

(5) No person shall, as owner, permit a vehicle to be driven by a person who is not in possession of a driving licence applicable to such vehicle except as otherwise provided by this Ordinance or by regulations made thereunder :

Provided that in any proceedings under this subsection it shall not be necessary to allege or to prove guilty knowledge on the part of the owner and it shall be no defence to prove absence of guilty knowledge.

(6) Any person who contravenes the provisions of subsection (4) or (5) shall be guilty of an offence and, on summary conviction, shall be liable in the case of a first conviction for that offence to a fine of one thousand dollars and to imprisonment for three months, and in the case of a second or subsequent conviction for that offence to a fine of one thousand dollars and to imprisonment for six months.

Highway code.

6. (1) The Governor may cause to be prepared a code (in this section referred to as "the highway code") comprising such directions as appear to him to be proper for the guidance of persons using roads and may from time to time revise the code by revoking, varying, amending or adding to the provisions thereof in such manner as he thinks fit.

(2) The highway code and any alterations proposed to be made in the provisions of the code on any revision thereof shall as soon as approved by the Governor in Council be laid before the Legislative Council and the code or revised code as the case may be shall not be promulgated until the code has or the proposed alterations have been approved by the Legislative Council.

(3) Subject to the foregoing provisions of this section the Governor in Council may cause the code and every revised edition of the code to be printed and issued to the public either without charge or at such price as he thinks fit and may take such other steps as he thinks fit for securing that the provisions of the code shall be brought to the notice of the public.

(4) A failure on the part of any person to observe any provisions of the highway code shall not of itself render that person liable to criminal proceedings of any kind but any such failure may in any proceedings whether civil or criminal and including proceedings for an offence under this Ordinance be relied upon by any party to the proceedings as tending to establish or to negative any liability which is in question in those proceedings.

PART II.

Use of Vehicles.

7. Any person who uses or causes or permits to be used on any road any vehicle which does not comply in all respects with the provisions of any enactment relating to the construction or use of vehicles of the class or description to which such vehicle belongs shall be guilty of an offence and, on summary conviction, shall be liable in the case of a first conviction for that offence to a fine of five hundred dollars and to imprisonment for three months, and in the case of a second or subsequent conviction for that offence to a fine of one thousand dollars and to imprisonment for six months.

Prohibition of motor vehicles not complying with regulations as to construction etc.

8. (1) Subject to the provisions of this section, no person shall sell or supply or offer to sell or supply or cause or permit to be sold, supplied or offered, a motor vehicle or trailer for delivery in such a condition that the use thereof on a road would be in contravention of any provision of this Ordinance or of any regulations made thereunder as to construction, weight, equipment, brakes, steering gear or tyres thereof.

Prohibition of sale etc. of vehicles not complying with regulations.

(2) Subject to the provisions of this section, no person shall alter or cause or permit to be altered a motor vehicle or trailer so as to render its condition such that the use thereof on a road in that condition would constitute a contravention of any provision of this Ordinance or of any regulations made thereunder as to the construction, weight, equipment, brakes, steering gear or tyres thereof.

(3) Any person who contravenes the provisions of subsection (1) or subsection (2) shall be guilty of an offence and, on summary conviction, shall be liable to a fine of five thousand dollars and to imprisonment for six months :

Provided that it shall be a good defence under this section for the defendant to prove that he had reasonable cause to believe that the vehicle would not be used on a road in the Colony or would not be so used until it had been put into a condition in which it might be used without contravening any such provisions.

(4) Nothing in this section shall affect the validity of any contract or of any right arising under a contract.

PART III.

Driving Offences.

Dangerous driving and causing death or injury thereby.

(Cap. 220).

9. (1) Any person who drives dangerously shall be guilty of an offence and shall be liable—

(a) on summary conviction, to a fine of one thousand dollars and to imprisonment in the case of a first conviction for six months and in the case of a second or subsequent conviction or of a conviction subsequent to a conviction under section 4 of the Vehicle and Road Traffic Ordinance to a fine of two thousand dollars and to imprisonment for six months; or

(b) on conviction on indictment, to a fine of five thousand dollars and to imprisonment for two years.

(2) A person drives dangerously within the meaning of this section if he drives a motor vehicle on a road at a speed or in a manner which is dangerous to the public, having regard to all the circumstances at the time, including the nature, condition and use of the road, and the amount of traffic which is, or might reasonably be expected to be, then on the road.

