

L.N. 216 of 2021

Road Traffic (Toll Tags) Regulation

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Road Traffic (Toll Tags) Regulation

(Made by the Secretary for Transport and Housing under section 6A of the Road Traffic Ordinance (Cap. 374))

1. Commencement

- (1) Subject to subsection (2), this Regulation comes into operation on 1 November 2021.
- (2) The following provisions come into operation on a day to be appointed by the Commissioner for Transport by notice published in the Gazette—
 - (a) section 4;
 - (b) sections 5 and 6 (in so far as they relate to section 4).

2. Interpretation

- (1) In this Regulation—

appropriate toll tag (適當繳費貼), in relation to a motor vehicle, means—

- (a) a vehicle tag issued for use in connection with the motor vehicle; or
- (b) if the motor vehicle falls within a class of motor vehicles—a class tag issued for use in connection with a motor vehicle falling within that class;

class (種類), in relation to motor vehicles, means a class of motor vehicles specified in Schedule 1;

class tag (車種貼)—see section 9(1);

conditions of issue (發出條件), in relation to a vehicle tag or a class tag, means the conditions of issue for the vehicle tag or the class tag (as the case requires) as determined from time to time under section 10;

international circulation permit (國際通行許可證) has the meaning given by regulation 2(1) of the Registration and Licensing Regulations;

movement permit (車輛行駛許可證) has the meaning given by regulation 2(1) of the Registration and Licensing Regulations;

prescribed fee (訂明費用), in relation to a matter specified in Schedule 3, means the fee specified in that Schedule for the matter;

Registration and Licensing Regulations (《登記及領牌規例》) means the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374 sub. leg. E);

responsible person (負責人), in relation to a motor vehicle, means—

- (a) unless paragraph (b) applies—the registered owner of the motor vehicle; or
- (b) if the motor vehicle is used under an international circulation permit, a movement permit or a trade licence—the holder of the international circulation permit, movement permit or trade licence (as the case requires);

specified Government infrastructure (指明政府基建) has the meaning given by section 6A(5) of the Ordinance;

tag agent (繳費貼代理) means a person appointed as an agent of the Commissioner under section 7;

Tag Authority (繳費貼當局) means the Commissioner or a tag agent;

toll tag (繳費貼) has the meaning given by section 6A(5) of the Ordinance;

trade licence (試車牌照) has the meaning given by regulation 2(1) of the Registration and Licensing Regulations;

vehicle tag (車輛貼)—see section 8(1).

- (2) To avoid doubt, a toll tag is used in connection with a motor vehicle if the toll tag is affixed to or displayed on the motor vehicle, whether or not any use by the motor vehicle of any specified Government infrastructure has been, is or is about to be detected.

3. Before commencement of section 4, certain requirements apply if toll tag is used

- (1) Subject to sections 5 and 6, if a toll tag is used in connection with a motor vehicle, a person who is the responsible person or driver of the motor vehicle must ensure that—
 - (a) subsection (2) is complied with; and
 - (b) subsection (3) is complied with.
- (2) The toll tag—
 - (a) must be an appropriate toll tag;
 - (b) must be free from any interference that prevents the toll tag from being read properly or causes the toll tag to fail to operate;
 - (c) must be affixed to the motor vehicle in the way specified in Schedule 2; and
 - (d) must be the only toll tag used in connection with the motor vehicle.
- (3) The toll tag must be in good working order.
- (4) A person who, without reasonable excuse, contravenes subsection (1)(a) commits an offence and is liable on conviction—

- (a) for a contravention in relation to a failure to comply with subsection (2)(a)—to a fine at level 1 and to imprisonment for 3 months; or
 - (b) in any other case—to a fine at level 1.
- (5) It is a defence to a charge alleging a contravention of subsection (1)(a) for the person charged to prove that the motor vehicle to which the charge relates was, at the time of the contravention, parked on a private road.
- (6) This section expires on the commencement of section 4.

