

L.N. 197 of 2022

**Road Traffic (Registration and Licensing of Vehicles)
(Amendment) (No. 2) Regulation 2022**

(Made by the Secretary for Transport and Logistics under section 6(1)
of the Road Traffic Ordinance (Cap. 374))

1. Commencement

This Regulation comes into operation on 16 December 2022.

2. Road Traffic (Registration and Licensing of Vehicles) Regulations amended

The Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374 sub. leg. E) are amended as set out in sections 3 to 9.

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);

Part VIII e-permit (第VIII部電子許可證) means a Part VIII permit issued in the form of an electronic record;

Part VIII paper permit (第VIII部紙本許可證) means a Part VIII permit issued in paper form;

Part VIII permit (第VIII部許可證) means a permit issued under Part VIII;

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

proper printout (合規格列印本), in relation to a Part VIII 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;”.

4. Regulation 53 amended (movement permits)

Regulation 53—

Repeal subregulation (6)

Substitute

- “(6) If there is any change of name, address, e-contact means or identity document number of the holder of a movement permit issued in respect of a vehicle, the holder must—
- (a) within 72 hours after the change, send a written notice of the change to the Commissioner; and
 - (b) in the case of a change of name—
 - (i) for a movement permit that is a Part VIII paper permit—immediately ensure that the permit is not displayed on the vehicle and, within 72 hours after the change, send the permit to the Commissioner; or
 - (ii) for a movement permit that is a Part VIII e-permit—immediately ensure that no printout of the e-permit is displayed on the vehicle.
- (6A) If the Commissioner—
- (a) receives from the holder of a movement permit—
 - (i) a notice of a change of name under subregulation (6); and

- (ii) if the permit is a Part VIII paper permit—the permit; and
- (b) is satisfied that the change has occurred, the Commissioner may issue an amended movement permit to the holder.”.

5. Regulation 56 amended (form and particulars of permits)

- (1) Regulation 56(1)—

Repeal

everything before “contain”

Substitute

“(1) A Part VIII permit must be issued in a form specified by the Commissioner and must”.

- (2) Regulation 56(2)—

Repeal

everything before “is”

Substitute

“(2) A Part VIII permit is only effective while it”.

- (3) After regulation 56(2)—

Add

“(3) For a Part VIII permit issued in respect of a vehicle that is a Part VIII e-permit, while a proper printout of the e-permit is displayed on the vehicle, the printout is deemed to be the original Part VIII permit.

- (4) For a receipt in the form of an electronic record that is deemed to be a valid Part VIII permit for a vehicle pursuant to regulation 59(6), while a clearly legible printout of the receipt (that conforms to the

specifications specified by the Commissioner in the receipt) is displayed on the vehicle, the printout is deemed to be the original receipt.”.

6. Regulation 57 amended (cancellation of trade licences and permits)

(1) Regulation 57(1)—

Repeal

“permit issued under this Part”

Substitute

“Part VIII permit”.

(2) Regulation 57—

Repeal subregulation (2)

Substitute

“(2) If a trade licence is cancelled under subregulation (1), the holder of the licence must—

- (a) immediately ensure that the licence is not displayed on any vehicle; and
- (b) return the licence to the Commissioner.

(2A) If a Part VIII permit issued in respect of a vehicle is cancelled under subregulation (1), the holder of the permit must—

- (a) in the case of a Part VIII paper permit—
 - (i) immediately ensure that the permit is not displayed on the vehicle; and
 - (ii) return the permit to the Commissioner; or
- (b) in the case of a Part VIII e-permit—immediately ensure that no printout of the e-permit is displayed on the vehicle.”.

(3) Regulation 57—

Repeal subregulation (3)

Substitute

“(3) A police officer or any other officer authorized by the Commissioner may—

(a) seize—

(i) a cancelled trade licence and any trade plate relating to the licence;

(ii) a cancelled Part VIII paper permit; or

(iii) a printout of a cancelled Part VIII e-permit issued in respect of a vehicle that is displayed on the vehicle; and

(b) for the purpose of the seizure, detach the licence, plate, paper permit or printout from a vehicle.”.

7. Regulation 59 amended (issue of duplicate registration documents, licences, permits and certificates of allocation)

(1) Regulation 59(1), Chinese text—

Repeal

“損毀” (wherever appearing)

Substitute

“毀損”.

(2) Regulation 59—

Repeal subregulation (2)

Substitute

“(2) If a trade licence is lost, destroyed or defaced or a Part VIII permit is lost, destroyed, defaced or damaged—

- (a) the person to whom the trade licence or permit was issued may apply to the Commissioner in a form specified by the Commissioner for a duplicate trade licence or Part VIII permit; and
- (b) the Commissioner may—
 - (i) on being satisfied as to the loss, destruction, defacement or damage;
 - (ii) in the case of the defacement of a trade licence or Part VIII paper permit—on receipt of the defaced trade licence or defaced Part VIII paper permit; and
 - (iii) on payment of the appropriate fee prescribed in Schedule 2,
issue a duplicate trade licence or Part VIII permit marked as such, and the duplicate trade licence or Part VIII permit so issued has the same effect as the original trade licence or Part VIII permit.”.

- (3) Regulation 59(2A), Chinese text—

Repeal

“損毀” (wherever appearing)

Substitute

“毀損”.

