

L.N. 196 of 2022

**Road Traffic (Public Service Vehicles) (Amendment)
(No. 2) Regulation 2022**

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Road Traffic (Public Service Vehicles) (Amendment) (No. 2) Regulation 2022

(Made by the Secretary for Transport and Logistics under section 7(1) of the Road Traffic Ordinance (Cap. 374))

1. Commencement

This Regulation comes into operation on 16 December 2022.

2. Road Traffic (Public Service Vehicles) Regulations amended

The Road Traffic (Public Service Vehicles) Regulations (Cap. 374 sub. leg. D) are amended as set out in sections 3 to 11.

3. Regulation 2 amended (interpretation)

Regulation 2(1)—

Add in alphabetical order

“*electronic record* (電子紀錄) has the meaning given by section 2(1) of the Electronic Transactions Ordinance (Cap. 553);

printout (列印本) includes a copy of a printout;”.

4. Regulation 12 amended (passenger service licence certificates and plates)

(1) After regulation 12(3)—

Add

“(3A) For a certificate issued under subregulation (1) in respect of a vehicle that is issued in the form of an electronic record, while a proper printout of the e-certificate is displayed on the vehicle, the printout is deemed to be the original certificate.”.

- (2) Regulation 12(4)(c)—

Repeal

“or plate, purporting to be a certificate or plate referred to in subregulation (3)”

Substitute

“, printout or plate, purporting to be a certificate referred to in subregulation (3)(a), a printout referred to in subregulation (3A), or a plate referred to in subregulation (3)(b)”.

- (3) Regulation 12(4)(d)—

Repeal

“subregulation (3)”

Substitute

“subregulation (3)(a), or a printout of an e-certificate”.

- (4) Regulation 12(5)—

Repeal

“defaced or destroyed”

Substitute

“destroyed, defaced or damaged”.

- (5) After regulation 12(6)—

Add

“(7) In this regulation—

e-certificate (電子證明書) means a certificate issued under subregulation (1) that is issued in the form of an electronic record;

proper printout (合規格列印本), in relation to an e-certificate, means a clearly legible printout of the e-certificate that conforms to the specifications specified by the Commissioner in the conditions of the relevant passenger service licence.”.

5. Regulation 13 amended (interpretation)

- (1) Regulation 13, Chinese text, definition of 旅遊代理人—

Repeal the full stop

Substitute a semicolon.

- (2) Regulation 13—

Add in alphabetical order

“*e-permit* (電子許可證) means a hire car permit issued in the form of an electronic record;

paper permit (紙本許可證) means a hire car permit issued in paper form;

proper printout (合規格列印本), in relation to an e-permit, means a clearly legible printout of the e-permit that conforms to the specifications specified by the Commissioner in the conditions of the permit;”.

6. Regulation 14 amended (issue or refusal of hire car permits)

- (1) After regulation 14(5)—

Add

“(5A) For a hire car permit issued in respect of a private car that is an e-permit, while a proper printout of the e-permit is displayed on the private car, the printout is deemed to be the original hire car permit.”.

- (2) Regulation 14(7)—

Repeal

“defaced or destroyed”

Substitute

“destroyed, defaced or damaged”.

7. Regulation 16 amended (renewal of permit)

Regulation 16(3), after “(5)”—

Add

“, (5A)”.

8. Regulation 17 amended (replacement of permit for a different vehicle)

(1) Regulation 17(2)—

Repeal

everything after “subregulation (1)” and before “issue”

Substitute

“the Commissioner may cancel the existing hire car permit and, subject to subregulation (2A) and regulations 15 and 19,”.

(2) After regulation 17(2)—

Add

“(2A) If the existing hire car permit is a paper permit, the Commissioner must not issue a new hire car permit under subregulation (2) unless the existing hire car permit has been surrendered to the Commissioner.

(2B) If the existing hire car permit is an e-permit, after the existing hire car permit is cancelled under subregulation (2), the hire car permit holder must immediately ensure that no printout of the e-permit is displayed on the private car in respect of which the permit is issued.”.

- (3) Regulation 17(3), after “(5)”—

Add

“, (5A)”.

9. Regulation 26 amended (return of permits to Commissioner)

- (1) Regulation 26(1)—

Repeal everything before paragraph (a)

Substitute

“(1) A hire car permit holder must comply with subregulation (1A) if any of the following events happens—”.

- (2) Regulation 26(1)—

Repeal paragraph (a)

Substitute

“(a) the hire car permit ceases to be valid under regulation 18;”.

- (3) Regulation 26(1)(b)(i), English text—

Repeal

“on receipt of a notification under regulation 22(3)”

Substitute

“a notification under regulation 22(3) is received”.

