

**REVENUE (PERSONALIZED VEHICLE REGISTRATION  
MARKS) BILL 2005**

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# A BILL

## To

Amend the Road Traffic Ordinance to give effect to the proposal on personalized vehicle registration marks in the Budget introduced by the Government for the 2004–2005 financial year, and to provide for related and consequential matters.

Enacted by the Legislative Council.

### 1. Short title and commencement

(1) This Ordinance may be cited as the Revenue (Personalized Vehicle Registration Marks) Ordinance 2005.

(2) This Ordinance shall come into operation on a day to be appointed by the Secretary for Financial Services and the Treasury by notice published in the Gazette.

### Road Traffic Ordinance

### 2. Interpretation

Section 2 of the Road Traffic Ordinance (Cap. 374) is amended—

(a) by repealing the definition of “registration mark” and substituting—

““registration mark” (登記號碼) means—

(a) a special registration mark;

(b) a personalized registration mark; or

(c) any other registration mark assigned or allocated, or deemed to be assigned or allocated, under regulations made under section 6;”;

(b) by adding—

“personalized registration mark” (自訂登記號碼) means a personalized registration mark assigned or allocated under regulations made under section 6;

“special registration mark” (特殊登記號碼) means a special registration mark assigned or allocated, or deemed to be assigned or allocated, under regulations made under section 6;”.

### 3. Regulation of registration and licensing of vehicles

Section 6 is amended—

(a) in subsection (1)—

(i) in paragraph (f), by repealing “按署長行使酌情決定權予以定出” and substituting “由署長行使酌情決定權而配予”;

(ii) in paragraph (g), by repealing “and special registration marks”;

(iii) by adding—

“(ha) the making of applications for personalized registration marks;

(hb) the consideration and determination by the Commissioner of applications for personalized registration marks;

(hc) the review by the Commissioner of any determination made by him to accept an application for a personalized registration mark;

(hd) the letters and numerals, and the number and the combination of letters and numerals that may be used in personalized registration marks;

(he) the assignment, allocation upon sale by auction or at a special fee, cancellation or withdrawal by the Commissioner of personalized registration marks;

(hf) the issue and cancellation by the Commissioner of certificates of allocation of personalized registration marks;

(hg) appeal to the Administrative Appeals Board against any decision of the Commissioner to cancel a personalized registration mark;”;

(iv) in paragraph (i), by adding “or a personalized registration mark” after “special registration mark”;

- (v) by adding—
  - “(ia) the engagement of such persons as the Commissioner thinks fit for the conduct of any auction for the purposes of this Ordinance;”;
- (vi) by adding—
  - “(la) notification to the Commissioner of the particulars of persons to whom personalized registration marks are allocated and of changes of such particulars;”;
- (vii) by adding—
  - “(ma) the seizure of number plates bearing any cancelled personalized registration mark from the motor vehicles on which they are displayed, and the authorization of public officers for that purpose;”;
- (b) by adding—
  - “(1A) Regulations made under subsection (1) may empower the Commissioner to amend any Schedule to the regulations which specifies registration marks set aside to be offered for sale, at the discretion of the Commissioner, as personalized registration marks.
  - (1B) Regulations made under subsection (1) may provide, where applications for personalized registration marks are to be considered by the Commissioner, for the Commissioner to specify—
    - (a) the number of applications to be considered by him; and
    - (b) if the number of applications received exceeds the number specified, the procedures for selecting the applications to be so considered.”;
- (c) in subsection (2)—
  - (i) by repealing “provide for the fees” and substituting—
    - “provide for—
      - (a) the fees”;
  - (ii) by repealing the full stop and substituting “; and”;
  - (iii) by adding—
    - “(b) the Commissioner’s power to refund, on the cancellation of a personalized registration mark, the price paid for it upon sale by auction or the special fee paid for it.”.

**Road Traffic (Registration and Licensing  
of Vehicles) Regulations**

**4. Interpretation**

Regulation 2 of the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374 sub. leg. E) is amended—

(a) by renumbering it as regulation 2(1);

(b) in subregulation (1), by adding—

““blank space” (空位) means a blank space between any 2 letters or numerals, or between a letter and a numeral, of a personalized registration mark as specified in paragraph 1(c)(ii) of Schedule 4;

“certificate of allocation” (分配證明書), in relation to a personalized registration mark, means a certificate issued under regulation 12J(1), 12O(3) or 17(3A) in respect of the personalized registration mark;

“notice of cancellation” (取消通知書) means a notice sent under regulation 12L(2);

“personalized registration mark” (自訂登記號碼) means a registration mark allocated under—

(a) regulation 12I or 12K; or

(b) regulation 12O(2), to give effect to a reversal by the Administrative Appeals Board of a decision of the Commissioner;

“personalized registration mark holder” (自訂登記號碼持有人), in relation to a personalized registration mark which is in force, means a person to whom a certificate of allocation is issued;

“public body” (公共機構) means—

(a) the Executive Council;

(b) the Legislative Council;

(c) any District Council;

(d) the Judiciary;

(e) the Independent Commission Against Corruption; or

(f) any department of the Government;”;

(c) by adding—

“(2) A reference in these regulations to the arrangement of the letters and numerals of a registration mark or proposed personalized registration mark shall be construed as—



- (a) in the case of a registration mark or proposed personalized registration mark consisting of letters only, a reference to the arrangement of those letters;
- (b) in the case of a registration mark or proposed personalized registration mark consisting of numerals only, a reference to the arrangement of those numerals; or
- (c) in the case of a registration mark or proposed personalized registration mark consisting of both letters and numerals, a reference to the arrangement of those letters and numerals.”.

## 5. Registration

Regulation 6(1)(a) is amended by repealing everything after “assign to the” and substituting—

“vehicle—

- (i) a registration mark which shall consist of one or 2 letters, subject to regulation 11, as its prefix, followed by a number of not more than 4 digits (not being a number listed in Schedule 5);
- (ii) a registration mark allocated under regulation 13 or 14;
- (iii) a special registration mark allocated under regulation 9;
- (iv) a personalized registration mark; or
- (v) a registration mark reserved under regulation 11 (where appropriate);”.

## 6. Display of registration marks

Regulation 8 is amended—

- (a) by repealing subregulation (1) and substituting—

“(1) The registered owner of a motor vehicle shall, in accordance with Schedule 4, display on the vehicle the registration mark assigned to the vehicle.

(1A) A registration mark displayed under this regulation shall comply with the requirements in Schedule 4 as to form of display, colours, construction, fitting and illumination.”;

- (b) in subregulation (2), by repealing everything after “assigned to” and substituting—

“the vehicle—

- (a) is not displayed;
- (b) is displayed otherwise than in accordance with Schedule 4; or
- (c) does not comply with the requirements in Schedule 4 as to form of display, colours, construction, fitting or illumination.”;

(c) by adding—

“(3A) For the purposes of this regulation, the registration mark assigned to a motor vehicle shall be, in the case of a personalized registration mark, the personalized registration mark—

- (a) that is stated; and
- (b) the arrangement of the letters and numerals (together with any blank space) of which is specified,

in the certificate of allocation.

