

LEGISLATIVE COUNCIL BRIEF

Road Traffic Ordinance
(Chapter 374)

ROAD TRAFFIC (CONSTRUCTION AND MAINTENANCE OF VEHICLES) (AMENDMENT) REGULATION 2007

ROAD TRAFFIC (DRIVING LICENCES) (AMENDMENT) REGULATION 2007

ROAD TRAFFIC (DISABLED PERSON'S PARKING PERMIT – SIMPLIFICATION OF APPLICATION AND RENEWAL PROCEDURE) REGULATION 2007

ROAD TRAFFIC (PUBLIC SERVICE VEHICLES) (AMENDMENT) REGULATION 2007

ROAD TRAFFIC (REGISTRATION AND LICENSING OF VEHICLES) (AMENDMENT) REGULATION 2007

INTRODUCTION

The Secretary for the Environment, Transport and Works (“SETW”) has amended five pieces of subsidiary legislation under the Road Traffic Ordinance (Cap. 374) to improve the arrangements for the issue and renewal of certain transport-related licences and permits. The five amendment regulations are:

- Road Traffic (Construction & Maintenance of Vehicles) (Amendment) Regulation 2007 (at **Annex A**);
- Road Traffic (Driving Licences) (Amendment) Regulation 2007 (at **Annex B**);
- Road Traffic (Disabled Person's Parking Permit – Simplification of Application and Renewal Procedure) Regulation 2007 (at **Annex C**);
- Road Traffic (Public Service Vehicles) (Amendment) Regulation 2007 (at **Annex D**);

- Road Traffic (Registration & Licensing of Vehicles) (Amendment) Regulation 2007 (at Annex E)

JUSTIFICATIONS

2. Following a recent review of the arrangements for the issue and renewal of transport-related licences and permits, the Transport Department (TD) has identified the following areas for improvement -

- (a) removing the requirement that the applicant should produce certain licences in applying for the issue and renewal of some licences and permits;
- (b) removing the requirement that the applicant should produce a driving licence and vehicle registration document in applying for a disabled person's parking permit;
- (c) removing the restriction that certain permits issued by TD can only take effect from the date of issue;
- (d) removing obsolete references to two international conventions that are no longer applicable to Hong Kong; and
- (e) rectifying an anomaly regarding references to change of address specified in driving licences and vehicle registration documents.

3. Details of the proposed changes are set out below.

(a) Removing the requirement to produce certain licences in applying for the issue/renewal of some licences and permits – Currently, an applicant is required to produce (i) a probationary driving licence, a full driving licence or a driving licence to drive Government vehicles in applying for the renewal of these licences; (ii) a full driving licence and a driving instructor's licence in applying for the issue/renewal of a driving instructor's licence; and (iii) a full driving licence in applying for an international driving permit. As TD already has the information of these licences, there is no need to require the applicant to produce the relevant licences. We therefore propose to dispense with this requirement.

(b) Removing the requirement to produce a driving licence and vehicle registration document in applying for a disabled person's parking permit – At present, a disabled person needs to produce his driving

licence/learner's driving licence and the registration document of his vehicle when he applies for a disabled person's parking permit. As TD's computer system already holds the full record of all driving licences and vehicles, we consider this requirement superfluous.

(c) Removing the restriction on the effective date of permits/licences –

Currently, 16 licences/permits issued by TD may require regular renewal. 7 of them¹ have legislative provisions stipulating that their validity shall commence from the date on which they are issued. Given this restriction, if an existing holder applies for renewal of his licence/permit before its expiry, the validity of his current one will be curtailed, and the licence holder will have to pay a higher fee than others due to his submitting an early application for renewal. To rectify this anomaly, we propose to remove the restriction that these licences/permits should only take effect from the date of their issue.

(d) Removing obsolete references to two international conventions –

The 1931 International Convention regarding the Taxation of Foreign Motor Vehicles² was extended to Hong Kong in 1935 by the United Kingdom. As the United Kingdom denounced the Convention in 1963, it ceased to apply to Hong Kong since 1964. Separately, prior to 1 July 1997, both the 1926 International Convention relative to Motor Traffic and the 1949 International Convention on Road Traffic were applicable to Hong Kong. However, it was agreed by the Sino-British Joint Liaison Group that with effect from 1 July 1997, only the 1949 Convention, which contained provisions similar to the 1926 Convention, would apply to Hong Kong, while the 1926 Convention would cease to apply.³ To reflect the fact that both the 1926 Convention and the 1931 Convention no longer apply to Hong Kong, we propose to delete all references to these two conventions in the legislation.