- (4) Regulation 26(1)(b)(ii), English text—

Repeal

“on receipt of a notification under regulation 55A(4)”

Substitute

“a notification under regulation 55A(4) is received”.

- (5) Regulation 26(1)(b)(iii), English text—

Repeal

“on receipt of a notification under regulation 55B(3)”

Substitute

“a notification under regulation 55B(3) is received”.

- (6) After regulation 26(1)—

Add

“(1A) The hire car permit holder must—

- (a) in the case of a paper permit—

(i) immediately ensure that the permit is not displayed on the private car in respect of which the permit is issued; and

(ii) return the permit to the Commissioner within 30 days after the happening of the event; or

- (b) in the case of an e-permit—immediately ensure that no printout of the e-permit is displayed on the private car in respect of which the permit is issued.”.

10. Regulation 27 amended (production of permit or records on request)

- (1) Regulation 27(1)(a)—

Repeal

“by any person in charge of a vehicle which he”

Substitute

“, or a proper printout of a hire car permit that is an e-permit, by any person in charge of a vehicle that the officer or the Commissioner”.

- (2) Regulation 27(1)(b), English text—

Repeal

“his”

Substitute

“the”.

- (3) Regulation 27(2)(a)—

Repeal

“his hire car permit”

Substitute

“the hire car permit or proper printout”.

11. Regulation 57 amended (offences)

Regulation 57(2), after “11(1)—

Add

“, 17(2B)”.

LAM Sai-hung
Secretary for Transport and
Logistics

17 October 2022

Explanatory Note

Passenger service licence certificates (*PSLCs*) and hire car permits (*HCPs*) issued under the Road Traffic (Public Service Vehicles) Regulations (Cap. 374 sub. leg. D) (*PSV Regulations*) are currently in paper form. The main purpose of this Regulation is to amend the PSV Regulations to cater for PSLCs and HCPs in the form of an electronic record (referred to as *e-PSLCs* and *e-HCPs* respectively).

2. Section 3 amends regulation 2 of the PSV Regulations to add new definitions.
3. Section 4—
 - (a) adds a new regulation 12(3A) to the PSV Regulations to deem proper printouts of e-PSLCs displayed on relevant vehicles to be original PSLCs;
 - (b) amends regulation 12(4) of the PSV Regulations to deal with displaying certain questionable printouts or printouts of invalid e-PSLCs; and
 - (c) amends regulation 12(5) of the PSV Regulations to ensure that the Commissioner for Transport (*Commissioner*) may issue duplicate PSLCs if e-PSLCs are damaged.
4. Section 5 amends regulation 13 of the PSV Regulations to add new definitions for the interpretation of Part III of the PSV Regulations.

5. Section 6 adds a new regulation 14(5A) to the PSV Regulations to deem proper printouts of e-HCPs displayed on relevant private cars to be original HCPs. Section 6 also amends regulation 14(7) of the PSV Regulations to ensure that the Commissioner may issue duplicate HCPs if e-HCPs are damaged.
6. Regulation 17(2) of the PSV Regulations provides that for replacing existing HCPs for different vehicles, the existing HCPs must be surrendered to the Commissioner. Section 8 amends that regulation 17(2) and adds new regulation 17(2A) and (2B) to the PSV Regulations so that—
 - (a) the surrender requirement only applies to existing HCPs in paper form (*paper HCPs*) and does not apply to existing e-HCPs; and
 - (b) after existing HCPs are cancelled under regulation 17(2) of the PSV Regulations, printouts of relevant e-HCPs must not be displayed.
7. Regulation 26 of the PSV Regulations requires the return of HCPs to the Commissioner on the happening of certain events. Section 9 amends that regulation 26—
 - (a) so that the return requirement does not apply to HCPs that cease to be valid under regulation 14(4) of the PSV Regulations; and
 - (b) to provide that—
 - (i) the return requirement only applies to paper HCPs and does not apply to e-HCPs; and
 - (ii) relevant paper HCPs and the printouts of relevant eHCPs must not be displayed.

8. Regulation 27 of the PSV Regulations empowers police officers or the Commissioner to require the production of HCPs for examination. Section 10 amends that regulation 27 to provide for the production of proper printouts of e-HCPs.
9. Section 11 amends regulation 57(2) of the PSV Regulations to create an offence for a contravention of the new regulation 17(2B) of the PSV Regulations (added by section 8).
10. The Regulation also makes consequential amendments to regulations 16(3) and 17(3) of the PSV Regulations (see sections 7 and 8(3)), and makes certain minor textual amendments to the PSV Regulations.