(3B) Where a personalized registration mark is assigned to a motor vehicle, the personalized registration mark may be displayed, for the purposes of this regulation—

- (a) in a single row only, if the certificate of allocation has specified the arrangement of the letters and numerals (together with any blank space) of the personalized registration mark in a single row only; or
- (b) either in a single row or in 2 rows, if the certificate of allocation has specified the arrangement of the letters and numerals (together with any blank space) of the personalized registration mark both in a single row and in 2 rows.”;

(d) in subregulation (4), by repealing “subregulation (5) and”;

(e) by repealing subregulation (5).

## **7. Allocation and sale of special registration marks**

Regulation 9 is amended—

- (a) in subregulation (1), by repealing everything after “special registration mark, which” and before “before being assigned” and substituting—

“shall—

- (a) consist only of a number of not more than 4 digits; or
- (b) subject to regulation 11, consist of one or 2 letters as its prefix, followed by a number of not more than 4 digits (being a number listed in Schedule 5),

shall,”;

(b) by adding—

“(1A) A special registration mark consisting only of the numeral “0” or consisting of a number beginning with the numeral “0” is not to be allocated under subregulation (1).”;

(c) in subregulation (2), by repealing everything after “within 12 months” and substituting—

“after the date of its allocation, apply to the Commissioner—

- (a) under regulation 5 for the registration of a motor vehicle of which he is the owner, and for assignment of the special registration mark to the vehicle; or
- (b) for assignment of the special registration mark to a registered motor vehicle of which he is the owner.”;

(d) in subregulation (4), by adding “the date of” after “within 12 months after”.

## **8. Sale by auction of special registration marks**

Regulation 10 is amended—

(a) in subregulation (1), by adding “, subject to subregulation (1A),” after “shall”;

(b) by adding—

“(1A) The Commissioner may engage such persons as he thinks fit for the conduct of any sale by auction under regulation 9(1) of a special registration mark.”.

## **9. Registration marks reserved for assignment to certain vehicles**

Regulation 11 is amended—

- (a) by repealing subregulation (1) and substituting—
- “(1) The following registration marks are reserved for assignment to Government vehicles—
- (a) the registration mark consisting only of the letter “A”;
  - (b) all registration marks consisting of the letter “A”, at the beginning, followed by a numeral or numerals only;
  - (c) all registration marks consisting of the letter “A”, as the suffix, preceded by a numeral or numerals only;
  - (d) the registration mark consisting only of the letter “F”;
  - (e) all registration marks consisting of the letter “F”, at the beginning, followed by a numeral or numerals only;
  - (f) all registration marks consisting of the letter “F”, as the suffix, preceded by a numeral or numerals only;
  - (g) the registration mark consisting only of the letters “AM”;
  - (h) all registration marks consisting of the letters “AM”, at the beginning, followed by a numeral or numerals only; and
  - (i) all registration marks consisting of the letters “AM”, as the suffix, preceded by a numeral or numerals only.”;
- (b) by repealing subregulation (4) and substituting—
- “(4) The following registration marks are reserved for assignment to vehicles owned by The Legislative Council Commission—
- (a) the registration mark consisting only of the letters “LC”;
  - (b) all registration marks consisting of the letters “LC”, at the beginning, followed by a numeral or numerals only; and
  - (c) all registration marks consisting of the letters “LC”, as the suffix, preceded by a numeral or numerals only.
- (5) In determining whether a registration mark is a registration mark reserved under this regulation, only the sequence of arrangement of the letters and numerals shall be taken into account.”.

## 10. Regulations added

The following are added—

### **“12A. Commissioner to invite applications for personalized registration marks**

(1) The Commissioner may from time to time, by notice published in the Gazette, invite applications for the allocation of personalized registration marks upon sale by auction.

(2) The Commissioner—

(a) shall determine the period within which an application has to reach him; and

(b) may specify the number of applications to be considered under regulation 12C (“specified number”).

(3) If the number of applications received by the Commissioner exceeds the specified number, the Commissioner shall cause the applications to be considered under regulation 12C to be selected by lot.

(4) A notice under subregulation (1) shall state—

(a) the period determined under subregulation (2)(a);

(b) the specified number; and

(c) that, if the number of applications received exceeds the specified number, the applications to be considered under regulation 12C are to be selected by lot.

(5) The Commissioner shall, in such manner as he thinks fit, give notice of the result of any such selection.

### **12B. Manner in which application for personalized registration mark is to be made**

(1) A person who wishes to be allocated a personalized registration mark under regulation 12I may, upon invitation made under regulation 12A(1), apply to the Commissioner to make that registration mark (“proposed personalized registration mark”) available for allocation upon sale by auction.

(2) An application under subregulation (1) shall be in a form specified by the Commissioner (“application form”).

(3) The applicant shall—

(a) print the proposed personalized registration mark in the boxes designated for that purpose on the application form so as to show clearly the arrangement (either in a single row only or both in a single row and in 2 rows) of the letters and

- numerals that make up the proposed personalized registration mark; and
- (b) indicate a blank space, if required, by leaving the appropriate box blank.
- (4) No person shall, in response to a particular invitation made under regulation 12A(1), make more than one application.
- (5) The Commissioner shall not entertain any request to—
- (a) withdraw an application; or
  - (b) amend the particulars on the application form as referred to in subregulation (3),
- made after the application is received by him.

**12C. Application for personalized registration mark to be considered for deciding whether it shall be determined by Commissioner**

- (1) The Commissioner shall consider, in accordance with this regulation, an application for the allocation of a proposed personalized registration mark received or (in the case where a selection by lot under regulation 12A(3) is made) selected by lot for the purpose of deciding whether the application shall be determined under regulation 12F.
- (2) If a proposed personalized registration mark—
- (a) does not comply with the requirements set out in regulation 12E;
  - (b) is a registration mark which has been assigned or allocated under these regulations;
  - (c) is a proposed personalized registration mark for which an application has already been made in response to an earlier invitation made under regulation 12A(1) and—
    - (i) the application is being determined; or
    - (ii) has been approved as personalized registration mark to be offered for sale by auction,under these regulations;
  - (d) has, in its arrangement of the letters and numerals, more than 4 identical letters or numerals placed together side by side;
  - (e) consists of the letters “VV”, at the beginning, followed by a number;
  - (f) consists of the letter “T”, as the suffix, preceded by a number;

- (g) consists of the letter “T”, at the beginning, followed by a number;
- (h) is identical with a registration mark referred to in regulation 34(1)(a)(i);
- (i) is a registration mark reserved under regulation 11;
- (j) is a personalized registration mark specified in Schedule 5A;  
or
- (k) falls within the description in regulation 6(1)(a)(i) or 9(1), the application for the allocation of the proposed personalized registration mark shall not be determined under regulation 12F.

(3) Notwithstanding anything contained in these regulations, if more than one application is made by the same person, the Commissioner shall not determine any of those applications under regulation 12F.