¹ These are bus lane permits, prohibited zone permits, restricted zone permits, closed road permits, expressway permits, trade licences and passenger service licence certificates.

² It allowed a motor vehicle of a contracting state to be exempted from taxes or charges on its circulation in other Contracting states up to a maximum of 90 days.

³ Both the 1926 Convention and the 1949 Convention allowed the issue of International Driving Permits to holders of Hong Kong driving licences so that they can drive in the territories of the contracting states. The 1926 Convention contains a requirement that motor vehicles circulating at other contracting states be issued with International Certificates, while the 1949 Convention has dispensed with this requirement.

(e) Rectifying an anomaly regarding references to change of address on driving licences and vehicle registration documents – Under the current regulation 18 of Cap. 374B and regulation 19 of Cap. 374E, a driving licence holder or a registered owner of a motor vehicle has to report to TD any change of address specified in his driving licence or entered in a registration document. However, following a format change some years ago, current driving licences and registration documents no longer show the addresses of the holders. This legal anomaly has undermined the integrity of the records of personal particulars of licence holders/vehicle owners maintained by TD and hence the effectiveness of communication between TD and licence holders/vehicle owners on traffic and transport matters. To rectify these problems, we propose to change the way the reporting requirement is put so as to make it clear that the licence holders/vehicle owners would need to report a change in address they previously provided to TD.

We will also take the opportunity to formalise the existing arrangement whereby a licence holder will need to return his driving licence and driving instructor's licence for variation when he changes his name or identity document. Furthermore, we will extend the requirement to report any change in name, address and identity document, which only applies to holders of driving licences, driving instructors' licences, vehicle registration documents and personalized registration marks, to holders of international circulation permits.

A related issue is the authenticity of the address provided. The Commissioner for Transport (the Commissioner) will be empowered to ask for the production of documentary proof when the licence or registration document holder reports a change of personal particulars, including address. Failure to do so will be an offence. The Commissioner will also be empowered to require an applicant for the issue or renewal of transport-related licences to produce address proof, and to suspend the processing of an application until the applicant produces the address proof as required.

THE AMENDMENT REGULATIONS

4. The major provisions of the five amendment regulations are as follows –

(a) Road Traffic (Construction & Maintenance of Vehicles) (Amendment) Regulation 2007:

- **Sections 2 and 3** delete two obsolete references to the 1926 Convention;

(b) Road Traffic (Driving Licences) (Amendment) Regulation 2007:

- (i) **Sections 2 and 16** remove the obsolete references to the 1926 Convention;
- (ii) **Sections 3-5, 8-13, 14 and 17** remove the mandatory requirement for an applicant to submit certain licences when applying for the issue or renewal of some licences and permits, but retain the Commissioner's power to require the licence holder to produce the relevant licences;
- (iii) **Section 6** rectifies the anomaly that a licence holder is required to report any change in the address specified in his driving licence when in fact no address is so specified. It also empowers the Commissioner to require a person who has provided a notification of change of particulars to produce proof of the change within 14 days. **Section 15** provides that any person who fails to do so without reasonable excuse commits an offence;
- (iv) **Section 7** requires a licence holder to return his existing driving licence and driving instructor's licence for variation when there is a change in his name or identity document.
- (v) **Section 14** empowers the Commissioner to require an applicant applying for the issue or renewal of a driving licence, driving instructor's licence or international driving permit to produce address proof, and to suspend the processing of the application until the applicant produces the address proof as required;

(c) Road Traffic (Disabled Person's Parking Permit – Simplification of Application and Renewal Procedure) Regulation 2007:

- **Sections 3-5** remove the requirement that an applicant should submit his driving licence and the registration document of his vehicle when applying for issue or renewal of a disabled person's parking permit, but retain the Commissioner's power to require the production of such licence and document;

