

Road Traffic (Amendment) (Ride-hailing Service) Bill 2025

Committee Stage

Amendments to be moved by the Secretary for Transport and Logistics

<u>Clause</u>	<u>Amendment Proposed</u>
8	In the proposed section 55P(1)(a), by deleting “and” and substituting “or”.
8	In the proposed section 55P(1)(b), by deleting “if a financial penalty is imposed under section 55O in respect of the matter—” and substituting “a financial penalty is imposed under section 55O, and”.
8	In the proposed section 55Z(1), by deleting paragraphs (b) and (c).
8	In the proposed Part 6A, in Division 5, in Subdivision 2, by adding— “55ZAA. Ride-hailing vehicle driving permit to be cancelled or suspended under certain circumstances (1) If a ride-hailing vehicle driving permit holder’s full driving licence to drive a private car or light goods vehicle is cancelled, the ride-hailing vehicle driving permit concerned is cancelled. (2) If a ride-hailing vehicle driving permit holder is disqualified from driving a taxi under this Ordinance or the Taxi-Driver-Offence Points Ordinance (Cap. 647) for a period, the ride-hailing vehicle driving permit concerned is to be suspended during that period.”.
New	By adding— “8A. Section 63E amended (certificate of service) Section 63E(1), after “or (6)”— Add “and for the purposes of Part 9C”.”.
New	By adding—

“10A. Part 9C added

After Part 9B—

Add

“Part 9C

**Suspension of Licences of Motor Vehicles
before Conviction in Certain Circumstances**

Division 1—Interpretation

88R. Interpretation of Part 9C

In this Part—

hearing (聆訊)—

(a) means a hearing mentioned in section 88Y(1)(a); and

(b) includes a hearing adjourned under section 88ZC(2)(a);

prosecution deadline (檢控期限), in relation to an offence, means the time when the period within which criminal proceedings may be instituted for the offence ends;

section 88S notice (第 88S 條通知書) means a notice given under section 88S(1);

section 88T notice (第 88T 條通知書) means a notice served under section 88T(1);

section 88X application (第 88X 條申請) means an application made under section 88X(1);

section 88ZA order (第 88ZA 條命令) means an order made under section 88ZA(1);

specified offence (指明罪行) means an offence under section 52(10)(c) for contravening section 52(3)(a);

suspension period (暫時吊銷期) means the period specified in section 88ZF(1).

**Division 2—Power of Commissioner to Suspend
Licences of Motor Vehicles and Related Matters**

88S. Commissioner of Police's notice to Commissioner

- (1) The Commissioner of Police may, in the circumstances set out in subsection (3), give a notice to the Commissioner notifying the Commissioner of the circumstances.
- (2) The notice must be accompanied by evidence in support of the circumstances set out in the notice.
- (3) The circumstances are that—
 - (a) a specified offence is suspected to have been committed in respect of a motor vehicle on a date that is on or after the date on which this Part comes into operation and at a particular time and place (***suspected offence***);
 - (b) a demand has been made to the registered owner of the motor vehicle under section 63(2)(a) in respect of the suspected offence; and
 - (c) after the end of the period of 60 days beginning on the date on which the notice of the demand is served on the registered owner under section 63A(1) or (3), the Commissioner of Police has reasonable cause to believe that the driver of the motor vehicle at the material time of the suspected offence cannot be identified for the purpose of instituting criminal proceedings against the driver for the suspected offence (whether or not because of a failure of the registered owner to comply with the demand).
- (4) For the purposes of subsection (3)(c), if the notice of the demand is served on the registered owner as described in that subsection more than once on different dates, the notice is taken to have been served on the registered owner on the earliest of those dates.
- (5) In subsection (3)(c)—

material time (關鍵時間), in relation to a suspected offence, means the date on which and the time at which the offence is suspected to have been committed.