(3) Without prejudice to the provisions of subsection (1), any person who drives dangerously and thereby causes the death of or grievous bodily injury to another person shall be guilty of an offence and shall be liable, on summary conviction, to a fine of two thousand dollars and to imprisonment for twelve months and, on conviction on indictment, to a fine of five thousand dollars and to imprisonment for five years.

(4) Any person convicted of a second or subsequent offence under this section or of an offence under this section having been previously convicted of an offence under section 4 of the Vehicle and Road Traffic Ordinance shall be disqualified from holding or obtaining a driving licence for not less than twelve months:

(Cap. 220).

Provided that where a period of not less than three years has elapsed since his last previous conviction for an offence under this section or under section 4 of the Vehicle and Road Traffic Ordinance, the court or magistrate may deal with the offence as a first offence.

(5) If on the trial of any person for an offence under subsection (3), the court or jury is satisfied that he drove dangerously but is not satisfied that he thereby caused the death of, or

grievous bodily injury to, another person, the court or jury shall acquit him of the offence under subsection (3) and shall find him guilty of an offence under subsection (1).

(6) On the trial of any person for manslaughter arising out of his dangerous driving, the jury may acquit him of manslaughter and may find him guilty of an offence under subsection (1) or subsection (3).

(7) On the trial of any person for an offence under subsection (1), the court or magistrate may acquit him of that offence and may find him guilty of an offence under section 12 (which relates to careless driving).

(8) If on the application of a police officer it appears to a magistrate that there is reasonable cause to believe that a motor vehicle which has been driven dangerously in contravention of the provisions of subsection (1) or (3) may be found in any premises or place, the magistrate may, by warrant under his hand addressed to any police officer empower such police officer with such assistance as may be necessary by day or by night, to enter the said premises or place at any time within forty-eight hours of the signing of the warrant and to inspect any vehicle therein and to make inquiries therein with respect to any such vehicle.

10. (1) Any person who drives or attempts to drive or is in charge of a motor vehicle on any road while he is under the influence of drink or drugs to such an extent as to be incapable of having proper control of the motor vehicle shall be guilty of an offence and shall be liable—

Driving a motor vehicle under influence of drink or drugs.

(a) on summary conviction, to a fine of one thousand dollars and to imprisonment for six months and in the case of a second or subsequent conviction or of a conviction subsequent to a conviction under section 5 of the Vehicle and Road Traffic Ordinance, to a fine of two thousand dollars and to imprisonment for twelve months; or

(Cap. 220).

(b) on conviction on indictment, to a fine of five thousand dollars and to imprisonment for two years.

(2) Any person convicted of an offence under this section shall be disqualified from holding or obtaining a driving licence for a period of—

(a) in the case of a first conviction for such an offence, not less than twelve months; and

(Cap. 220).

- (b) in the case of a second or subsequent conviction or in the case of a conviction for such an offence subsequent to a conviction for an offence under section 5 of the Vehicle and Road Traffic Ordinance, not less than three years :

Provided that—

- (i) where a period of not less than three years has elapsed since his last previous conviction for an offence under this section or under section 5 of the Vehicle and Road Traffic Ordinance, the court or magistrate may deal with the offence as a first offence; and
 - (ii) where the offence is that of being in charge of a motor vehicle on any road while under the influence of drink or drugs to such an extent as to be incapable of having proper control of the vehicle, the court may, if for any special reason it thinks fit to do so, order that there shall be no disqualification or that the period of disqualification shall be such lesser period than that otherwise required by this subsection as the court may think fit.
- (3) A special reason within the meaning of subsection (2) may consist of proof by the person convicted that—
- (a) at the material time the circumstances were such that there was no likelihood of his driving the motor vehicle so long as he remained under the influence of drink or drugs to such an extent as to be incapable of having proper control of a motor vehicle; and
 - (b) between his becoming incapable of having proper control of a motor vehicle by reason of his being under the influence of drink or drugs and the material time he had not driven a vehicle on a road.

Drunkenness etc. in charge of rickshaw etc.

11. Any person who drives or attempts to drive, or is in charge of a vehicle drawn by horse or by any other animal or a rickshaw or a chair or a bicycle or a tricycle on a road, while he is under the influence of drink or drugs to such an extent as to be incapable of having proper control of the vehicle shall be guilty of an offence and, on summary conviction, shall be liable to a fine of five hundred dollars and to imprisonment for three months.

Careless driving.

12. (1) Any person who drives carelessly shall be guilty of an offence and shall be liable, on summary conviction, to a fine of one thousand dollars and in the case of a first conviction to

imprisonment for three months, and in the case of a second or subsequent conviction or in the case of a conviction subsequent to a conviction under section 6 of the Vehicle and Road Traffic Ordinance to imprisonment for six months. (Cap. 220).

