12F, by adding -

"(5) Subregulation (4) shall not apply if the proposed personalized registration mark is a cancelled personalized registration mark (taking into account only the sequence of arrangement of the letters and numerals) and that cancelled personalized registration mark has been allocated under regulation 12PA(7), in which case the Commissioner shall -

(a) subject to subregulation (6), notify the applicant concerned in writing of the allocation; and

(b) subject to regulation 12PA(6), refund to the applicant the deposit paid by him under regulation 12D(1).

(6) The Commissioner is not required to notify the applicant concerned under subregulation (5)(a) if he is the person to whom the cancelled personalized registration mark is allocated under regulation 12PA(7)."

(e) In the proposed regulation 12I(1), by adding "and regulation 12PA" after "subregulation (3)".

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- (f) In the proposed regulation 12P, by deleting "personalized registration mark the allocation of which is cancelled" and substituting "cancelled personalized registration mark".
- (g) By adding -

"12PA. Cancelled personalized registration marks may be reallocated if Commissioner considers suitable

(1) A cancelled personalized registration mark may, subject to subregulation (2), be offered for sale by auction under regulation 12I again if the Commissioner determines under regulation 12F that an application for the allocation of a proposed personalized registration mark, being the cancelled personalized registration mark (taking into account only the sequence of arrangement of the letters and numerals), shall be accepted having regard to the matters referred to in regulation 12L(1) and any change of circumstances since the cancellation.

(2) Before a cancelled personalized registration mark is offered for sale by auction, the Commissioner shall send a notice of offer to the person to whom a refund was made under regulation 12M(2) in

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respect of the cancelled personalized registration mark ("the previous holder") -

- (a) notifying the previous holder that the cancelled personalized registration mark is made available for reallocation;
- (b) offering to allocate the cancelled personalized registration mark to the previous holder at a special fee equal to the amount of the refund so made to him;
- (c) requiring the previous holder, if he accepts the offer, to -
 - (i) notify the Commissioner in writing; and
 - (ii) make full payment of the special fee, within 4 weeks after the date of the notice of offer; and
- (d) stating that the cancelled personalized registration mark will be offered for sale

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by auction if notice of acceptance and full payment of the special fee are not received within the 4-week period.

(3) A notice of offer shall be sent to the previous holder by registered post -

- (a) if the previous holder is the registered owner of a motor vehicle, at his address appearing on the register; or
- (b) if the previous holder is a holder of a driving licence or an international driving permit issued by the Commissioner, at his address appearing in the record maintained by the Commissioner under regulation 39 of the Road Traffic (Driving Licences) Regulations (Cap. 374 sub. leg. B).

(4) If the address of the previous holder cannot be found in the register or the record so maintained by the

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Commissioner, the Commissioner shall publish the notice of offer, containing the same information as required under subregulation (2), once in at least 2 Chinese language daily newspapers and one English language daily newspaper in circulation in Hong Kong.

(5) For the purposes of subregulation (4), the date of the notice of offer referred to in subregulation (2)(c) shall be construed as the date of publication of the notice of offer in the newspapers, and the reference in subregulation (7) to the period specified under subregulation (2)(c) shall be construed accordingly.

(6) If the previous holder is the person who makes the application referred to in subregulation (1), the deposit paid by him under regulation 12D(1) shall, if he accepts the offer, be taken as payment of the special fee referred to in subregulation (2)(b) or part of that special fee, as the case may be.

(7) The Commissioner shall, upon receiving the notice of acceptance and full payment of the special fee within the period specified under subregulation (2)(c),

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allocate the cancelled personalized registration mark to the previous holder and issue a certificate of allocation to him.

(8) A certificate of allocation issued under subregulation (7) shall -

- (a) contain the particulars specified in regulation 12J(2) (a), (d) and (e) and (3);
- (b) state the name and identity document number of the personalized registration mark holder (being the previous holder); and
- (c) state the date of allocation of the personalized registration mark which, in such case, shall be the date on which full payment of the special fee is received by the Commissioner.

(9) Regulation 9(2) and (3) shall apply in respect of personalized registration marks allocated under subregulation (7) in like manner as it applies in respect of special registration

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marks allocated under regulation 9(1).

(10) If, for whatever cause, a personalized registration mark allocated under subregulation (7) is not assigned to a motor vehicle within 12 months after the date of its allocation, the Commissioner may, without notice to the personalized registration mark holder, cancel that allocation and reallocate the personalized registration mark."

15(d) In the proposed regulation 17(3B)(c), by deleting "or 12O(4)(c)" and substituting ", 12O(4)(c) or 12PA(8)(c)".

30 In the proposed Schedule 5A -

(a) by deleting "'";

(b) by adding -

"3. AAA, BBB, CCC, DDD, EEE, FFF, GGG, HHH, JJJ, KKK, LLL, MMM, NNN, PPP, RRR, SSS, TTT, UUU, VVV, WWW, XXX, YYY and ZZZ.

4. AAAA, BBBB, CCCC, DDDD, EEEE, FFFF, GGGG, HHHH, JJJJ, KKKK, LLLL, MMMM, NNNN, PPPP, RRRR, SSSS, TTTT, UUUU,

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VVVV, WWW, XXXX, YYYY and
ZZZ."."

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