(d) Road Traffic (Public Service Vehicles) (Amendment) Regulation 2007:

- **Section 2** removes the requirement that a passenger service licence certificate shall only take effect from the date of issue;

(e) Road Traffic (Registration & Licensing of Vehicles) (Amendment) Regulation 2007:

- (i) **Sections 2, 4 and 13** remove the obsolete references to the 1926 Convention and 1931 Convention;
- (ii) **Section 3** rectifies the anomaly that a registered owner of a motor vehicle is required by law to report any change of address entered in his registration document when in fact no address is so entered. It also empowers the Commissioner to require a person who has given a notification of change of particulars to produce proof of the change within 14 days. **Section 12** provides that any person who fails to do so without reasonable excuse commits an offence;
- (iii) **Section 5** requires the holder of an international circulation permit to report any change of name, address or identity document. It also empowers the Commissioner to require a person who has given a notification of change of particulars to produce proof of the change within 14 days. **Section 12** provides that any person who fails to do so without reasonable excuse commits an offence;

- (iv) **Sections 6-10** remove the requirement that trade licences, closed road permits, bus lane permits, prohibited zone permits, restricted zone permits and expressway permits shall take effect from the date of grant or issue, and formalise the existing arrangement that applications for long load permits or wide load permits should be made in specified forms;
- (v) **Section 11** empowers the Commissioner to require the applicant to produce address proof when he applies for registration of vehicles or issue of certain licences or permits under Cap. 374E, and to suspend the processing of the application until the applicant produces the address proof as required;

LEGISLATIVE TIMETABLE

5. The legislative timetable is as follows -

Publication in the Gazette 23 March 2007

Tabling at the Legislative Council 28 March 2007

The Amendment Regulation will come into effect on 19 May 2007.

IMPLICATIONS OF THE PROPOSAL

6. The proposal is in conformity with the Basic Law, including provisions concerning human rights. It does not affect the existing binding effect of the Regulations. The proposal has no financial, civil service, productivity, environmental or sustainability implications. The proposed amendment regulations would improve the arrangements for the issue and renewal of certain transport-related licences and permits by reducing the burden on the applicants to produce certain documents. This should help enhance efficiency and thereby indirectly benefiting the economy.

PUBLIC CONSULTATION

7. An information paper on the legislative amendments was issued to the Legislative Council Panel on Transport on 1 March 2007. Members have no objection to it.

PUBLICITY

8. A press release will be issued. A spokesman will be available to answer media and public enquiries.

ENQUIRIES

9. Please direct all enquiries to Mr Donald Ng, Principal Assistant Secretary for the Environment, Transport and Works (Transport), at 2189 2186.

Environment, Transport and Works Bureau
22 March 2007

**ROAD TRAFFIC (CONSTRUCTION AND MAINTENANCE OF VEHICLES)
(AMENDMENT) REGULATION 2007**

(Made by the Secretary for the Environment, Transport
and Works under section 9 of the Road Traffic
Ordinance (Cap. 374))

1. Commencement

This Regulation shall come into operation on 19 May 2007.

2. Interpretation

Regulation 2 of the Road Traffic (Construction and
Maintenance of Vehicles) Regulations (Cap. 374 sub. leg. A) is
amended by repealing the definitions of "1926 Convention" and
"1949 Convention" and substituting -

" "1949 Convention" (1949 年國際公約) means the International
Convention relative to the international circulation of
motor traffic concluded at Geneva on 19 September 1949;".

3. Application

Regulation 3(a) is amended by repealing "paragraphs I, III
and VIII of Article 3 of the 1926 Convention and with".

Secretary for the Environment,
Transport and Works

2007

Explanatory Note

The International Convention relative to the international circulation of cars concluded at Paris on 24 April 1926 ceased to apply to Hong Kong on 1 July 1997. This Regulation amends the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374 sub. leg. A) ("the Regulations") to delete two obsolete references to that Convention.

2. The provisions of the Regulations also refer to a "1949 Convention". At present, it is necessary to refer to the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374 sub. leg. E) for the full title of that Convention. The opportunity is taken to discontinue the use of cross referencing and set out the title of the Convention in full in the Regulations.