(2) A person drives carelessly within the meaning of this section if on a road he drives a vehicle without due care and attention or without reasonable consideration for other persons using the road.

(3) A court or magistrate before whom a person is convicted of an offence under this section, unless for any special reason it thinks fit to order otherwise, shall order particulars of the conviction to be endorsed on any driving licence held or obtained by such person.

13. (1) Subject to the provisions of section 14 any person who drives a motor vehicle—

General speed limit on certain roads.

- (a) on a restricted road at a speed exceeding thirty miles an hour or at such other speed as may be specified in relation to that road by an order made under subsection (6); or
- (b) on a road other than a restricted road, at such speed as may be specified in relation to that road by any other enactment; or
- (c) at such speed as may be specified in relation to motor vehicles of the same class as that motor vehicle by any other enactment;

shall be guilty of an offence and, on summary conviction, shall be liable to a fine of one thousand dollars.

(2) A person convicted of a third or subsequent offence under this section or under any repealed enactment relating to the speed at which any vehicle shall be driven on any road shall be disqualified from holding or obtaining a driving licence for a period of not less than six months :

Provided that where a period of not less than three years has elapsed since his last previous conviction for such an offence, the court or magistrate may deal with the offence as a first offence.

(3) Where a road which is subject to any restriction in respect of the speed at which a motor vehicle may be driven on such road leads directly into or out of a road which is not subject to such restriction, it shall be a good defence for any person charged with an offence under this section for exceeding the speed limit applicable to the restricted road to prove that he entered upon

the restricted road from the unrestricted road and that at the time when he did so adequate guidance was not given by means of traffic signs required to be erected under any enactment at the place where the restriction begins.

(4) Subject to the provisions of this section, "restricted road" shall, for the purposes of this section, mean a length of road—

(a) where—

(i) a system of street lighting furnished by means of lamps not more than two hundred yards apart is provided thereon; and

(ii) there is not in force in respect thereof an order made under sub-paragraph (ii) of paragraph (c) of subsection (6); or

(b) where there is for the time being in force as respects that length of road an order under sub-paragraph (i) of paragraph (c) of subsection (6).

(5) The points at which any length of road begins and ceases to be a restricted road—

(a) as respects such restricted road as is referred to in paragraph (a) of subsection (4)—

(i) shall be such points, distance not more than two hundred yards from the first and last respectively of the lamps by means of which the system of lighting is furnished, as may be indicated by traffic signs erected in accordance with subsection (7); or

(ii) where a traffic sign is not required to be erected in accordance with subsection (7), shall be at the first and last of such lamps respectively;

(b) as respects such a restricted road as is referred to in paragraph (b) of subsection (4), shall be at such points as shall be designated in the relevant order.

(6) The Commissioner by order may from time to time—

(a) increase or reduce the rate of speed fixed by subsection (1) (either as originally enacted or as varied by an order under this subsection) either generally or as respects such length of road as may be specified in the order;

(b) provide that subsection (1) shall not apply during such hours as may be specified in the order;

(c) direct that any length of road specified in the order—

(i) shall be a restricted road; or

(ii) shall not be a restricted road notwithstanding that such a system of lighting as is referred to in paragraph (a) of subsection (4) is provided thereon.

(7) Subject to the provisions of any other enactment the Commissioner shall—

(a) erect and maintain or cause to be erected and maintained traffic signs in such positions as may be necessary for the purpose of providing adequate guidance to drivers of motor vehicles as to the places where a length of road begins and ceases to be a restricted road and as to whether any length of road is a restricted road; and

(b) so to alter or remove traffic signs as may be requisite in order to give effect to such directions as aforesaid, whether in consequence of the making of an order under subsection (6) or otherwise.

14. (1) The provisions of any enactment imposing a speed limit on motor vehicles shall not apply to any vehicle on an occasion when it is being used for fire brigade, ambulance or police purposes, if compliance with those provisions would be likely to hinder the use of the vehicle on that occasion for any of those purposes.

Exemption of fire engines etc. from speed limits.

(2) Nothing in this section shall affect any civil claim for injury or damage to a person or property.

15. (1) Any person who takes and drives away or who attempts to take and drive away any vehicle without having either the consent of the owner thereof or other lawful authority shall be guilty of an offence and shall be liable—

Taking vehicle away without owner's consent or any other authority.

