

trade marks or industrial processes or information relating thereto under agreements made before the said date, there shall not be included in relation to any year or part of a year falling within the period beginning on the 1st day of September, 1939, and ending with the date of the coming into operation of the Ordinance a sum exceeding the highest amount falling due under the agreement during any one of the years 1936, 1937, 1938 or 1939, or, as the case may be, a proportionate part of such highest amount.

For the purposes of the proviso to this paragraph the amount falling due in the year 1939 shall be calculated proportionately by reference to the amount earned up to the end of August of that year.

Conversion of claims in foreign currency.

20. (1) Where a claim is made in respect of a debt expressed in a foreign currency the amount calculated in accordance with regulation 19 hereof shall be converted into sterling at a rate to be determined by the Governor; and the resulting sterling sum shall be the amount for which the claim may be admitted for payment under these regulations.

(2) The rate determined by the Governor for any foreign currency under paragraph (1) shall, where possible, be based upon the middle rate or rates for telegraphic transfers ruling in the London market for that currency on the 31st day of August, 1939, or, if there were no such rates for that foreign currency on the said date, at the middle rate or rates for telegraphic transfers last ruling in the London market for that foreign currency before the said date, and shall, for the purpose of converting into sterling any unit of German currency, be the rate for free marks.

Notice of determination by Administrator.

21. (1) The Administrator shall determine whether any claim is established for the purposes of these regulations and the amount for which it may be admitted for payment, and shall serve written notice of the determination on the claimant.

(2) The determination of the Administrator in relation to any claim shall be final :

Provided that the claimant, if dissatisfied with the determination as being erroneous in point of law, may by notice in writing given within six weeks after being served with notice of determination as aforesaid and setting out the question or questions of law in respect of which it is alleged that the determination of

the Administrator was erroneous, require the Administrator to state and sign a case for the opinion thereon of the court and the decision of the court shall be final.

(3) The Administrator shall be entitled to appear at the hearing of any case stated by him under this regulation.

22. The proceeds of German enemy property collected by the Administrator shall, in so far as they are not distributed in accordance with the provisions of regulation 23, form a general fund and shall, from time to time, be distributed in paying dividends to persons whose claims have been duly established for the purposes of these regulations, calculated in each case by reference to the amount for which the claim has been admitted for payment.

Distribution of proceeds of property.

23. (1) Where, in the case of a claim established for the purposes of these regulations, the Administrator holds the proceeds of any German enemy property which belonged to or was held or managed on behalf of any German person from whom the debt was due, such proceeds may, if it would be more favourable to the claimant to do so, be distributed to the claimant to an extent not exceeding the amount for which the claim is admitted for payment :

Claims against property.

Provided that the amount so distributed to any claimant of the proceeds of property which belonged to or was held or managed on behalf of any particular German person shall not exceed the amount of the German enemy debt due from him to that claimant.

(2) If more than one claim is established for the purposes of these regulations in respect of debts due from the same German person and the proceeds of any German enemy property which belonged to him or was held or managed on his behalf are insufficient to make payment to the extent authorized by paragraph (1) hereof to all the claimants, any distribution under the said paragraph (1) shall be made proportionately to the amount for which each claim is admitted for payment under these regulations.

(3) Any payment under this regulation in respect of any claim shall be in substitution for, and not in addition to, any payment under regulation 22 in respect of that claim.

(4) For the purposes of this regulation German enemy property does not include property or the proceeds of property transferred to the Administrator pursuant to section 5 or 6 of the Ordinance.

Collateral security.

24. If a person establishes separate claims for the purposes of these regulations in respect of a principal debt and of any one or more other debts entered into by way of collateral security for or guarantee of the principal debt or any part thereof, he shall only be entitled to receive payment under these regulations in respect of the principal debt and not in respect of any of the other debts :

Provided that, if there are proceeds available for distribution under regulation 23 in the case of any of the other debts, the Administrator may make payments under these regulations separately in respect of those debts and also in respect of the balance of the principal debt, so however that the total amount paid shall not exceed the amount of the German enemy debt due from the principal debtor.

Fees.

25. (1) Fees shall be charged to persons whose claims in respect of German enemy debts have been established for the purposes of these regulations.

(2) The amount of such fees shall be one dollar, or such percentage (not exceeding 3 per cent) as the Governor may from time to time determine, of the sum which may be payable to the claimant under these regulations whichever is the greater.

(3) The Administrator shall be entitled to deduct the amount of any fee from any payment which he is authorized to make to a claimant under these regulations.