(4) Subject to subregulation (5), where the Commissioner receives more than one application for the allocation of the same proposed personalized registration mark (taking into account only the sequence of arrangement of the letters and numerals), only one of those applications, which shall be drawn by lot, shall be, subject to subregulations (2) and (3), determined under regulation 12F.

(5) Where there is a selection by lot under regulation 12A(3), and more than one application for the allocation of the same proposed personalized registration mark (taking into account only the sequence of arrangement of the letters and numerals) is so selected, only the one on which the lot falls first out of those applications shall be, subject to subregulations (2) and (3), determined under regulation 12F.

#### **12D. Payment of deposit upon notice by Commissioner**

(1) The Commissioner shall require, by notice in writing, the applicant of each application for the allocation of a proposed personalized registration mark which, after being considered under regulation 12C, shall be determined under regulation 12F to pay to the Commissioner a deposit of \$5,000 within the period specified in the notice.

(2) An applicant who fails to pay a deposit required under subregulation (1) shall be deemed to have withdrawn his application.

#### **12E. Combination requirements for personalized registration marks**

(1) Subject to subregulations (2) and (3), a personalized registration mark shall consist of—

- (a) not more than 8 letters (which shall not include the letters “I”, “O” and “Q”);
- (b) not more than 8 numerals; or
- (c) any combination of letters (which shall not include the letters “I”, “O” and “Q”) and numerals the total of which shall not exceed 8.

(2) Each blank space indicated on an application form under regulation 12B(3)(b) shall, for the purpose of counting the number of letters, numerals, or both, under subregulation (1)(a), (b) or (c), be taken as one letter or numeral.

(3) More than one blank space is allowed in a personalized registration mark, but there shall be not more than one blank space between any 2 letters or numerals, or between a letter and a numeral, in the personalized registration mark.

(4) Any blank space in a proposed personalized registration mark shall be disregarded for the purpose of deciding—

- (a) whether it is a registration mark referred to in regulation 12C(2)(b) or (c) (in which case any blank space in such registration mark shall also be disregarded for the purpose of making the comparison); and
- (b) whether it falls within the description in regulation 12C(2)(d), (e), (f), (g), (h), (i), (j) or (k).

#### **12F. Determination of application for personalized registration mark**

(1) On receipt of a deposit under regulation 12D(1), the Commissioner shall, in his discretion, determine whether to accept or refuse the application concerned.

(2) Without prejudice to the generality of the Commissioner’s discretion under subregulation (1), the Commissioner shall refuse an application if, in his opinion, the proposed personalized registration mark—

- (a) is likely to be offensive to a reasonable person, or has a connotation offensive to good taste or decency;
- (b) refers to any triad title or nomenclature or otherwise has a triad connotation;
- (c) is likely to cause a reasonable person to believe that the motor vehicle on which the registration mark is displayed belongs to or the person using the vehicle represents any of the following—
  - (i) the Hong Kong Garrison or any office set up by the Central People’s Government in Hong Kong;



- (ii) the Government;
  - (iii) any public body;
  - (iv) any country or the government of any country; or
  - (v) an international organization in which the Government participates in any capacity;
  - (d) may cause danger to the safety of any user of the road; or
  - (e) is confusing for the purposes of law enforcement.
- (3) If the Commissioner determines that an application shall be refused, he shall—
- (a) notify the applicant in writing of the refusal and the reasons therefor; and
  - (b) refund to the applicant the deposit paid by him under regulation 12D(1).
- (4) On determining that an application shall be accepted, the Commissioner shall notify the applicant in writing that—
- (a) the application is accepted; and
  - (b) subject to regulation 12G, the proposed personalized registration mark is approved as personalized registration mark to be offered for sale by auction on a day to be fixed by the Commissioner in his discretion.

**12G. Review of determination to accept application for personalized registration mark**

(1) The Commissioner may, at any time before a proposed personalized registration mark approved as referred to in regulation 12F(4) is sold by auction, review the determination under that regulation if he is satisfied that there is good cause for doing so.

(2) The Commissioner may, on reviewing a determination under subregulation (1), confirm or reverse the determination.

(3) If the Commissioner reverses a determination under subregulation (2), he shall—

- (a) notify the applicant concerned in writing of the reversal and the reasons therefor; and
- (b) refund to the applicant the deposit paid by him under regulation 12D(1).

**12H. Sale by auction of personalized registration marks**

(1) The sale by auction under regulation 12I(1) of a proposed personalized registration mark shall, subject to subregulation (2), be conducted under the direction of the Commissioner.

(2) The Commissioner may engage such persons as he thinks fit for the conduct of the sale by auction under regulation 12I(1) of a proposed personalized registration mark.

(3) The sale by auction under regulation 12I(1) of a proposed personalized registration mark shall be subject to a reserve price of \$5,000, and the persons attending the sale by auction shall be notified accordingly.

### **12I. Allocation and sale of personalized registration marks**

(1) Subject to subregulation (3), a proposed personalized registration mark shall, before being assigned under regulation 6, be offered for sale by auction.

(2) If a proposed personalized registration mark is allocated upon sale by auction to a person other than the applicant who applied to the Commissioner to make it available for allocation, the deposit paid by the applicant under regulation 12D(1) shall be refunded to him.

(3) If a proposed personalized registration mark remains unsold at the auction, it shall be allocated, at a special fee of \$5,000, to the applicant.

(4) For the purposes of subregulation (3), the deposit paid by the applicant under regulation 12D(1) shall be taken as payment of the special fee.

(5) Regulation 9(2) and (3) shall apply in respect of personalized registration marks allocated under this regulation (whether allocated upon sale by auction or at the special fee of \$5,000) in like manner as it applies in respect of special registration marks allocated under regulation 9(1).

(6) If, for whatever cause, a personalized registration mark allocated under this regulation 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.

### **12J. Issue of certificate of allocation**

(1) The Commissioner shall issue a certificate of allocation to the person to whom the personalized registration mark is allocated under regulation 12I.

- (2) A certificate of allocation issued under subregulation (1) shall—
- (a) state the personalized registration mark;
  - (b) state the name and identity document number of the personalized registration mark holder (being the person to whom the personalized registration mark is allocated under regulation 12I);

- (c) state the date of allocation of the personalized registration mark which, in the case of allocation under regulation 12I, shall be the date of auction;
- (d) state the date of auction; and
- (e) state the auction price or the special fee at which the personalized registration mark was sold under regulation 12I.

(3) The certificate of allocation shall also specify the arrangement of the letters and numerals (together with any blank space) of the personalized registration mark for display in accordance with paragraph 1(a) of Schedule 4—

- (a) in a single row only, if such arrangement is shown in a single row only on the application form for the personalized registration mark; or
- (b) both in a single row and in 2 rows, if such arrangement is shown both in a single row and in 2 rows on the application form for the personalized registration mark.

**12K. Sale of certain personalized registration marks in Commissioner's discretion**

(1) The Commissioner may, in his discretion, make any registration mark specified in Schedule 5A available for allocation upon sale by auction as a personalized registration mark.