(a) on summary conviction, to a fine of two thousand dollars and to imprisonment for six months; or

(b) on conviction on indictment, to a fine of five thousand dollars and to imprisonment for twelve months;

Provided that if on any summary proceedings under this section, the court or magistrate is satisfied or on any proceedings on indictment for an offence under this section, the jury is satisfied that the defendant acted in the reasonable belief that he had lawful authority, or in the reasonable belief that the owner would, in the circumstances of the case, have given his consent if he had been asked therefor, the defendant shall not be liable to be convicted of the offence.

(2) On the trial of a charge of stealing a vehicle, in a court of summary jurisdiction, the court or magistrate, or, on indictment, the jury, may acquit the defendant of the charge of stealing and find him guilty of an offence under this section.

Penalties for neglect of traffic directions.

16. (1) Where a police officer in uniform is for the time being engaged in the regulation of traffic on a road or where any traffic sign being a sign for regulating the movement of traffic or indicating the route to be followed by traffic or regulating the movement of pedestrians and being of the prescribed size, colour and type authorized by regulations made under this Ordinance, has been lawfully placed on or near any road, any person driving any vehicle or any pedestrian who—

(a) neglects or refuses to obey the direction of the police officer; or

(b) fails to conform to the indication given by the sign; shall be guilty of an offence and, on summary conviction, shall be liable to a fine of five hundred dollars.

(2) In any proceedings under this section a traffic sign placed on or near a road shall be deemed to be of the prescribed size, colour and type authorized by regulations made under this Ordinance and to have been lawfully so placed, unless the contrary is proved and the fact that a traffic sign differs slightly from the sign which has been authorized under such regulations shall not prevent such traffic sign from being a sign of a size, colour and type so prescribed so long as the general appearance of the sign is not thereby materially impaired.

Offences by pedestrians and pedal-cyclists.

17. (1) Any pedestrian, pedal-cyclist, rickshaw puller or bearer of a chair on a road, who through his own negligence endangers his own safety or that of any other person shall, without prejudice to any other provisions of this Ordinance or of any other enactment relating to such persons, be guilty of an offence and, on summary conviction, shall be liable to a fine of five hundred dollars.

(2) Any police officer may require any person who appears to him to have committed an offence under this section to give his correct name and address and if such person fails to do so he shall be guilty of an offence and, on summary conviction, shall be liable to a fine of five hundred dollars.

18. (1) Any person who promotes or takes part in a race or trial of speed between motor vehicles, or between bicycles or any road race or trial between persons, or any other form of competition involving motor vehicles or pedestrians on any road without the consent in writing of the Commissioner or, if such consent has been given, in contravention of any conditions imposed in the granting of such consent, shall be guilty of an offence and, on summary conviction, shall be liable to a fine of two thousand dollars and to imprisonment for six months and, in the case of the driver of a motor vehicle on the road, shall be disqualified from holding or obtaining a driving licence for a period of twelve months unless the court or magistrate for special reasons thinks fit to order otherwise.

Prohibition of motor racing and speed trials.

(2) The Commissioner may, by licence in writing, authorize the promotion, holding or taking part in any such event as is described in subsection (1) subject to such conditions as he in his absolute discretion may impose.

(3) Any person aggrieved by any decision of the Commissioner under subsection (2) may appeal, by petition, to the Governor in Council against such decision and on any such appeal the Governor in Council may affirm, amend or reverse such decision.

PART IV.

Enforcement.

19. (1) Subject to the provisions of subsection (2), a person prosecuted for an offence under section 9, 12 or 13 (which relate respectively to dangerous driving and to causing death or injury thereby, careless driving and driving at an excessive speed) shall not be convicted of such offence unless—

Notice of intention to prosecute for certain offences.

(a) he was warned at the time of the commission of the offence or within twenty-four hours thereafter that the question of prosecuting him under some one or other of the provisions aforesaid would be taken into consideration; or

(b) within fourteen days of the commission of the offence he was either charged before a magistrate or a summons in respect thereof was served on him; or

- (c) within such period of fourteen days, a notice of the intended prosecution specifying the nature of the alleged offence and the time and place where it is alleged to have been committed was served on him, or sent by registered post to him, or served on or sent by registered post to the person in whose name the vehicle was registered at the time of the commission of the offence.
- (2) The provisions of subsection (1) shall not apply if it appears to the court or magistrate that—
- (a) the person prosecuted was not prejudiced in his defence by a failure to comply with the provisions of that subsection; or
- (b) the person prosecuted by his own conduct contributed to the failure to comply with that subsection.
- (3) The requirements of subsection (1) shall in every case be deemed to have been complied with unless and until the contrary is proved.

Provisions
as to
disquali-
fication.