ROAD TRAFFIC (DRIVING LICENCES)(AMENDMENT) REGULATION 2007

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ROAD TRAFFIC (DRIVING LICENCES)(AMENDMENT) REGULATION 2007

(Made by the Secretary for the Environment, Transport and Works
under sections 5 and 8 of the Road Traffic
Ordinance (Cap. 374))

1. Commencement

This Regulation shall come into operation on 19 May 2007.

2. Interpretation

(1) Regulation 2 of the Road Traffic (Driving Licences) Regulations (Cap. 374 sub. leg. B) is amended by repealing the definitions of "1926 Convention" and "1949 Convention" and substituting -

"1949 Convention" (1949 年國際公約) means the International Convention relative to the international circulation of motor traffic concluded at Geneva on 19 September 1949;".

(2) Regulation 2 is amended by repealing the definition of "international driving permit" and substituting -

"international driving permit" (國際駕駛許可證) means -

- (a) an international driving permit in Form 1 of the Ninth Schedule issued under the authority of a country or place which is a party to the 1949 Convention; or
- (b) an international driving permit issued under regulation 36;".

3. Renewal of probationary driving licences

(1) Regulation 12H(1)(a) is amended by adding "and" at the end.

(2) Regulation 12H(1)(b) is repealed.

4. Renewal of full driving licence

(1) Regulation 15(1)(b) is amended by adding "and" at the end.

(2) Regulation 15(1)(c) is repealed.

5. Renewal of driving licences for Government vehicles

(1) Regulation 16(1)(b) is amended by adding "and" at the end.

(2) Regulation 16(1)(c) is repealed.

6. Notification of change of particulars in driving licences

(1) The heading of regulation 18 is amended by repealing "**in driving licences**" and substituting "**of licence holders**".

(2) Regulation 18(1) is repealed and the following substituted -

"(1) If a change occurs in the name, address or identity document of a licence holder previously provided by the licence holder to the Commissioner, the licence holder shall, within 72 hours of the change -

- (a) notify the Commissioner in writing of such change; and
- (b) (in the case of a change of name or change of identity document) deliver to the Commissioner his existing driving licence and, if he also holds a driving instructor's licence, his existing driving instructor's licence."

(3) Regulation 18 is amended by adding -

"(1A) The Commissioner may require a person who has given a notification under paragraph (1) to provide such information or produce such document as the Commissioner may reasonably require as proof of the change within 14 days from the day on which the requirement is made, and the person shall comply with such requirement."

(4) Regulation 18(2) is amended by repealing "notice under paragraph (1), the Commissioner shall" and substituting "notification under paragraph (1), the Commissioner shall, if satisfied that the change specified in the notification has occurred,".

7. Regulation added

The following is added -

"18A. Variation of licence on change of particulars

(1) On receipt of a notification under regulation 18(1) and an existing driving licence mentioned in regulation 18(1)(b) (referred to in this regulation as "existing

licence"), the Commissioner shall, if satisfied that the change specified in the notification has occurred and a variation of the existing licence is required, issue to the licence holder a driving licence with the relevant particulars varied to replace the existing licence.

(2) Unless the licence holder applies for the renewal of his existing licence when delivering his existing licence under regulation 18(1)(b), the licence issued pursuant to paragraph (1) shall expire on the date on which his existing licence expires.

(3) The provisions of paragraphs (1) and (2) shall also apply to the variation of a driving instructor's licence as if references in those paragraphs to a driving licence were references to a driving instructor's licence."

8. Application for driving instructors' licences for restricted driving instructors

Regulation 21 is amended by repealing everything after "to the Commissioner" and substituting -

"-

- (a) an application in a form specified by the Commissioner and signed by the person; and
- (b) the person's identity document."

9. Application for private driving instructors' licences

Regulation 21A(4) is amended by repealing everything after "specified date" and substituting -

"-

- (a) an application in a form specified by the Commissioner and signed by the person; and
- (b) the person's identity document."

10. Application for driving instructors' licences issued under regulation 22(4) and conditions of issue

(1) Regulation 22A(2)(a) is amended by adding "and" at the end.

