

Appointment of guardian ad litem.

Social Welfare Officer to be guardian ad litem subject to rule 8. Form 2.

7. Subject to the provisions of rule 8, the Social Welfare Officer shall be the guardian *ad litem* of the infant for the purposes of the application and a copy of the summons shall be served on him, together with an undertaking by the applicant in form 2 to pay the Social Welfare Officer's proper costs for acting as guardian *ad litem* for the infant. The Social Welfare Officer shall thereupon enter an appearance for the infant.

Appointment of some other person as guardian ad litem.

8. If the applicant desires that some person other than the Social Welfare Officer should be appointed to act as guardian *ad litem*, the originating summons must ask for the appointment of a guardian *ad litem* and must be supported by an affidavit by the applicant setting out the facts and the judge may appoint such person as he thinks fit to be the guardian *ad litem*.

Evidence in support of application.

Form of statement and consent. Form 3. Form 4.

9. The evidence in support of the application for an adoption order shall be given by means of a statement in form 3 and shall be verified by affidavit. Any document signifying the consent of any person to the making of the adoption order shall be in form 4 and shall be exhibited to the affidavit.

Time for filing evidence.

10. The said evidence shall be filed within fourteen days after the issue of the originating summons and a copy of the applicant's statement and of the documents attached thereto shall at the same time be served on the guardian *ad litem*.

Notice of application.

Form of notice. Form 5.

11. The guardian *ad litem* shall, as soon as practicable after he has entered an appearance, serve a notice in form 5 on any parent or guardian of the infant who has signified his consent to the making of an adoption order.

Duties of guardian ad litem.

Guardian ad litem to investigate all

12. It shall be the duty of the guardian *ad litem* to investigate as fully as possible all circumstances relevant to the proposed adoption with a view to safeguarding the interests of the infant

before the Court and to make a report to the Court for that purpose; and in particular it shall be his duty—

relevant circumstances.

- (a) to make enquiries as to all matters alleged in the applicant's statement and as to the additional matters specified in the Second Schedule and to report to the Court upon them;
- (b) to interview (either by himself or by an agent appointed by him for the purpose) every individual being an applicant for the order, or mentioned in the applicant's statement as a person to whom reference may be made, or a person on whom notice of the application is required to be served under rule 15, or, where notice is required to be served on a body of persons, the appropriate officer of such body.

Second Schedule.

13. The guardian *ad litem* and any agent of his and, where a body of persons is appointed as guardian *ad litem*, every officer of that body shall treat as confidential all information obtained in the course of the investigation, and shall not divulge any part of it to any other person except so far as may be necessary for the proper execution of his duty.

Information to be confidential.

Hearing of application.

14. The applicant shall obtain an appointment for the hearing of the application within fourteen days after being notified by the guardian *ad litem* that he has made his report to the Court. If no appointment is obtained by the applicant, the guardian *ad litem* shall obtain an appointment as soon as practicable for the hearing of the application.

Appointment for hearing.

15. On a date being fixed for the hearing of the application, the guardian *ad litem* shall serve a notice in form 6 on—

Notice of hearing.

- (a) every person whose consent to the order is required under subsection (4) of section 4 of the Ordinance; and
- (b) the Social Welfare Officer unless he is the guardian *ad litem*.

Form 6.

16. On the hearing of the application any person on whom notice is required to be served under rule 15 may appear before the judge to show cause why an adoption order should not be made. The Social Welfare Officer may be represented by any public officer duly authorized in that behalf by the Social Welfare Officer.

Appearance to show cause why order should not be made.

Conduct of proceedings.

17. Unless the Court is satisfied that the applicant does not desire his identity to be kept confidential, the proceedings shall be conducted with a view to securing that he is not seen by or made known to any person (other than the spouse of the applicant) whose consent to the order is required.

Form and transmission of orders.

Form of order. Forms 7 and 8.

18. An adoption order shall be drawn up in form 7, and an interim order in form 8.

Copy of the order to be sent to Registrar of Births and Deaths and applicant.

19. On the making of an adoption order, the Registrar of the Supreme Court shall send a sealed copy of the order to the Registrar of Births and Deaths and to the applicant within seven days after the order has been passed and entered.

Copy of order not to be given to other persons.

20. No duplicate or copy of an adoption order or interim order shall be given to or served upon any person other than the Registrar of Births and Deaths or the applicant except by order of the judge.

Notification by guardian *ad litem* of making or refusal of order.

21. Where an adoption order is made or refused or an interim order made, the guardian *ad litem* shall notify all parties who were not present when the order was made or refused, without disclosing the identity of the applicant unless he does not desire his identity to be kept confidential.

Restoration of proceedings after interim order.

Application for further hearing by applicant.

22. Where the determination of an application is postponed and an interim order made the applicant shall, at least two months before the expiration of the period specified in the interim order, obtain an appointment for the further hearing of the application, and the guardian *ad litem* shall serve a notice in form 9 on every person on whom notice is required to be served under rule 15.

Form 9.

Application for further hearing by guardian *ad litem*.

23. If no appointment is obtained by the applicant as required by rule 22, the guardian *ad litem* shall obtain an appointment as soon as practicable for the further hearing of the application.

Amendment of adoption orders.

24. An order under subsection (1) of section 18 of the Ordinance for the amendment of an adoption order may be made *ex parte*.

Order may be amended *ex parte*.

25. Where an order for the amendment of an adoption order is made under subsection (1) of section 18 of the Ordinance, the Registrar of the Supreme Court shall send to the Registrar of Births and Deaths a notice specifying the date of the adoption order and the names of the adopter and of the adopted person (as described in the schedule to the adoption order) and stating what amendments are to be made in the particulars specified in that order.

Notice of amendment to be sent to Registrar of Births and Deaths.

Social Welfare Officer acting as guardian ad litem.

26. Where the Social Welfare Officer is acting under these rules as guardian *ad litem*, anything required or authorized by these rules to be done by the guardian *ad litem* may be done by any public officer duly authorized in that behalf by the Social Welfare Officer.

Delegation of powers and duties.

Service of documents.

27. Any document under these rules may be served—
- (a) on an individual, by delivering it to him personally, or by leaving it with some person for him at his last known or usual place of abode (whether in the Colony or elsewhere) or by sending it to him by registered post at that place;
 - (b) on the Social Welfare Officer or on a body of persons, by delivering it at or sending it by registered post to the principal office of that officer, or the registered or principal office of that body, as the case may be.

Methods of service of documents.

Attestation of consents, etc.

28. For the purposes of subsection (2) of section 6 of the Ordinance, a document or declaration executed or made by any person outside the Colony shall be sufficiently attested if it is attested as follows—

Persons who may attest documents and declarations outside the Colony.

- (a) if the document or declaration is executed or made at any place in the United Kingdom, the Channel Islands, the Isle of Man, or in any Colony, protectorate, protected state or United Kingdom trust territory, by any judge of

any court of civil or criminal jurisdiction, any justice of the peace or magistrate or any person for the time being authorized by law in that place to administer an oath for any judicial or other legal purpose;

- (b) if the document or declaration is executed or made at any place in any of the countries mentioned in subsection (3) of section 1 of the British Nationality Act, 1948, or in the Republic of Ireland or in any mandated territory or trust territory administered by the government of any such territory, by any person for the time being authorized by law in that place to administer an oath for any judicial or other legal purpose;
- (c) if the document or declaration is executed or made at any other place, by any consular officer of Her Majesty's government in the United Kingdom or, if there is no such consular officer, by any person authorized by the Secretary of State to administer the oath of allegiance for the purposes of section 6 or section 10 of the British Nationality Act, 1948;
- (d) if the person by whom the document or declaration is executed or made is serving in any of Her Majesty's naval, military or air forces, by any officer holding a commission in any of those forces.

Applications under section 5(4) of the Ordinance.

29. An application under subsection (4) of section 5 of the Ordinance for leave to remove the infant from the care and possession of the applicant shall be made to the judge, and notice thereof shall be served on the guardian *ad litem*.

30. Where leave to remove the infant from the care and possession of the applicant is granted under subsection (4) of section 5 of the Ordinance, the judge may, upon granting leave, dismiss the application for the adoption order.

Application of practice of the Supreme Court.

31. Subject to these rules, the practice and procedure of the Supreme Court in its original jurisdiction shall apply to proceedings under the Ordinance.

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c. 56.)

Making
and notice
of applica-
tion.

Dismissal
of applica-
tion for
adoption
order.

Practice
and pro-
cedure of
Supreme
Court in
its original
jurisdic-
tion to
apply.

FIRST SCHEDULE. [rule 2.]

FORM 1. [rule 4.]

Originating summons on application for an adoption order.

19 , No.

IN THE SUPREME COURT OF HONG KONG,

Mr. Justice

IN THE MATTER OF A.B. (1) an infant,
and

IN THE MATTER OF the Adoption Ordinance, 1956.
Let of within eight days after service of this summons, inclusive of the day of such service, cause an appearance to be entered for him to this summons which is issued upon the application of of for an order:—

- 1. That a guardian *ad litem* may be appointed for the purpose of safeguarding the interests of the said] (2).
- 2. That the applicant be authorized to adopt the said
- 3. That the costs of this application be provided for.

Dated the day of , 19 .

This summons was taken out by
of , solicitor for the above-named

The respondent may appear hereto by entering appearance either personally or by solicitor at the Registry of the Supreme Court, Hong Kong.

If the respondent does not enter appearance within the time and at the place above mentioned, such order will be made and proceedings taken as the judge may think just and expedient.

Notes:

- (1) Enter the name(s) and surname which the infant is to bear after the adoption.
- (2) Delete this paragraph if the Social Welfare Officer is to act as guardian *ad litem*.

FORM 2. [rule 7.]

Undertaking to pay costs of Social Welfare Officer when acting as guardian ad litem.

[Heading as in form 1]

In consideration of your acting as the guardian *ad litem* of A.B. an infant, I, the undersigned [solicitor] (1) hereby, personally [jointly and severally] (2) undertake and agree that as such guardian *ad litem*

for the said A.B. you will duly receive and be paid all costs, charges and expenses which may be earned or incurred by you in relation to such guardianship or the duties thereof.

Dated the _____ day of _____, 19 _____.

Signed (3)

To:—The Social Welfare Officer, Fire Brigade Building, 1st floor, Hong Kong.

Notes:

- (1) Delete if no solicitor is acting for the applicant.
- (2) The words in square brackets are required only if there is more than one partner in the firm of solicitors acting for the applicant.
- (3) The undertaking should be signed by the solicitor, or by a partner in the firm of solicitors acting for the applicant, or by the applicant if he is acting in person.

FORM 3. [rule 9.]

Statement in support of application for an adoption order. (1)

[Heading as in form 1]

- 1. I, the undersigned, C.D./We, the undersigned, C.D. and E.D. desire to adopt A.B. (2), an infant, under the Adoption Ordinance, 1956.
- 2. I am/We are resident in Hong Kong.
- 3. I am unmarried/a widow/widower/I am married to E.D. of/We are married to each other and are the persons to whom the attached marriage certificate (or other evidence of marriage) relates.
- 4. The infant is of the sex and unmarried. He/She was born on the, 19....., and is the person to whom the attached birth certificate (3) relates/was born on or about the, 19....., in (4).
- 5. The infant is the child/adopted child (3) of—
F.B. of/whose last known address was/deceased [and
G.B. of/whose last known address was/deceased] (5).
- [6. The guardian of the infant is H.K. of/The guardians of the infant are H.K. of and J.B. of] (6).
- [7. L.M. of is liable by virtue of an order or agreement to contribute to the maintenance of the infant.] (7).

8. I/We attach a document/documents signifying the consent of the said (8) to the making of an adoption order upon my/our application.

[9. I/We request the judge to dispense with the consent of the said (9) on the following grounds].

10. The infant was received into my/our care and possession on the, 19....., from of and has been continuously in my/our care and possession since that date.

11. I/We notified the Social Welfare Officer on the, 19....., of my/our intention to apply for an adoption order in respect of the infant.

[12. A certificate as to physical and mental health of the infant, signed by a registered medical practitioner on the, 19....., is attached.] (10).

13. I/We have not received or agreed to receive, and no person has made or given or agreed to make or give to me/us, any payment or other reward in consideration of the adoption [except as follows:
.....].

14. I have not made/Neither of us has made a previous application for an adoption order in respect of the same or any other infant to any court [except an application made to the court at on the, 19....., which was dealt with as follows:
.....].

[15. For the purposes of my/our application reference may be made to N.O. of] (11).

16. I/We desire that my/our identity should be kept confidential, and the serial number of this application is] (12) or [I/We do not desire that my/our identity should be kept confidential].

17. Further particulars of myself/ourselves are set out in the annex to this statement.

18. If an adoption order is made in pursuance of my/our application, it is proposed that the infant should be known as
.....
.....

Dated this day of, 19.....

(Usual signature of applicant/ applicants.)

ANNEX TO FORM 3.

Further particulars of applicant or applicants.

Particulars of C.D.

Name in full (Block capitals)
Address
Occupation
Date of Birth
Relationship (if any) to the infant

Particulars of E.D.

Name in full (Block capitals)
Address
Occupation
Date of Birth
Relationship (if any) to the infant

Notes:

- (1) This statement must be verified by affidavit, to which the statement, marriage certificate and other documents referred to in the statement should be exhibited.
(2) Enter the first name(s) and surname as shown in the birth certificate referred to in paragraph 4, if available; otherwise enter name(s) and surname by which the infant was known at the time of the application.
(3) If the infant has previously been adopted, a certified copy of the entry in the Adopted Children Register should be attached, and not a certified copy of the original entry in the registers of births; and the particulars given in paragraph 5 should relate to the parent or parents by adoption and not to the natural parent or parents.
(4) Where a birth certificate is not attached, enter the place (including country) of birth if known.
(5) If the infant is illegitimate, the father's name should not be given in this entry; but see paragraph 7.
(6) This paragraph should be completed only if the infant has a legal guardian other than the father or mother of the infant.
(7) If the infant is illegitimate, enter the name of any person known to the applicant who has been adjudged by an order to be the putative father of the infant or who has acknowledged himself to be the father of the infant and agreed to contribute to his or her maintenance.
(8) The names to be entered here (or in the following paragraph) are those of the persons named in paragraphs 5, 6 and 7, and (where the application is made by one of two spouses alone) of the spouse of the applicant.
(9) This paragraph should be completed with the name of any of the persons mentioned in the previous note who has not signified his or her consent. See subsections (1) and (2) of section 5 of the Adoption Ordinance, 1956.
(10) This paragraph need not be completed if the applicant or either of the applicants is a "relative" of the infant as defined by section 2 of the Adoption Ordinance, 1956.
(11) This paragraph need not be completed if the applicant or either of the applicants is a "relative" of the infant as defined by section 2 of the Adoption Ordinance, 1956. Where it is completed more than one referee may be named if desired.
(12) If the applicant wishes his name to be kept confidential, insert serial number obtained in pursuance of rule 5 of the Supreme Court (Adoption) Rules, 1956.

FORM 4.

[rule 9.]

Consent to an adoption order in respect of an infant named A.B. (1).

Whereas an application is to be made [by C.D./C.D. and E.D.] (2) or [under the serial number];

[Whereas the said A.B. (hereinafter called the infant) is not less than six weeks old, having been born in on the, 19....., and is the person to whom the birth certificate (3) now produced and shown to be marked "A" relates] (4):

I, the undersigned of being (5)---

- the mother (3) of the infant/
the father (3) of the infant/
a guardian of the infant/
a person liable by virtue of any order or agreement to contribute to the maintenance of the infant/
a person [acting on behalf of a body] having parental rights in respect of the infant/
the spouse of the said C.D.,

hereby state as follows:—

- (1) I understand that the effect of an adoption order is to deprive a parent or guardian of all rights in respect of the maintenance and upbringing of the infant.
(2) I understand that, when the application for an adoption order in respect of the said A.B. is heard by the judge, this document may be used as evidence of my consent to the making of the order unless I have notified the court that I no longer consent. (6).
(3) I hereby consent to the making of an adoption order in pursuance of the said application [on condition that the religious persuasion in which the infant is brought up is]. (7).

(Signature)

Signed at (8) on by the said [who satisfied me that she fully understood the nature of the foregoing statement and was prepared to surrender her child for adoption.] (4).

Before me (Signature)

(Address)

(Description) (6)

Notes:

- (1) Insert name as known to the consenting party.
(2) Where the name of applicant is not known to the consenting party, and a serial number has been obtained for the application under rule 5 of the Supreme Court (Adoption) Rules, 1956, complete the entry contained in the second square brackets.

(3) If the infant has previously been adopted, a certified copy of the entry in the Adopted Children Register should be attached, and not a certified copy of the original entry in the registers of births; and the description of the consenting party should include the words "by adoption" where appropriate.

(4) Delete the words in square brackets except where the consenting party is the mother of the infant.

(5) Delete all but one of the descriptions which follow.

(6) If the consenting party is the mother of the infant, the document will not be admissible as evidence unless the signature is attested by a justice of the peace (or, if executed abroad, by an officer authorized by the Supreme Court (Adoption) Rules, 1956—see note (8)). In all cases the document, if so attested, will be admissible without further proof of execution.