4. Toll tag required for certain motor vehicle and other requirements applicable generally

- (1) Subject to sections 5 and 6—
 - (a) a person who is the responsible person or driver of a tag-required vehicle must ensure that—
 - (i) subsection (3) is complied with; and
 - (ii) subsection (4) is complied with; and
 - (b) a person who is the responsible person or driver of a tag-in-use vehicle must ensure that—
 - (i) subsection (6) is complied with; and
 - (ii) subsection (7) is complied with.
- (2) For the purposes of this section, a tag-required vehicle is a motor vehicle—
 - (a) that is licensed under regulation 21 of the Registration and Licensing Regulations; or
 - (b) in respect of which an international circulation permit is issued under regulation 31 of those Regulations.
- (3) A toll tag must at all times be used in connection with a tag-required vehicle and the toll tag—

- (a) must be an appropriate toll tag;
 - (b) must be free from any interference that prevents the toll tag from being read properly or causes the toll tag to fail to operate;
 - (c) must be affixed to the motor vehicle in the way specified in Schedule 2; and
 - (d) must be the only toll tag used in connection with the motor vehicle.
- (4) A toll tag used in connection with a tag-required vehicle must be in good working order.
- (5) For the purposes of this section, a motor vehicle is a tag-in-use vehicle if—
 - (a) a toll tag is used in connection with the motor vehicle; but
 - (b) the motor vehicle is not a tag-required vehicle.
- (6) A toll tag used in connection with a tag-in-use vehicle—
 - (a) must be an appropriate toll tag;
 - (b) must be free from any interference that prevents the toll tag from being read properly or causes the toll tag to fail to operate;
 - (c) must be affixed to the motor vehicle in the way specified in Schedule 2; and
 - (d) must be the only toll tag used in connection with the motor vehicle.
- (7) A toll tag used in connection with a tag-in-use vehicle must be in good working order.
- (8) A person who, without reasonable excuse, contravenes subsection (1)(a)(i) or (b)(i) commits an offence and is liable on conviction—

- (a) for a contravention in relation to a failure to comply with subsection (3)(a) or (6)(a)—to a fine at level 1 and to imprisonment for 3 months; or
 - (b) in any other case—to a fine at level 1.
- (9) It is a defence to a charge alleging a contravention of subsection (1)(a)(i) or (b)(i) for the person charged to prove that the motor vehicle to which the charge relates was, at the time of the contravention, parked on a private road.

5. Exceptions relating to sections 3 and 4

- (1) For a motor vehicle referred to in subsection (2)—
 - (a) a person does not contravene section 3 or 4 in relation to the motor vehicle only because section 3(2)(b) or (c) or 4(3)(b) or (c) or (6)(b) or (c) is not complied with; and
 - (b) a person does not contravene section 4 in relation to the motor vehicle only because no toll tag is used in connection with the motor vehicle.
- (2) The motor vehicle is one that—
 - (a) is being towed by another motor vehicle; or
 - (b) is used under a trade licence that is displayed on the motor vehicle.

6. Exemption from sections 3 and 4

- (1) If the Commissioner considers it in the public interest to do so, the Commissioner may grant an exemption, from a requirement under section 3 or 4, in respect of a motor vehicle.

- (2) The Commissioner may not grant an exemption from a requirement that a toll tag used in connection with a motor vehicle must be an appropriate toll tag.
- (3) An exemption under subsection (1) is to be granted by written notice and is subject to any conditions that may be specified in the notice.
- (4) The Commissioner may exercise any power under subsection (1) generally or in any case or class of cases.

7. Appointment of tag agent

The Commissioner may appoint a person as an agent of the Commissioner for the purposes of this Regulation.