(2) Regulation 22A(2)(b) and (c) is repealed.

11. Renewal of driving instructors' licences

(1) Regulation 23(1)(b) is amended by adding "and" at the end.

(2) Regulation 23(1)(c) and (d) is repealed.

12. Renewal of certain driving instructors' licences issued under regulation 22(4)

(1) Regulation 23A(2)(a) is amended by adding "and" at the end.

(2) Regulation 23A(2)(b) and (c) is repealed.

13. Application for and issue of international driving permits

(1) Regulation 36(1) is amended by repealing "Any person" and substituting "A holder of a full driving licence".

(2) Regulation 36(1) is amended by repealing "the 1926 Convention, or the 1949 Convention," and substituting "the 1949 Convention".

(3) Regulation 36(1)(a) is amended by adding "and" at the end.

(4) Regulation 36(1)(b) is amended by repealing "; and" and substituting a full stop.

(5) Regulation 36(1)(c) is repealed.

(6) Regulation 36(2) is amended by repealing "each or either of Form 1 and 2" and substituting "Form 1".

14. Regulations added

The following are added -

"44A. Power of Commissioner to require production of licence

Notwithstanding anything in these regulations, the Commissioner -

- (a) may, in processing an application under a provision specified in column 1 of Schedule 14, require the applicant to produce for inspection by the Commissioner the licence specified in column 2 of that Schedule opposite to that provision which is held by the applicant; and

- (b) may suspend the processing of the application until the production of the licence.

44B. Power of Commissioner to require proof of address

Notwithstanding anything in these regulations, the Commissioner -

- (a) may, in processing an application for the issue or renewal of a driving licence or a driving instructor's licence or the issue of a permit, require the applicant to produce proof of his address; and
- (b) may suspend the processing of the application until the production of such proof."

15. Offences

Regulation 46(1) is amended by adding "or (1A)" after "18(1)".

16. Forms of international driving permits

The Ninth Schedule is amended by repealing Form 2.

17. Schedule 14 added

The following is added -

"SCHEDULE 14

[reg. 44A]

LICENCES TO BE PRODUCED FOR INSPECTION WHEN REQUIRED

Regulation	Relevant licence
12H	Probationary driving licence
15	Full driving licence
16	Driving licence to drive Government vehicles
21	Full driving licence
21A	Full driving licence
22A	(a) Driving instructor's licence issued before 1 September 2000; and (b) Full driving licence
23	(a) Driving instructor's licence; and (b) Full driving licence
23A	(a) Driving instructor's licence; and (b) Full driving licence
36	Full driving licence".

Secretary for the Environment,
Transport and Works

2007

Explanatory Note

This Regulation amends the Road Traffic (Driving Licences) Regulations (Cap. 374 sub. leg. B) ("the principal Regulations") for the following purposes -

- (a) to remove references to the International Convention relative to the international circulation of cars concluded at Paris on 24 April 1926 which no longer applies to Hong Kong;
- (b) to remove the mandatory requirement to submit an existing driving licence or driving instructor's licence when applying for the issue or renewal of certain licences and permits under the principal Regulations; however, as a contingency measure, a residual power is retained for the Commissioner for Transport to require the licence holder to produce the relevant licence;
- (c) to rectify the anomaly that a licence holder is required by law to report any change in the address specified in his driving licence when in fact no address is so specified;
- (d) to require a licence holder to return his existing driving licence and driving instructor's licence (if applicable) for variation when there is a change in his name or identity document;
- (e) to empower the Commissioner for Transport to require a person who has given to the Commissioner

a notification of change of particulars under regulation 18(1) of the principal Regulations to produce proof of the change; and

- (f) to empower the Commissioner for Transport to require an applicant who applies for the issue or renewal of a driving licence or driving instructor's licence or the issue of an international driving permit to produce proof of his address.

2. A person who without reasonable excuse fails to comply with the provisions containing the requirements mentioned in paragraph 1(d) or (e) above commits an offence and is subject to a fine of \$2,000.

**ROAD TRAFFIC (DISABLED PERSON'S PARKING PERMIT - SIMPLIFICATION
OF APPLICATION AND RENEWAL PROCEDURE) REGULATION 2007**

(Made by the Secretary for the Environment, Transport and Works
under section 12 of the Road Traffic
Ordinance (Cap. 374))

1. Commencement

This Regulation shall come into operation on 19 May 2007.