20. (1) Without prejudice to any other penalty, any court or magistrate before whom a person is convicted of any offence under this Ordinance or under regulations made under this Ordinance in connexion with the driving of a motor vehicle may order him to be disqualified from holding or obtaining a driving licence for such period as the court or magistrate thinks fit, and where any provision of this Ordinance requires him to be so disqualified for a minimum period, shall order him to be disqualified for a period which is not less than that minimum period:

Provided that—

- (i) if the court or magistrate thinks fit, any disqualification imposed under this section may be limited to the driving of a motor vehicle of the same class or description as the motor vehicle in relation to which the offence was committed; and
- (ii) a first conviction for driving a motor vehicle on a road at a speed exceeding a speed limit imposed by any enactment in respect of such road or in respect of that type of motor vehicle, or a second such conviction the date whereof falls more than three years after the date of the first conviction, shall not render the person convicted liable to be disqualified from holding or obtaining a licence.

(2) A person who is disqualified from holding or obtaining a licence by virtue of a conviction or order of a court or magistrate may appeal against the disqualification in like manner as if it were an order made against him for the payment of a penal or other sum and the court or magistrate may order the operation of the disqualification to be suspended pending the appeal and if the court or magistrate refuses to order such suspension, the Supreme Court may do so upon application made to it by the person disqualified.

(3) Where a person who is disqualified by virtue of a conviction or order is the holder of a licence, the licence shall be of no effect so long as the disqualification continues in force.

(4) A person who by virtue of a conviction or order is disqualified from holding or obtaining a driving licence may at any time thereafter apply to the court or magistrate before which he was convicted or by which the order was made, to remove the disqualification, and on any such application the court or magistrate may, as it thinks proper having regard to the character of the person disqualified and his conduct subsequent to the conviction or order, the nature of the offence and any other circumstances of the case, by order either refuse the application or remove the disqualification as from such date as may be specified in the order not being a date earlier than—

- (a) in the case of an offence under section 9, 10 or 13 for which a minimum period of disqualification is required to be imposed under this section the date of the expiration of such period; and
- (b) in the case of any other offence the date of the expiration of a period of six months from the date of the conviction or order:

Provided that any time after the conviction or order during which the disqualification was suspended or the applicant was not disqualified shall be disregarded for the purposes of this subsection.

(5) When an application under subsection (4) is refused, a further application thereunder may be heard if made after the expiration of the three months from the date of the refusal or, as the case may be, the last refusal but not otherwise.

(6) An application under subsection (4) or subsection (5) shall not be heard unless not less than fourteen days notice in writing setting forth the grounds of the application has been given to the Commissioner of Police.

(7) If the court or magistrate orders a disqualification to be removed, the court or magistrate shall cause particulars of the order to be endorsed on the licence, if any, previously held by the applicant and may in any case order the applicant to pay the whole or any part of the costs of the application.

(8) Where a court or magistrate orders that a person shall be disqualified from holding or obtaining a driving licence, the court or magistrate shall forthwith cause notice of the conviction or order to be sent to the Commissioner of Police and if such person at the date of the conviction or order held a driving licence, shall cause such driving licence to be forwarded to the Commissioner of Police as soon as it is produced to the court or magistrate in accordance with the provisions of subsection (9).

(9) Where a court or magistrate orders that a person shall be disqualified from holding or obtaining a driving licence and at the date of such order the person holds a driving licence, he shall deposit the licence with the court or magistrate within five days of the date of the order or such longer period as the court or magistrate may determine :

Provided that if such person shall give notice of appeal against the order such period of five days shall commence at the determination of the appeal.

(10) Nothing in any other provision of this Ordinance or any other enactment authorizing or requiring the court to disqualify any person from obtaining or holding a driving licence for a specified period shall operate to restrict the powers of the court or magistrate under subsection (1) to disqualify that person for such longer period as the court or magistrate thinks fit.

Disquali-
fication for
aiding and
abetting
etc.

21. When a person is convicted of aiding, abetting, counselling or procuring, or inciting the commission of an offence under Part III or subsection (4) of section 4 or subsection (5) of section 5, and it is proved that he was present in the vehicle at the time of the commission of the offence, the offence of which he was convicted shall, for the purpose of the provisions of this Ordinance

relating to disqualification for holding or obtaining a driving licence, be deemed to be an offence in connexion with the driving of a motor vehicle.