88T. Commissioner to serve notice for suspension of vehicle licence and delivery of motor vehicle

- (1) The Commissioner must, after receiving a section 88S notice in respect of a motor vehicle, serve a notice (***relevant notice***) on the registered owner of the motor vehicle—
 - (a) directing that—
 - (i) the vehicle licence of the motor vehicle is to be suspended under section 88U(2) for the suspension period beginning on the date specified in the relevant notice (***specified date***); and
 - (ii) the registered owner is to deliver the motor vehicle into the custody of the Commissioner on the specified date and at the time and place specified in the relevant notice; and
 - (b) informing the registered owner that the registered owner may make an objection to the direction in accordance with subsection (5).
- (2) However, the relevant notice may only be served before the prosecution deadline for the suspected offence set out in the section 88S notice.
- (3) The relevant notice—
 - (a) must be dated;
 - (b) must state that the Commissioner has received a section 88S notice in respect of the motor vehicle; and
 - (c) must specify the registration mark of the motor vehicle.
- (4) The relevant notice must be served together with—
 - (a) a copy of the section 88S notice; and
 - (b) a copy of the evidence accompanying the section 88S notice.
- (5) The objection—
 - (a) must be in writing;

- (b) must be given to the Commissioner within 30 days after the date of the relevant notice; and
 - (c) must state the grounds for the objection.
- (6) If the registered owner makes an objection to the direction in accordance with subsection (5), the direction ceases to have effect.
 - (7) The specified date must be a date later than 30 days after the date of the relevant notice.
 - (8) The Commissioner may, by another notice served on the registered owner, do one or both of the following—
 - (a) change the specified date to a later date;
 - (b) change the time or place for the delivery of the motor vehicle into the custody of the Commissioner.

88U. Commissioner to suspend vehicle licence if registered owner does not make objection in accordance with section 88T(5)

- (1) Subsection (2) applies if the registered owner of a motor vehicle who is served with a section 88T notice in respect of the motor vehicle does not make an objection to the direction concerned in accordance with section 88T(5).
- (2) The Commissioner must suspend the vehicle licence of the motor vehicle for the suspension period beginning on—
 - (a) the date specified in the notice under section 88T(1)(a)(i); or
 - (b) if the date described in paragraph (a) is changed to a later date under section 88T(8)(a)—the later date.

88V. Commissioner to provide registered owner's objection etc. to Commissioner of Police

- (1) Subsection (2) applies if the registered owner of a motor vehicle who is served with a section 88T notice in respect of the motor vehicle makes an objection to the direction concerned in accordance with section 88T(5).

- (2) The Commissioner must, as soon as reasonably practicable after receiving the objection, provide the Commissioner of Police with a copy of the notice and a copy of the objection.

88W. Cancellation of notices

- (1) The Commissioner may, before the date specified in subsection (2), cancel one or both of the following notices—
 - (a) a section 88T notice;
 - (b) a notice served under section 88T(8).
- (2) The date is—
 - (a) the date specified in the section 88T notice under section 88T(1)(a)(i); or
 - (b) if the date described in paragraph (a) is changed to a later date under section 88T(8)(a)—the later date.
- (3) If the Commissioner cancels a notice under subsection (1), the Commissioner must, by notice served on the registered owner concerned, notify the registered owner of the cancellation.

Division 3—Application to Magistrate and Related Matters

88X. Application for suspension of vehicle licence

- (1) The Commissioner of Police may, within 30 days after receiving a copy of the objection of the registered owner of a motor vehicle that is mentioned in section 88V(2), apply to a magistrate for an order to suspend the vehicle licence of the motor vehicle under section 88ZA(1).
- (2) An application made under subsection (1)—
 - (a) must specify—
 - (i) the name and address of the registered owner;
 - (ii) the registration mark of the motor vehicle; and

- (iii) the suspected offence in respect of the motor vehicle as set out in the section 88S notice concerned; and
- (b) must be accompanied by—
 - (i) evidence in support of the application;
 - (ii) a copy of the section 88S notice;
 - (iii) a copy of the section 88T notice in respect of the motor vehicle that is served on the registered owner as a result of the section 88S notice; and
 - (iv) a copy of the objection.