(7) Delete the words in square brackets if the applicant is named, or if, although the applicant is not named, the consenting party does not desire to impose conditions as to religious upbringing.

(8) Where the document is executed outside the Colony, attestation in accordance with rule 28 of the Supreme Court (Adoption) Rules, 1956, has the same effect as attestation by a Justice of the peace.

FORM 5.

[rule 11.]

Notice of application for an adoption order in respect of an infant named A.B. (1).

To of (2).

Whereas an application has been made [by C.D./C.D. and E.D.] (3) or [under the serial number];

And whereas I, of am the guardian ad litem of the said infant;

Take notice that while the said application is pending, you must not, except with the leave of the judge, remove the infant from the care and possession of the applicant. Application for such leave may be made to the judge. Supreme Court, Hong Kong.

Dated the day of, 19.....

(Signature of guardian ad litem)

Notes:

(1) Enter the name(s) and surname as known to the person to whom the notice is given and also any other name(s) by which the infant is known.

(2) Enter the name and address of any parent or guardian of the infant who has signified his consent to the making of an adoption order.

(3) The name of the applicant must not be given where a serial number is specified in form 3 (paragraph 16). In that case complete the second entry in square brackets.

FORM 6.

[rule 15.]

Notice of hearing of application for an adoption order in respect of an infant named A.B. (1).

To of

Whereas an application has been made [by C.D./C.D. and E.D.] (2) or [under the serial number];

And whereas I, of am the guardian ad litem of the said infant;

Take notice:

A. (3) [That the said application will be heard at the Supreme Court, Hong Kong, on the, 19....., at the hour of in thenoon, and that you may appear to show cause why the adoption order should not be made.]

B. (3) [That if you do not consent to the making of the order, you should notify me on or before, 19....., in order that a date and time may be fixed for you to attend and show cause why the adoption order should not be made. The form below may be detached and used for this purpose.]

Dated the day of, 19.....

(Signature of guardian ad litem)

Notes:

(1) Enter the name(s) and surname as known to the person to whom the notice is given and also any other name(s) by which the infant is known.

(2) The name of the applicant must not be given where the notice is addressed to an individual and a serial number is specified in form 3 (paragraph 16). In that case complete the second entry in square brackets.

(3) Form A should be completed and form B struck out where the applicant does not desire his identity to be kept confidential (see form 3, paragraph 16). Where a serial number is specified in that paragraph, form A must be struck out and form B completed.

Perforation

To:— The Social Welfare Officer, Fire Brigade Building, 1st floor, Hong Kong.

(If the Social Welfare Officer is not the guardian ad litem, the appropriate address should be substituted).

I have received notice of the hearing of the application for an adoption order in respect of A.B. an infant.

(a) I consent to the making of this order.

(Delete (a) or (b)).

or

(b) I do not consent to the making of this order and I wish a date and time to be fixed for my attendance when I may state my case.

(Signature)

(Date)

(Address)

Adoption order in respect of an infant.

[Heading as in form 1].

Application having been made by *C.D.*, by occupation and resident at [and *E.D.* his wife] (hereinafter called the applicant/applicants) for an order under the Adoption Ordinance, 1956, authorizing him/her/them to adopt *A.B.*, an infant, the child/adopted child of *F.B./F.B.* and *G.B.*;

And the said *A.B.* (hereinafter called the infant) being of the sex, and never having been married;

And the applicant/one of the applicants

having attained the age of twenty-five years and being at least twenty-one years older than the infant/

having attained the age of twenty-one years and being a relative of the infant within the meaning of the said Ordinance/ being the mother/father of the infant;

[And the names by which the infant is to be known being *P.D.*] ⁽¹⁾.

[And it having been proved to the satisfaction of the judge that the infant is identical with *A.B.*, to whom the entry numbered and made on the, 19....., in the registers of births in the registration office at] ⁽²⁾;

And the [probable] ⁽³⁾ date of the birth of the infant appearing to be the, 19.....

[And the infant having been previously the subject of an adoption order dated the, 19....., of which particulars are entered in the Adopted Children Register] ⁽⁴⁾;

And all the consents required by the said Ordinance being obtained or dispensed with;

It is ordered that the applicant/applicants be authorized to adopt the infant;

[And the following payment or reward is sanctioned:].

[And as regards costs it is ordered that:].

And it is directed that the Registrar of Births and Deaths shall make in the Adopted Children Register an entry recording the adoption in accordance with the particulars set out in the Schedule to this order.

[And it is further directed that the Registrar of Births and Deaths shall cause the said entry in the registers of births to be marked with the word "adopted"] ⁽²⁾.

[And it is further directed that the Registrar of Births and Deaths shall cause the previous entry in the Adopted Children Register relating to the infant to be marked with the word "re-adopted"] ⁽⁴⁾.

Dated the day of, 19.....

Date (5) and country of birth of child.	Name and surname of child (6).	Sex of child.	Name and surname, address and occupation of adopter or adopters.	Date of adoption order.

Notes:

- (1) Delete where there is no change of name.
- (2) Delete this entry—
 - (a) if the infant is not identified with a person whose birth is registered in the registers of births;
 - (b) if the infant has previously been adopted.
- (3) Delete "probable" where the precise date of the infant's birth is proved.
- (4) Delete except where the infant has previously been adopted.
- (5) Where a probable date of birth is specified in the body of the order, enter that date without qualification. If the infant is one of twins, include, if possible, the hour as well as the date of birth.
- (6) Where there is a change, enter only the names by which the infant is to be known.

Interim order in respect of an infant.

[Heading as in form 1].

Application having been made by *C.D.*, by occupation and resident at [and *E.D.* his wife] (hereinafter called the applicant/applicants) for an order under the Adoption Ordinance, 1956, authorizing him/her/them to adopt *A.B.*, an infant, the child/adopted child of *F.B./F.B.* and *G.B.*;

And the said *A.B.* (hereinafter called the infant) being of the sex, and never having been married;

And the applicant/one of the applicants

having attained the age of twenty-five years and being at least twenty-one years older than the infant/

having attained the age of twenty-one years and being a relative of the infant within the meaning of the said Ordinance/ being the mother/father of the infant;

And all the consents required by the said Ordinance being obtained or dispensed with;

It is ordered that the determination of the application be postponed, and the custody of the infant be given to the applicant/applicants for a period ending on the 19....., by way of a probationary period, upon the following terms, namely and that the applicant/applicants shall at least two months before that date apply for the final determination of the application;

[And as regards costs it is ordered that].

Dated the day of, 19.....

FORM 9. [rule 22.]

Notice of further hearing of application for an adoption order in respect of an infant named A.B. (1).

To of

Whereas an application has been made [by C.D./C.D. and E.D.] (2) or [under the serial number];

And whereas I, of am the guardian ad litem of the said infant;

And whereas the determination of the said application was postponed and an interim order was made by the judge on the 19.....

Take notice:

A. (3) [That the said application will be further heard before the judge at the Supreme Court, Hong Kong, on the 19....., at the hour of in the noon and that you may appear to show cause why the adoption order should not be made.]

B. (3) [That if you do not consent to the making of the order, you should notify me on or before 19....., in order that a date and time may be fixed for you to attend and show cause why the adoption order should not be made. The form below may be detached and used for this purpose.]

Dated the day of....., 19.....

(Signature of guardian ad litem).....

Notes:

(1) Enter name(s) and surname as known to the person to whom the notice is given and also any other name(s) by which the infant is known.

(2) The name of the applicant must not be given where the notice is addressed to an individual and a serial number is specified in form 3 (paragraph 16). In that case complete the second entry in square brackets.

(3) Form A should be completed and form B struck out where the applicant does not desire his identity to be kept confidential (see form 3, paragraph 16). Where a serial number is specified in that paragraph, form A must be struck out and form B completed.

..... Perforation To:— The Social Welfare Officer, Fire Brigade Building, 1st floor, Hong Kong.

(If the Social Welfare Officer is not the guardian ad litem, the appropriate address should be substituted.)

I have received notice of the further hearing of the application for an adoption order in respect of A.B. an infant.

- (a) I consent to the making of this order. (Delete (a) or (b)) or (b) I do not consent to the making of this order and I wish a date and time to be fixed for my attendance when I may state my case.

(Signature)

(Address)

(Date)

SECOND SCHEDULE. [rule 12.]

Additional matters subject to investigation and report by guardian ad litem.

PART I.

The applicant.

- 1. In the case of a joint application, how long the applicants have been married. 2. In the case of an application by one only of two spouses— (a) whether the other spouse consents to the application; and (b) why he or she does not join in the application. 3. What other children (including adopted children) the applicant has. 4. What is the age and sex of all children living in the home of the applicant, and what is their relationship to the applicant. 5. What number of living rooms and bedrooms are contained in the home of the applicant, and what is the condition of the home. 6. What are the means of the applicant.

7. Whether the applicant suffers or has suffered from any serious illness, and whether there is any history of tuberculosis, epilepsy or mental illness in his or her family.

8. Whether any person specified in the applicant's statement as a person to whom reference may be made is a responsible person and recommends the applicant without reservation.

9. Whether the applicant understands that an adoption order is irrevocable and that the order if made will render him or her responsible for the maintenance and upbringing of the infant.

PART II.

The infant.

10. Whether the infant has any right to or interest in any property.

11. Whether the infant (if of an age to understand the effect of an adoption order) wishes the order to be made.

PART III.

The parents.

12. Whether the mother consents to the adoption and identifies the birth certificate (if any) attached to the applicant's statement as the birth certificate of the infant.

13. Whether the father consents to the adoption.

14. If the infant is illegitimate, whether an order has been made adjudging any person to be the putative father of the infant, or an agreement to contribute to the maintenance of the infant has been made by a person acknowledging himself to be the father of the infant, and in either case whether that person consents to the adoption.

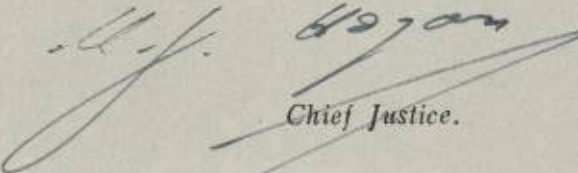
15. When did the parent or parents part with the infant, and to whom.

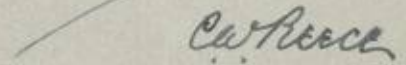
16. What are the reasons of the parent or parents for consenting to the adoption, and whether his or their consent is given without pressure from other persons.

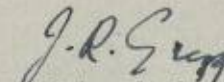
17. Whether the parent, or each of the parents, understands that an adoption order is irrevocable, and that the order if made will deprive him or her of all rights in respect of the maintenance and upbringing of the infant.

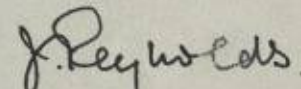
18. Where the applicant's statement requests the judge to dispense with the consent of the parent, or either of the parents, on the ground that he or she cannot be found, what steps have been taken to trace him or her.

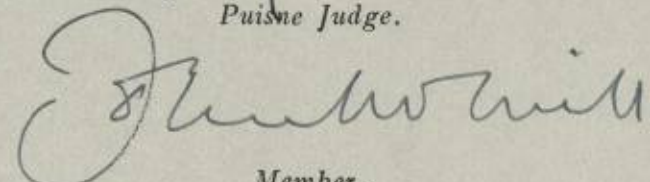
Dated this 12th day of October, 1956.


Chief Justice.


Senior Puisne Judge.

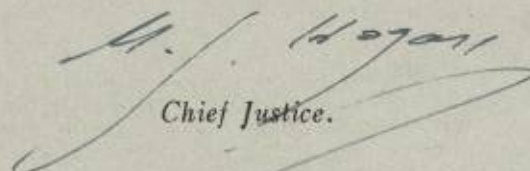

Puisne Judge.


Puisne Judge.


Member.


Member.

Pursuant to section 37(6)(d) of the Supreme Court Ordinance I hereby certify that the foregoing rules have been made by the requisite quorum of the Rules Committee under and by virtue of section 37(6) of the Ordinance.


Chief Justice.

EMERGENCY REGULATIONS ORDINANCE.

(Chapter 241).

EMERGENCY (DETENTION) REGULATIONS, 1956.

In exercise of the powers conferred by section 2 of the Emergency Regulations Ordinance, the Governor in Council has made the following regulations—

1. These regulations may be cited as the Emergency Citation. (Detention) Regulations, 1956.

2. (1) Notwithstanding the provisions of any law to the contrary, any person arrested in connexion with any matter arising out of the civil commotion which began on the 10th day of October, 1956, may be detained in police custody for the purpose of inquiries, for a period not exceeding fourteen days from the day of that person's arrest. Power of detention.

(2) Lists of all persons detained under the provisions of paragraph (1) specifying the names of such persons and the dates of their arrest shall be furnished as soon as practicable by the Commissioner of Police to the Colonial Secretary.

(3) If the Governor is satisfied that any person or number of persons already in custody ought to be detained in order that further inquiry may be made, he may from time to time authorize the detention of such persons for a further period or periods of fourteen days.


Clerk of Councils.

GOVERNMENT HOUSE,
14th October, 1956.

IMPORTATION AND EXPORTATION ORDINANCE.
(Chapter 50).

EXPORTATION (IMPERIAL PREFERENCE CERTIFICATES)
REGULATIONS, 1956.

In exercise of the powers conferred by section 4 of the Importation and Exportation Ordinance, the Governor in Council has made the following regulations—

1. These regulations may be cited as the Exportation Citation. (Imperial Preference Certificates) Regulations, 1956.

2. In these regulations—

“approved accountant” means any person appointed by the Director under regulation 3;

Interpre-
tation.

“authorized officer” means any public officer appointed by the Director under regulation 3;

“Imperial Preference Certificate” means a certificate and any material or thing securely attached thereto issued under regulation 5 in order that preferential duties of customs may be claimed or obtained in the Commonwealth and Empire in respect of articles exported, or having been exported, or to be exported from the Colony;

“to issue” includes to endorse;

“to use an Imperial Preference Certificate” means to do, or to cause to be done, any act which by itself or together with other acts is calculated to lead to the belief that an Imperial Preference Certificate relates to any article exported, or having been exported, or to be exported from the Colony.

3. (1) The Director may appoint, in writing, any number of public officers to be authorized officers for the purposes of these regulations.

Power to
appoint
authorized
officers and
approved
account-
ants.

(2) The Director may, in his absolute discretion, appoint, in writing, any person whose name is entered in the authorized list kept in accordance with the provisions of section 131 of the Companies Ordinance to be an approved accountant for the purpose of these regulations:

(Cap. 32).



GOVERNMENT HOUSE
14th October 1956

Provided that the Director may, at any time—

- (i) suspend such appointment without assigning any reason therefor; or
- (ii) after reference to the Authorized Auditors Board established under the provisions of section 131A of the Companies Ordinance, likewise revoke such appointment.

Method of application, and power to call for evidence in support.

4. (1) Application for an Imperial Preference Certificate shall be made to the Director in such manner and in such form as the Director may prescribe.

(2) The Director or an authorized officer may require an applicant to furnish in support of his application and upon oath if so required such declarations, information and other documents including costing statements and accounts which the Director or an authorized officer may require in connexion with the issue of an Imperial Preference Certificate and may further require that such information or documents be prepared and certified by an approved accountant.

(3) The application and declarations mentioned in paragraph (2) shall be deemed to have been made subject to such terms and conditions as may be endorsed thereon.

Power to issue Imperial Preference Certificates.

5. (1) The Director and any authorized officer may issue an Imperial Preference Certificate in respect of any article manufactured, processed, or produced in the Colony which had been, or has been, or will be exported from the Colony.

(2) An Imperial Preference Certificate may specify or contain—

- (a) the manner in which such article has been manufactured, processed, or produced;
- (b) particulars of the persons concerned in the manufacture, process, production, or exportation of such article;
- (c) particulars prepared by an approved accountant, and certified by him as being correct, regarding the Commonwealth or Empire content present in the article to which the certificate relates;
- (d) such other particulars as regards the origin of the materials of which the article is composed or which were used during the manufacture, process, or production of

the article, the method of shipment and such other details as may identify the article or may generally facilitate its importation into any part of the Commonwealth or Empire,

and shall be in such form as the Director may prescribe and shall be subject to such conditions as may be endorsed thereon.

(3) The Director or an authorized officer may, in his absolute discretion and without assigning any reason therefor—

- (a) issue or refuse to issue an Imperial Preference Certificate;
- (b) impose such conditions on the issue of an Imperial Preference Certificate as he may decide; and
- (c) revoke any certificate issued under paragraph (1).

6. (1) Any person who, without lawful authority—

Offences.

- (a) uses an Imperial Preference Certificate in respect of an article other than an article of a description and quality specified in such certificate;
- (b) exports an article the subject matter of an Imperial Preference Certificate to a place, or in a manner, other than that specified in the application pursuant to which such certificate has been issued;
- (c) makes or causes to be made to any Imperial Preference Certificate any alteration, whether by addition, insertion, obliteration, erasure, removal, or otherwise; or
- (d) substitutes or permits, suffers or allows any other person to substitute, any article whatsoever for any other article in respect of which an Imperial Preference Certificate has been issued under these regulations,

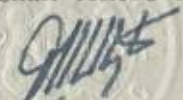
shall be guilty of an offence and upon summary conviction shall be liable to a fine of one hundred thousand dollars and to imprisonment for one year.