(2) Regulation 12H shall apply in respect of the sale by auction of a personalized registration mark under this regulation in like manner as it applies in respect of the sale by auction of a proposed personalized registration mark under regulation 12I(1).

(3) Regulation 12J shall apply in respect of personalized registration marks allocated under this regulation in like manner as it applies in respect of personalized registration marks allocated under regulation 12I.

(4) Regulation 9(2) and (3) shall apply in respect of personalized registration marks allocated under this regulation in like manner as it applies in respect of special registration marks allocated under regulation 9(1).

(5) If, for whatever cause, a personalized registration mark allocated under this regulation 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.

**12L. Cancellation of personalized  
registration marks**

(1) The Commissioner may, in his discretion, cancel the allocation of a personalized registration mark at any time after that allocation if he is satisfied, having regard to such matters as he considers relevant including but not limited to the grounds specified in regulations 12C(2) and 12F(2), that the personalized registration mark is not or is no longer appropriate for allocation.

(2) Before cancelling the allocation of a personalized registration mark under subregulation (1), the Commissioner shall send a notice to the personalized registration mark holder—

- (a) stating that the allocation of the personalized registration mark shall be cancelled on the expiry of 15 days after the date of the notice and the reasons therefor; and
- (b) if the personalized registration mark has been assigned to a motor vehicle, specifying the new registration mark to be assigned to the vehicle under subregulation (5).

(3) A notice of cancellation shall be sent to the personalized registration mark holder by ordinary post at the address last known to the Commissioner or, where the personalized registration mark has been assigned to a motor vehicle, his address appearing on the register.

(4) On the expiry of the 15 days referred to in subregulation (2)(a), the Commissioner shall cancel the allocation of the personalized registration mark and, accordingly—

- (a) the certificate of allocation;
- (b) if the personalized registration mark has been assigned to a motor vehicle, the vehicle licence issued in respect of the vehicle; and
- (c) such other relevant documents as may be specified by the Commissioner,

shall cease to be valid.

(5) In the event of a cancellation under subregulation (4) of the allocation of a personalized registration mark which has been assigned to a motor vehicle, a new registration mark shall be assigned to the vehicle.

**12M. Return of documents and refund on  
cancellation of personalized  
registration marks**

(1) The personalized registration mark holder shall, within 15 days after the date of the notice of cancellation sent to him, return to the Commissioner—

- (a) the certificate of allocation issued to him;
- (b) if the personalized registration mark has been assigned to a motor vehicle—
  - (i) the vehicle licence issued in respect of the vehicle; and
  - (ii) the registration document relating to the vehicle; and
- (c) such other relevant documents as may be specified by the Commissioner.

(2) When the certificate of allocation and (where applicable) vehicle licence, registration document and other relevant documents are returned under subregulation (1), the Commissioner shall refund an amount equal to the auction price or the special fee at which the personalized registration mark was sold under regulation 12I to the personalized registration mark holder.

(3) If the personalized registration mark has been assigned to a motor vehicle, the Commissioner shall—

- (a) where the vehicle licence and registration document are returned to the Commissioner within the time specified in subregulation (1)—
  - (i) enter in the register the new registration mark assigned to the vehicle under regulation 12L(5);
  - (ii) (except where the registered owner of the vehicle wishes to surrender the vehicle licence) return to the registered owner the vehicle licence with the new registration mark entered therein; and
  - (iii) return to the registered owner of the vehicle the registration document with the new registration mark entered therein; or
- (b) in any other case—
  - (i) enter in the register the new registration mark assigned to the vehicle under regulation 12L(5);
  - (ii) cancel the vehicle licence when it ceases to be valid under regulation 12L(4) and make a refund of the portion of the licence fee paid for the licensing of the vehicle relating to the unexpired period of the vehicle licence; and
  - (iii) where the vehicle licence and registration document are subsequently returned to the Commissioner—
    - (A) return to the registered owner of the vehicle the registration document with the new registration mark entered therein; and
    - (B) where the registered owner complies with regulation 21(1), issue a new vehicle licence in respect of the vehicle.

(4) Regulation 24(1) shall apply in respect of the refund of the portion of the licence fee under subregulation (3)(b)(ii) as if the reference to the surrender of a valid vehicle licence under that regulation were a reference to the cancellation of a vehicle licence under that subregulation.

(5) For the purpose of calculating the amount to be refunded, the number of days in the unexpired period, as referred to in Schedule 6, of a vehicle licence cancelled under subregulation (3)(b)(ii) shall be counted from the day immediately following the expiry of the 15 days referred to in regulation 12L(2)(a).

**12N. Effect of sending notice of cancellation**

(1) Subregulations (2), (3) and (4) shall apply where a notice of cancellation is sent under regulation 12L(2).

(2) The personalized registered mark concerned, if it has not yet been assigned to a motor vehicle, shall not be assigned to any motor vehicle.

(3) The Commissioner shall, before the return of the certificate of allocation and (where applicable) vehicle licence, registration document and other relevant documents as required by regulation 12M(1) or the expiry of the 15 days referred to in regulation 12L(2)(a), whichever is the earlier—

- (a) take no action under regulation 17(3), (3A), (4) or (5) on receipt of any notice of transfer of ownership of the motor vehicle to which the personalized registration mark is assigned;
- (b) refuse to license the motor vehicle under regulation 21(3), (5) or (6);
- (c) refuse to issue any other licence or permit, or to renew any other licence or permit issued, in respect of the motor vehicle under these regulations or any other regulations made under the Ordinance; and
- (d) refuse to issue a duplicate registration document, vehicle licence or permit in respect of the motor vehicle.

(4) The Commissioner shall also refuse to issue a duplicate certificate of allocation under regulation 59.

(5) The Commissioner shall, on receipt of an application in writing, provide information to the person making the application as to whether any notice of cancellation has been sent.

**12O. Appeal to Administrative Appeals  
Board against decision to  
cancel a personalized  
registration mark**

(1) A person aggrieved by the decision of the Commissioner to cancel the allocation of a personalized registration mark under regulation 12L may appeal to the Administrative Appeals Board against such decision.

(2) Where the Administrative Appeals Board, in the exercise of its powers under section 21(1)(j) of the Administrative Appeals Board Ordinance (Cap. 442), reverses a decision of the Commissioner on an appeal, the Commissioner shall take such action as is necessary (including, in particular, the allocation of the personalized registration mark) to give effect to the reversal by the Administrative Appeals Board of that decision.

(3) Without prejudice to the generality of subregulation (2), the Commissioner shall, upon receiving from the person to whom a refund was made under regulation 12M(2) the amount so refunded (if any), issue a new certificate of allocation to that person.

(4) A certificate of allocation issued under subregulation (3) 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 person to whom the personalized registration mark is allocated under subregulation (2) to give effect to the reversal by the Administrative Appeals Board of the decision of the Commissioner); and

(c) state the date of allocation of the personalized registration mark which, in such case, shall be the date of the reversal by the Administrative Appeals Board of the decision of the Commissioner as referred to in subregulation (2).