88Y. Service of summons etc. of section 88X application

- (1) A magistrate must, after receiving a section 88X application—
 - (a) issue a summons to the registered owner of the motor vehicle in respect of which the application is made to appear at the hearing of the application on the date and at the time and place specified in the summons; and
 - (b) provide the summons to the Commissioner of Police for the purposes of subsection (2).
- (2) The summons is to be served on the registered owner by a police officer.
- (3) The summons must be served together with—
 - (a) a copy of the application; and
 - (b) a copy of the evidence in support of the application.
- (4) The summons and the copies mentioned in subsection (3) may be served on the registered owner—
 - (a) in person;
 - (b) by leaving them with another person for the registered owner at the registered owner's last or most usual place of residence; or
 - (c) by sending them by ordinary post to the registered owner's residential or business address.

- (5) A certificate of service in the form specified under subsection (8) purporting to be signed by or for the Commissioner of Police is admissible in evidence without further proof on its production.
- (6) The certificate may state the following matters—
 - (a) the summons and the copies mentioned in subsection (3) have been served on the registered owner in person;
 - (b) the summons and copies have been left with another person for the registered owner at the registered owner's last or most usual place of residence; or
 - (c) the summons and copies have been sent by ordinary post to the registered owner's residential or business address.
- (7) Unless the contrary is proved—
 - (a) it is presumed that the certificate is signed by or for the Commissioner of Police; and
 - (b) the certificate is evidence of the facts stated in it.
- (8) The Commissioner of Police may, by notice published in the Gazette, specify the form of the certificate.
- (9) A notice published under subsection (8) is not subsidiary legislation.

88Z. How registered owner may show cause why order should not be made

- (1) This section applies if a section 88X application is made in respect of a motor vehicle.
- (2) The copy of the objection of the registered owner of the motor vehicle accompanying the application is to be regarded as written representations made by the registered owner to a magistrate to show cause why the order sought in the application should not be made.
- (3) In addition, the registered owner may do one or both of the following to show cause why the order should not be made—

- (a) make further written representations to a magistrate before the hearing of the application;
- (b) appear at the hearing (whether in person or by counsel or solicitor).

Division 4—Magistrate’s Determination, Magistrate’s Powers and Notice for Section 88ZA Order

88ZA. Magistrate’s determination on hearing section 88X application

- (1) If, on the hearing of a section 88X application in respect of a motor vehicle, the conditions specified in subsection (3) are met, a magistrate may make an order that the vehicle licence of the motor vehicle be suspended by the Commissioner for the suspension period.
- (2) Before determining whether to make an order under subsection (1) in respect of a motor vehicle, the magistrate must have regard to—
 - (a) any evidence received by the magistrate that the magistrate considers relevant to the hearing;
 - (b) any representations made by or on behalf of the registered owner of the motor vehicle, whether orally or in writing; and
 - (c) any representations made by or on behalf of the Commissioner of Police, whether orally or in writing.
- (3) The conditions specified for subsection (1) are that—
 - (a) the magistrate is satisfied that the suspected offence specified in the application has been committed in respect of the motor vehicle;
 - (b) the magistrate is also satisfied that the registered owner fails to show cause why an order should not be made under subsection (1) in respect of the motor vehicle; and
 - (c) the magistrate, having regard to the circumstances of the case, considers it

appropriate to make the order in respect of the motor vehicle.

- (4) The standard of proof on a section 88X application is the standard of proof applicable to civil proceedings in a court of law.
- (5) An order made under subsection (1) must—
 - (a) specify the registration mark of the motor vehicle; and
 - (b) direct that—
 - (i) the period for which the vehicle licence of the motor vehicle is to be suspended is to begin on the date to be specified by the Commissioner under section 88ZE(2)(b); and
 - (ii) the registered owner is to deliver the motor vehicle into the custody of the Commissioner on the date and at the time and place to be specified by the Commissioner under section 88ZE(2)(c).
- (6) The Commissioner of Police must—
 - (a) notify the Commissioner of the determination of the magistrate as to whether an order is made under subsection (1) in respect of the motor vehicle; and
 - (b) if an order is made under subsection (1)—provide the Commissioner with a copy of the order.