(2) Where a person is guilty of an offence under this regulation, every partner, director, secretary, manager and other officer of such person at the time of the commission of the offence shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of the offence.

Liability of principals.

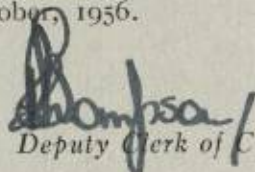
7. Any person who authorizes another person (hereinafter referred to as the agent) to act for him in relation to anything required to be done under any of these regulations shall be liable for the acts and omissions of the agent, and may accordingly be prosecuted for any offence committed by the agent with respect to any such act or omission in the same manner as if he had himself committed the offence, but shall not be sentenced to imprisonment unless he actually consented to the commission of the offence;

Provided that nothing herein shall relieve the agent from liability to prosecution.


Clerk of Councils.

COUNCIL CHAMBER,
9th October, 1956.

Approved by resolution of the Legislative Council pursuant to the provisions of section 16 of the Importation and Exportation Ordinance this 24th day of October, 1956.


Deputy Clerk of Councils.

COUNCIL CHAMBER,
24th October, 1956.

Explanatory Note.

(This Note is not part of the regulations, but is intended to indicate their general purport).

These regulations provide for the issue, endorsement, control and regulation of Imperial Preference Certificates. They enable the Director of Commerce and Industry to issue and endorse the existing form of certificate to enable the importation of goods manufactured, processed or produced in the Colony into any part of the Commonwealth and Empire under claim to Imperial Preference rates of duty. The Director is also empowered by the regulations to appoint, suspend and remove accountants approved by him for the purpose of preparing Imperial Preference costings. Regulation 6 creates offences and provides penalties therefor. By virtue of the provisions of section 68 of the Criminal Procedure Ordinance, Chapter 221, the proof of lawful authority lies on the person charged with an offence. By regulations 6 and 7 a person may be rendered liable for the acts of his partners, agents, etc.

(Secretariat 1/3231/53)

MISCELLANEOUS LICENCES ORDINANCE.
(Chapter 114).

MISCELLANEOUS LICENCES (AMENDMENT) (No. 2)
REGULATIONS, 1956.

In exercise of the powers conferred by section 3 of the Miscellaneous Licences Ordinance, the Governor in Council has made the following regulations—

1. These regulations may be cited as the Miscellaneous Citation Licences (Amendment) (No. 2) Regulations, 1956.

2. Regulation 2 of the Miscellaneous Licences Regulations (hereinafter referred to as the principal regulations) is amended by the insertion in the Table immediately under the item "Auctioneer." of the following item— Amendment of regulation 2. (Vol. IX, p. 365).

"Automatic machine establishment. Annual. \$300 for each automatic machine permitted by the licence. Commissioner of Police."

3. Regulation 17 of the principal regulations is amended by the insertion after the number "147" of the following— Amendment of regulation 17.

“, 149 to 153”.

4. The principal regulations are amended by the addition after regulation 147 of the following new Part— Addition of new Part XIV.

“PART XIV—AUTOMATIC MACHINE ESTABLISHMENTS.

Form. Appendix. **148.** The form of an automatic machine establishment licence shall be that in Form 14 in the Appendix to these regulations.

Outdoor sign.

149. Every person licensed to keep an automatic machine establishment shall exhibit and keep exhibited the words "Licensed for automatic machines" in English and in Chinese the characters (領有自動遊戲機牌照) in some conspicuous place near the door and on the outside of the premises to the satisfaction of the licensing authority.

Good order in premises.

150. Every person licensed to keep an automatic machine establishment shall maintain good order in the premises and shall not suffer or permit therein—

- (a) any drunkenness or other disorderly conduct;
- (b) any unlawful game; or
- (c) any persons of notoriously bad character to assemble and meet together.

Sale or consumption of liquor.

151. No person licensed to keep an automatic machine establishment shall allow any intoxicating liquors to be sold or consumed on the premises except under and in accordance with the terms of a valid licence in that behalf granted to him in respect of such premises.

Production of licence.

152. Every person holding a licence to keep an automatic machine establishment shall produce and show such licence at the premises to any police officer on demand.

Conditions.

153. Every person holding a licence to keep an automatic machine establishment shall observe the following conditions, and such special conditions as the licensing authority may in his discretion impose, which shall appear on the face of the licence—

- (a) except with the written permission of the licensing authority endorsed on the licence, the licensee shall not transfer, lend or hire his licence to any person;
- (b) the licensee shall not permit any automatic machine to be operated except between the hours of 8 a.m. and 1 a.m."

5. The Appendix to the principal regulations is amended by the addition after Form 13 of the following new form—

Amendment of Appendix.

"FORM 14. Licence No.

AUTOMATIC MACHINE ESTABLISHMENT LICENCE.

(Annual).

..... of is hereby licensed to keep automatic machine(s) at (description of licensed premises) until the day of, 19..... inclusive, subject to the conditions and for the further periods endorsed hereon.

Dated this day of, 19.....

Licensing Authority."



COUNCIL CHAMBER,
23rd October, 1956.

Explanatory Note.

(This Note is not part of the regulations, but is intended to indicate their general purport).

Under a recent amendment of the Miscellaneous Licences Ordinance (Chapter 114) a licence is required for keeping certain types of automatic machines. These regulations introduce into the Miscellaneous Licences Regulations a new Part regulating the keeping of such machines, prescribing the fee payable for a licence, and appointing the Commissioner of Police as licensing authority.

(Secretariat 1/536/50)

CO-OPERATIVE SOCIETIES ORDINANCE.
(Chapter 33).

CO-OPERATIVE SOCIETIES (AMENDMENT) RULES, 1956.

In exercise of the powers conferred by section 51 of the Co-operative Societies Ordinance, the Governor in Council has made the following rules—

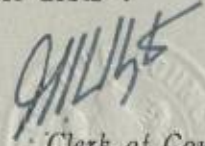
1. These rules may be cited as the Co-operative Societies Citation. (Amendment) Rules, 1956.
2. Rule 20 of the Co-operative Societies Rules is amended—
 - (a) in paragraph (1), by the deletion of the word "liability" and the substitution therefor of the following—

"total amount of debts";
 - (b) in paragraph (2), by the deletion of the words "its liability" and the substitution therefor of the following—

"the total amount of its debts";
 - (c) in the marginal note, by the deletion of the word "liability" and the substitution therefor of the following—

"total amount of debts".

Amendment
of rule 20.
(Vol. VIII,
p. 189).


Clerk of Councils.

COUNCIL CHAMBER,
30th October, 1956.

Explanatory Note.

(This Note is not part of the rules, but is intended to indicate their general purport).

The use of the expression "maximum liability" in paragraph (1) of rule 20 has led to confusion in that, in accordance with the provisions of section 4 of the Co-operative Societies Ordinance, Chapter 33, many societies are of unlimited liability. It is, therefore, considered advisable to remove the existing confusion by the use of phraseology which will clarify the meaning of the rule. Rule 2 makes the necessary substitution.

(Secretariat 6/1899/45II)

ROYAL HONG KONG DEFENCE FORCE ORDINANCE, 1951.
(No. 25 of 1951).

ROYAL HONG KONG DEFENCE FORCE (AMENDMENT) (No. 2)
REGULATIONS, 1956.

In exercise of the powers conferred by section 15 of the Royal Hong Kong Defence Force Ordinance, 1951, the Governor in Council has made the following regulations—

1. These regulations may be cited as the Royal Hong Kong Citation. Defence Force (Amendment) (No. 2) Regulations, 1956.

2. Regulation 5 of the Royal Hong Kong Defence Force Regulations is amended by the insertion of the word "each" immediately following the words "two years" appearing therein and the deletion of all words thereafter.

Amend-
ment of
regula-
tion 5.
(Vol. X,
p. 428).


Clerk of Councils.

COUNCIL CHAMBER,
13th November, 1956.

Explanatory Note.

(This Note is not part of the regulations, but is intended to indicate their general purport).

Under the present regulation 5 of the Royal Hong Kong Defence Force Regulations the appointment of a Commandant may not be extended so as to result in the holding of the appointment for more than eight years in all. The object of this proposed amendment is to permit of further extensions at the discretion of the Governor as advised by the appropriate Service Commander, without specified limit.

(Secretariat D/DF/CMD)



EMERGENCY REGULATIONS ORDINANCE.
(Chapter 241).

EMERGENCY (DETENTION ORDERS) REGULATIONS, 1956.

In exercise of the powers conferred by section 2 of the Emergency Regulations Ordinance, the Governor in Council has made the following regulations—

1. These regulations may be cited as the Emergency Citation. (Detention Orders) Regulations, 1956.

2. Wherever the Governor in Council finds under the provisions of section 3 of the Deportation of Aliens Ordinance that any person is liable to deportation and is satisfied that it would be impracticable to enforce a deportation order in relation to such person and that it would be contrary to the public interest that such person should remain at large in the Colony, he may, in lieu of issuing against such person a deportation order, make an order (hereinafter referred to as a detention order) against that person directing that he be detained.

Detention
orders.
(Cap. 240).

3. Any person to whom a detention order relates (hereinafter referred to as a detained person) may be detained in such place as may be authorized by the Governor (hereinafter referred to as a place of detention) in accordance with these regulations and with directions given under regulation 6, and any person so detained shall be deemed to be in legal custody.

Legal
custody.

4. (1) The Governor in Council may direct that the operation of a detention order be suspended if he is satisfied that arrangements have been made for the departure from the Colony of the person to whom the detention order relates, and upon the suspension of a detention order, the Governor in Council may make a deportation order under the provisions of the Deportation of Aliens Ordinance against the person to whom the detention order relates as if the detention order had not been made.

Suspension
of deten-
tion orders.

(2) In addition to the powers contained in paragraph (1), the Governor in Council may direct that the operation of a detention order be suspended subject to such conditions as he may think

fit; and the Governor in Council may revoke any such direction if he is satisfied that the person to whom the detention order relates has failed to observe any condition so imposed or that it would be contrary to the public interest that the detention order should remain suspended.

(3) The provisions of paragraphs (1) and (2) shall be in addition to and not in derogation of the provisions of section 16 (Cap. 1) of the Interpretation Ordinance.

Committee of Review.

5. (1) For the purpose of these regulations there shall be a Committee of Review or any number of such Committees. Any such Committee shall consist of a Chairman to be appointed by the Governor and two members of the panel appointed under paragraph (6) selected by the Colonial Secretary.

(2) The functions of any such Committee shall be to consider and make recommendations to the Governor in Council with respect to any objections against any detention order which are duly made to the Committee by the person to whom the order relates.

(3) The procedure of any such Committee in the carrying out of its functions shall be in accordance with any rules made under paragraph (4), or, where no such rule is applicable, as the Committee may in any particular case determine.

(4) The Governor in Council may make rules as to the procedure of such a Committee in the carrying out of its functions, and such rules shall contain provisions for enabling any person in respect of whom any such order is made to make objections against the order either in person or, with the leave of the Committee, by counsel or solicitor; and every such person shall be informed of his right to make objections under this regulation.

(5) It shall be the duty of the Chairman of a Committee to inform every person making objections of the grounds on which the detention order has been made against him, and to furnish him with such particulars as are, in the opinion of the Chairman, sufficient to enable him to present his case.

(6) The Governor may appoint such persons as he may think fit to be members of a panel for the purposes of this regulation.

6. The Governor may give directions consistent with these regulations as to the internal management of and otherwise in connexion with any place of detention, and as to the discipline of persons detained therein.

Internal management of places of detention.

7. The case of every person detained under a detention order shall be reviewed by the Governor in Council at or before the end of each period of six months during which such person is so detained.

Review by Governor in Council.

8. The Governor may appoint a Superintendent and other officers under the control of the Superintendent to effect the detention of detained persons in accordance with these regulations and with directions given under regulation 6.

Officers to be appointed to effect detention.

9. (1) For the purposes of this regulation—
"officer" means an officer appointed under regulation 8;
"Superintendent" means the Superintendent appointed under regulation 8.

Management, etc., of places of detention.

(2) The provisions of the Prisons Ordinance, 1954, and the Prison Rules, 1954, subject to such modifications as the Governor may order and except as such provisions are inconsistent with the provisions of these regulations, shall apply, so far as the same are applicable, to the detention of detained persons for all purposes whatsoever as they apply to persons detained in prison under the provisions of the Deportation of Aliens Ordinance as if for the word or words in the first column of the Table hereunder were substituted the word or words opposite thereto in the second column of the said Table incorporating such grammatical variations thereof as may be required.

(No. 17 of 1954).

(Cap. 240).

<i>First column</i>	<i>Second column</i>
Commissioner	Superintendent
officer of the prison	} officer
officer of the Prisons Department	
prison officer	
prison	place of detention
prisoner	detained person
the Medical Officer	a medical officer authorized by the Superintendent.

Discipline
of officers,
etc.

10. Any officer of the Prisons Department who is an officer appointed under regulation 8 and any other person employed in a place of detention shall be subject to the provisions of Part V of the Prison Rules, 1954, (which relate to the discipline of such officers and persons in prisons) in all respects as if the place of detention were a prison and the persons detained therein were prisoners.

Detained
persons
not liable
to engage
in com-
pulsory
work.

11. (1) No detained person shall be required to engage in work.

(2) Detained persons may receive payment for voluntary work in accordance with rates to be approved by the Governor.



Clerk of Councils.

COUNCIL CHAMBER,
13th November, 1956.

Explanatory Note.

(This Note is not part of the regulations, but is intended to indicate their general purport).

Under the Deportation of Aliens Ordinance, Chapter 240, the Governor in Council may issue deportation orders against aliens in certain circumstances. The purpose of these regulations is to provide an alternative course by enabling the Governor in Council to order the detention of any person liable to deportation under that Ordinance where he is satisfied that a deportation order would not be capable of enforcement and it would be contrary to the public interest that such person should remain at large. The power to make such detention orders is conferred by regulation 2.

2. Regulation 3 provides for the detention of persons against whom a detention order is made.

3. Regulation 4 allows the Governor in Council to suspend a detention order and issue a deportation order where he is satisfied that arrangements have been made for the departure from the Colony of the person concerned, or to suspend a detention order subject to conditions.

4. Regulation 5 provides for the setting up of Committees of Review to consider objections to detention orders and to make recommendations to the Governor in Council with respect to such objections.

5. Regulation 6 enables the Governor to give directions as to the internal management and discipline in places of detention.

6. Regulation 7 requires the case of each detained person to be reviewed by the Governor every six months.

7. Regulations 8 and 9 respectively provide for the appointment of detention officers, and apply the provisions of the Prisons Ordinance and Rules, 1954, so far as they are applicable, to persons detained under the regulations, as they apply to persons detained prior to deportation.

8. Regulation 10 applies the disciplinary provisions of the Prison Rules, 1954, to prison officers appointed under regulation 8 and other persons employed in places of detention.

9. Regulation 11 prohibits compulsory work in places of detention and permits payment for voluntary work.

(Secretariat 27/3231/56)

**VEHICLE AND ROAD TRAFFIC (CONSTRUCTION
AND USE) REGULATIONS, 1956.**

ARRANGEMENT OF REGULATIONS.

<i>Regulations.</i>	<i>Page.</i>
1. Citation and commencement	5

PART I.

Interpretation and Saving.

2. Interpretation	5
3. Tyre of soft or elastic material	8
4. Brake drums and calculation of numbers of wheels	8
5. Part II not applicable to motor vehicles brought temporarily into the Colony	8
6. Motor vehicles registered before the coming into operation of regulations varying requirements as to construction	9

PART II.

CONSTRUCTION.

Section I—Motor Vehicles—General.