(5) Regulation 9(2) and (3) shall apply in respect of personalized registration marks allocated under subregulation (2) to give effect to the reversal by the Administrative Appeals Board of decisions of the Commissioner in like manner as it applies in respect of special registration marks allocated under regulation 9(1).

(6) If, for whatever cause, a personalized registration mark allocated under subregulation (2) to give effect to a reversal by the Administrative Appeals Board of a decision of the Commissioner 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.

(7) The Commissioner may waive the payment of the registration fee prescribed in Schedule 2 where a personalized registration mark allocated under subregulation (2) to give effect to a reversal by the Administrative Appeals Board of a decision of the Commissioner is assigned to a motor vehicle.

**12P. Power to seize number plates  
with cancelled personalized  
registration marks**

Any police officer or other public officer authorized by the Commissioner for the purposes of this regulation may seize number plates bearing a personalized registration mark the allocation of which is cancelled from the motor vehicle on which they are displayed.

**12Q. Surrender of personalized registration  
marks**

(1) A personalized registration mark holder may, at any time by giving notice in writing, surrender the personalized registration mark to the Commissioner who may reallocate it upon sale by auction.

(2) When the personalized registration mark holder gives notice under subregulation (1), he shall at the same time return to the Commissioner—

- (a) the certificate of allocation issued to him;
- (b) if the personalized registration mark has been assigned to a motor vehicle—
  - (i) the vehicle licence issued in respect of the vehicle; and
  - (ii) the registration document relating to the vehicle; and
- (c) such other relevant documents as may be specified by the Commissioner.

(3) The personalized registration mark surrendered under subregulation (1) shall cease to be valid upon receipt by the Commissioner of the certificate of allocation.

(4) If the personalized registration mark has been assigned to a motor vehicle, the Commissioner may, when the personalized registration mark ceases to be valid under subregulation (3), assign a new registration mark to the vehicle.

(5) Where a vehicle licence, registration document and other relevant documents are returned to the Commissioner under subregulation (2)(b) and (c), the Commissioner shall—



- (a) enter in the register the new registration mark assigned to the motor vehicle concerned under subregulation (4); and
- (b) return to the registered owner of the vehicle the vehicle licence and registration document with the new registration mark entered therein.”.

## **11. Sale of registration marks on request**

Regulation 13 is amended—

- (a) in subregulation (1), by repealing everything after “who wishes to” and before “available for allocation” and substituting “be allocated a registration mark consisting of one or 2 letters chosen by the Commissioner, subject to regulation 11, as its prefix, followed by a particular number of not more than 4 digits (not being a number listed in Schedule 5, or the number consisting only of the numeral “0”, or a number beginning with the numeral “0”) chosen by the person, may apply to the Commissioner to make such a registration mark, if unassigned,”;
- (b) in subregulation (2), by repealing “for sale by auction an unassigned registration mark consisting of one or more letters, chosen by the Commissioner, and the particular number requested” and substituting “the requested registration mark for sale by auction”;
- (c) in subregulation (3), by adding “by auction” after “the sale”;
- (d) in subregulation (4), by adding “for allocation” after “available”;
- (e) in subregulation (5), by adding “for allocation” after “available”;
- (f) in subregulation (6), by repealing “they apply” and substituting “it applies”;
- (g) in subregulation (7), by adding “the date of” after “within 12 months after”.

## **12. Sale of certain registration marks in Commissioner’s discretion**

Regulation 14 is amended—

- (a) in subregulation (1), by repealing “, not being a special registration mark or a registration mark reserved under regulation 11” and substituting “chosen by him, subject to regulation 11, consisting of one or 2 letters as its prefix, followed by a number of not more than 4 digits (not being a number listed in Schedule 5)”;
- (b) in subregulation (2), by repealing “they apply” and substituting “it applies”;
- (c) in subregulation (3), by adding “the date of” after “within 12 months after”.

### **13. Cancellation of registration for non-licensing**

Regulation 15(2) is amended by repealing “12” and substituting “12A to 12K”.

### **14. Transfer of registration marks**

Regulation 16(5) is amended by repealing “12,” and substituting “12A to 12K,”.

### **15. Transfer of motor vehicle ownership**

Regulation 17 is amended—

- (a) in subregulation (1)—
  - (i) in paragraph (a), by repealing “and”;
  - (ii) by adding—
    - “(aa) if the vehicle is a vehicle to which there is assigned a personalized registration mark, the certificate of allocation; and”;
- (b) in subregulation (2)—
  - (i) in paragraph (a), by repealing “form of”;
  - (ii) in paragraph (b)—
    - (A) in subparagraph (i), by repealing “form of”;
    - (B) by adding—

- “(ia) if the vehicle is a vehicle to which there is assigned a personalized registration mark, the certificate of allocation;”;
- (c) in subregulation (3), by repealing “and 12” and substituting “, 12 and 12N”;
- (d) by adding—
- “(3A) In the case referred to in subregulation (3)(a), where a certificate of allocation has been delivered to the Commissioner in accordance with subregulation (2)(b)(ia), the Commissioner shall issue a new certificate of allocation to the new registered owner of the motor vehicle to which the personalized registration mark is assigned.
- (3B) A certificate of allocation issued under subregulation (3A) 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 new registered owner);
- (c) state the date of allocation of the personalized registration mark as specified in regulation 12J(2)(c) or 12O(4)(c), as the case may be; and
- (d) state the date of entering in the register the name, address and particulars of the identity document of the new owner.”;
- (e) by adding—
- “(5A) Notwithstanding anything contained in subregulation (4) or (5), where a motor vehicle is a vehicle to which there is assigned a personalized registration mark, the Commissioner shall not cause the new owner of the vehicle to be registered as the owner of the vehicle under subregulation (4) or (5) unless the certificate of allocation has been delivered to the Commissioner in accordance with subregulation (2)(b)(ia).”;
- (f) in subregulation (6)(b), by adding “certificate of allocation (where applicable),” before “a valid”.

**16. Changes of particulars of registered owner or personalized registration mark holder**

Regulation 19 is amended by adding—

“(3) A person to whom a personalized registration mark is allocated shall, as soon as practicable after the allocation, notify the Commissioner in writing of his name and address and the particulars of his identity document.

(4) Without prejudice to subregulation (1), within 72 hours after any change of name, address or identity document of a personalized registration mark holder, the personalized registration mark holder shall forward to the Commissioner a notice of such change in a form specified by the Commissioner together with, in the case of change of name or identity document, the certificate of allocation.

(5) On receipt of such notice of change of name or identity document and the certificate of allocation, the Commissioner shall return to the personalized registration mark holder the certificate of allocation forwarded by him with such change entered therein.”.