FIRST SCHEDULE. [reg. 19(2)]

Nature of obligation	Weighting factor
Bonds of German External Loan, 1924	1.7
Bonds of German Government International 5½ per cent Loan, 1930	1.5
Konversionskasse 4 per cent Sterling Bonds	1.4
Bonds of Potash Syndicate of Germany 25 year Sinking Fund Gold Loan	1.25
Bonds of City of Saarbruecken 6 per cent Sterling Loan of 1928	0.7

FIRST SCHEDULE—Contd.

Nature of obligation	Weighting factor
Bonds of Austrian Government International Loan, 1930	0.7
Austrian Government Credit Anstalt Bonds, 1936	0.3
Bonds of City of Berlin 6 per cent Sterling Loan, 1927	1.14
Bonds of City of Cologne 6 per cent Sterling Loan, 1928	1.04
Bonds of City of Dresden 5½ per cent Sterling Loan of 1927 ...	1.25
City of Munich 6 per cent Sterling Bonds	1.25
Bonds of State of Hamburg 6 per cent Sterling Loan of 1926...	0.86
Bonds of Hamburg Waterworks 6 per cent Sterling Loan	1.04
The Free State of Saxony 6 per cent 25 year Sterling Bonds of 1927	1.12
Bonds of Province of Westphalia 7 per cent Sterling Loan of 1926	1.25
Prussian Electric Company 6 per cent 25 year Sterling Bonds .	1.1

SECOND SCHEDULE. [reg. 18(4)]

FORM 1.

Distribution of German Enemy Property Regulations, 1956.

CLAIM FORM.

(To be used for a claim in respect of a bond listed in the First Schedule to the regulations).

1. PARTICULARS OF PERSON MAKING CLAIM.
 - Name
 - Address
2. PARTICULARS OF THE PERSON WHO OWNED THE BOND ON 18TH JULY, 1956.
 - A. *In the case of an individual:—*
 - (i) Name
 - (ii) Residential address on 18th July, 1956
 - (iii) Whether carrying on business in the Colony on 18th July, 1956
 - (iv) Nationality on 18th July, 1956

B. In the case of a body of persons:—

- (i) Name
- (ii) Address
- (iii) Whether on 18th July, 1956, a body of persons incorporated or constituted under the laws in force in the Colony

3. TO BE COMPLETED BY ALL PERSONS MAKING A CLAIM.

I/WE hereby claim in accordance with the provisions of the Distribution of German Enemy Property Regulations, 1956, in respect of debts arising from the Bonds listed herein.

I/WE declare, in respect of all the German enemy debts which are the subject of this claim, that I/we have not, since 18th July, 1956, sold those debts or any of them, together with the right to make a claim in respect thereof, and in the event of any such sale being effected by me/us on or before 1st November, 1956, I/we undertake to notify the Administrator of the fact within one month from the date of such sale.

I/WE further declare that all the statements made by me/us in this claim form are true and correct to the best of my/our knowledge and belief, and that this is the only claim I/we have made in respect of debts arising out of the bonds listed herein.

Date Signed

If the person making the claim is a body of persons, state relationship of signatory to such body

FOR OFFICIAL USE ONLY

Amount Claimed	Amount Rejected	Weighting	Amount Admitted	Signatures	
				Exam.	Pre-audit

LIST OF BONDS COVERED BY THIS CLAIM.

1.	2.	3.	4.	5.	6.
Description of security. A. Bonds which have been acquired by purchase after 18th July, 1956. B. Bonds which have not been acquired by purchase after 18th July, 1956.	Capital outstanding at 3rd September, 1939, in original currency.	Serial and/or definitive number(s). Face value of each bond.	State whether one or more coupons or warrants overdue and unpaid at 16th December, 1949, were at 18th July, 1956, owned by the person who then owned the relative bond. Answer either YES or NO.	Where any bond covered by this claim, together with one or more coupons or warrants relative thereto, has been acquired by purchase after 18th July, 1956, with the right to make a claim in respect thereof, state the date of the purchase.	For official use only.

FORM 2.

Distribution of German Enemy Property Regulations, 1956.

CLAIM FORM.

(To be used for any claim other than a claim in respect of a bond listed in the First Schedule to the regulations).