7. Construction	9
8. Overall length	9
9. Overall width	9
10. Overall height	9
11. Unladen weight	10
12. Variation of wheel load	10
13. Springs	10
14. Brakes	10
15. Speed indicators	12
16. Wheels	13
17. Reversing	14
18. Driver's accommodation	14
19. Placing of driver's seat	14
20. Reflecting mirrors	14
21. Safety glass	15
22. Windscreen wiper	15
23. Warning instruments	15
24. Direction indicators	15
25. Stop lights	16
26. Silencers	16
27. Emission of smoke, sparks, cinders, etc.	16
28. Overhang	16
29. Wings	16
30. Reflectors	17

<i>Regulations.</i>	<i>Section II — Trailers.</i>	<i>Page.</i>
31.	Overall length	17
32.	Brakes	17
 <i>Section III — Omnibuses and Taxis.</i> 		
33.	Definitions	18
34.	Overall height	18
35.	Weight	19
	Calculation of weights transmitted to the road surface	19
36.	Stability	19
37.	Springs	19
38.	Turning side	19
39.	Clearance	20
40.	Lifeguard	20
41.	Guard rails	20
42.	Side overhang	21
43.	Brakes	21
44.	Steering	21
45.	Brake and steering connexions	21
46.	Hub projection	21
47.	Fuel tanks, carburettor, etc.	21
48.	Position of fuel tanks	21
49.	Position of carburettor	22
50.	Exhaust pipe	22
51.	Insulation of electric leads	22
52.	Locking of nuts	22
53.	Body	22
54.	Height of sides of body	22
55.	Steps, platforms and stairs	23
56.	Steps in case of double-decked omnibuses	23
57.	Number and position of entrances and exits	23
58.	Width of entrances and exits	24
59.	Doors	24
60.	Emergency exit	25
61.	Access to exits	26
62.	Width of gangways	26
63.	Height of gangways	27
64.	Seats	27
65.	Step wells	28
66.	Safety glass	28
67.	Side windows	28
68.	Markings	28
69.	Lighting	29
70.	Driver's accommodation	29
71.	Steering pillar	29
72.	Driver's seat	29
73.	Windscreen wiper	30
74.	General construction	30
	Saving	30
75.	Fire extinguishers	30
76.	First aid equipment	31
77.	Speedometer	31
78.	Lifting jacks	31
79.	Taximeter	31

<i>Regulations.</i>	<i>Section IV — Other Vehicles.</i>	<i>Page.</i>
80.	Pneumatic tyres and brakes on hand carts	31
81.	Tyres and wheels on hand carts	32
82.	Dimensions of hand carts	32
83.	Brakes on bicycles and tricycles	32
84.	Width of tricycle	32
85.	Prohibition of warning instruments on certain vehicles	32
 PART III. USE OF VEHICLES. 		
<i>Section I — Motor Vehicles and Trailers — General.</i>		
86.	Markings on a tractor	32
87.	Markings on a goods vehicle	32
88.	Markings on a trailer	33
89.	Markings general provisions	33
90.	Laden weight of vehicle and trailer	33
91.	Laden weight of goods vehicle	33
92.	Laden weight of trailer	33
93.	Distribution of weight	34
94.	Laden weight	34
95.	Passengers on private cars	34
96.	Maintenance of vehicle and conditions of working so as not to be a danger	35
97.	Loads, etc. touching road	35
98.	Maintenance of windscreen wipers, direction indicators, brakes and steering gear	36
99.	Use and maintenance of silencer	36
100.	Maintenance of speed indicator	36
101.	Maintenance of tyres and tracks	36
102.	Maintenance of glass	37
103.	Maintenance of vehicle so as not to emit smoke, etc.	37
104.	Excessive noise.	37
105.	Stopping of engine when stationary	38
106.	Use of warning instruments	38
107.	Reversing	38
108.	No standing on a road so as to cause obstruction	39
109.	Stopping for ambulances, etc.	39
110.	Trailers detached from drawing vehicles	39
111.	Driver to have proper control of vehicle	39
112.	Duty of driver quitting vehicle	39
113.	Vehicles propelled by steam	39
114.	Application of brakes of trailers	39
115.	Part of vehicle touching road	40
116.	Towing of vehicles	40
117.	Restrictions on the use of vehicles to draw trailers and of trailers drawn	40
118.	Sidecars to motor cycles	41
119.	Restriction on drawing trailers	41
120.	Trailers not to be used to carry passengers	41
121.	Mascots	41
122.	Passengers on motor cycle	41
123.	Advertisement by vehicle	41

<i>Regulations.</i>		<i>Page.</i>
	<i>Section II — Omnibuses, Taxis and Public Cars.</i>	
124.	Obstruction of gangways, etc.	41
125.	Obstruction of driver	42
126.	Maintenance of body	42
127.	Internal illumination	42
128.	Steering arms etc.	42
129.	Exhaust pipe	42
130.	Maintenance of speedometer	42
131.	Filling of petrol tanks	42
132.	Carriage of dangerous substances	42
133.	Trailers not to be drawn	42
134.	Seating capacity	42
135.	Conductor to be carried	43
136.	Design of public omnibus	43
137.	Taximeters	43

Section III — Other Vehicles.

138.	Towing not permitted	44
139.	Restriction on the number of persons carried	44
140.	Driving abreast prohibited	44
141.	Load on bicycle not to exceed forty pounds	44
142.	Conduct of drivers of chairs	44

Section IV — Lights on Vehicles.

143.	Obligatory lights to be carried	45
144.	Special provisions as to vehicles towing and being towed	45
145.	Position of front lamps	46
146.	Character of front lamps	47
147.	Position of rear lamp	47
148.	Vehicles carrying overhanging or projecting loads	48
149.	Restriction of movement of lamps	48
	Side deflection	48
150.	Lights on bicycles, etc.	49
151.	Lights on rickshaw, etc.	49
152.	Red lights	49
153.	Restriction on the number and nature of lamps to be carried	49
154.	Markings	50
155.	Extinguishment when necessary	50
156.	Restriction on parking at night	50

Section V — Removal of Vehicles.

157.	Owner to remove vehicle	50
158.	Right of police to remove vehicle	51
159.	Protection of police officer removing vehicle	51
160.	Definition of vehicle	51

PART IV.

Inspection of Vehicles, Application and Penalties.

161.	Detention of vehicle	51
162.	Inspection of vehicle	53
163.	Driving licences for police officer	53
164.	Fees	53
165.	Offences and penalties	53
166.	Rescission of parts of the "Vehicle and Traffic Regulation", and of G.N.A. 111/54	54
	SCHEDULE.	54

VEHICLE AND ROAD TRAFFIC ORDINANCE.
(Chapter 220).

VEHICLE AND ROAD TRAFFIC (CONSTRUCTION AND USE)
REGULATIONS, 1956.

In exercise of the powers conferred by section 3 of the Vehicle and Road Traffic Ordinance, the Governor in Council has made the following regulations—

1. These regulations may be cited as the Vehicle and Road Traffic (Construction and Use) Regulations, 1956, and shall come into operation on the 1st day of January, 1957. Citation and commencement.

PART I.

Interpretation and Saving.

2. In these regulations, unless the context otherwise requires— Interpretation.

"articulated vehicle" means a motor vehicle with a trailer so attached to the drawing vehicle that part of the trailer is superimposed upon the drawing vehicle, and when the trailer is uniformly loaded not less than twenty per cent of the weight of its load is borne by the drawing vehicle ;

"Commissioner" means the Commissioner of Police and any person authorized in writing by him ;

"direction indicator" means a device fitted to a motor vehicle for the purpose of intimating the intention of the driver to change the direction of the vehicle to the right or to the left ;

"hand cart" means any wheeled vehicle constructed or adapted for the conveyance of any goods or burden in the course of husbandry, trade or business and pushed, pulled or drawn by hand ;

"hours of darkness" means the time between sunset and sunrise as laid down by the Government Observatory ;

“overall height” means the height of a vehicle standing on a level surface with all tyres inflated to normal pressure, measured vertically from such surface to the highest point of such vehicle or of the load on such vehicle whichever is the higher ;

“overall length” means the length of a vehicle measured between parallel planes passing through the extreme projecting points of the vehicle exclusive of—

- (a) any starting handle ;
- (b) any hood when down ;
- (c) any telescopic fog lamp when extended ;
- (d) any ladder which does not project more than six inches beyond the body of the vehicle ;

“overall width” means the width measured between parallel planes passing through the extreme projecting points of the vehicle exclusive of the driving mirror, pass lights which do not increase the overall width by more than six inches and of any direction indicator when in operation and of so much of the distortion of any tyre as is caused by the weight of the vehicle ;

“overhang” means the distance measured horizontally and parallel to the longitudinal axis of the vehicle between two vertical planes or right angles to such axis passing through the two points specified in paragraphs (a) and (b) of this definition respectively, namely—

- (a) the rearmost point of the vehicle exclusive of—
 - (i) any hood when down ;
 - (ii) any luggage carrier fitted to a car ; and
 - (iii) any ladder which does not project more than six inches beyond the body of the vehicle ;
- (b) (i) in the case of a motor vehicle having only two axles one of which is not a steering axle through the centre point of that axle ; and
 - (ii) in the case of a motor vehicle having only three axles where the front axle is the only steering axle, through a point four inches in rear of the centre of a straight line joining the centre points of the rear and middle axles ; and

(iii) in any other case through a point situated on the longitudinal axis of the vehicle and such that a line drawn from it at right angles to that axis will pass through the centre of the minimum turning circle of the vehicle ;

“pneumatic tyre” means a tyre which complies in all respects with the following requirements—

- (a) it shall be provided with a continuous closed chamber containing air at a pressure substantially exceeding atmospheric pressure when the tyre is in the condition in which it is normally used, but is not subjected to any load ;
- (b) it shall be capable of being inflated and deflated without removal from the wheel or vehicle ;
- (c) it shall be of such construction that when it is deflated and is subjected to a normal load, the sides of the tyre collapse ;

“registered” means registered or deemed to have been registered for the first time under the Vehicle and Road Traffic (Cap. 220). Ordinance ;

“safety glass” means glass so constructed or treated that if fractured it does not fly into fragments capable of causing severe cuts ;

“stop light” means a device fitted to a motor vehicle for the purpose of intimating the intention of the driver of the vehicle to stop or slow down ;

“track laying” in relation to a vehicle means that the vehicle is so designed and constructed that the weight thereof is transmitted to the road surface either by means of continuous tracks or by a combination of wheels and continuous tracks in such circumstances that the weight transmitted to the road surface by the tracks is not less than half the weight of the vehicle ;

“warning instrument” means any instrument fitted to or carried on or in a vehicle for audibly signalling its approach or presence ;

“weight unladen” means the weight of a vehicle inclusive of the body and all parts (the heavier being taken where alternative bodies or parts are used) which are necessary to or ordinarily used with the vehicle when working on a road and of the weight of water fuel and accumulators used for the purpose of the supply of power for the propulsion of the vehicle, all water and fuel containers being full but exclusive of any drivers or attendants and of loose tools and loose equipment.

Tyre of soft or elastic material.

3. Except where otherwise provided in these regulations, a tyre shall not be deemed to be of soft or elastic material unless the said material is either—

- (a) continuous round the circumference of the wheel; or
- (b) fitted in sections so that so far as reasonably practicable no space is left between the ends thereof,

and is of such thickness and design as to minimize, so far as reasonably possible, vibration when the vehicle is in motion, and so constructed as to be free from any defect which might in any way cause damage to the surface of a road.

Brake drums and calculation of numbers of wheels.

4. For the purpose of these regulations—

- (a) a brake drum shall be deemed to form part of the wheel and not of the braking system;
- (b) any two wheels of a motor vehicle or trailer shall be regarded as one wheel if the distance between the centres of the areas of contact between such wheels and the road surface is less than eighteen inches.

Part II not applicable to motor vehicles brought temporarily into the Colony.

5. Part II of these regulations (except regulations 9, 10 and 35) shall not apply to any motor vehicle brought temporarily into the Colony by a person resident in a place outside the Colony or in the Colony intending to make only a temporary stay in the Colony while the said vehicle is being used by such person during his stay, provided that such vehicle complies in every respect with the requirements of paragraphs I, III and VIII of Article 3 of the International Convention relative to Motor Traffic concluded at Paris on the 24th April, 1926.

6. Every motor vehicle registered before the date of coming into operation of these regulations shall be exempt from the requirements of any regulation, by which the requirements as regards the construction or weight of any class or description of vehicles is varied, for a period of four years from that date provided that it complies with the requirements of the regulations to which it would have been subject immediately prior to that date.

Motor vehicles registered before the coming into operation of regulations varying requirements as to construction.

PART II.

CONSTRUCTION.

Section I—Motor Vehicles—general.

7. No part of a motor vehicle other than the wheels or tracks of such vehicle and, in the case of a goods vehicle carrying inflammable goods, the earthing chain of such vehicle, shall touch the road.

Construction.

8. The overall length of—

Overall length.

- (a) a motor vehicle other than an articulated vehicle shall not exceed thirty feet; and
- (b) an articulated vehicle shall not exceed thirty-three feet:

Provided that the Commissioner by permit in writing, subject to such terms and conditions and for such period as appears to him fit, may authorize the use of a vehicle exceeding in overall length the limits prescribed by this regulation.

9. The overall width of a motor vehicle or trailer shall not exceed eight feet:

Overall width.

Provided that the Commissioner, by permit in writing, subject to such terms and conditions and for such period as appears to him fit, may authorize the use of a vehicle the overall width of which exceeds eight feet.

10. The overall height of a motor vehicle, other than a double decked omnibus, shall not exceed ten feet six inches:

Overall height.

Provided that the Commissioner by permit in writing subject to such terms and conditions and for such period as appears to him fit, may authorize the use of a vehicle exceeding in overall height the limit prescribed by this regulation.

Unladen weight.

11. The weight unladen of a vehicle or trailer other than a road roller or an omnibus shall not exceed one hundred cwt. and the weight unladen of an omnibus shall not exceed one hundred and eighty cwt.

Provided that the Commissioner, by permit in writing, subject to such terms and conditions and for such period which appear to him fit, may authorize the use of a vehicle or trailer exceeding one hundred cwt. or one hundred and eighty cwt. in weight unladen, as the case may be.

Variation of wheel load.

12. Every motor vehicle other than a road roller and every trailer with more than four wheels and every trailer having more than two wheels being part of an articulated vehicle shall be provided with such compensating arrangement as will ensure that all the wheels will remain in contact with the road surface and under the most adverse conditions will not be subjected to abnormal variations of load:

Provided that this requirement shall not apply to any steerable wheel of a motor vehicle if the load on such wheel does not exceed two and a half tons.

Springs.

13. Every motor vehicle and every trailer drawn thereby shall be equipped with suitable and sufficient springs between each wheel and the frame of the vehicle:

Provided that this regulation shall not apply to—

- (a) motor cycles;
- (b) mobile cranes;
- (c) road rollers;
- (d) vehicles designed for use in works or in private premises and used on a road only in passing from one part of the works or premises to another or to works or premises in the immediate neighbourhood; or
- (e) any motor tractor not exceeding four tons in weight unladen if all unsprung wheels of such tractor are equipped with pneumatic tyres.

Brakes.

14. (1) Every motor vehicle shall be equipped with an efficient braking system or efficient braking systems, in either case having two means of operation, so designed and constructed that notwithstanding the failure of any part (other than a fixed member

or a brake shoe anchor pin), through or by means of which the force necessary to apply the brakes is transmitted, there shall still remain available for application by the driver brakes sufficient under the most adverse conditions, to bring the vehicle to rest within a reasonable distance:

Provided that—

- (a) in the event of failure as aforesaid it shall not be necessary for brakes to be available for application by the driver in the case of a vehicle the unladen weight of which does not exceed one ton and having less than four wheels, to more than one wheel;
- (b) this paragraph shall not apply to invalid carriages.

(2) In the case of a motor vehicle having more than three wheels, at least one means of operation shall be capable of causing brakes to be applied to all the wheels of the vehicle:

Provided that—

- (a) in the case of an articulated vehicle it shall be deemed sufficient compliance with this paragraph if the rearmost wheels are equipped with brakes capable of being applied by some other means of operation;
- (b) in the case of a vehicle having more than two steering wheels only half the number of steering wheels shall be counted in all the wheels of the vehicle.
- (3) The application of one means of operation shall not affect or operate the pedal or hand lever of the other means of operation.

(4) No braking system shall be rendered ineffective by the non-rotation of the engine.

(5) All the brakes of a motor vehicle which are operated by one means of operation shall be capable of being applied by direct mechanical action without the intervention of any hydraulic, electric or pneumatic device.

(6) One at least of the means of operation required by this regulation shall be capable of causing brakes to be applied directly and not through the transmission gear to not less than half the number of wheels of the vehicle:

Provided that where a motor vehicle has more than four wheels and the drive is transmitted to all wheels other than the steering wheels without interposition of a differential driving gear

or similar mechanism between the axles carrying the driving wheels it shall be deemed to be sufficient compliance with this paragraph if the brakes applied by one means of operation act directly on two driving wheels on opposite sides of the vehicle and the brakes applied by the other means of operation act directly on all other driving wheels.

(7) For the purpose of this regulation every moving shaft to which any part of the braking system or any means of operation thereof is connected or by which it is supported shall be deemed to be part of that system.

(8) Every motor vehicle shall be equipped with a braking system (which may be one of the systems required by this regulation) so designed and constructed that it can at all times be set so as to prevent two at least, or in the case of a vehicle with only three wheels, one of the wheels from revolving when the vehicle is not being driven or is left unattended :

Provided that this paragraph shall not apply to—

- (a) motor cycles with or without sidecars attached; or
- (b) invalid carriages.

(9) Every motor vehicle which is fitted with a servo braking system which embodies a vacuum or pressure reservoir or reservoirs shall be provided with a warning device so placed as to be readily visible to the driver of the vehicle when in the driving seat in order to indicate any impending failure or deficiency in the vacuum or pressure system.

Speed
indicators.

15. (1) To every motor vehicle other than an invalid carriage or a motor cycle the cylinder capacity of the engine of which does not exceed one hundred cubic centimetres or a vehicle which it is at all times unlawful to drive at a speed exceeding twelve miles per hour, there shall be fitted an instrument so constructed and in such position as at all times readily to indicate to the driver of the vehicle within a margin of accuracy of plus or minus ten per cent if and when he is driving at a speed in excess of that specified in paragraph (2) hereof.