22. Any person who under the provisions of this Ordinance is disqualified from holding or obtaining a driving licence applies for or obtains a driving licence while he is so disqualified, or, while he is so disqualified, drives a motor vehicle, or, if the disqualification is limited to the driving of a motor vehicle of a particular class or description, drives a motor vehicle of that class or description, on a road shall be guilty of an offence and, on summary conviction, shall be liable to a fine of five thousand dollars and to imprisonment for six months and shall be sentenced to imprisonment for not less than one month in the case of every such conviction except where—

Driving etc.
while dis-
qualified.

- (a) the conviction is a first conviction for the offence or a second or subsequent conviction for the offence not less than three years after the last previous conviction for the offence; and
- (b) the court or magistrate is of the opinion that, having regard to the special circumstances of the case a fine would be adequate punishment for the offence,

and a driving licence obtained by any person disqualified as aforesaid shall be of no effect.

23. (1) Any court or magistrate before whom a person is convicted under this Ordinance or under any regulations made thereunder may in any case, and shall where a person is by virtue of a conviction disqualified from holding or obtaining a driving licence, or where an order so disqualifying any person is made, or where a person is convicted of an offence under section 9 or section 10, order that particulars of the conviction and of any disqualification to which the convicted person has become subject be endorsed on any driving licence held by that person.

Provisions
as to
endorse-
ments.

(2) An order under subsection (1), whether the offender was at the time the holder of a driving licence or not, shall operate as an order that any driving licence which he may then hold or may subsequently obtain, shall be so endorsed until he becomes entitled under the provisions of this section to have a driving licence issued to him free from endorsement.

(3) Where an order is made requiring the driving licence held by any person to be endorsed, then—

- (a) if the person at the time is a holder of a driving licence he shall produce the driving licence within five days or such longer time as the court or magistrate may determine for the purposes of endorsement; and
- (b) if he is not then the holder of a driving licence, but subsequently obtains a driving licence he shall within five days after so obtaining the licence produce it to the court or magistrate for the purpose of endorsement,

and if he fails to do so, he shall be guilty of an offence and, on summary conviction, shall be liable to a fine of five hundred dollars; and if the licence is not produced for the purpose of endorsement within such time as aforesaid, it shall be of no effect from the expiration of such time until it is produced for the purpose of endorsement.

(4) On the issue of a new driving licence to any person, the particulars endorsed on any previous driving licence held by him shall be copied on to the new licence before the issue thereof unless the person has previously become entitled under the provisions of this section to have a driving licence issued to him free from endorsements.

(5) If any person whose driving licence has been ordered to be endorsed and who has not previously become entitled under the provisions of this section to have a driving licence issued to him free from endorsements applies for or obtains a driving licence without giving particulars of the order, he shall be guilty of an offence and shall be liable—

- (a) on summary conviction, to a fine of one thousand dollars and to imprisonment for three months; or
- (b) on conviction on indictment, to a fine of two thousand dollars and to imprisonment for six months,

and any driving licence so obtained shall be of no effect.

(6) Particulars of a conviction endorsed on a driving licence shall be *prima facie* evidence of the conviction.

(7) When an order has been made in respect of a person under this Ordinance, or under any other enactment, requiring the endorsement of any driving licence held by him, he shall be

entitled either on applying for the grant of a driving licence or for the renewal of a driving licence, to have issued to him a new driving licence free from endorsement if a period of not less than three years has elapsed since the last such order has been made against him.

(8) Where a driving licence has been endorsed and an appeal against an order is allowed or a conviction is quashed, being an order or conviction to which the endorsement relates, the proper officer of the court by which the appeal is allowed or the conviction is quashed shall send notice thereof to the Commissioner of Police.

PART V.

Reporting of Accidents, Identification etc.

24. (1) If in any case owing to the presence of a vehicle on a road an accident occurs whereby damage or injury is caused to any person, vehicle, animal or thing, the driver of the vehicle shall stop and—

Duty to stop in the case of accidents.

(a) shall give to any police officer on demand and to any other person who on reasonable grounds requires him so to do, the following particulars—

- (i) his correct name and address;
- (ii) the correct name and address of the owner of the vehicle; and
- (iii) if the vehicle is a motor vehicle the identification mark or number of the vehicle; and

(b) shall, if—

(i) for any reason he does not give those particulars; or

(ii) whether or not those particulars are given, the accident has, directly or indirectly, resulted in any injury to any person,

report the accident and give the particulars specified in paragraph (a) at a police station as soon as reasonably practicable but not in any event later than twenty-four hours after the occurrence of the accident.

(2) Any person who knowingly contravenes the provisions of subsection (1) shall be guilty of an offence and, on conviction, shall be liable—

- (a) where a person has received personal injury or has died as a result of the accident in respect of which the offence was committed, to a fine of two thousand dollars and to imprisonment for six months; and
- (b) in any other case, to a fine of one thousand dollars and to imprisonment for three months.