1. PARTICULARS OF PERSON MAKING CLAIM.

Name
Address

2. PARTICULARS OF PERSON(S) TO WHOM THE SUM(S) WAS/WERE DUE ON 18TH JULY, 1956.

A. To be completed if the sum claimed was due on 18th July, 1956, to an individual: -

- (a) Name in full
(b) Address at 18th July, 1956.
(i) Residence
(ii) Place of business (if any)
(c) Nationality at 18th July, 1956
(d) Nationality at 3rd September, 1939
(e) Address at 3rd September, 1939
(i) Residence
(ii) Place of business (if any)

B. To be completed if the sum claimed was due on 18th July, 1956, to a company or other body of persons

- (a) Name in full
(b) Address at 18th July, 1956

3. PARTICULARS OF GERMAN DEBTOR ON 3RD SEPTEMBER, 1939.

- (a) Name
(b) Address at 3rd September, 1939
(c) Nationality at 3rd September, 1939, if an individual
(d) If a body of persons (corporate or unincorporate) please state whether, on 3rd September, 1939, it was a body incorporated or constituted in or under the laws of Germany, as defined in the Distribution of German Enemy Property Ordinance, 1956, that is Germany as at 1st March, 1938
(e) Present name (if different from (a))
(f) Present address (where known)

4. PARTICULARS OF THE PERSON(S) WHO ON 3RD SEPTEMBER, 1939, WAS/WERE ENTITLED TO THE BENEFIT OF THE OBLIGATION(S) GIVING RISE TO THE DEBT(S) COVERED BY THIS CLAIM.

- 1. Was such person the person named in 2 above?
2. If NOT state
(a) Name of the person who on 3rd September, 1939, was entitled to the benefit of the obligation
(b) Address of such person at 3rd September, 1939 (if an individual)
(i) Residence
(ii) Place of carrying on business (if any)
(c) Nationality at 3rd September, 1939, of such person (if an individual)
(d) If the person named in 2(a) above was a body of persons, was such body at that date a body of persons incorporated or constituted under the laws in force in the Colony?

5. PARTICULARS OF BUSINESS AT 3RD SEPTEMBER, 1939.

- (a) State whether or not the person(s) who on 3rd September, 1939, was/were entitled to the benefit of the obligation carried on business at that date both inside and outside the Colony
(b) If so, state whether or not the total amount of the debt in respect of which the claim is made was attributable to business carried on inside the Colony
(c) If not, state the amount attributable to business carried on inside the Colony, in original currency

6. DISCHARGED DEBTS.

(To be completed only if the claim in respect of a debt (or debts) discharged between 16th December, 1949, and 18th July, 1956).

- (i) Name of person to whom the debt was due at the date of discharge
(ii) If such person is/was an individual, state
(a) The address where he was resident at the date of discharge of the debt(s)
(b) His business address (if any) at that date
(c) His nationality at that date or
(iii) If such person is/was a company or other body of persons, state
(a) The address of such body at the date of discharge of the debt(s)
(b) Whether such body was at that time a body of persons incorporated or constituted under the laws in force in the Colony

**7. PARTICULARS OF CLAIM(S) AGAINST THE DEBTOR IN SECTION 3.
TO BE COMPLETED WHERE APPROPRIATE.**

(a) BONDS AND LOANS, other than those listed in the First Schedule to the Distribution of German Enemy Property Regulations, 1956.	(1) Description including rate of interest payable.	(2) Amount of interest due at 16th December, 1949, in original currency.	(3) Amount (if any) of sinking fund payments accrued and due on 16th December, 1949.	(4) Amount (if any) due at 16th December, 1949, in respect of capital repayment in accordance with the terms of the loan.	TOTAL AMOUNT CLAIMED (IN ORIGINAL CURRENCY).	FOR OFFICIAL USE ONLY.
(b) TRADE DEBTS, i.e. sums due in respect of— (i) goods supplied in course of trade; (ii) services incidental to goods supplied; or (iii) shipping freight, rebates or fares.	(i) Basis of claim. Give brief description of contract out of which debt(s) arise(s) including date(s) when obligation(s) incurred and date(s) when debt(s) to which this claim refers became due. (ii) Amount of debt (in original currency) unpaid on 16th December, 1949, excluding interest. (iii) Amount (if any) in original currency of interest due under original contract and unpaid at 16th December, 1949.					

(c) ROYALTIES and similar payments arising out of the use in Germany of inventions, designs, trade marks or industrial processes or information relating thereto under agreements made before the said date.	(i) Basis of claim including particulars of agreement.	3rd Sept. 1939-31st Dec. 1939	1936	1937	1938	1939 (to 31st August)						
(ii) Amounts (in original currency) falling due under the agreement for the years 3rd September, 1939, to 31st August, 1939.	Amount unpaid (if any)	Paid	Unpaid									
(iii) Amounts (in original currency) falling due under the agreement in each year from 1st September, 1939, up to 16th December, 1949, or to the expiration of the agreement if before that date.	Period	1939 (1st Sept.-31st Dec.)	1940	1941	1942	1943	1944	1945	1946	1947	1948	1949 (to 16th Dec.)
	Paid											
	Unpaid											