(2) The speed to which reference is made in paragraph (1) hereof shall be such speed as is prescribed as the maximum speed for the vehicle to which the instrument aforesaid is fitted in compliance with this regulation or, if no such speed is prescribed, thirty miles per hour.

16. (1) Every motor vehicle and every trailer shall be so constructed that the entire weight of the vehicle and of the trailer, if any, is transmitted to the road surface by wheels or by tracks, or by a combination of wheels and tracks : Wheels.

Provided that—

- (a) in the case of a track laying vehicle the parts of the track which come into contact with the road surface shall be flat and have a minimum width of half an inch. The total area of each track actually in contact with the road surface at any one time shall not be less than thirty-six square inches in respect of each ton of the unladen weight;
- (b) a track laying motor tractor shall not draw any trailer.

(2) Every wheel of a motor vehicle other than a road roller and every wheel on a trailer when the trailer is being drawn on a road other than a trailer used solely on road repair work shall be equipped with pneumatic tyres of suitable size and design :

Provided that—

- (a) this regulation shall not apply to the following motor vehicles or trailers if they are equipped with tyres of soft or elastic material of a design and type approved by the Commissioner on every wheel—
 - (i) a motor tractor;
 - (ii) a motor vehicle designed for use in works or on private premises and used on a road only in passing from one part of the works or premises to another or to works or premises in the immediate neighbourhood; and
- (b) the Commissioner by permit in writing, subject to such terms and conditions and for such period as appears to him fit, may authorize the use of a motor vehicle in contravention of this regulation.

(3) All wheels of a motor vehicle or trailer which are equipped with tyres other than pneumatic tyres shall have a rim diameter of not less than twenty-six and two-fifth inches :

Provided that this regulation shall not apply to—

- (a) any motor vehicle or trailer not exceeding thirty cwt. in weight unladen designed for use in works or on private

premises and used on a road only in passing from one part of the works or premises to another or to works or premises in the immediate neighbourhood;

(b) any mobile crane.

(4) Every wheel of a vehicle shall be truly circular accurately centred on its axle and fitted to work thereon without oscillation or side play.

Reversing.

17. Every motor vehicle which exceeds eight cwt. in weight unladen, shall be capable of being so worked that it may be driven either forwards or backwards.

Driver's accommodation.

18. Every motor vehicle shall be so designed and constructed that the driver—

(a) has adequate room and can easily reach and quickly operate the controls;

(b) while controlling the vehicle can at all times have a full view of the road and traffic ahead of the motor vehicle.

Placing of driver's seat.

19. The driver's seat of every vehicle shall be so placed as to permit him to give by hand the usual traffic signals on the right or off side of the vehicle:

Provided that the Commissioner by permit in writing, subject to such terms and conditions and for such period as appears to him fit, may authorize the use of a motor vehicle which does not comply with this regulation.

Reflecting mirrors.

20. Every motor vehicle, other than a road roller and a motor cycle, shall be equipped with a reflecting mirror, so constructed and fitted to the motor vehicle and so maintained as to enable the driver of such motor vehicle to be or become aware of the presence in the rear thereof of any other vehicle, the driver of which is desirous of passing such motor vehicle:

Provided that this regulation shall not apply to a motor vehicle when drawing a trailer if a person is carried on the trailer in a position which affords an uninterrupted view to the rear and such person is provided with efficient means of communicating to the driver the effect of signals given by the drivers of other vehicles in the rear thereof.

21. The glass of all windscreens and windows on the outside of every motor vehicle shall be safety glass. Safety glass.

22. An efficient automatic windscreen wiper shall be fitted to every motor vehicle which is so constructed that the driver cannot, by opening the windscreen or otherwise, obtain an adequate view to the front of the vehicle without looking through the windscreen. Windscreen wiper.

23. Every motor vehicle shall be fitted with an instrument capable of giving audible and sufficient warning of its approach or position: Warning instruments.

Provided that no such instrument shall consist of—

(a) a gong or bell, except in the case of a motor vehicle used solely for fire brigade, ambulance or police purposes; or

(b) a siren except in the case of a vehicle used solely for fire brigade or police purposes;

(c) a multi-toned horn giving a succession of different notes;

(d) a sound producing device giving an unduly harsh, shrill, loud or alarming noise, except in the case of a vehicle used solely for fire brigade or police purposes.

24. (1) Every motor vehicle other than a motor cycle or an invalid carriage shall be fitted with a direction indicator on either side of such vehicle and as regards such indicator shall comply with the provisions of the Schedule to these regulations— Direction indicators.
Schedule.

(a) if it is a vehicle fitted with electric lighting equipment, with either the provisions of Part I of the said Schedule or the provisions of Part II of the said Schedule; or

(b) if it is a vehicle not fitted with electric lighting equipment, with the provisions of Part III of the said Schedule.

(2) Every omnibus and every goods vehicle shall be fitted with a direction indicator on either side of the vehicle at or within one foot of the rear of the vehicle in addition to the direction indicators required by paragraph (1) and as regards each such additional direction indicator shall comply with the provisions of the Schedule in a like manner.

Stop lights. 25. (1) Every stop light on a motor vehicle shall be fitted at the rear of the vehicle and not to the left of the centre thereof and when in operation shall show a red light.

(2) Every light shown by a stop light shall be diffused by means of frosted glass or other adequate means and shall be a steady light :

Provided that—

- (a) nothing in this regulation shall be taken to require that a stop light shall be fitted to any motor vehicle ;
- (b) nothing in this regulation shall prevent the fitting of a duplicate stop light on the left or near side of the vehicle which comes into operation at the same time as the stop light fitted at the centre or on the right or off side of the vehicle.

Silencers. 26. Every vehicle propelled by an internal combustion engine shall be fitted with a silencer, expansion chamber or other contrivance suitable and sufficient for reducing as far as may be reasonable the noise caused by the escape of the exhaust gases from the engine.

Emission of smoke, sparks, cinders, etc. 27. (1) Every motor vehicle shall be so constructed that—
(a) no avoidable smoke or visible vapour is emitted therefrom ;
(b) so far as is practicable the products of combustion, ashes, steam, cinders, petrol, water or oil are not discharged on the road.

(2) Every motor vehicle using solid fuel shall be fitted with an efficient appliance for the purpose of preventing the emission of sparks or grit.

Overhang. 28. The overhang of a motor vehicle shall not exceed fifty per cent of the distance between the plane perpendicular to the longitudinal axis of the vehicle which passes through the centre or centres of the front wheel or wheels and foremost vertical plane from which the overhang is to be measured.

Wings. 29. Every motor vehicle or trailer when the trailer is being drawn on a road shall be provided with wings or other similar fittings to catch, so far as is practicable, mud or water thrown up by the rotation of the wheels, unless adequate protection is afforded by the body of the vehicle.

30. Every goods vehicle and every trailer on any road during the hours of darkness shall be fitted with two red reflectors of not less than one and a half inches in diameter fixed to the rear of the vehicle in a vertical position and facing squarely to the rear, one to be placed as far as possible to the right or off side of the vehicle and one as far as possible to the left or near side of the vehicle, and so placed as to reflect the light from the front lamps of overtaking vehicles. **Reflectors.**

Section II—Trailers.

31. The overall length of a trailer, excluding any drawbar shall not exceed fifteen feet : **Overall length.**

Provided that—

- (a) the Commissioner by permit in writing subject to such terms and conditions and for such period as appears to him fit, may authorize the use of a trailer the overall length of which exceeds fifteen feet ;
- (b) this regulation shall not apply to any broken down vehicle which is being drawn by a motor vehicle in consequence of mechanical defects.

32. (1) Save as hereinafter provided in paragraph (2) hereof, every trailer exceeding two cwt. in weight unladen shall have an efficient braking system the brakes of which are capable of being applied when it is being drawn— **Brakes.**

- (a) to at least two wheels in the case of a trailer having not more than four wheels ;
- (b) to at least four wheels in the case of a trailer having more than four wheels,

and in any case to at least half the number of the wheels of the trailer, and so constructed that—

(i) the brakes can be applied either by the driver of the drawing vehicle or by some other person on such vehicle or the trailer :

Provided that this sub-paragraph shall not apply in the case of a trailer not exceeding one ton in weight unladen or in the case of a trailer not constructed or adapted to carry any load, other than plant or other special appliance or apparatus which is a permanent or essentially permanent fixture and not exceeding two tons

in total weight, if in either case the brakes of the trailer automatically come into operation on the overrun of the trailer; and

(ii) the brakes are capable of being set so as effectually to prevent two at least of the wheels from revolving when the trailer, whether it is attached to the drawing vehicle or not, is not being drawn.

(2) The braking system on a trailer shall be so constructed that it is not rendered ineffective by the non-rotation of the engine of the drawing vehicle.

(3) This regulation shall not apply to a broken-down vehicle which is being towed by a motor vehicle in consequence of a breakdown.

Section III—Omnibuses and Taxis.

Definitions.

- 33.** In this Section, unless the context otherwise requires—
- “back rest” includes any part of the vehicle which is available for passengers to lean against;
 - “emergency exit” means an exit which is intended to be used only in case of emergency;
 - “entrance” means any aperture or space by which passengers are intended to board the vehicle;
 - “exit” means any aperture or space by which passengers are intended to leave the vehicle;
 - “gangway” means the space provided for obtaining access from any entrance to the passengers’ seats or from any such seat to an exit other than an emergency exit but does not include a staircase or any space in front of a transverse seat which is required only for the use of passengers occupying that seat;
 - “permanent top” means any covering of a vehicle other than a hood of canvas or other flexible material which is capable of being readily folded back so that no portion of such hood of any fixed structure of the roof remains vertically above any part of any seat of the vehicle, or in the case of a double-decked vehicle of any seat of the upper deck of the vehicle.

Overall height.

34. No single-decked omnibus shall exceed ten feet six inches in overall height and no double-decked omnibus shall exceed fifteen feet in overall height.

- 35.** (1) (a) The sum of the weights transmitted to the road surface by all the wheels of an omnibus shall not exceed twelve tons; and
- (b) the weight so transmitted by any two wheels of the vehicle in line transversely shall not exceed nine and a half tons.

Weight. Calculation of weights transmitted to the road surface.

(2) For the purpose of this regulation the weight transmitted to the road surface by an omnibus shall be taken to be the weight so transmitted by the vehicle when it is complete and fully equipped for service with a full supply of water, oil and fuel and loaded with weights of one hundred pounds per person placed in the correct relative positions for each passenger for whom the vehicle is licensed and for the driver and conductor.

36. (1) The stability of a double-decked omnibus shall be such that when loaded with weights of one hundred pounds per person placed in the correct relative positions to represent the driver and conductor and a full complement of passengers on the upper deck only, if the surface on which the vehicle stands were tilted to either side to an angle of 28 degrees from the horizontal the point at which overturning occurs would not be passed.

Stability.

(2) The stability of a single-decked omnibus shall be such that under any conditions of load if the surface on which the vehicle stands were tilted to either side to an angle of 35 degrees from the horizontal the point at which overturning occurs would not be passed.

(3) For the purpose of conducting tests of stability the height of any stop used to prevent a wheel of the omnibus from slipping sideways shall not be greater than two-thirds of the distance between the surface upon which the vehicle stands before it is tilted and that part of the rim of that wheel which is the nearest to such surface when the vehicle is loaded in accordance with the requirements of this regulation.

37. The system of springing of an omnibus shall be so designed that there is no excessive body sway.

Springs.

38. Every omnibus shall be so constructed as to be capable of turning in either direction in a circle not exceeding in diameter sixty-six feet. For the purpose of this regulation such diameter

Turning circle.

shall be determined by reference to the extreme outer edge of the wheel track at ground level :

Provided that the Commissioner by permit in writing, subject to such terms and conditions and for such period as appears to him fit, may authorize the use of an omnibus with a turning circle exceeding sixty-six feet but not exceeding seventy feet.

Clearance.

39. (1) No part of a fully laden omnibus standing on level ground shall, in front of or within the limits specified in paragraph (2) be nearer the ground than ten inches.

(2) The limits shall extend—

(a) in length rearwards from the foremost part of the vehicle excluding the starting handle and the body work for a distance—

(i) in the case of a four-wheeled vehicle of fourteen feet six inches or, if the rear axle is less than fourteen feet six inches behind such foremost part, up to but not including such axle; and

(ii) in the case of a vehicle having more than four wheels of thirteen feet or if the foremost driving axle is less than thirteen feet behind such foremost part, up to but not including such driving axle;

(b) in which for a distance on either side of the centre line of the vehicle of not less than one-third of the distance between the centre lines of the tracks of the front wheels.

Lifeguard.

40. No front lifeguard, other than a bumper, shall be fitted to an omnibus without the prior approval of the Commissioner.

Guard rails.

41. (1) If any two wheels on either side of an omnibus have a clear space of more than two feet between the nearest points, a guard rail, running board or other similar device, which shall extend to within nine inches of the front wheel and six inches of the rear wheel, shall be fixed to guard such space effectively to within at least ten inches of the ground when the vehicle is carrying no passengers and is standing on level ground.

(2) Any guard rail fitted in compliance with this regulation shall be so constructed and fitted that, when necessary, by raising the rail or otherwise, access can easily be obtained to any part of the space underneath the vehicle.

42. No part of an omnibus, other than a direction indicator when in operation or a driving mirror, shall project laterally more than six inches beyond the outer face of the outer tyre on the rear-most wheel on the same side of the vehicle. Side overhang.

43. The brakes of one of the braking systems of an omnibus shall be applied by pedal. Brakes.

44. (1) The steering mechanism of an omnibus shall be so constructed or arranged that no overlock shall be possible and that the wheels shall not in any circumstances foul any part of the vehicle. Steering.

(2) The ball and socket joints of steering connexions when such are used shall not be pendant :

Provided that this paragraph shall not apply to spring-loaded self-adjusting spherical joints.

(3) Dust-excluding covers fitted to any joint or connexion of the steering mechanism shall be capable of being easily removed to facilitate inspection.

45. Where brake and steering connexions of an omnibus are secured with bolts or pins, the bolts or pins shall be threaded and effectively locked and all connexions made with bolts or pins shall be such that when they are in any position other than horizontal the head of the bolt or pin shall be uppermost. Brake and steering connexions.

46. No portion of any road wheel of an omnibus or any fittings thereof shall project more than three and a half inches beyond the extreme outer face of the tyre when fully inflated. Hub projection.

47. No fuel tank shall be placed under any part of any gangway which is within two feet of any entrance or exit of a single-decked omnibus or the lower deck of a double-decked omnibus. Fuel tanks, carburettor, etc.

48. (1) The fuel tanks in an omnibus shall be so placed that no overflow therefrom shall fall upon any woodwork or accumulate where it can be readily ignited. Position of fuel tanks.

(2) A cock shall be provided by means of which the supply of fuel to any carburettor may be immediately cut off and the means of operation thereof shall be visible and readily accessible at all times from outside the omnibus and the "off" position of the means of operation shall be clearly marked on the outside of the omnibus.

(3) The filling points of all fuel tanks shall be outside the body of the omnibus, and the filler caps shall be so designed and constructed that they can be securely fixed in position and the vent hole, if any, shall be so designed as to be protected from danger of penetration by fire and to prevent fuel being splashed over.

Position of carburettor.

49. All carburettors in an omnibus and apparatus associated therewith shall be so placed or shielded that no fuel leaking therefrom shall fall upon any part or fitting which is capable of igniting it, or into any receptacle where it might accumulate.

Exhaust pipe.

50. The exhaust pipe in an omnibus shall be so fitted or shielded that no inflammable material can be thrown upon it from any other part of the vehicle and that it is not likely to cause a fire through proximity to any inflammable material on the vehicle and the outlet thereof shall be placed on the off-side and far enough to the rear to prevent, so far as practicable, fumes from entering the vehicle.

Insulation of electric leads.

51. All electric leads in an omnibus shall be adequately insulated and all circuits carried through suitable fuses.

Locking of nuts.

52. All moving parts in an omnibus and all parts subject to severe vibration connected by bolts or studs and nuts shall be fastened by lock nuts or by nuts and efficient spring or lock nut washers, or by castellated nuts and split pins or by some other efficient device so as to prevent their working or coming loose.

Body.

53. The body of an omnibus shall be securely affixed to the chassis and every trap door in the floor of the omnibus shall be strong and so fitted or fastened that it cannot become dislodged by vibration, with any lifting device properly sunk.

Height of sides of body.

54. (1) In the case of a double-decked omnibus with an uncovered top deck—

- (a) the top of the side rails shall be at least three feet above the roof battens at the sides and eighteen inches above the highest part of any seat excluding the back of the seat; and
- (b) the top of the front and back rails shall be at least three feet three inches above the roof battens and shall follow the camber of the roof.

(2) In the case of a single-decked omnibus without a permanent top the height of the body sides from the floor shall be not less than two feet four inches.

55. (1) The top of the tread of the lowest step for any entrance or exit to an omnibus, other than an emergency exit, shall not be more than seventeen inches or less than ten inches above the ground when the omnibus is empty.

Steps, platforms and stairs.

(2) All steps shall be fitted with non-slip treads.

(3) The tread of each fixed step shall be not less than nine inches and risers shall be not more than ten inches.