8. Issue of vehicle tag

- (1) A Tag Authority may, on application and on payment of the prescribed fee, issue a toll tag for use in connection with a particular motor vehicle, registered or used under an international circulation permit, (*vehicle tag*) to the responsible person of the motor vehicle.
- (2) An application for the purposes of subsection (1) may be made, in respect of a motor vehicle, by a person if—
 - (a) the motor vehicle is registered and the person is the registered owner of the motor vehicle;
 - (b) the person has made, in respect of the motor vehicle, an application for registration under regulation 5 of the Registration and Licensing Regulations;
 - (c) the person has, as the new owner of the motor vehicle, delivered a notice of transfer of ownership under regulation 17 of the Registration and Licensing Regulations;

- (d) the motor vehicle is used under an international circulation permit and the person is the holder of the permit; or
 - (e) the person has made, in respect of the motor vehicle, an application for an international circulation permit under regulation 31 of the Registration and Licensing Regulations.
- (3) An application for the purposes of subsection (1) must be made in a form specified under section 11 and the form—
 - (a) must be completed in accordance with the directions and instructions specified in the form; and
 - (b) must, on completion, be sent to a Tag Authority in a way specified in the form and be accompanied by the information and documents specified in the form.
- (4) If the Commissioner considers it in the public interest to do so, the Commissioner may, on his or her own initiative and whether through a tag agent or otherwise—
 - (a) issue vehicle tags in respect of motor vehicles generally or in respect of any class of motor vehicles; or
 - (b) issue a vehicle tag in respect of a motor vehicle.
- (5) A vehicle tag, issued for use in connection with a motor vehicle—
 - (a) must store data required for the operation of the vehicle tag, including data corresponding to—
 - (i) the following—
 - (A) if the motor vehicle is registered—the vehicle identification number of the motor vehicle;

- (B) if the motor vehicle is used under an international circulation permit—the reference number assigned by the Commissioner to the motor vehicle; and
 - (ii) the serial number of the vehicle tag assigned by the manufacturer of the vehicle tag; and
- (b) may store any other data as the Commissioner thinks fit for the operation of the vehicle tag.
- (6) A vehicle tag is issued subject to the conditions of issue.
- (7) On the issue of a vehicle tag for use in connection with a motor vehicle, each vehicle tag formerly issued for use in connection with the motor vehicle (if any) ceases to be valid.

9. Issue of class tag

- (1) A Tag Authority may, on payment of the prescribed fee, issue a toll tag for use in connection with any motor vehicle falling within a particular class (*class tag*).
- (2) A class tag, issued for use in connection with any motor vehicle falling within a particular class—
 - (a) must store data required for the operation of the class tag, including data corresponding to—
 - (i) the reference number assigned by the Commissioner to the class tag;
 - (ii) the class identification number assigned by the Commissioner to the class; and
 - (iii) the serial number of the class tag assigned by the manufacturer of the class tag; and
 - (b) may store any other data as the Commissioner thinks fit for the operation of the class tag.

- (3) A class tag is issued subject to the conditions of issue.

10. Conditions of issue

- (1) The conditions of issue for a vehicle tag or a class tag may, from time to time, be determined by—
- (a) the Commissioner; or
 - (b) a tag agent with the approval of the Commissioner.
- (2) A determination under subsection (1) may be made generally or in any case or class of cases.
- (3) The responsible person of a motor vehicle, in connection with which a vehicle tag or a class tag is used, is bound by the conditions of issue for the vehicle tag or the class tag (as the case requires).
- (4) The conditions of issue determined under subsection (1)—
- (a) must be made readily accessible to the general public in a way that a Tag Authority thinks fit; or
 - (b) if the conditions of issue are determined for a vehicle tag issued for use in connection with a particular motor vehicle—
 - (i) must be notified by a Tag Authority to the responsible person of the motor vehicle, as soon as practicable after the determination; and
 - (ii) must be notified by a Tag Authority to a person who becomes the responsible person of the motor vehicle, as soon as practicable after the person becomes the responsible person.

11. Tag Authority to specify forms

- (1) The form of an application required for the purposes of section 8 may be specified by—

- (a) the Commissioner; or
- (b) a tag agent with the approval of the Commissioner.
- (2) More than one form of the application may be specified under subsection (1), whether as alternatives or to provide for different circumstances.