88ZB. What if registered owner does not appear at hearing

- (1) Subsection (2) applies if the registered owner of the motor vehicle in respect of which a section 88X application is made does not appear at the hearing of the application (whether in person or by counsel or solicitor).
- (2) The magistrate before whom the application is heard may consider the application at the hearing in the absence of the registered owner.

88ZC. Other powers of magistrate in relation to section 88X application

- (1) Subject to other provisions of this Part, for securing the attendance of witnesses and generally for conducting the proceedings for a section 88X application, a magistrate has all the powers of a magistrate hearing a complaint under the Magistrates Ordinance (Cap. 227).
- (2) Also, in the proceedings for a section 88X application, the magistrate before whom the application is heard—
 - (a) may adjourn the hearing of the application to a date, time and place that the magistrate considers appropriate;
 - (b) may give any direction that the magistrate considers necessary for the further conduct of the proceedings; and
 - (c) may make any order as to costs that the magistrate considers appropriate.

88ZD. Review and appeal of magistrate's determination

For the purposes of a review or appeal against a magistrate's determination in proceedings under this Part, section 104 of the Magistrates Ordinance (Cap. 227) and Part VII of that Ordinance apply as if the proceedings were proceedings that a magistrate has power to determine in a summary way.

88ZE. Commissioner to serve notice for suspension of vehicle licence and delivery of motor vehicle for section 88ZA order

- (1) Within 14 days after the date on which a determination to make a section 88ZA order in respect of a motor vehicle becomes final, the Commissioner must serve a notice, together with a copy of the order, on the registered owner of the motor vehicle.
- (2) The notice under subsection (1) must state—

- (a) the registration mark of the motor vehicle in respect of which the order is made;
 - (b) the date on which the suspension period of the vehicle licence of the motor vehicle under the order begins; and
 - (c) the date on which, the time at which and the place to which the motor vehicle is to be delivered into the custody of the Commissioner for the purposes of the order.
- (3) For the purposes of subsection (1), a determination to make a section 88ZA order becomes final—
 - (a) if not appealed against—at the end of the period for bringing an appeal; or
 - (b) if appealed against—when the appeal or further appeal is finally disposed of.
- (4) For the purposes of subsection (3)(b), an appeal is finally disposed of—
 - (a) if it is determined and the period for bringing any further appeal has ended; or
 - (b) if it is abandoned or otherwise ceases to have effect.
- (5) In this section—
 - (a) a reference to an appeal includes a review under section 104 of the Magistrates Ordinance (Cap. 227); and
 - (b) a reference to bringing an appeal includes an application for leave to appeal.

Division 5—Suspension of Vehicle Licences and Seizure etc. of Motor Vehicles

88ZF. Period of suspension of vehicle licence

- (1) The period specified for the purposes of sections 88U(2) and 88ZA(1) is 6 months.
- (2) The Chief Executive in Council may, by notice published in the Gazette, amend the period specified in subsection (1).

88ZG. Commissioner to keep record of suspension of vehicle licences

The Commissioner must keep a record of every suspension of a vehicle licence under section 88U(2) or a section 88ZA order in the form as the Commissioner considers appropriate.

88ZH. Seizure, removal, forfeiture and disposal of motor vehicle

- (1) If the vehicle licence of a motor vehicle is suspended under section 88U(2), sections 94, 95 and 96 apply with the following modifications—
 - (a) in section 94(1)—
 - (i) “section 88T(1) (or, if applicable, a notice served under section 88T(8))” is substituted for “section 93”; and
 - (ii) “section 95 (as modified by section 88ZH(1))” is substituted for “section 95”;
 - (b) in sections 95(1) and 96(1)(a), “section 88T(1) (or, if applicable, a notice served under section 88T(8))” is substituted for “section 93”;
 - (c) in section 96(1)(b), “section 95 (as modified by section 88ZH(1))” is substituted for “section 95”; and
 - (d) in section 96(2)(b)(ii) and (3)—
 - (i) “section 94 (as modified by section 88ZH(1))” is substituted for “section 94”; and
 - (ii) “section 95 (as modified by section 88ZH(1))” is substituted for “section 95”.
- (2) If a notice is served on the registered owner of a motor vehicle under section 88ZE(1), sections 95 and 96 apply with the following modifications—
 - (a) in sections 95(1) and 96(1)(a), “section 88ZE(1)” is substituted for “section 93”;
 - (b) in section 96(1)(b), “section 95 (as modified by section 88ZH(2))” is substituted for “section 95”;