(4) Fixed steps shall in no case project laterally beyond the body of the vehicle unless they are so protected by the front wings or otherwise that they are not liable to injure pedestrians.

56. In the case of a double-decked omnibus—

Steps in case of double-decked omnibuses.

(a) the risers of all steps leading from the lower to the upper deck shall be closed and no unguarded aperture shall be left at the top landing board;

(b) all steps leading from the lower to the upper deck shall be fitted with non-slip treads;

(c) the horizontal distance from the nearest point of the riser of the top step to the vertical line passing through the nearest point of the seat opposite to the top tread of the staircase, excluding any grab rail which does not project more than three inches from the back of the seat, shall not be less than twenty-six inches;

(d) the outer stringer of an outside staircase shall be so constructed, or a band so placed, as to act as a screen to persons ascending or descending, and the height of the outer guard rail shall not be less than three feet three inches above the front of the tread of each step.

57. (1) A single-decked omnibus with a permanent top and the lower deck of a double-decked omnibus shall be provided with not less than two exits (one of which may be an emergency exit) which shall not both be situated on the same side of the vehicle:

Number and position of entrances and exits.

Provided that it shall be sufficient compliance with this paragraph if—

- (a) the deck communicates with the rear platform by means of a doorless opening and the exit from the platform to the rear side of the vehicle is continuous with an exit to the rear of the vehicle; or
- (b) the vehicle has a seating capacity for not more than fourteen passengers and there is an entrance or exit behind the rear wheels.

(2) Where access is obtained to the upper deck of an omnibus by means of an enclosed staircase and that deck is provided with a permanent top an emergency exit which need not be provided with a staircase and shall not be on the rear side of the omnibus, shall be provided on the upper deck.

Width of
entrances
and exits.

58. Every entrance and exit of an omnibus shall be at least twenty-one inches in width :

Provided that—

- (a) where in accordance with proviso (a) to paragraph (1) of regulation 57 of these regulations one exit only is provided, the width of such exit measured along the rear of the vehicle need not exceed eighteen inches if the width of the exit to the side of the vehicle complies with the preceding provisions of this regulation;
- (b) the size of an emergency exit from the upper deck of an omnibus shall not be less than four feet by two feet.
- (c) where the same entrance is used for both the upper and the lower deck of an omnibus no part of the entrance exclusive of a stanchion measured along the rear side of the vehicle shall be less than thirty-six inches in width.

Doors.

59. (1) Every entrance and exit door of an omnibus shall be capable of being opened by one operation of the locking mechanism :

Provided that for the purpose of securing the vehicle when unattended it shall be permissible to fit to any entrance or exit door a supplementary lock with or without a detachable actuating

mechanism if such lock is so designed and constructed that the door can at all times be opened by a person inside the vehicle by one operation of the ordinary locking mechanism.

(2) Door handles or levers to door catches shall be recessed or so designed and fitted that they are not liable to be dislodged or to be operated accidentally. Where any entrances are provided with doors which are intended to remain open when the vehicle is in motion suitable fastenings shall be provided to hold such doors securely open.

(3) A grab handle shall be fitted to each entrance or exit other than an emergency exit to assist passengers in boarding or alighting from the omnibus.

(4) All doors including those of emergency exits shall be so designed as to be readily opened in case of need from both the inside and the outside of the omnibus.

(5) All doors shall open so as not to obstruct clear access to any entrance or exit either from inside or from outside the omnibus.

60. (1) The means of operation of all emergency exits of an omnibus shall be clearly indicated in English and in Chinese characters; Emergency exit.

(2) All emergency exits shall—

- (a) be clearly marked as such in English and in Chinese characters;
- (b) be designed to open outwards;
- (c) be easily accessible to the passengers and between any such exit and any gangway there shall be a passage which shall not be of less dimensions than those prescribed in paragraph (1) of regulation 62 for a gangway, and shall be so designed that a vertical line projected upwards from the centre line of the passage at floor level shall, to a height of two feet six inches from the floor level, be laterally not less than six inches from any part of the vehicle :

Provided that in all cases a seat on the upper deck of a vehicle placed below or in front of an emergency exit may be deemed to form part of such passage.

(3) The actuating mechanism of all emergency exits other than those fitted to an upper deck shall be easily accessible to persons of normal height standing on ground level outside the omnibus.

Access to exits.

61. (1) There shall be unobstructed accessibility from every seat to at least two exits from an omnibus or to one exit where one exit only is required by these regulations:

Provided that this paragraph of this regulation shall not apply to—

- (a) any seats alongside the driver, if there is access to such seats by an entrance other than the driver's entrance;
- (b) seats on any deck of an omnibus if that deck is not provided with a permanent top and if there is unobstructed accessibility from every seat on that deck to some exit.

(2) Direct access shall be provided to the driver's seat either from the offside of the omnibus or by means of a passage which shall not be of less dimensions than those prescribed in paragraph (1) of regulation 62 for a gangway.

(3) No seat shall be fitted to any door so that when in position for use it obstructs any passage to an exit or gangway required by these regulations.

Width of gangways.

62. (1) The width of every gangway in an omnibus shall be not less than one foot up to a height of two feet six inches from the floor level and above that height not less than one foot two inches and shall be so designed that a vertical line projected upwards from the centre line of any gangway at floor level shall, to the height prescribed in regulation 63 of these regulations as the height of that gangway be laterally not less than six inches from any part of the omnibus other than the roof over the gangway.

(2) No part of any gangway which serves as a joint means of access from any entrance to both the upper and lower deck of an omnibus shall be less than thirty-six inches in width.

(3) For the purposes of this regulation when any space in front of a seat is required for the accommodation of seated passengers the space within nine inches of the seat shall not be taken into account in measuring the width of a gangway.

63. (1) The clear height at the centre line of any gangway extending from the front edge of the foremost passenger seat to the front edge of the rearmost passenger seat served by that gangway shall be as follows—

Height of gangways.

- (a) in the case of a single-decked omnibus fitted with a permanent top and the lower deck of a double-decked omnibus, not less than five feet eight inches if the seating capacity of the vehicle exceeds fourteen and not less than five feet in any other case;
- (b) in the case of the top deck of a double-decked omnibus fitted with a permanent top, not less than five feet eight inches,

and the height provided at the centre line of any part of any gangway shall not be more than four inches lower than the height prescribed by this paragraph in respect of the centre line of any gangway extending from the front edge of the foremost passenger seat to the front edge of the rear most passenger seat served by that gangway.

(2) In the case of a single-decked omnibus without a permanent top when the hood is extended or raised, its height from the floor shall in no place be less than five feet along the centre line of the vehicle except over the driver's seat.

64. (1) The supports of all seats in an omnibus shall be firmly fixed in position and at least fifteen inches measured in a straight line along the back of each seat shall be allowed for each passenger.

Seats.

(2) Every seat shall have a back rest so closed or otherwise constructed as to prevent as far as possible the pockets of passengers being picked.

(3) No part of the back rest of any seat placed lengthwise shall be less than fifty-four inches from the corresponding part of the back rest of the seat facing it.

(4) Transverse seats shall be so fitted that—

- (a) there is a clear space of at least twenty-six inches in front of the whole length of the top of the back rest of every seat, any handles or grips which do not project

more than four inches from the back rest being disregarded when measuring the clear space herein referred to; and

(b) there is a clear space of at least nineteen inches between any part of the front edge of a seat and any part of any other seat which faces it.

(5) All passenger seats on omnibuses shall provide an adequate degree of comfort with suitable seats and seat backs.

(6) Seats over a wheel arch shall not be placed in such a position as to cause discomfort to passengers.

(7) Where any transverse seat is so placed that a passenger seated upon it is liable to be thrown forward through an entrance or down a stairway an effective screen or guard shall be placed so as to provide protection for any passenger occupying the seat.

(8) No part of any seat on the left hand side of the driver shall be in front of a line passing through the front edge of the driver's seat at right angles to the longitudinal axis of the vehicle and any seat on the left of the driver's seat and in line with it must face forward.

Step wells. **65.** The shortest distance between the edge of any step well and a vertical plane passing through the front edge of a seat of an omnibus shall not be less than nine inches.

Safety glass. **66.** All glass used in the construction of an omnibus shall be of safety glass.

Side windows. **67.** In the case of a single-decked omnibus with a permanent top or the lower deck of a double-decked vehicle the side windows, when open, shall be adequately guarded to a height of thirty-nine inches from the floor.

Markings. **68.** The number of passengers on each deck of an omnibus for whom in accordance with these regulations seats are provided or who are permitted to be carried standing while the omnibus is in motion shall be clearly marked with letters not less than half an inch in height inside the vehicle (in the case of a double-decked omnibus, inside the lower deck) and on the outside of the vehicle either at the rear or on the near side:

Provided that in the case of a continuous seat the number of passengers for whom that seat is provided shall be so calculated that one person shall be counted for each complete length of fifteen inches measured in a straight line length-wise on the back of each seat; and where any such continuous seat is fitted with arms for the purpose of separating the seating spaces and such arms are so constructed that they can be folded back or otherwise put out of use such seat shall be measured for the purpose of this regulation as if it had not been fitted with such arms.

69. (1) Adequate artificial lighting shall be provided for the illumination of every deck of an omnibus with a permanent top. Lighting.

(2) At least one lamp shall be provided as near as is practicable to the top of every staircase leading to an upper deck of an omnibus without a permanent top.

70. (1) Every omnibus shall be so designed that the driver has adequate room and can easily reach and quickly operate the controls. Driver's accom-
modation.

(2) The accommodation for the driver shall be so arranged as to afford adequate protection during inclement weather, and means shall be provided where necessary to prevent light from the interior of the omnibus from incommoding the driver.

(3) The accommodation for the driver shall be divided off by means of a partition behind the driver's seat extending upwards not less than thirty inches from the floor level, and by a continuation of the partition, or guard rails on the left of the driver not less than eighteen inches from the centre of the steering wheel at any point.

71. The steering pillar of an omnibus shall be on the right or offside of the vehicle and the driver's seat shall be so placed as to permit him to give by hand the usual traffic signals, on the offside of the vehicle. Steering
pillar.

72. (1) There shall not be any seat, gangway or passage on the right hand side of the driver's seat in an omnibus. Driver's
seat.

(2) The driver's seat shall be capable of being adjusted in relation to the steering wheel of the vehicle so that it can be moved from twelve inches to at least sixteen inches from the

steering wheel measured from the nearest point on the periphery of the steering wheel to the nearest part of the back of the driver's seat.

(3) In an omnibus the centre of the driver's seat shall not be off-set more than four inches in relation to the centre of the steering wheel and adequate comfort shall be provided for the driver.

(4) In an omnibus the driver's seat shall be adequately protected by guard rails or a partition providing adequate room for the driver and being not less than eighteen inches from the centre of the steering wheel at any point.

(5) Where passengers are carried on the left-hand side of the driver a space of at least eighteen inches from the centre of the steering column to the left thereof shall be reserved for the driver, to be divided off from such passengers by means of a solid partition at least nine inches high from seat level and extending for the whole depth of the seat.

Windscreen wiper.

73. Where an omnibus is fitted with a front glass windscreen for the driver an efficient automatic windscreen wiper shall be fitted.

General construction. Saving.

74. (1) Every omnibus shall comply in all respects with the requirements as to the construction, weight and equipment of motor vehicles contained in Section I of this Part of these regulations which are applicable to the omnibus, and the omnibus including all body work, upholstery and fittings shall be soundly and properly constructed of suitable materials well finished and in good and serviceable condition and of such design that it is capable of withstanding the loads and stresses likely to be met with in operation.

(2) The provisions of this Section are in addition to and not in derogation of the provisions of Section I of this Part of these regulations.

Fire extinguishers.

75. There shall be carried in or upon every omnibus in such a position as to be readily available for use, suitable and efficient apparatus for extinguishing fire and such apparatus shall comply

with the requirements of the Fire Offices Committee (Foreign) of London and shall be of one or more of the under-mentioned types, namely—

- Foam producing fire extinguisher;
- Soda acid chemical fire extinguisher;
- Carbon tetra chloride fire extinguisher.

76. There shall be carried in or upon every omnibus in the New Territories other than New Kowloon a suitable receptacle containing the first aid dressings and appliances specified hereunder and of the quality and standard hereunder prescribed, which shall at all times be maintained in good condition, namely—

First aid equipment.

- (a) one tourniquet;
- (b) one tourniquet-stick, six inches long by half an inch in diameter;
- (c) one telescopic splint;
- (d) one large sterilized dressing suitable for burns and wounds (not less than three inches by three inches);
- (e) three medium sterilized wound dressings (gauze and wool or lint and wool not less than two inches by two inches);
- (f) one roll sterilized cotton wool (not less than half an ounce).

77. In or upon every omnibus there shall be fitted an efficient speedometer so placed as to be easily read by the driver of the vehicle.

Speedometer.

78. There shall be carried in or upon every omnibus in the New Territories excluding New Kowloon apparatus capable of raising any wheel fitted to the vehicle not less than six inches clear of the ground.

Lifting jacks.

79. Every taxi shall be fitted with a taxi meter approved by the Commissioner and at all times bearing the appropriate seal or mark affixed thereto by the Commissioner.

Taxi meter.

Section IV—Other Vehicles.

80. Each hand cart exceeding one cwt. in weight unladen shall be provided with efficient pneumatic tyres on all wheels and an efficient brake in good working order.

Pneumatic tyres and brakes on hand carts.

Tyres and wheels on hand carts.

81. The face of the tyre of a hand cart shall be not less than three inches and the diameter of the wheel shall be not less than fifteen inches.

Dimensions of hand carts.

82. No hand cart shall exceed five feet in width or fourteen feet in total length.

Brakes on bicycles and tricycles.

83. (1) Every bicycle and every tricycle shall—

- (a) if it is so constructed that one or more of the wheels is incapable of rotating independently of the pedals, be equipped with a braking system operating on the front wheel or both the front wheels if it has two front wheels;
- (b) if it is not so constructed as aforesaid, be equipped with two independent braking systems one of which operates on the front wheel or both the front wheels if it has two front wheels, and the other of which operates on the rear wheel or one of the rear wheels if it has two rear wheels.

(2) Every other cycle shall be equipped with at least one braking system.

Width of tricycle.

84. The overall width of a tricycle shall not exceed three feet six inches.

Prohibition of warning instruments on certain vehicles.

85. No horn, bell, siren or other form of warning instrument shall be carried on any rickshaw, chair, cart or hand cart or used by the driver or occupant of such vehicle.

PART III.

USE OF VEHICLES.

Section I—Motor vehicles and trailers—general.

Markings on a tractor.

86. The owner of a motor tractor shall cause his name and address, the weight of the vehicle unladen and maximum speed at which it may be driven when not drawing a trailer to be painted or otherwise plainly marked upon some conspicuous place on both sides of the vehicle. The marking shall include the words "without trailer" placed after the maximum speed.

Markings on a goods vehicle.

87. The owner of a goods vehicle shall cause his name and address, the weight of the vehicle unladen, the maximum laden weight as shown on the vehicle licence in respect of such vehicle and the maximum speed at which the vehicle may be driven when

not drawing a trailer to be painted or otherwise plainly marked upon some conspicuous place on the vehicle to be determined by the Commissioner.

88. The owner of a trailer shall cause his name and address, the weight of the trailer unladen and the maximum laden weight as shown on the vehicle licence in respect of such vehicle to be painted or otherwise plainly marked upon some conspicuous place on the trailer to be determined by the Commissioner.

Markings on a trailer.

89. (1) The markings under regulations 86, 87 and 88 shall be in English and in Chinese characters and shall be inscribed in white on a black surface in letters and figures not less than one inch in height and shall be kept clean and unobscured.

Markings general provisions.

(2) For the purpose of this regulation "white" includes the colour of polished aluminium or chromium plating.

90. The total laden weight of a trailer whether wheeled or track laying together with that of any motor tractor, goods vehicle or car drawing such trailer in each case whether wheeled or track laying shall not exceed twelve tons:

Laden weight of vehicle and trailer.

Provided that the Commissioner by permit in writing subject to such terms and conditions and for such period as appears to him fit, may authorize the use of a trailer with motor vehicle drawing it of a total laden weight exceeding twelve tons.

91. The weight transmitted to the road surface by any one wheel of a motor vehicle, other than a road roller, where no other wheel is in the same line transversely shall not exceed three tons and the weight so transmitted by any two wheels in line transversely shall not exceed, in the case of a four-wheeled vehicle, six tons, and in the case of a vehicle with more than four wheels, five tons, and the sum of the weights transmitted to the road surface by all the wheels of a motor vehicle shall not exceed in the case of a vehicle with four wheels, nine tons, and in the case of a vehicle with more than four wheels, twelve tons:

Laden weight of goods vehicle.

Provided that the Commissioner by permit in writing subject to such terms and conditions and for such period as appears to him fit may authorize the use of a motor vehicle which does not comply with the provisions of this regulation.

92. The total weight transmitted to the road surface by any two wheels of a trailer in line transversely shall not exceed four tons:

Laden weight of trailer.