(3) A person convicted of an offence to which paragraph (a) of subsection (2) applies shall be disqualified from holding or obtaining a driving licence for not less than twelve months.

(4) Where an accident occurs owing to the presence on a road of a motor vehicle and that motor vehicle was being driven or, when last driven before the accident, had been driven by some person other than the owner thereof, the owner thereof shall give to any police officer on demand all such information in his possession or procurement as may assist such police officer in obtaining the name and address of the driver of the vehicle at the time of the accident or of the last driver of the vehicle prior to the accident and any person who contravenes the provisions of this subsection shall be guilty of an offence and, on summary conviction, shall be liable to a fine of five hundred dollars.

(5) In this section, "animal" means any horse, cattle, ass, mule, hinny, sheep, pig, goat, cat or dog.

Preservation of evidence of serious accidents.

25. (1) If owing to the presence of a vehicle on a road an accident occurs in consequence of which any person is killed or seriously injured or serious damage is caused to any vehicle or thing, no person, except under the authority of a police officer, shall move or otherwise interfere with any vehicle involved in the accident or any part of such vehicle or do any other act so as to destroy or alter any evidence of the accident :

Provided that—

- (i) a vehicle or any part thereof may be moved so far as may be necessary to extricate persons or animals involved, to remove mails, to prevent fire or to prevent damage or obstruction to the public; and

- (ii) goods or passengers' baggage may be removed from a vehicle under the supervision of a police officer; and
- (iii) this section shall not apply where it is urgently necessary to remove any seriously injured person to hospital and no suitable means of conveyance other than a vehicle involved in the accident is available.

(2) Any person who contravenes any provision of this section shall be guilty of an offence and, on summary conviction, shall be liable to a fine of five hundred dollars.

26. (1) Where the driver of a vehicle is alleged to be guilty of an offence under any provision of this Ordinance or of any regulations made under this Ordinance—

Obligation to give information as to identification.

- (a) the driver of the vehicle shall on demand give to any police officer his correct name and address and any other information concerning the vehicle which is in his power to give;
- (b) the owner of the vehicle shall give such information as may be required by a police officer as to the identity of the driver of the vehicle; and
- (c) any other person shall if required by a police officer give any information which it is in his power to give and which may lead to the identification of the driver.

(2) Any person who fails to comply with the provisions of this section shall be guilty of an offence and, on summary conviction, shall be liable to a fine of five hundred dollars :

Provided that in the case of any proceedings against the owner of a vehicle it shall be a sufficient defence if he proves to the satisfaction of the court or magistrate that he did not know and could not with reasonable diligence have ascertained the identity of the driver.

27. (1) A police officer may require the production, for examination, of the driving licence of any person—

Enforcement powers of a police officer.

- (a) who is driving a motor vehicle on a road; or

- (b) whom he reasonably suspects to have been involved in an accident on a road; or
- (c) whom he reasonably suspects to have committed an offence under this Ordinance or under any regulations made thereunder; or
- (d) whom he has reasonable cause to believe to have knowingly made a false statement for the purpose of obtaining the grant of the driving licence.

(2) If any condition of a driving licence requires the holder of that licence while driving or learning to drive a motor vehicle to be under supervision of or to be accompanied by the holder of a driving licence a police officer may at any time require the person accompanying to produce his driving licence for examination.

(3) Any person who fails to produce his driving licence immediately when asked for it or, alternatively, if when he was required to produce it, he had not got it in his possession, to bring it, in person within seventy-two hours after its production was so required to such police station as he shall have specified at the time its production was required, shall be guilty of an offence and, on summary conviction, shall be liable to a fine of five hundred dollars.

(4) Any person who obstructs any police officer in the exercise of any powers conferred under this Ordinance or who refuses to answer or answers falsely any inquiry authorized to be made by a police officer under subsection (8) of section 9 shall, without prejudice to any other provisions of this Ordinance, be guilty of an offence and, on summary conviction, shall be liable to a fine of five hundred dollars.

PART VI.

Miscellaneous.

28. (1) Subject to the provisions of any other enactment, any police officer in uniform may require the person in charge of any motor vehicle to allow the motor vehicle or any trailer drawn

Weighing
of motor
vehicles,
etc.

thereby to be weighed, either laden or unladen, and the weight transmitted to the road by any part of the motor vehicle or trailer in contact with the road to be tested, and for that purpose to proceed to a weigh-bridge or other machine for weighing vehicles:

Provided that it shall not be lawful for any police officer to require the person in charge of a motor vehicle to unload the motor vehicle or trailer, or to cause or allow it to be unloaded, for the purpose of being weighed unladen.