12. Waiver of prescribed fee

- (1) If the Commissioner considers it in the public interest to do so, the Commissioner may waive, exempt, reduce or refund, in whole or in part, the prescribed fee payable or paid for the issue of a vehicle tag or a class tag under section 8 or 9.
- (2) The Commissioner may exercise any power under subsection (1) generally or in any case or class of cases.

13. Amendment of Schedule 2

The Commissioner may, by notice published in the Gazette, amend Schedule 2.

Schedule 1

[s. 2]

Classes of Motor Vehicles

1. Motor cycles and motor tricycles
 2. Private cars
 3. Taxis
 4. Public light buses and private light buses
 5. Light goods vehicles, and special purpose vehicles of a permitted gross vehicle weight not exceeding 5.5 tonnes
 6. Medium goods vehicles, and special purpose vehicles of a permitted gross vehicle weight exceeding 5.5 tonnes but not exceeding 24 tonnes
 7. Heavy goods vehicles, and special purpose vehicles of a permitted gross vehicle weight exceeding 24 tonnes
 8. Public buses (single-decked) and private buses (single-decked)
 9. Public buses (double-decked) and private buses (double-decked)
-

Schedule 2

[ss. 3, 4 & 13]

Way in which Toll Tag must be Affixed

1. For the purposes of sections 3(2)(c) and 4(3)(c) and (6)(c), a toll tag used in connection with a motor vehicle—
 - (a) must be affixed to the motor vehicle in the way specified in section 2, 3 or 4 of this Schedule; and
 - (b) must be oriented horizontally.
2. Unless section 3 or 4 of this Schedule applies, the toll tag must be directly affixed, to the inside surface of the front windscreen of a motor vehicle, by means of the adhesive of the toll tag.
3. If a motor vehicle has a front windscreen and the whole, or any part, of the front windscreen is shielded by a metallic substance, the toll tag must be affixed to the motor vehicle in the following way—
 - (a) where the front windscreen has a part that is not shielded by a metallic substance (*unshielded part*)—the toll tag must be directly affixed, to the inside surface of the unshielded part of the front windscreen, by means of the adhesive of the toll tag;
 - (b) where the whole of the front windscreen is shielded by a metallic substance—
 - (i) for a motor vehicle that has a reflecting mirror—the toll tag must be directly affixed, to a non-metallic surface of the back side of the reflecting mirror, by means of the adhesive of the toll tag; or

- (ii) for a motor vehicle that does not have a reflecting mirror—
 - (A) the toll tag must be directly affixed to a non-metallic holder, by means of the adhesive of the toll tag; and
 - (B) the non-metallic holder, affixed with the toll tag, must be directly mounted onto the motor vehicle at a location such that the toll tag affixed is not obscured by anything in front of the motor vehicle.
- 4. If a motor vehicle does not have a front windscreen, the toll tag must be affixed to the motor vehicle in the following way—
 - (a) for a motor vehicle that has a reflecting mirror—the toll tag must be directly affixed, to a non-metallic surface of the back side of the reflecting mirror, by means of the adhesive of the toll tag;
 - (b) for a motor vehicle that does not have a reflecting mirror—
 - (i) the toll tag must be directly affixed to a non-metallic holder, by means of the adhesive of the toll tag; and
 - (ii) the non-metallic holder, affixed with the toll tag, must be directly mounted onto the motor vehicle at a location such that the toll tag affixed is not obscured by anything in front of the motor vehicle.
- 5. In this Schedule, a part of a front windscreen is shielded by a metallic substance if—
 - (a) the part of the front windscreen has metallic coating or contains metal oxide or metal; and

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- (b) as a result, a toll tag if affixed to that part of the front windscreen will be prevented from being read properly or will be caused to fail to operate,

and a reference to the whole of a front windscreen being shielded by a metallic substance is to be construed accordingly.

6. In this Schedule—

reflecting mirror (反射鏡) means a non-metallic reflecting mirror fitted to a motor vehicle externally and includes a wing or side mirror.