**17. Motor vehicles broken up, destroyed or exported**

Regulation 20 is amended—

(a) in subregulation (1), by repealing everything after “at the same” and substituting—

“time—

(a) deliver to the Commissioner the registration document and vehicle licence (if not destroyed) relating to the vehicle; and

(b) if the vehicle is a vehicle to which there is assigned a personalized registration mark, return to the Commissioner the certificate of allocation, in which case regulation 12Q shall apply as if the notification under this subregulation was a notice under regulation 12Q(1).”;

(b) in subregulation (2)—

(i) by adding “, subject to subregulation (3A),” before “cancel the registration”;

(ii) by repealing “12” and substituting “12A to 12K”;

(c) by adding—

“(3A) If the registered owner wishes to have the registration mark that is assigned to such vehicle transferred or held in abeyance under regulation 16, he shall make an application to the Commissioner under regulation 16(1) before the Commissioner cancel the registration of the vehicle under this regulation.”;

- (d) in subregulation (4), by repealing “cancel the registration of the vehicle and may, subject to regulations 9, 12” and substituting “, unless an application referred to in subregulation (3A) is received, cancel the registration of the vehicle and at any time thereafter, may, subject to regulations 9, 12A to 12K”.

**18. Vehicle licence and certificate of allocation to remain property of the Government**

Regulation 22 is amended—

- (a) by adding—

“(1A) A certificate of allocation shall remain the property of the Government and the Commissioner may require a certificate of allocation to be returned to him at any time.”;

- (b) in subregulation (2), by adding “, and to seize a certificate of allocation that is cancelled” after “from a motor vehicle”.

**19. Registration marks on imported vehicles**

Regulation 34 is amended—

- (a) in subregulation (1)—

- (i) in paragraph (a), by repealing everything after “registration document is” and substituting—

“produced—

- (i) the registration mark recorded in that document;  
or

- (ii) if the registration mark recorded in that document is identical to a registration mark which has been assigned or allocated under these regulations (by a comparison only of the sequence of arrangement of the letters and numerals), a registration mark consisting of 2 letters as its prefix, followed by a number of not more than 4 digits (not being a number listed in Schedule 5); and”;

- (ii) in paragraph (b), by repealing everything after “other vehicle” and substituting “, a registration mark consisting of 2 letters as its prefix, followed by a number of not more than 4 digits (not being a number listed in Schedule 5).”;
- (b) in subregulation (2), in the proviso—
  - (i) in paragraph (a), by repealing “subregulation (1)(a)” and substituting “subregulation (1)(a)(i)”;
  - (ii) in paragraph (b), by repealing “subregulation (1)(a)” and substituting “subregulation (1)(a)(i)”;
- (c) in subregulation (3), by repealing “subregulation (1)(a)” and substituting “subregulation (1)(a)(i)”;
- (d) in subregulation (4), by repealing “subregulation (1)(a)” and substituting “subregulation (1)(a)(i)”.

## **20. Registration cards**

Regulation 35(1) is amended by repealing “regulation 34(1)(b)” and substituting “regulation 34(1)(a)(ii) or (b)”.

## **21. Registration, etc. of trailers**

Regulation 37 is amended—

- (a) in subregulation (1), by adding “and references therein to a registration mark were references to the registration mark assigned to the trailer as referred to in subregulation (2)” after “respectively”;
- (b) in subregulation (2), by repealing everything after “regulation” and substituting “6(1)(a) shall consist of the letter “T”, as the suffix, preceded by a number.”.

## **22. Trade licences and trade plates**

Regulation 44(2) is amended by repealing “together with the number, or letters and number, allocated in respect thereof” and substituting “, followed by the number allocated in respect thereof,”.

**23. Issue of duplicate registration documents, licences, permits and certificates of allocation**

Regulation 59 is amended—

(a) by adding—

“(2A) If a certificate of allocation is lost, destroyed or defaced, the personalized registration mark holder may apply to the Commissioner in a form specified by the Commissioner for a duplicate certificate of allocation, and the Commissioner upon being satisfied as to such loss, destruction or defacement and upon receipt of any certificate of allocation which has been defaced, shall issue a duplicate certificate of allocation, marked as such, on payment of the appropriate fee prescribed in Schedule 2 and the duplicate certificate of allocation so issued shall have the same effect as the original certificate of allocation.”;

(b) in subregulation (3)—

(i) by repealing “trade licence or permit” and substituting “trade licence, permit or certificate of allocation”;

(ii) by repealing “, licence or permit” where it twice appears and substituting “, vehicle licence, trade licence, permit or certificate of allocation”;

(c) in subregulation (4)—

(i) by repealing “trade licence or permit” and substituting “trade licence, permit or certificate of allocation”;

(ii) by repealing “, licence or permit” and substituting “, vehicle licence, trade licence, permit or certificate of allocation”;

(d) in subregulation (5)—

(i) by repealing “trade licence or permit” and substituting “trade licence, permit or certificate of allocation”;

(ii) by repealing “, licence or permit” where it twice appears and substituting “, vehicle licence, trade licence, permit or certificate of allocation”;

(iii) by repealing “or the person to whom the licence” and substituting “, the person to whom the vehicle licence, trade licence”;

(iv) by adding “or the personalized registration mark holder” after “was issued”;

(e) in subregulation (6)—

- (i) by repealing “trade licence or permit” and substituting “trade licence, permit or certificate of allocation”;
- (ii) by repealing “, licence or permit” wherever it appears and substituting “, vehicle licence, trade licence, permit or certificate of allocation”.

## **24. Offences**

Regulation 60 is amended—

- (a) in subregulation (1)—
  - (i) by adding “12M(1),” before “17(1)”;
  - (ii) by repealing “19(1)” and substituting “19(1), (3) or (4)”;
  - (iii) by repealing “22(1)” and substituting “22(1) or (1A)”;
- (b) in subregulation (2), by adding “12P,” before “22(2)”;
- (c) in subregulation (6)—
  - (i) by adding “certificate of allocation,” after “any registration document or card,”;
  - (ii) by adding “certificate of allocation,” after “such registration document or card,”.

## **25. Regulation added**

The following is added—

### **“60A. Amendment of Schedule 5A**

The Commissioner may by order published in the Gazette amend Schedule 5A.”.

## **26. Transitional provisions**

Regulation 62 is amended by adding—

- “(3) Regulation 11(1) shall not have effect in relation to a registration mark falling within the description in paragraph (b) of that regulation if—
- (a) the registration mark was assigned or allocated, or deemed to be assigned or allocated, under these regulations before the commencement of the amendments made by the Revenue (Personalized Vehicle Registration Marks) Ordinance 2005 ( of 2005) to that regulation; and
  - (b) the registration mark is valid at the commencement of those amendments.”.



**27. Fees**

Schedule 2 is amended—

- (a) by adding “12O,” after “[regs. 4, 5, 9,”;
- (b) in the fifth item, by repealing “or vehicle licence fee, other than in the case of a rickshaw” and substituting “fee, duplicate vehicle licence fee other than in the case of a rickshaw, or duplicate certificate of allocation fee”.