(2) Where a motor vehicle or trailer is weighed under this section and the weight is found to be within the limits authorized by law, a certificate of weight shall be given to the person in charge of the motor vehicle and the certificate so given shall exempt the motor vehicle and the trailer, if any, from being weighed so long as it is during the continuance of the same journey carrying the same load.

(3) Any person in charge of a motor vehicle refuses or neglects to comply with any requirement made in accordance with the provisions of subsection (1) shall be guilty of an offence and, on summary conviction, shall be liable to a fine of five hundred dollars.

29. (1) Any person who—

- (a) forges within the meaning of the Forgery Ordinance, or alters or uses or lends to or allows to be used by any other person any licence, permit, certificate or other document issued under the provisions of this Ordinance or of any regulations made thereunder; or
- (b) makes or has in his possession any document so closely resembling such a licence, permit, certificate or other document as to be calculated to deceive,

Forgery
etc. of
licences.
(Cap. 209).

shall be guilty of an offence.

(2) Any person who, for the purpose of obtaining the issue of any driving licence, vehicle licence, permit, certificate or other document, under the provisions of this Ordinance or of any regulations made thereunder, to himself or to any other person or

a variation of any such document, or for the purpose of preventing the issue or variation of any such document or preventing the imposition of any addition or limitation in relation to any such document, knowingly makes any false statement, shall be guilty of an offence.

(3) If it appears to the Commissioner that any declaration or statement made by the person, to whom a driving licence, vehicle licence, permit, certificate or other document, was issued under the provisions of this Ordinance or of any regulations made thereunder, for the purpose of obtaining the issue or variation of any such document, is untrue, the Commissioner, after giving to such person not less than seven days notice in writing of his intention so to do, may revoke or cancel such document and if such person fails to deliver such document to the Commissioner within ten days of receiving such notice, he shall be guilty of an offence.

(4) Any person who is guilty of any offence under this section shall be liable, on summary conviction, to a fine of one thousand dollars and to imprisonment for six months.

(5) In any proceedings under this Ordinance or under any regulations made thereunder, the fact that a driving licence has been granted to a person shall be evidence that that person for the purpose of obtaining that driving licence made a declaration that he was not disqualified from holding or obtaining the driving licence.

(6) Any person who is aggrieved by a decision of the Commissioner made in accordance with the provisions of subsection (3) may appeal by petition to the Governor in Council within such period of ten days and on any such appeal, the Governor in Council may confirm, revoke or vary the decision of the Commissioner.

Compensation for injury.

30. (1) Any person convicted of an offence against the provisions of this Ordinance or of any regulation made under the provisions of this Ordinance may be ordered by the court or magistrate to pay to any person to whom such court or magistrate may think that any compensation should be paid in respect of any injury, damage, loss, or otherwise, compensation not exceeding one thousand dollars, in addition to the penalty provided for under the provisions of this Ordinance, and in default of

payment of such compensation the magistrate may order the person ordered to pay the same to be imprisoned for two months in respect of such default.

(2) The payment of such compensation or imprisonment in default thereof shall be a bar to any further proceedings at the suit of the person to whom any such compensation has been ordered to be made.

(3) No such order for the payment of any such compensation shall be made unless the party who has suffered any such injury, or loss or otherwise sustained damage consents thereto.

31. (1) Parts III, IV, V and VI shall apply to vehicles and persons in the public service of the Crown and for the purpose of proceedings for an offence in connexion with any such vehicle against any person other than the driver of the vehicle, the person nominated in that behalf by the department in whose service the vehicle is used shall be deemed to be the person actually responsible unless it is shown to the satisfaction of the court or magistrate that only the driver was responsible.

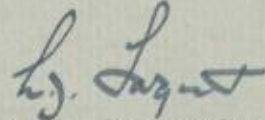
Application to Crown.

(2) Any regulations made in exercise of the powers conferred by section 3, 4 or 5 may be expressed to apply to vehicles and persons in the public service of the Crown in the same manner as Parts III, IV, V and VI are applied by subsection (1) with such modifications to such regulations as the Governor in Council may consider to be necessary for such application.

32. The Vehicle and Road Traffic Ordinance is repealed.

Repeal. (Cap. 220).

Passed the Legislative Council of Hong Kong, this 18th day of December, 1957.


Deputy Clerk of Councils.

(Secretariat GR33/3231/54)

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