Provided that—

- (a) in the case of a two wheeled trailer forming part of an articulated vehicle the weight transmitted to the road surface by the wheels thereof may equal but shall not exceed six tons if all the wheels of the articulated vehicle are equipped with pneumatic tyres, but the total weight transmitted to the road surface by all the wheels of the articulated vehicle shall not exceed twelve tons;
- (b) the Commissioner by permit in writing subject to such terms and conditions and for such period as appears to him fit may authorize the use of a motor vehicle which does not comply with the provisions of this regulation.

Distribu-
tion of
weight.

93. In the case of a vehicle or trailer whether laden or unladen other than a road roller the weight transmitted to any strip of the surface upon which the vehicle rests contained between any two parallel lines drawn two feet apart on that surface at right angles to the longitudinal axis of the vehicle shall not exceed six tons:

Provided that the Commissioner by permit in writing subject to such terms and conditions and for such period as appears to him fit may authorize the use of a motor vehicle which does not comply with the provisions of this regulation.

Laden
weight
of and
passengers
on a goods
vehicle.

94. (1) The laden weight of a goods vehicle shall not exceed the laden weight shown in the vehicle licence for such goods vehicle.

(2) No person other than the driver and not more than six other persons employed by the owner, licensee or hirer of the vehicle shall be carried on the rear or platform of a goods vehicle:

Provided that the Commissioner, by permit in writing subject to such terms and conditions as appear to him fit, may authorize such employees in excess of six in number to travel on a goods vehicle.

Passengers
on private
car.

95. (1) The seating capacity of a private car shall be the seating capacity shown in the vehicle licence in respect of that vehicle.

(2) No person shall drive or use or cause, suffer or permit to be driven or used a private car for the carriage of passengers more than one in excess of the number of passengers prescribed in the vehicle licence in respect of that vehicle:

Provided that—

- (a) infants in arms shall not be reckoned as passengers for the purpose of this regulation;
- (b) three children not exceeding three feet in height may be reckoned as two passengers for the purpose of this regulation.

96. (1) Every motor vehicle, every trailer drawn thereby and all parts and accessories of such vehicle and trailer shall at all times be in such condition, and the number of passengers carried by, and the weight, distribution, packing and adjustment of the load, of such vehicle or trailer shall at all times be such that no danger is caused or is likely to be caused to any person on the vehicle or trailer or on a road:

Main-
tenance of
vehicle and
conditions
of working
so as not
to be a
danger.

Provided that in the case of an omnibus the provisions of this regulation with regard to the number of passengers carried shall be deemed to be complied with if the number does not exceed that permitted by the vehicle licence in respect of such omnibus.

(2) No motor vehicle or trailer shall be used for any purpose for which it is so unsuitable as to cause or be likely to cause danger to any person on the vehicle or trailer or on a road or to cause damage to a roadway or public or private property.

97. (1) The load carried by any vehicle shall be so secured that danger is not likely to be caused to any person on a road by reason of the load or any part thereof falling from the vehicle.

Loads, etc.
touching
road.

(2) No goods vehicle shall be driven in such a manner that any part of the vehicle, other than the earthing chain of a goods vehicle carrying inflammable goods, or any part of the load on the vehicle shall touch the road.

(3) No goods vehicle shall be driven with the load projecting to the front or to either side beyond the body of the vehicle or projecting to the rear more than six feet beyond the body of the vehicle provided that the Commissioner, by permit in writing subject to such terms and conditions and for such period as appear to him fit, may authorize the use of a vehicle in contravention of this regulation and in the case of a load projecting to the rear more than six feet beyond the body of the vehicle, such conditions shall include a condition that at all times a red flag measuring not less than twelve inches square shall be displayed at a point not more than twelve inches from the extreme projecting point at the rear of the load so as to be easily distinguishable from behind the vehicle.

Maintenance of windscreen wipers, direction indicators, brakes and steering gear.

98. Every windscreen wiper and every direction indicator required by these regulations to be fitted to a motor vehicle and every part of every braking system and of the means of operation thereof fitted to a motor vehicle or trailer, and all steering gear fitted to a motor vehicle shall at all times, while the motor vehicle or trailer is used on a road be maintained in good and efficient working order and shall be properly adjusted.

Use and maintenance of silencer.

99. (1) No person shall use or cause or permit to be used on a road any vehicle propelled by an internal combustion engine so that the exhaust gases from the engine escape into the atmosphere without first passing through the silencer, expansion chamber or other contrivance required by these regulations to be fitted.

(2) Every such silencer, expansion chamber or other contrivance shall at all times while the vehicle is used on a road be maintained in good and efficient working order, and shall not have been altered in such a way that the noise caused by the escape of the exhaust gases is made greater by the alteration.

Maintenance of speed indicator.

100. Every instrument for indicating speed provided in compliance with the requirements of these regulations shall—

- (a) at all material times be maintained in good working order; and
- (b) be kept free from any obstruction which might prevent its being easily read (or the appropriate indication given thereby being easily seen or heard):

Provided that it shall be a good defence to proceedings taken in respect of a contravention of paragraph (a) of this regulation to prove that—

- (a) the defect occurred in the course of the journey during which the contravention was detected; or
- (b) at the time when the contravention was detected steps had already been taken to have the defect remedied with all reasonable expedition.

Maintenance of tyres and tracks.

101. (1) All the tyres or tracks of a motor vehicle or trailer shall at all times while the vehicle or trailer is used on a road be of suitable design and maintained in such condition as to be free from any defect which might in any way cause damage to the surface of the road or danger to persons on or in the vehicle or other persons using the road.

(2) No pneumatic tyre shall be used on a road in such a condition that any part of the cord carcass fabric thereof is exposed.

102. All glass or other transparent material fitted to a motor vehicle shall be maintained in such condition that it does not obscure the vision of the driver while the vehicle is being driven on a road.

Maintenance of glass.

103. Every motor vehicle shall be maintained in such condition and shall be so driven and used on a road, that there shall not be emitted therefrom any smoke, visible vapour, grit, sparks, ashes, cinders, petrol, oil or oily substance, the emission of which could be prevented or avoided by the taking of any reasonable steps or the exercise of reasonable care, or the emission of which might cause damage to other persons or property or endanger the safety of any other users of the road in consequence of any harmful content therein:

Maintenance of vehicle so as not to emit smoke, etc.

Provided that it shall be a good defence to proceedings taken under this regulation to prove that the emission was caused by a mechanical defect in the vehicle which—

- (a) occurred in the course of the journey during which the contravention of this regulation was detected; or
- (b) at the time when the contravention was detected, steps had already been taken to have remedied with all due diligence.

104. (1) No person shall use or cause or suffer or permit to be used on a road any motor vehicle or trailer which causes any excessive noise either directly or indirectly as the result of—

Excessive noise.

- (a) any defect, including a defect in design or construction, lack of repair or faulty adjustment in the motor vehicle or trailer or any part or accessory of such motor vehicle or trailer; or
- (b) the faulty packing or adjustment of the load of such motor vehicle or trailer:

Provided that it shall be a good defence to proceedings taken under this regulation—

- (a) to prove that the noise or continuance of the noise in respect of which the proceedings are taken, was due to some temporary or accidental cause and could not have been prevented by the exercise of due diligence and care on the part of the owner or driver of the motor vehicle; or

(b) in the case of proceedings against the driver or person in charge of the motor vehicle who is not the owner thereof, to prove that the noise arose through a defect in design or construction of the motor vehicle or trailer or through the negligence or fault of some other person, whose duty it was to keep the motor vehicle or trailer in proper condition or in a proper state of repair or adjustment or properly to pack or adjust the load of such motor vehicle or trailer as the case may be, and could not have been prevented by the exercise of reasonable diligence and care on the part of such driver or other person in charge of the motor vehicle.

(2) No motor vehicle shall be used on a road in such manner as to cause any excessive noise which could have been avoided by the exercise of reasonable care on the part of the driver.

Stopping of engine when stationary.

105. The driver of every motor vehicle shall, when the vehicle is stationary otherwise than through enforced stoppage owing to the necessities of traffic, stop the action of any machinery attached to, or forming part of, such vehicle, so far as may be necessary for the prevention of noise :

Provided that this regulation shall not apply so as to prevent the examination or working of the machinery attached to, or forming part of a motor vehicle where any such examination or working is rendered necessary by any failure or derangement of the said machinery or where the machinery attached to or forming part of the vehicle is required to be worked for some ancillary purpose.

Use of warning instruments.

106. (1) When a motor vehicle is stationary on a road no person shall sound or permit to be sounded any warning instrument with which it is fitted except when such use is necessary to prevent risk of accident.

(2) No person shall sound or permit to be sounded any warning instrument unnecessarily or in a manner calculated to cause public annoyance.

(3) No person shall sound or permit to be sounded on any vehicle any warning instrument between the hours of 11 p.m. and 6 a.m. or at any time in any area designated as a silent zone by any enactment.

Reversing.

107. No person shall except in the case of a road roller or other road plant while actually engaged in construction, maintenance or repair of roads, cause a motor vehicle to travel backwards for

a greater distance or time than may be requisite for the safety or reasonable convenience of the occupants of that vehicle or of other traffic on the road.

108. No person in charge of a motor vehicle or trailer shall cause or permit the motor vehicle or trailer to stand on a road in such a position or in such condition or in such circumstances as to be likely to cause any unnecessary obstruction of such road or danger to other persons using the road.

No standing on a road so as to cause obstruction.

109. A driver shall draw into the side of the road and shall stop clear of every crossing when the approach of a fire brigade vehicle, ambulance or police vehicle is indicated by the sounding of a gong, bell or siren and shall remain there until the fire brigade vehicle, ambulance or police vehicle has passed.

Stopping for ambulances, etc.

110. No person in charge of a motor vehicle or trailer drawn thereby shall cause or permit such trailer to stand when detached from the drawing vehicle unless one at least of the wheels of the trailer is prevented from revolving by the setting of a brake or by the use of a chain.

Trailers detached from drawing vehicles.

111. No person while actually driving a vehicle shall be in such a position that he cannot have proper control over the vehicle or that he cannot retain a full view of the road and traffic ahead or that he cannot by means of hand signals or direction indicators give signals to traffic to the rear of the vehicle.

Driver to have proper control of vehicle.

112. No person in charge of a motor vehicle shall quit the vehicle without having stopped the engine and, where the vehicle is fitted with a brake capable of being set, having set the brake so as effectually to prevent two at least or in the case of a vehicle with only three wheels one of the wheels from revolving :

Duty of driver quitting vehicle.

Provided that this regulation shall not apply to prevent the working of the engine of a fire brigade vehicle for fire fighting or pumping purposes.

113. The driver of every vehicle propelled by steam unless two persons are carried upon it for the purpose of driving or attending to the vehicle, shall stop the vehicle whenever it is necessary to attend to the furnace.

Vehicles propelled by steam.

114. Where a trailer is drawn by a motor vehicle whether wheeled or track laying the driver shall be in a position readily to operate any brakes required by these regulations to be fitted to the trailer as well as the brakes of the motor vehicle, unless a person other than the driver is in a position and competent efficiently to apply the brakes of the trailer :

Application of brakes of trailers.

Provided that this regulation shall not apply in the case of trailers which, in compliance with these regulations, are fitted with brakes which automatically come into operation on the overrun of the trailer.

Part of vehicle touching road.

115. No person shall drive a motor vehicle in such a manner that any part of such vehicle other than the wheels or tracks of such vehicle or the earthing chain of a goods vehicle carrying inflammable goods touches the road.

Towing of vehicles.

116. (1) No motor vehicle shall tow any other vehicle unless the tow rope or chain be so adjusted that the distance separating the nearest points of the two vehicles shall not exceed fifteen feet, and steps have been taken to render the tow rope or chain easily distinguishable by other users of the road.

(2) No motor vehicle shall tow any other motor vehicle all the wheels of which are in contact with the ground unless the vehicle which is being towed is in charge of a person holding a driving licence appropriate to the vehicle which is being towed and unless the brakes and steering gear thereof are such that the person in charge of the vehicle which is being towed can exercise control over the speed and direction thereof :

Provided that where a vehicle which is being towed is attached to the towing vehicle by a rigid tow bar it shall not be necessary for the brakes of the vehicle which is being towed to be in working order if the brakes of the towing vehicle are such that the person driving the towing vehicle can exercise control of the speed of both vehicles.

(3) A vehicle being towed shall carry a notice affixed to the rear thereof containing the words "ON TOW" and the characters "拖車" in six inch letters in white on a dark surface.

Restrictions on the use of vehicles to draw trailers and of trailers drawn.

117. No motor vehicle which exceeds twenty-four feet in length shall draw a trailer :

Provided that—

- (a) this regulation shall not apply to any case where a broken down vehicle is being drawn by a motor vehicle in consequence of the breakdown ;
- (b) the Commissioner by permit in writing subject to such terms and conditions and for such period as appears to him fit may authorize the use of a motor vehicle in contravention of this regulation.

118. Every side-car fitted to a motor cycle shall be so attached that the wheel thereof is not wholly outside perpendicular planes at right angles to the longitudinal axis of the motor cycle passing through the extreme projection points in the front and in the rear of the motor cycle.

Side-cars to motor cycles.

- 119.** (1) No motor vehicle shall draw more than one trailer.
- (2) No motor cycle or invalid carriage shall draw a trailer.

Restriction on drawing trailers.

120. No trailer shall be used for the conveyance of passengers.

Trailers not to be used to carry passengers.

121. No mascot shall be carried by a motor vehicle in any position where it is likely to strike any person with whom the vehicle may collide unless the mascot is not liable to cause injury to such person by reason of any projection thereon.

Mascots.

122. (1) The driver of a motor cycle, whether solo or with side-car, shall not carry on his motor cycle more than one person in addition to himself.

Passengers on motor cycle.

(2) No person so carried shall sit otherwise than astride the motor cycle and on a proper seat securely fixed to the motor cycle behind the driver's seat.

(3) No child under the age of eight years shall be carried as a passenger on a motor cycle.

123. (1) No person shall drive or permit to be driven any vehicle on a road for the purpose of advertisement without a permit in writing from the Commissioner.

Advertisement by vehicle.

(2) The Commissioner by permit in writing may authorize the use of any vehicle on any road for the purpose of advertisement subject to such terms and conditions and for such period as he shall deem fit provided that no fee shall be charged for such permit.

Section II—Omnibuses, taxis and public cars.

124. Every entrance, exit and gangway shall be kept clear of obstruction while passengers are being carried.

Obstruction of gangways, etc.

Obstruction of driver. **125.** No person shall be carried on the right-hand side of the driver nor shall any article be so carried in such a position as to be liable to obstruct the driver.

Maintenance of body. **126.** The body both externally and internally and all windows and fittings and all seats for passengers shall be maintained in clean and good condition.

Internal illumination. **127.** The lamp or lamps provided in compliance with the requirements of regulation 69 for the internal illumination of an omnibus and of the upper deck of a double-decked omnibus not fitted with a permanent top to the upper deck shall be kept lighted at all times between sunset and sunrise when passengers are being carried.

Steering arms, etc. **128.** The steering arms, steering rods and joints and all other moving parts of the steering mechanism shall be kept clean and free from rust.

Exhaust pipe. **129.** The exhaust pipe and all apparatus connected therewith shall be maintained in such conditions as to prevent so far as practicable any fumes from entering the vehicle.

Maintenance of speedometer. **130.** Every speedometer provided in an omnibus in compliance with the requirements of regulation 78 shall at all material times be maintained in good working order and kept free from any obstruction which might prevent its being easily read by the driver of an omnibus.

Filling of petrol tanks. **131.** The petrol tank or other fuel tank shall not be filled nor shall any filler cap thereof be removed while the engine is running.

Carriage of dangerous substances. **132.** Except for the fuel and lubricant necessary for the use of the vehicle, no explosive highly inflammable or otherwise dangerous substance shall be carried on an omnibus, a taxi or a public car.

Trailers not to be drawn. **133.** No trailer shall be drawn by an omnibus, a taxi or a public car.

Seating capacity. **134.** (1) The seating capacity of an omnibus, a public car or a taxi shall be the seating capacity shown in the vehicle licence issued in respect of that vehicle.

(2) No person shall drive or use or cause, suffer or permit to be driven or used an omnibus, a public car or a taxi for the carriage of passengers in excess of the number of passengers appearing in the vehicle licence in respect of that vehicle.

(3) The persons to whom such vehicle licence is granted shall not cause or suffer or permit to be on the vehicle passengers or other persons in excess of the number of passengers prescribed as aforesaid.

(4) For the purpose of this regulation—

- (a) infants in arms shall not be reckoned as passengers;
- (b) where in any omnibus only children not exceeding three feet in height and not more than two necessary attendants are carried any three of such children may be reckoned as two passengers; and
- (c) in any public car or taxi, two children not exceeding three feet in height shall be reckoned as one passenger.

135. A conductor shall be carried on any public omnibus whenever such vehicle is carrying passengers for hire or reward. Conductor to be carried.

136. No vehicle shall be authorized as a public omnibus unless— Design of public omnibus.

- (a) prior approval has been obtained in writing from the Commissioner for the particular design or type of chassis to be used in connexion with a public omnibus over the route it is intended to use it;
- (b) the body it is intended to construct or use for the carriage of passengers for hire or reward is constructed to plan and elevation and general arrangement drawings which shall have been previously submitted to and approved by the Commissioner:

Provided that this regulation shall not apply to a public omnibus which is licensed at the coming into force of these regulations.