(c) the following provision is substituted for section 96(2)(b)(ii)—

“(ii) if the motor vehicle was seized by a police officer under section 95 (as modified by section 88ZH(2))—pays to the Commissioner the removal charge specified in Schedule 5; and”;

(d) the following provision is substituted for section 96(3)—

“(3) If, within 30 days after the expiry of the period of suspension of the vehicle licence, the registered owner—

(a) claims the motor vehicle; and

(b) if the motor vehicle was seized by a police officer under section 95 (as modified by section 88ZH(2))—pays to the Commissioner the removal charge specified in Schedule 5,

the Commissioner must return the motor vehicle to the registered owner.”.

Division 6—Miscellaneous Provisions

88ZI. Record and certificate of suspected offences

- (1) The Commissioner must keep a record of the registration mark of every motor vehicle in respect of which a specified offence is suspected to have been committed.
- (2) The Commissioner must, on an application made in the manner specified by the Commissioner, issue a certificate stating whether or not at the time of the issue of the certificate, any specified offence is, according to the record maintained under subsection (1), suspected to have been committed in respect of the motor vehicle bearing the registration mark specified in the application.
- (3) A certificate issued under subsection (2) is valid for 72 hours from the time of issue.

88ZJ. Commissioner of Police to supply information for record

For the purposes of section 88ZI, the Commissioner of Police must notify the Commissioner of every specified offence suspected to have been committed.

88ZK. Removal of registration mark from record

- (1) If the registration mark of a motor vehicle is recorded under section 88ZI because of a specified offence that is suspected to have been committed in respect of the motor vehicle, the Commissioner must immediately remove from the record the registration mark when the earliest of the following events occurs—
 - (a) no section 88S notice is given in respect of the motor vehicle because of the specified offence before the prosecution deadline for the offence;
 - (b) no section 88T notice in respect of the motor vehicle is served because of the specified offence before the prosecution deadline for the offence;
 - (c) a section 88T notice served in respect of the motor vehicle because of the specified offence is cancelled under section 88W(1);
 - (d) no section 88X application is made in respect of the motor vehicle because of the specified offence before the end of the period described in section 88X(1);
 - (e) a section 88X application made in respect of the motor vehicle because of the specified offence (**relevant application**) is withdrawn;
 - (f) a determination to refuse to make a section 88ZA order as a result of the relevant application becomes final;
 - (g) a determination to make a section 88ZA order as a result of the relevant application is overturned on appeal and the appeal is finally disposed of.
- (2) For the purposes of subsection (1)(f), a determination to refuse to make a section 88ZA order becomes final—

- (a) if not appealed against—at the end of the period for bringing an appeal; or
 - (b) if appealed against—when the appeal or further appeal is finally disposed of.
- (3) For the purposes of subsections (1)(g) and (2)(b), an appeal is finally disposed of—
 - (a) if it is determined and the period for bringing any further appeal has ended; or
 - (b) if it is abandoned or otherwise ceases to have effect.
- (4) In this section—
 - (a) a reference to an appeal includes a review under section 104 of the Magistrates Ordinance (Cap. 227); and
 - (b) a reference to bringing an appeal includes an application for leave to appeal.

88ZL. Application of Divisions 2 to 5

- (1) Divisions 2, 3, 4 and 5 cease to apply, or do not apply, if—
 - (a) a motor vehicle is sold or otherwise disposed of; and
 - (b) the new registered owner of the motor vehicle is, at the time of delivery of the notice of transfer of ownership in accordance with the regulations, in possession of a valid certificate issued by the Commissioner under section 88ZI to the effect that at the time of issue, no specified offence is suspected to have been committed in respect of the motor vehicle.
- (2) Subject to subsection (1), Divisions 2, 3, 4 and 5 apply despite that a transfer of the ownership of a motor vehicle has been registered by the Commissioner after a specified offence is suspected to have been committed in respect of the motor vehicle.