- (4) Regulation 59—

Repeal subregulation (3)

Substitute

“(3) No person may apply for—

- (a) a duplicate of a registration document, vehicle licence, trade licence, Part VIII permit or certificate of allocation on the ground that the

original registration document, vehicle licence, trade licence, Part VIII permit or certificate of allocation is lost or destroyed knowing that the original registration document, vehicle licence, trade licence, Part VIII permit or certificate of allocation has not been lost or destroyed; or

- (b) a duplicate of a Part VIII e-permit on the ground that the original Part VIII e-permit is damaged knowing that the original Part VIII e-permit has not been damaged.”.

- (5) Regulation 59(4) and (5)—

Repeal

“permit” (wherever appearing)

Substitute

“Part VIII permit”.

- (6) After regulation 59(5)—

Add

“(5A) If the original Part VIII permit (*original permit*) issued in respect of a vehicle is a Part VIII e-permit, the person to whom the permit was issued—

- (a) must ensure that, after the issue of a duplicate Part VIII permit, no printout of the original permit is displayed on the vehicle; but
- (b) despite subregulation (5), if the original permit is lost and found, need not return the found permit to the Commissioner.”.

- (7) Regulation 59(6)—

Repeal

“permit” (wherever appearing)

Substitute

“Part VIII permit”.

8. Regulation 60 amended (offences)

(1) Regulation 60(1)—

Repeal

“57(2) or 59(3) or (5)”

Substitute

“57(2) or (2A) or 59(3), (5) or (5A)(a)”.

(2) Regulation 60—

Repeal subregulation (6)

Substitute

“(6) If a person—

- (a) without lawful authority, alters, defaces, damages or adds anything to any registration document or card, certificate of allocation, vehicle licence, licence or permit issued under these regulations;
- (b) has in the person’s possession, without reasonable excuse, any such registration document or card, certificate of allocation, vehicle licence, licence or permit that has been so altered, defaced, damaged or added to; or
- (c) displays on any vehicle—
 - (i) any such vehicle licence, licence or permit, that has been so altered, defaced, damaged or added to; or
 - (ii) any printout of a Part VIII e-permit where—

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- (A) the e-permit has been so altered, damaged or added to; or
- (B) the printout has been altered, defaced, damaged or added to,

the person commits an offence and is liable on conviction to a fine at level 2 and to imprisonment for 6 months.”.

9. Schedule 9 heading amended (particulars to be entered on permits issued under Part VIII)

Schedule 9, heading—

Repeal

“Permits Issued under Part VIII”

Substitute

“Part VIII Permits”.

LAM Sai-hung
Secretary for Transport and
Logistics

17 October 2022

Explanatory Note

Permits issued under Part VIII (*Part VIII permits*) of the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374 sub. leg. E) (*RLV Regulations*) are currently in paper form (*Part VIII paper permits*). The main purpose of this Regulation is to amend the RLV Regulations to cater for Part VIII permits in the form of an electronic record (*Part VIII e-permits*).

2. Section 3 amends regulation 2 of the RLV Regulations to add new definitions.
3. Regulation 53(6) of the RLV Regulations requires movement permits to be sent to the Commissioner for Transport (*Commissioner*) in the case of a change of name of the permit holder. Section 4 amends that regulation 53(6) so that the requirement only applies to movement permits in paper form. Section 4 also adds a new regulation 53(6A) to the RLV Regulations to empower the Commissioner to issue amended movement permits after receiving notices of change of name.
4. Section 5 adds new subregulations (3) and (4) to regulation 56 of the RLV Regulations to deem proper printouts of Part VIII e-permits displayed on relevant vehicles to be original Part VIII permits, and to deem printouts of receipts in the form of an electronic record (that are deemed to be valid Part VIII permits pursuant to regulation 59(6) of the RLV Regulations) to be original receipts.
5. Regulation 57(2) of the RLV Regulations requires the return of cancelled or expired trade licences and Part VIII permits to the Commissioner. Regulation 57(3) of the RLV Regulations

empowers police officers and other authorized officers to seize expired or cancelled trade licences, trade plates and Part VIII permits. Section 6—

- (a) amends that regulation 57(2) and adds a new regulation 57(2A) to the RLV Regulations so that—
 - (i) the return requirement does not apply to expired trade licences, expired Part VIII permits and cancelled Part VIII e-permits; and
 - (ii) cancelled trade licences, cancelled Part VIII paper permits and printouts of cancelled Part VIII e-permits must not be displayed; and
 - (b) amends that regulation 57(3) to delete the power to seize expired trade licences (and their related trade plates) or expired Part VIII permits and to deal with the seizure of printouts of cancelled Part VIII e-permits.
6. Section 7 amends regulation 59(2) of the RLV Regulations to ensure that the Commissioner may issue duplicate Part VIII permits if Part VIII e-permits are damaged, and amends regulation 59(3) of the RLV Regulations to prohibit any application for a duplicate of a Part VIII e-permit knowing that the original e-permit has not been damaged.
7. Regulation 59(5) of the RLV Regulations provides for the return of lost and found Part VIII permits (amongst other documents). Section 7 also adds a new regulation 59(5A) to the RLV Regulations so that the return requirement does not apply to Part VIII e-permits. Instead, the printouts of the original Part VIII e-permits must not be displayed after the issue of duplicate Part VIII permits.

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Regulation 2022

Explanatory Note
Paragraph 8

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8. Regulation 60 of the RLV Regulations provides for offences. Section 8—
- (a) amends regulation 60(1) of the RLV Regulations to create offences for contravention of the new regulations 57(2A) and 59(5A)(a) of the RLV Regulations (added by sections 6 and 7); and
 - (b) amends regulation 60(6) of the RLV Regulations to ensure that the offence provision relating to the alteration, defacing, etc. of certain documents is rationalized to deal with circumstances involving Part VIII e-permits.