**28. Provisions as to display of registration marks and plates**

Schedule 4 is amended—

- (a) by repealing “[reg. 8]” and substituting “[regs. 2, 8 & 12J]”;
- (b) in paragraph 1—
  - (i) by repealing everything before Diagram No. 3 and substituting—

“1. Form of Display of Registration Marks

(a) Arrangement of Letters and Numerals

- (i) The letters and numerals of a registration mark (not being a personalized registration mark) shall be displayed—
  - (A) in a single row, as shown in Diagram 1—

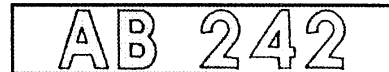


DIAGRAM 1;

or

- (B) in 2 rows, with the letters in the upper row and the numerals in the lower row, as shown in Diagram 1A—



DIAGRAM 1A.

- (ii) In the case of a personalized registration mark, subject to subparagraph (c), the letters and numerals shall be displayed—

- (A) (if the certificate of allocation specifies the arrangement in a single row only) in a single row only, as shown in Diagram 2—

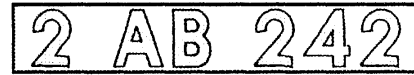


DIAGRAM 2;

or

- (B) (if the certificate of allocation specifies the arrangement both in a single row and in 2 rows) either—  
(I) in a single row, as shown in Diagram 2 above; or  
(II) in 2 rows, as shown in Diagram 2A—

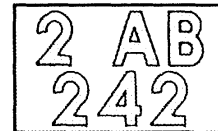


DIAGRAM 2A.

- (iii) If the letters and numerals of a personalized registration mark are displayed in 2 rows, the maximum number of letters and numerals in each row is 4 (counting a blank space as one letter or numeral).
- (iv) In the case of a personalized registration mark displayed in 2 rows, any blank space which would, if not for this sub-paragraph, appear on the right most side of the upper row or the left most side of the lower row shall, for the purpose of having the letters and numerals in the relevant row centred, be disregarded so that there is a margin of the same width on each side of the row.
- (b) Form and Size of Letters and Numerals
- (i) The letters and numerals of a registration mark for display shall comply with sub-paragraph (ii) and with the form and proportions shown in Diagram 3—”;

- (ii) by repealing “DIAGRAM NO. 3” and substituting “DIAGRAM 3.”;
- (iii) by renumbering subparagraph (iii) as subparagraph (b)(ii);
- (iv) in subparagraph (b)(ii)—
  - (A) by repealing “1, 2” and substituting “1, 1A, 2, 2A”;
  - (B) by renumbering sub-subparagraph (a) as sub-sub-subparagraph (A);
  - (C) in sub-sub-subparagraph (A)—
    - (I) by repealing “invalid carriages and motor cycles” and substituting “an invalid carriage or a motor cycle”;
    - (II) by adding “or” at the end;
  - (D) by renumbering sub-subparagraph (b) as sub-sub-subparagraph (B);
- (v) by adding—
  - “(c) Spacing of Letters and Numerals of Personalized Registration Marks
    - (i) Subject to sub-subparagraphs (ii) and (iii), each letter or numeral of a personalized registration mark for display shall be separated from the letter or numeral it immediately precedes or follows by a space, which shall be—
      - (A) in the case of an invalid carriage or a motor cycle, not less than 0.2 cm and not more than 2.5 cm wide (or, if there are 2 or more than 2 numerals “1”, placed together side by side, in the arrangement of the letters and numerals, more than 0.8 cm but not more than 2.5 cm wide); or
      - (B) in the case of any other motor vehicle, not less than 1 cm and not more than 3.2 cm wide,  
and all such spaces separating the letters and numerals shall be of the same width.
    - (ii) A blank space between any 2 letters or numerals, or between a letter and a numeral, of a personalized registration mark for display shall be—

- (A) in the case of an invalid carriage or a motor cycle, not less than 3.2 cm and not more than 4.2 cm wide; or
- (B) in the case of any other motor vehicle, not less than 5.5 cm and not more than 7 cm wide.
- (iii) The space referred to in sub-subparagraph (i) is not required between a letter and a blank space, or between a numeral and a blank space, of a personalized registration mark for display.
- (iv) For the purposes of sub-subparagraphs (i) to (iii), the width of a space or blank space between any 2 letters or numerals, or between a letter and a numeral, shall be measured horizontally between the vertical line passing through the right extreme edge of the letter or numeral immediately preceding the following letter or numeral and the vertical line passing through the left extreme edge of the following letter or numeral.”;
- (c) in paragraph 2—
  - (i) by repealing “Colours, Construction, Fitting, Display” and substituting “Display of Registration Marks and Colours, Construction, Fitting”;
  - (ii) by renumbering subparagraph (i) as subparagraph (a);
  - (iii) in subparagraph (a)—
    - (A) by repealing “subparagraph (v)” and substituting “subparagraph (f)”;
    - (B) by repealing “數字” and substituting “數目字”;
  - (iv) by renumbering subparagraph (ii) as subparagraph (b);
  - (v) in subparagraph (b)—
    - (A) by repealing “subparagraph (iia)” and substituting “subparagraph (c)”;
    - (B) by renumbering sub-subparagraphs (a), (b), (c) and (d) as sub-subparagraphs (i), (ii), (iii) and (iv) respectively;
    - (C) by repealing “數字” wherever it appears and substituting “數目字”;
  - (vi) by renumbering subparagraph (iia) as subparagraph (c);
  - (vii) in subparagraph (c)—

- (A) by repealing “subparagraph (ii)” and substituting “subparagraph (b)”;
- (B) by repealing “數字” where it twice appears and substituting “數目字”;
- (viii) by renumbering subparagraphs (iii) and (iv) as subparagraphs (d) and (e) respectively;
- (ix) in subparagraph (e), by repealing “數字” wherever it appears and substituting “數目字”;
- (x) by renumbering subparagraph (v) as subparagraph (f);
- (xi) in subparagraph (f), by repealing “subparagraph (i)” and substituting “subparagraph (a)”;
- (xii) by renumbering subparagraph (vi) as subparagraph (g);
- (xiii) in subparagraph (g), by repealing “數字” where it twice appears and substituting “數目字”;
- (xiv) by renumbering subparagraphs (vii) and (viii) as subparagraphs (h) and (i) respectively;
- (xv) in subparagraph (i), by repealing “數字” and substituting “數目字”;
- (xvi) by renumbering subparagraph (ix) as subparagraph (j).

**29. List of special registration marks**

Schedule 5 is amended by repealing “[regs. 9 & 13]” and substituting “[regs. 6, 9, 13, 14 & 34]”.

**30. Schedule 5A added**

The following is added—

“SCHEDULE 5A [regs. 12C, 12K & 60A]

PERSONALIZED REGISTRATION MARKS TO BE  
MADE AVAILABLE FOR ALLOCATION  
UPON SALE BY AUCTION IN  
COMMISSIONER’S  
DISCRETION

Item

- 1. B, C, D, E, G, H, J, K, L, M, N, P, R, S, T, U, V, W, X, Y and Z.



and substituting—

“ ”

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**Fixed Penalty (Criminal Proceedings)  
Ordinance**

**35. Effect of non-payment of fines**

Section 10(1)(ii) of the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240) is amended by adding “(3A),” before “(4) or (5)”.