88ZM. Service of documents etc. by Commissioner

A document or a copy of evidence required under this Part to be served by the Commissioner on the registered owner of a motor vehicle may be served on the registered owner—

- (a) in person; or
- (b) by sending the document or copy by registered post to the registered owner at the address shown in the register of motor vehicles maintained by the Commissioner under this Ordinance.

Division 7—Operation of this Part etc. not Affected by Criminal Proceedings

88ZN. Operation of this Part etc. not affected by criminal proceedings

- (1) Subsection (2) applies if a section 88S notice is given in respect of a motor vehicle because of a specified offence that is suspected to have been committed in respect of the motor vehicle on a particular date and at a particular time and place.
- (2) Even if criminal proceedings are instituted against the driver of the motor vehicle for a specified offence committed in respect of the motor vehicle on the particular date and at the particular time and place, any of the following is not affected—
 - (a) the operation of other provisions of this Part in relation to the motor vehicle as a result of the section 88S notice;
 - (b) any proceedings arising out of or relating to the operation of any of those provisions.”.

10B. Part 10 heading amended (suspension of licences of motor vehicles)

Part 10, heading—

Repeal

“Licences of Motor Vehicles”

Substitute

“Licences of Motor Vehicles on Conviction”.

10C. Section 93 amended (suspension of vehicle licence and delivery of vehicle into custody of Commissioner)

After section 93(2)—

Add

“(2A) Subsections (1) and (2) are subject to sections 102AA(3) and 102AAB(3).”.

10D. Section 95 amended (seizure and removal of vehicle)

(1) Section 95(2)—

Repeal

“under section 93”.

(2) Section 95(3)—

Repeal

“under section 93”.

10E. Sections 102AA and 102AAB added

Part 10, after section 102—

Add

“102AA. Effect of suspension under section 88U on operation of this Part

(1) This section applies if—

- (a) a notice is served on the registered owner of a motor vehicle under section 88T(1) because of an offence under section 52(10)(c) for contravening section 52(3)(a) (***specified offence***) that is suspected to have been committed in respect of the motor vehicle on a particular date and at a particular time and place;
- (b) the vehicle licence of the motor vehicle is suspended under section 88U(2); and
- (c) the driver of the motor vehicle is convicted of a specified offence committed in respect of the motor vehicle on the particular date and at the particular time and place.

- (2) If the conviction is the first conviction of a specified offence in respect of the motor vehicle, sections 90, 91, 92, 93, 94, 95 and 96 do not apply in relation to the conviction.
- (3) If the conviction is a subsequent conviction of a specified offence in respect of the motor vehicle, the period of suspension of the vehicle licence of the motor vehicle under section 93(1) or (2) must be reduced by the period of suspension of the vehicle licence under section 88U(2).

102AAB. Effect of order under section 88ZA on operation of this Part

- (1) This section applies if—
 - (a) an application is made under section 88X(1) because of an offence under section 52(10)(c) for contravening section 52(3)(a) (*specified offence*) that is suspected to have been committed in respect of a motor vehicle on a particular date and at a particular time and place;
 - (b) an order is made under section 88ZA(1) in respect of the motor vehicle after the hearing of the application;
 - (c) a notice in respect of the order has been served on the registered owner of the motor vehicle under section 88ZE(1); and
 - (d) the driver of the motor vehicle is convicted of a specified offence committed in respect of the motor vehicle on the particular date and at the particular time and place.
- (2) If the conviction is the first conviction of a specified offence in respect of the motor vehicle, sections 90, 91, 92, 93, 94, 95 and 96 do not apply in relation to the conviction.
- (3) If the conviction is a subsequent conviction of a specified offence in respect of the motor vehicle, the period of suspension of the vehicle licence of the motor vehicle under section 93(1) or (2) must be reduced by the period of suspension of the vehicle licence under the order.”.”.

New

In Part 2, by adding—

“11A. Schedule 5 amended (removal and storage charges)

Schedule 5—

Repeal

“[ss. 96,”

Substitute

“[ss. 88ZH, 96,”.”.