Schedule 3

[s. 2]

Prescribed Fees for Issue of Toll Tags

Column 1	Column 2	Column 3
Item	Particulars of matter	Fee \$
1.	Issue of a vehicle tag in respect of a motor vehicle under section 8— (a) if it is the first vehicle tag issued in respect of the motor vehicle; or (b) if it is the second or any subsequent vehicle tag issued in respect of the motor vehicle	0 51
2.	Issue of a class tag under section 9	38

Frank CHAN Fan
Secretary for Transport and
Housing

23 August 2021

Explanatory Note

This Regulation is made under section 6A of the Road Traffic Ordinance (Cap. 374), added by the Free-Flow Tolling (Miscellaneous Amendments) Ordinance 2021 (20 of 2021).

2. The Regulation (except section 4 and sections 5 and 6 (in so far as they relate to section 4)) comes into operation on 1 November 2021. The excepted provisions come into operation on a day to be appointed by the Commissioner for Transport (*Commissioner*) by notice published in the Gazette.
3. Section 4 sets out the requirements regarding toll tags applicable when the Regulation is fully implemented. Section 3 sets out the requirements regarding toll tags applicable before the full implementation.
4. At the full implementation stage, section 4(2), (3) and (4) imposes the following requirements—
 - (a) the requirement that a toll tag must be used in connection with any motor vehicle in respect of which a vehicle licence or an international circulation permit is in force (in this Explanatory Note called *use tag requirement*);
 - (b) the following requirements (in this Explanatory Note called *particulars of use requirements*)—
 - (i) that the toll tag must be an appropriate toll tag (as defined in section 2(1)) for the motor vehicle concerned;

- (ii) that the toll tag must be free from any interference that prevents the toll tag from being read properly or causes the toll tag to fail to operate;
 - (iii) that the toll tag must be affixed to the motor vehicle concerned in the way specified in Schedule 2;
 - (iv) that the toll tag must be the only toll tag used in connection with the motor vehicle concerned;
 - (c) the further requirement that the toll tag must be in good working order.
5. At the full implementation stage, if a toll tag is used in connection with a motor vehicle to which the use tag requirement does not apply, then the particulars of use requirements and the good working order requirement must be complied with (section 4(5), (6) and (7)).
6. Before the commencement of section 4, section 3 applies. That means—
- (a) a toll tag is not required for any motor vehicle; but
 - (b) if a toll tag is used in connection with a motor vehicle, the particulars of use requirements and the good working order requirement must be complied with.
7. The requirements in sections 3 and 4 apply subject to certain exceptions specified in section 5 (e.g. a motor vehicle being towed by another motor vehicle) and subject to any exemption granted by the Commissioner under section 6 if the Commissioner considers it in the public interest to grant it.

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8. To the extent that the use tag requirement and the particulars of use requirements apply to a motor vehicle, a person who is the responsible person or driver of the motor vehicle must ensure that the requirements are complied with. The person commits an offence if the person fails to do so without reasonable excuse (sections 3(1) and (4) and 4(1) and (8)). The person has a defence if the person proves that the motor vehicle was at the relevant time parked on a private road (sections 3(5) and 4(9)).
9. Sections 8 and 9 provide for the issue of a toll tag specific to a particular motor vehicle and to a particular class of motor vehicles respectively (referred to in the Regulation as a vehicle tag and a class tag). Schedule 1 specifies the classes of motor vehicles. Schedule 3 specifies the prescribed fees for the issue of toll tags.
10. Section 10 provides for the conditions of issue applicable to a toll tag. Section 11 relates to the specification of forms of an application for a vehicle tag.
11. Section 12 authorizes the Commissioner to waive, exempt, reduce or refund the prescribed fee payable or paid for the issue of a toll tag.
12. Section 13 authorizes the Commissioner to amend Schedule 2 (which provides for the way in which a toll tag is to be affixed to a motor vehicle).