137. No person shall break or in any way tamper with the seal or mark placed on the taximeter fitted to a taxi in accordance with the provisions of regulation 79 or otherwise tamper with the taximeter. Taximeters.

Section III—Other vehicles.

Towing not permitted.

138. No bicycle, tricycle or rickshaw on any road shall be towed by any other vehicle.

Restriction on the number of persons carried.

139. (1) No bicycle shall be used to carry at one time more persons than the number for which it is designed and no pillion passengers shall be carried on a bicycle:

Provided that a person may be carried on a properly constructed seat affixed to a pedal bicycle in the New Territories other than New Kowloon except on such roads as shall be designated by the Commissioner in accordance with this regulation.

(2) The Commissioner by order may designate any road in the New Territories other than New Kowloon as a road on which no pillion passengers shall be carried on a bicycle.

Driving abreast prohibited.

140. (1) No tricycle or rickshaw shall be driven on the right of another vehicle proceeding in the same direction except when overtaking such other vehicle or when turning right at a road junction.

(2) No bicycle shall be ridden on the right of any two other bicycles proceeding abreast in the same direction except when overtaking such other bicycles or on parts of roads or paths set aside for the exclusive use of bicycles.

(3) Whenever part of a road or path adjacent to a road has been set aside for the exclusive use of bicycles no bicycle shall be used on any other part of the road.

Load on bicycle not to exceed forty pounds.

141. (1) No load on a bicycle shall weigh more than forty pounds if carried on a properly constructed load carrier affixed to the front of the bicycle or more than fifteen pounds if carried on the bicycle in any other manner.

(2) No load on a bicycle shall be of such dimensions as to cause or be likely to cause danger, obstruction or annoyance to any person using the road.

(3) Every load on a bicycle shall be properly and rigidly secured to the bicycle.

Conduct of drivers of chairs.

142. (1) Chairs shall always be carried on the left hand side of the road in single file.

(2) In the event of any breach of this regulation, the drivers of the chair other than the chair on the left hand side of the road shall be guilty of an offence.

Section IV—Lights on vehicles.

143. (1) Except as otherwise provided in these regulations every motor vehicle in motion on any road during the hours of darkness shall carry—

Obligatory lights to be carried.

- (a) two lamps showing to the front a white light visible from a reasonable distance;
- (b) two lamps showing to the rear a red light visible from a reasonable distance:

Provided that—

- (a) in the case of—
 - (i) a motor cycle not having a side-car attached thereto; and
 - (ii) an invalid carriage, only a single lamp showing a white light to the front and a single lamp showing a white light to the rear instead of two of each of such lamps need be carried;
- (b) the requirement of two lamps showing to the rear a red light in lieu of the previous requirement of one lamp showing to the rear a red light shall not apply to any motor vehicle licensed under the Vehicle and Road Traffic Ordinance or under any regulation made thereunder before the 1st day of January, 1949, until the 1st day of January, 1958,

(Cap. 220).

and every such lamp shall, while the vehicle is in motion on any road during such hours as aforesaid, be properly trimmed lighted and in a clean and efficient condition and shall be attached to the motor vehicle in such position and manner as is provided by these regulations.

(2) Every person who causes or permits a motor vehicle to be in motion on any road during the hours of darkness shall provide such vehicle with lamps in accordance with the requirements of these regulations.

144. (1) The provisions of regulation 143 shall apply in the case of a motor vehicle drawing one or more other vehicles subject to the following modifications—

Special provisions as to vehicles towing and being towed.

- (a) the lamps showing a red light need not be carried by the drawing motor vehicle;
- (b) no lamp showing a light to the front need be carried on any motor vehicle being drawn:

Provided that—

- (a) if the distance between any such vehicles exceeds five feet each vehicle shall be required to carry the same lamps as if it were not a drawing vehicle or a vehicle being drawn; and
- (b) if a vehicle being drawn or any load carried thereon projects laterally on either side more than twelve inches beyond the outermost of the lamps showing a white light to the front on that side carried by the vehicle by which it is being drawn or by any preceding vehicle which is also being drawn by the same vehicle a lamp showing to the front a white light visible from a reasonable distance shall be carried on the side or each side on which the vehicle or its load so projects and shall be so placed that no part of the vehicle or its load shall project outwards more than twelve inches beyond a vertical line through the centre of such lamp.

(2) For the purposes of this regulation the distance between two vehicles shall be measured between the nearest points of such vehicles so however that the drawbar and the fittings for its attachment shall not be deemed to form part of either vehicle.

Position of front lamps.

145. (1) Every lamp showing to the front a white light required to be carried on a motor vehicle under these regulations (such lamps being hereinafter referred to as "obligatory front lamps") shall—

- (a) be fixed so that the centre of the lamp is at a height not exceeding five feet from the ground;
- (b) except in the case of a tower wagon or of a motor bicycle be so fixed that no part of the vehicle or its equipment (exclusive of the driving mirror and of any direction indicator when in operation) extends laterally on the same side as the lamp more than twelve inches beyond the centre of the lamp.

(2) When two obligatory front lamps are carried on a motor vehicle, such lamps shall be fixed on opposite sides of the vehicle and, except in the case of a motor cycle having a side-car attached thereto, shall be as nearly as possible of the same power and fixed at the same height from the ground.

146. (1) No lamp showing a light to the front shall be used on any motor vehicle unless such lamp is so constructed fitted and maintained that the beam of light emitted therefrom—

Character of front lamps.

- (a) is permanently deflected downwards to such an extent that it is at all times incapable of dazzling any person standing on the same horizontal plane as the vehicle at a greater distance than twenty-five feet from the lamp whose eye-level is not less than three feet six inches above that plane; or
- (b) can be deflected downwards or both downwards and to the left at the will of the driver in such manner as to render it incapable of dazzling any such person in the circumstances aforesaid, or
- (c) can be extinguished by the operation of a device which at the same time causes a beam of light to be emitted from the lamp which complies with sub-paragraph (a); or
- (d) can be extinguished by the operation of a device which at the same time either deflects the beam of light from another lamp downwards and to the left in such manner as to render it incapable of dazzling any such person in the circumstances aforesaid or brings into or leaves in operation a lamp other than obligatory front lamps, which complies with sub-paragraph (a).

(2) This regulation shall not apply to any lamp fitted with an electric bulb if the power of the bulb does not exceed seven watts and the lamp is fitted with frosted glass or other material which has the effect of diffusing the light.

147. The lamps showing to the rear a red light required to be carried on a motor vehicle in accordance with the provisions of regulation 143 shall be so fixed that—

Position of rear lamp.

- (a) no part of the vehicle or its equipment exceeds laterally more than thirty inches on the off side or on the near side respectively from the nearest part of the off side or the near side reflector;
- (b) the centre of each light is at a height not exceeding three feet six inches from the ground;
- (c) no part of the vehicle projects at any time to the rear more than six feet measured horizontally beyond each such lamp; and

- (d) both lamps shall have the same appearance, when illuminated and the same illuminated area and if such lamps are electrically operated, the wiring shall be so arranged that in the event of any failure of a bulb in either of the lamps, the other lamp shall not thereby extinguished.

Vehicles carrying overhanging or projecting loads.

148. (1) On any motor vehicle carrying a load overhanging laterally more than twelve inches from the centre of the nearest side lamp a lamp showing to the front a white light visible from a reasonable distance shall in substitution for or in addition to such side lamp be carried on the side or each side on which the load so overhangs, and shall be so placed that no part of such load shall project outwards more than twelve inches beyond a vertical line through the centre of such substituted or additional lamp.

(2) On any motor vehicle carrying a load projecting to the rear more than six feet behind any lamp showing a red light to the rear a lamp showing to the rear a red light visible from a reasonable distance shall be carried in substitution for or in addition to such lamp so that no part of such load shall project to the rear more than six feet measured horizontally beyond such substituted or additional lamp :

Provided that this paragraph shall not apply to any motor vehicle when actually in use for the conveyance of a fire escape, if the lamp carried by such motor vehicle and showing a red light to the rear in accordance with the provisions of these regulations is not obscured by the fire escape or any part thereof or attachment thereto when in its normal position on the motor vehicle for the purpose of conveyance.

Restriction of movement of lamps. Side deflection.

149. Except as otherwise provided in these regulations, no light shown by a motor vehicle other than a dipping headlight shall be moved by swivelling deflecting or otherwise while the vehicle is in motion :

Provided that—

- (a) this regulation shall not apply to searchlights or other special lamps fitted to or carried on any vehicle used for naval, military, air force, police or fire fighting purposes;

- (b) the beam of light emitted from not more than two lamps showing a light to the front, other than the obligatory front lamps, fitted to any motor vehicle may be deflected to either side by the movement of, although not necessarily through the same angle, as, the front wheels of the vehicle when turned for the purpose of steering the vehicle, provided that the centre of any such lamp is not more than three feet three inches from the ground.

150. Every bicycle and every tricycle and every invalid carriage on a road during the hours of darkness shall carry—

Lights on bicycles, etc.

- (a) a lamp showing to the front a white light visible for a reasonable distance; and
- (b) a lamp showing to the rear a red light visible from a reasonable distance :

Provided that if a bicycle or a tricycle is being wheeled by a person on foot as near as possible to the near or left-hand edge of a road, no lamp need be carried.

151. Every rickshaw, chair, cart and hand cart on any road during the hours of darkness shall carry a lamp on the right or offside thereof showing to the front a white light and to the rear a red light visible from a reasonable distance :

Lights on rickshaw, etc.

Provided that if a rickshaw, or chair is stationary in any place set aside for rickshaws or chairs or as near as is practicable to the side of the carriageway, no lamp need be carried.

152. No vehicle other than a motor vehicle used solely for fire brigade, ambulance or police purposes shall show a coloured light to the front :

Red lights.

Provided that this regulation shall not apply to a fog lamp of a pattern or style approved of by the Commissioner.

153. (1) No vehicle shall show any light other than a red light to the rear but this regulation shall not apply to a lamp carried by a vehicle for the purposes of the internal illumination thereof or of illuminating a number plate, taximeter or any device for giving signals to overtaking traffic, provided that such device complies with the provisions of regulation 25 or in the case of a public omnibus any device for the purpose of illuminating boards plates or devices indicating the route or destination of the vehicle or pass lights.

Restriction on the number and nature of lamps to be carried.

(2) No vehicle shall exhibit to the rear any illuminated miniature representation of traffic signals or other device which would tend to distract the attention of the driver of a following vehicle.

Markings.

154. Every bulb used in an electric lamp showing light to the front fitted to any vehicle shall have the wattage thereof indelibly marked upon the glass or the metal cap thereof in a readily legible manner.

Extinguishment when necessary.

155. No electric bulb of a power exceeding seven watts in any lamp showing a light to the front fitted to any vehicle shall be kept illuminated while such vehicle is stationary on a road :

Provided that this regulation shall not apply—

- (a) to lamps used—
 - (i) on any vehicle during an enforced stoppage of the vehicle owing to the necessities of traffic ;
 - (ii) for the interior illumination of any vehicle ;
 - (iii) on breakdown vehicles or tower wagons when in use for the special purpose for which they are intended ;
- (b) to searchlights or other special lamps fitted to any vehicle used for naval, military, air force, police or fire brigade purposes.

Restriction on parking at night.

156. No vehicles shall remain stationary during the hours of darkness on the right hand side of a road so that its front lights are facing the direction of oncoming traffic on that side :

Provided that this regulation shall not apply to a vehicle parked on any part of any road specially set aside for the parking of vehicles or as a stand for taxis or public goods vehicles.

Section V—Removal of vehicles.

Owner to remove vehicle.

157. The owner, driver or other person in control or in charge of any vehicle—

- (a) when the vehicle has broken down on a road in such circumstances that the defects cannot be remedied within a reasonable time or the presence of the vehicle is likely unnecessarily to obstruct or to cause danger to other persons using the road ; or

- (b) when required to do so by a police officer on the ground that the vehicle has been permitted to remain at rest on a road in such conditions or in such circumstances as to be likely to cause danger to other persons using the road or to interfere with the use of the road,

shall remove or take all reasonable steps to secure the removal of such vehicles as soon as practicable.

158. A police officer in uniform of the rank of sub-inspector and above may take all reasonable steps to remove or may employ some other persons to remove, and where necessary may provide for the safe custody of, any vehicle if he has reason to believe—

Right of police to remove vehicle.

- (a) that the owner or the driver or other person in control or in charge thereof has failed to take all reasonable steps to remove it or cause it to be removed in accordance with the provisions of regulation 157 or cannot be found in time to remove such vehicle ; or
- (b) that the vehicle has been abandoned ; or
- (c) that as a result of the vehicle being on a road, damage has been caused to any vehicle, person, animal or thing.

159. When any police officer removes or provides for the safe custody of any vehicle or employs any other person to remove it or provide for its safe custody in accordance with regulation 158, except upon proof of failure to exercise reasonable care neither the police officer nor any such other person shall be liable to any action or demand whatsoever for the recovery of any alleged damage to such vehicle or otherwise in respect of the removal thereof.

Protection of police officer removing vehicle.

160. For the purposes of this section the word "vehicle" shall include any load carried thereby.

Definition of vehicle.

PART IV.

Inspection of vehicles, application and penalties.

161. (1) When any person is found or is reasonably believed to be using a vehicle in contravention of any provision of the Vehicle and Road Traffic Ordinance, or of any regulation made thereunder or in contravention of the terms of the vehicle licence in respect of such vehicle, any police officer in uniform of the

Detention of vehicle. (Cap. 220).

rank of sub-inspector or above on production of evidence of his identity may whenever it shall appear that such vehicle or its driver cannot be sufficiently identified or that such action is necessary to cause a discontinuance of such offence take or cause to be taken or require the person in charge of the vehicle to take the vehicle and any trailer attached thereto to a place of safety there to be kept until released by order of a magistrate or of the Commissioner.

(2) No unauthorized person shall remove or cause to be removed such vehicle or trailer from the place of safety pending the order of a magistrate or of the Commissioner.

(3) If the owner of the vehicle or trailer is convicted of an offence against the Vehicle and Road Traffic Ordinance or against any regulations made thereunder the reasonable expenses incurred by the Commissioner in carrying out the provisions of this regulation shall be recoverable by or on behalf of the Commissioner in the same manner as if they were fines imposed by a court of summary jurisdiction.

(4) When any vehicle or trailer is detained under the provisions of this regulation the Commissioner with all reasonable despatch shall give notice in writing to the owner, if the name and address of such owner is known to him, of the seizure and if such vehicle or trailer is not claimed by the owner within three months of the date of its detention the Commissioner thereafter and after giving one month's notice to the magistrate of his intention so to do, may sell by public auction or otherwise dispose of such vehicle or trailer and may apply the proceeds, if any, from the sale or disposal of the vehicle or trailer—

- (a) in payment of any vehicle licence fees which may be due in respect of the vehicle;
- (b) in payment of any charges incurred in carrying out the provisions of these regulations;
- (c) in payment of any damage caused to property of Government by the unlawful use of such vehicle or trailer,

and any surplus remaining thereof shall be transferred to the general revenue of the Colony at the expiry of twelve months from the date of such sale or disposal if not previously claimed by the owner of the vehicle or trailer.

162. (1) Any police officer in uniform of the rank of sub-inspector or above may test and inspect on a road, or subject to the consent of the owner of the premises, on any premises where the vehicle is, any brakes, steering gear, road wheels, road wheel suspension, chassis or body, being part of, or fitted to, a vehicle, and the silencer and exhaust fitted to a motor vehicle and may cause the vehicle and any load thereon to be weighed. Inspection of vehicle.

(2) No such test and inspection on premises where the vehicle is shall be carried out unless either the owner of the vehicle consents or notice of the date and time at which it is proposed to carry out the test and inspection has been given to him personally or left at his address not less than forty-eight hours before the time of the proposed test and inspection, or shall be sent to him, by registered post, at his address not less than seventy-two hours before that time.

163. Nothing in regulation 161 or 162 shall be deemed to authorize any police officer who is not the holder of a valid driving licence for a vehicle of the appropriate class, to drive any vehicle in the course of any removal, test or inspection. Driving licences for police officer.

164. The fee for any permit or permission in writing issued under these regulations unless specifically otherwise stated shall be five dollars. Fees.

165. (1) Subject to the provisions of regulation 6, where by these regulations or by any other enactment, a vehicle is required to comply with any specification or standard, or any fitting, device, mark, apparatus or thing is required to be provided, carried or used on or in connexion with a vehicle, or a vehicle is prohibited from being used, either generally or in any specified manner, place or time, or except only upon stated conditions or in accordance with conditions contained in a permit issued in respect of such vehicle, then, and in every such case, if the vehicle is upon or used in any road in contravention of the terms of such enactment or of any such conditions, the owner, licensee, driver and person in charge of the vehicle at the time of such contravention, shall be guilty of an offence. Offences and penalties.

(2) Any person who contravenes any of the provisions of regulation 85, 86, 87, 88, 95, 99, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 122, 123, 137, 143 or 157 and paragraph (2) of regulation 161 shall be guilty of an offence.