**Fixed Penalty (Criminal Proceedings)  
Regulations**

**36. Schedule amended**

The Schedule to the Fixed Penalty (Criminal Proceedings) Regulations (Cap. 240 sub. leg. A) is amended, in Form 1, by repealing—

“ 字母 letters 號碼 numbers ”

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and substituting—

“ ”

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**Motor Vehicles Insurance (Third  
Party Risks) Regulations**

**37. Forms**

The Schedule to the Motor Vehicles Insurance (Third Party Risks) Regulations (Cap. 272 sub. leg. A) is amended, in Form 1, in item 1, by repealing “regulation 6, 9(1), 13 or 14 of”.

**Housing (Traffic Contraventions)  
(Fixed Penalty) Bylaw**

**38. Other orders at conclusion of proceedings**

Section 20(2)(b)(ii) of the Housing (Traffic Contraventions) (Fixed Penalty) Bylaw (Cap. 283 sub. leg. C) is amended by adding “(3A),” after “17(3),”.

**39. Forms**

Schedule 3 is amended, in Form 1, by repealing—

“ 字母 letters 號碼 numbers ”

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and substituting—

“ ”

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**Administrative Appeals Board Ordinance**

**40. Schedule amended**

The Schedule to the Administrative Appeals Board Ordinance (Cap. 442) is amended by adding—

“32. Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374 sub. leg. E)	A decision of the Commissioner for Transport under regulation 12L(1).”.
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**Electronic Transactions  
(Exclusion) Order**

**41. Provisions excluded from application  
of section 5 of Ordinance**

Schedule 1 to the Electronic Transactions (Exclusion) Order (Cap. 553 sub. leg. B) is amended, in item 44, by adding “12Q(1),” before “17(2)”.



**Mass Transit Railway (Transport  
Interchange) Bylaw**

**42. Other court orders at conclusion  
of proceedings**

Section 51(2)(b)(ii) of the Mass Transit Railway (Transport Interchange) Bylaw (Cap. 556 sub. leg. D) is amended by adding “(3A),” after “17(3),”.

**Explanatory Memorandum**

The main object of this Bill is to introduce amendments to the Road Traffic Ordinance (Cap. 374) to give effect to the proposal on personalized registration marks of motor vehicles in the 2004–2005 Budget.

2. Clauses 2 and 4 define the meaning of “personalized registration mark” to be used in both the Road Traffic Ordinance (Cap. 374) (“the Ordinance”) and the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374 sub. leg. E) (“the Regulations”). Basically, a personalized registration mark must consist of not more than 8 letters (except the letters “I”, “O” and “Q”) or 8 numerals or any combination of not more than 8 such letters and numerals. Each blank space between any 2 letters or numerals will be counted as one letter or numeral. In order to be distinguished from “personalized registration marks”, the descriptions of “special registration marks” and other registration marks are set out more clearly by clauses 5 and 7.

3. Clause 3 amends the regulation-making provisions in the Ordinance to enable regulations to be made to provide for matters relating to the issue of personalized registration marks.

4. Clause 6 amends the Regulations to provide that a personalized registration mark, like any other registration mark, must be displayed in accordance with the requirements in Schedule 4 to the Regulations. In particular, the arrangement of the letters and numerals, as well as blank spaces, in a personalized registration mark must comply with that specified in the certificate of allocation of that personalized registration mark.

5. Clause 9 provides that certain registration marks are reserved and, by virtue of the proposed regulation 12C(2)(i) in clause 10, these reserved registration marks are not to be allocated as personalized registration marks.

6. Clause 10 also adds new provisions to the Regulations.

7. In particular, the proposed regulations 12A to 12D deal with application for personalized registration marks. Basically, the Commissioner for Transport (“the Commissioner”) may invite applications from time to time, and may set a limit on the number of applications to be considered for the purpose of deciding which of those applications shall be determined by the Commissioner. If the number of applications received exceeds the limit, a selection by lot will be held. No person may submit more than one application in response to an invitation. An application for a personalized registration mark which is, inter alia, identical with any other registration mark will not be determined by the Commissioner. An applicant whose application will be determined by the Commissioner is required to pay a deposit of \$5,000.

8. The proposed regulation 12F then empowers the Commissioner to determine an application and sets out the grounds upon which he will refuse an application. A proposed personalized registration mark will not be approved if it is offensive, refers to any triad title or nomenclature or has triad connotation, causes people to believe that it has any connection with the Hong Kong Garrison, any office set up in Hong Kong by the Central People’s Government, the Hong Kong Government, any country or the government of any country, any international organization in which the Hong Kong Government participates or any public body, affects road safety or is confusing for the purposes of law enforcement.

9. An approved personalized registration mark will be offered for sale by auction under the proposed regulation 12I subject to a reserve price of \$5,000. According to the proposed regulation 12F(4), the Commissioner will fix the date of auction in his discretion. Before a personalized registration mark is sold by auction, the Commissioner may, under the proposed regulation 12G, review his determination for the approval. According to the proposed regulation 12H(2), the Commissioner may engage such persons as he thinks fit to conduct the auction. The proposed regulation 12K specifies certain personalized registration marks are to be offered for sale by auction in the Commissioner’s discretion.

10. A certificate of allocation will be issued under the proposed regulation 12J to the person to whom the personalized registration mark is allocated. By virtue of the proposed regulation 12I(6), a personalized registration mark has to be assigned to a motor vehicle within 12 months after the date of its allocation. The proposed regulations 12L and 12Q provide for the cancellation and surrender of a personalized registration mark. The proposed regulation 12M(2) provides for the refund of an amount equal to the auction price or the special fee (as the case may be) of the personalized registration mark in the case of cancellation. Appeal against cancellation may be made to the Administrative Appeals Board under the proposed regulation 12O.

11. The arrangement for the transfer of a motor vehicle assigned with a personalized registration mark will be the same with that for the transfer of motor vehicles assigned with other registration marks, but the certificate of allocation has to be returned to the Commissioner under the proposed regulation 17(2)(b)(ia) in clause 15 so that a new certificate may be issued.
12. The proposed regulation 59(2A) in clause 23 allows a duplicate certificate of allocation to be issued, upon payment of a fee, if the original certificate is lost, destroyed or defaced.
13. It is an offence, according to the amended regulation 60(1) in clause 24, if a person fails to comply with the Commissioner's requirement to return a certificate of allocation and (where applicable) the vehicle licence, registration document and other relevant documents within the specified time after the allocation of a personalized registration mark is cancelled.
14. Clause 27 amends Schedule 2 to the Regulations to prescribe the fees for issuing duplicate certificates of allocation.
15. Clause 28 amends Schedule 4 to the Regulations to specify the form of display of personalized registration marks, including the arrangement, form, size and spacing of the letters and numerals, as well as blank spaces, of personalized registration marks.
16. Clause 30 adds a new Schedule 5A to the Regulations which sets out the personalized registration marks to be sold by auction in the Commissioner's discretion. The Commissioner may amend that new Schedule under the proposed regulation 60A in clause 25.
17. Clauses 32 to 42 are consequential amendments.