2. Interpretation

Regulation 2(1) of the Road Traffic (Parking) Regulations
(Cap. 374 sub. leg. C) is amended by adding -

““full driving licence” (正式駕駛執照) has the meaning assigned
to it by regulation 2 of the Road Traffic (Driving
Licences) Regulations (Cap. 374 sub. leg. B);

“identity document” (身分證明文件) means -

- (a) an identity card issued under the Registration
of Persons Ordinance (Cap. 177);
- (b) a passport furnished with a photograph of the
holder, or some other travel document
establishing to the satisfaction of an
immigration officer or immigration assistant
the identity and nationality of the holder for
the purposes of the Immigration Ordinance (Cap.
115); or
- (c) any other document of identity acceptable to
the Commissioner for the purposes of these

regulations;

"learner's driving licence" (學習駕駛執照) means a learner's driving licence issued under regulation 12 or 12A of the Road Traffic (Driving Licences) Regulations (Cap. 374 sub. leg. B);".

3. Application for and issue of disabled person's parking permits

(1) Regulation 27A(1) is repealed and the following substituted -

"(1) A person who wishes to apply for a disabled person's parking permit in respect of a private car, motor cycle or motor tricycle ("relevant vehicle") shall deliver to the Commissioner -

(a) an application in a form specified by the Commissioner and signed by the person;

and

(b) the originals or copies of -

(i) the identity document of the person; and

(ii) such other documents relating to the person or to the relevant vehicle as are required for the purpose of this regulation and specified in the application form."

(2) Regulation 27A(3) is repealed and the following substituted -

"(3) On receipt of an application made under subregulation (1) in respect of a relevant vehicle, the Commissioner may -

(a) issue a disabled person's parking permit to the applicant if the following conditions are satisfied -

- (i) the applicant is a disabled person holding a full driving licence or a learner's driving licence which permits him to drive the relevant vehicle;
- (ii) the applicant or, where the spouse of the applicant is also a disabled person, the spouse of the applicant is the registered owner of the relevant vehicle; and
- (iii) in the case where the Commissioner requires the relevant vehicle to be modified in view of the physical condition of the applicant, the Commissioner has issued a certificate in respect of the vehicle indicating that the

Commissioner -

(A) has examined the relevant vehicle; and

(B) is satisfied that it is suitable for use by the applicant; and

(b) impose such conditions in respect of the permit as he thinks fit.".

(3) Regulation 27A(4) is amended by adding ", motor cycle or motor tricycle" after "private car".

4. Renewal of disabled person's parking permits

(1) Regulation 27B(1) is repealed and the following substituted -

"(1) A person who wishes to renew a disabled person's parking permit issued to him in respect of a private car, motor cycle or motor tricycle ("relevant vehicle") shall deliver to the Commissioner -

(a) an application in a form specified by the Commissioner and signed by the person; and

(b) the originals or copies of -

(i) the identity document of the person; and

(ii) such other documents relating to the person or to the relevant vehicle as are

required for the purpose of
this regulation and specified
in the application form."

(2) Regulation 27B is amended by adding -

"(3) On receipt of an application made under
subregulation (1) in respect of a relevant vehicle, the
Commissioner may -

- (a) renew a disabled person's parking permit
if, in respect of the applicant and the
relevant vehicle, all the conditions set
out in regulation 27A(3)(a)(i), (ii) and
(iii) are satisfied; and
- (b) impose such conditions in respect of the
permit as he thinks fit."

5. Regulation added

The following is added -

"27BA. Power of Commissioner to require production of licence, etc.

(1) Notwithstanding anything in these regulations, the
Commissioner may, in processing an application made in
respect of a private car, motor cycle or motor tricycle
("relevant vehicle") under regulation 27A or 27B, require the
applicant to produce for inspection the originals or copies
of -

- (a) the registration document of the relevant
vehicle; and

(b) the applicant's full driving licence or learner's driving licence.

(2) The Commissioner may suspend the processing of the application until the production of the document and licence mentioned in subregulation (1).".

Secretary for the Environment,
Transport and Works

2007

Explanatory Note

This Regulation amends the Road Traffic (Parking) Regulations (Cap. 374 sub. leg. C) to -

- (a) remove the mandatory requirement for an applicant to submit his driving licence and the registration document of the vehicle in question when applying for the issue or renewal of a disabled person's parking permit;
- (b) reserve a power for the Commissioner for Transport to require the production of such licence and document, as a contingency measure;
- (c) expressly require the applicant to produce his identity document when he applies for the issue or renewal of a disabled person's parking permit; and
- (d) make other minor and miscellaneous amendments.

**ROAD TRAFFIC (PUBLIC SERVICE VEHICLES) (AMENDMENT)
REGULATION 2007**

(Made by the Secretary for the Environment, Transport and Works under
section 7 of the Road Traffic Ordinance (Cap. 374))

1. Commencement

This Regulation shall come into operation on 19 May 2007.

2. Passenger service licence certificates and plates

Regulation 12(2) of the Road Traffic (Public Service Vehicles) Regulations (Cap. 374 sub. leg. D) is amended by repealing “from the date of issue thereof”.

Secretary for the Environment,

Transport and Works

March 2007

Explanatory Note

This Regulation amends the Road Traffic (Public Service Vehicles) Regulations (Cap. 374 sub. leg. D) to remove the requirement that a passenger service licence certificate shall only take effect from the date of issue.

**ROAD TRAFFIC (REGISTRATION AND LICENSING OF VEHICLES)
(AMENDMENT) REGULATION 2007**

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**ROAD TRAFFIC (REGISTRATION AND LICENSING OF VEHICLES)
(AMENDMENT) REGULATION 2007**

(Made by the Secretary for the Environment, Transport and Works
under sections 5 and 6 of the Road Traffic
Ordinance (Cap. 374))

1. Commencement

This Regulation shall come into operation on 19 May 2007.

2. Interpretation

(1) Regulation 2(1) of the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374 sub. leg. E) is amended by repealing the definition of "1926 Convention".

(2) Regulation 2(1) is amended by repealing the definition of "1931 Convention".

(3) Regulation 2(1) is amended, in the definition of "nationality sign", by repealing "or of Annex C to the 1926 Convention".

(4) Regulation 2(1) is amended, in the definition of "visitor's registration document", by repealing everything after "means" and substituting -

", in the case of a vehicle registered in a country or place outside Hong Kong which is a party to the 1949 Convention, a registration certificate issued under the law of that country or place and containing -

- (a) the serial number or registration number of the vehicle;
- (b) the name or the trade name of the maker of the vehicle;
- (c) the maker's identification or serial number;
- (d) the date of registration of the vehicle; and
- (e) the full name and permanent place of residence of the applicant for the certificate;".

3. Changes of particulars of registered owner or personalized registration mark holder

(1) Regulation 19(1) is repealed and the following substituted -

"(1) Within 72 hours after any change of name, address or identity document of a registered owner previously provided by the registered owner to the Commissioner, the registered owner shall -

- (a) notify the Commissioner in writing of such change; and
- (b) (in the case of change of name or identity document) forward to the Commissioner the registration document of every vehicle of which he is the registered owner."

(2) Regulation 19 is amended by adding -

"(1A) On receipt of a notification under subregulation (1), the Commissioner shall, if satisfied that the change specified in the notification has occurred, enter such change in the register."

(3) Regulation 19(2) is amended by repealing "such notice and the registration document, the Commissioner shall enter such change in the register and issue a new registration document to the registered owner or return to the registered owner the registration document forwarded by him with such change entered therein" and substituting "a notification of change of name or identity document under subregulation (1) and the registration document, the Commissioner shall, if satisfied that the change specified in the notification has occurred and that an amendment to the particulars in the registration document is required, issue a new registration document to the registered owner".

(4) Regulation 19(5) is amended by repealing "return to the personalized registration mark holder the certificate of allocation forwarded by him with such change entered therein" and substituting ", if satisfied that the change specified in the notice has occurred and that an amendment to the particulars in the certificate of allocation is required, issue to the personalized registration mark holder a new certificate of allocation".

(5) Regulation 19 is amended by adding -

"(6) The Commissioner may require a person who has given a notification under subregulation (1) or forwarded a notice under subregulation (4) to provide such information or to produce such document as the Commissioner may reasonably require as proof of the change within 14 days from the day on which the requirement is made, and the person shall comply with such requirement."

4. Motor vehicles leaving Hong Kong

Regulation 30 is repealed.

5. Regulation added

The following is added -

"31A. Changes of particulars of international circulation permit holder

(1) Within 72 hours after any change of name, address or identity document of a holder of an international circulation permit previously provided by the holder to the Commissioner, the holder shall notify the Commissioner in writing of such change.

(2) The Commissioner may require a person who has given a notification under subregulation (1) to provide such information or to produce such document as the Commissioner may reasonably require as proof of the change within 14 days from the day on which the requirement is made, and the person shall comply with such requirement."

6. Trade licences and trade plates

Regulation 44(1)(c) is repealed and the following substituted -

"(c) the validity period of the trade licence which shall not exceed one year; and".

7. Closed road permits

Regulation 49(2) is amended by repealing "from the date on which it was issued".

8. Bus lane permits, prohibited zone permits and restricted zone permits

Regulation 50(2) is amended by repealing "from the date on which it was issued".

9. Expressway permits

Regulation 50A(3) is amended by repealing "from the date on which it was issued".

10. Long load permits and wide load permits

Regulation 54 is amended by repealing ", on receipt of the long load permit fee or wide load permit fee prescribed in Schedule 2, may" and substituting "may, on an application in a form specified by him and on receipt of the long load permit fee or wide load permit fee prescribed in Schedule 2,".

11. Regulation added

The following is added -

"59A. Power of Commissioner to require proof of address

Notwithstanding anything in these regulations, the Commissioner -

- (a) may, in processing an application under regulation 5, 16, 21, 23, 23A, 31, 37, 38, 40, 42, 49, 50, 50A, 51, 52, 53 or 54, require the applicant to produce proof of his address; and
- (b) may suspend the processing of the application until the production of such proof."

12. Offences

(1) Regulation 60(1) is amended by repealing "19(1), (3) or (4)" and substituting "19(1), (3), (4) or (6)".

(2) Regulation 60(4) is amended by adding "31A(1) or (2)," after "regulation".

13. Schedule 8 amended

(1) Schedule 8 is amended, within the square brackets at the beginning, by repealing "regs. 2, 30 &" and substituting "reg.".

(2) Schedule 8 is amended by repealing Forms 1 and 2.

2007

Explanatory Note

This Regulation amends the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374 sub. leg. E) ("the principal Regulations"). The main purposes of the amendments are -

- (a) to remove references to the International Convention relative to the international circulation of cars concluded at Paris on 24 April 1926 and the International Convention regarding the taxation of foreign motor vehicles concluded at Geneva on 30 March 1931, both of which no longer apply to Hong Kong;
- (b) to rectify the anomaly that a registered owner of a motor vehicle is required by law to report any change of address entered in his registration document when in fact no address is so entered;
- (c) to require the holder of an international circulation permit to report any change of name, address or identity document;
- (d) to empower the Commissioner for Transport ("the

Commissioner") to require a person who has given to the Commissioner a notification of change of particulars under regulation 19 or 31A of the principal Regulations to produce proof of the change;

- (e) to remove the requirement that the following licence and permits shall only take effect from the date of grant or issue -
 - (i) trade licence;
 - (ii) closed road permit;
 - (iii) bus lane permit;
 - (iv) prohibited zone permit;
 - (v) restricted zone permit; and
 - (vi) expressway permit;
- (f) to provide that an application for a long load permit or a wide load permit is to be made in a form specified by the Commissioner; and
- (g) to empower the Commissioner to require an applicant who applies for the registration or licensing of a motor vehicle or a trailer, the transfer of a registration mark or the issue of certain licences or permits under the principal Regulations to produce proof of his address.

2. A person who without reasonable excuse fails to comply with the provisions containing the requirements mentioned in paragraph 1(c) or (d) above commits an offence and is liable to a fine of \$2,000.