<p>(d) RENTS.</p>	<p>(i) Basis of claim including particulars of agreement.</p>	<p>(iv) Amount of rent due and unpaid at 3rd September, 1939 (IF PAYABLE IN GERMAN CURRENCY).</p>	<p>(v) Amount (in original currency) of rent due and unpaid at 16th December, 1949, if payable in a currency other than GERMAN CURRENCY.</p>
	<p>(ii) State amount of rental (in original currency).</p>		
<p>(e) DIVIDENDS on shares or stock declared before 3rd September, 1939. Evidence of ownership covered by this claim must be submitted with the claim form.</p>	<p>(iii) Give date(s) when each rental payment covered by this claim became due but was not paid.</p>		
	<p>(i) Name of body which issued the shares or stock.</p>		
	<p>(ii) Number or amount and class of shares or stock held.</p>		
	<p>(iii) Date (or dates) of dividend declaration(s) with rate(s) of dividend declared.</p>	<p>Date(s)</p>	<p>Rate(s)</p>

<p>(f) DEBTS arising out of credits or advances which did not fall under the German Credit Agreement of 1933 (the Standard Agreement) or earlier Standard Agreement, but which were made for the purpose of financing current trade by persons carrying on the business of banking in Hong Kong.</p>	<p>(i) Manner in which indebtedness arose.</p>	<p>(iv) Amount claimed as being due in respect of original currency (A), at 16th December, 1949 and (B) at 3rd September, 1939, if different from (A). Give particulars opposite.</p>	<p>A. at 16th December, 1949.</p>	<p>B. at 3rd September, 1939 (if different from A.).</p>
	<p>(ii) Date of obligation.</p>	<p>(v) Give details of any part of (A) or (B) above which was constituted by a balance or part of a balance at a bank, expressed in a unit of German currency.</p>	<p>(i) (ii) (iii) (iv) (v) (vi)</p>	<p>(i) (ii) (iii) (iv) (v) (vi)</p>
	<p>(iii) Date(s) debt(s) became due.</p>			

Explanatory Note.

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

These regulations, which are based on the Distribution of German Enemy Property (No. 1) Order, 1950 (1950 No. 1642) and the Distribution of German Enemy Property (No. 2) Order, 1951 (1951 No. 1899) as amended by the Distribution of German Enemy Property (No. 2) (Consolidated Amendment) Order, 1952 (1952 No. 633), provide for the collection and realization of German Enemy Property and give to the Administrator of German Enemy Property appointed under section 3 of the Distribution of German Enemy Property Ordinance, 1956, certain powers and duties for those purposes.

(Secretariat 97/812/46)



DANGEROUS DRUGS ORDINANCE.

(Chapter 134).

**DANGEROUS DRUGS (AMENDMENT OF SCHEDULE)
(No. 2) ORDER, 1956.**

In exercise of the powers conferred by section 3 of the Dangerous Drugs Ordinance, the Governor in Council has made the following Order—

1. This Order may be cited as the Dangerous Drugs Citation. (Amendment of Schedule) (No. 2) Order, 1956.

2. The drugs specified below shall be included as items Nos. 30, 31, and 32 in the First Schedule to the Dangerous Drugs Ordinance— Amendment
of First
Schedule
(Cap. 134).

- “30. Dimethylthiambutene, its salts and any preparation, admixture, extract, or other substance containing any proportion of dimethylthiambutene.
- 31. Diethylthiambutene, its salts and any preparation, admixture, extract, or other substance containing any proportion of diethylthiambutene.
- 32. Ethylmethylthiambutene, its salts and any preparation, admixture, extract, or other substance containing any proportion of ethylmethylthiambutene.”


Clerk of Councils.

COUNCIL CHAMBER,
24th July, 1956.

(Secretariat 5/3281/51)



PUBLIC HEALTH (FOOD) ORDINANCE.
(Chapter 140).

FOOD SHOPS (AMENDMENT) BY-LAWS, 1956.

In exercise of the powers conferred by section 5 of the Public Health (Food) Ordinance, the Urban Council has made the following by-laws—

1. These by-laws may be cited as the Food Shops (Amendment) By-laws, 1956. Citation.

2. By-law 2 of the Food Shops By-laws (hereinafter called the principal by-laws) is rescinded and the following by-law substituted therefor— Rescission and replacement of by-law 2.

“**2.** Except in a public market or under and in accordance with a licence granted by the Council, no person shall warehouse or store with intent to sell, or sell or expose for sale any fresh or frozen meat, fish (including crustaceans and bivalve molluscs of the family Ostreidae) poultry, fruit or vegetable”.

3. By-law 12A of the principal by-laws is amended by the deletion of the words “articles of food for man, usually sold or exposed for sale in a public market, are” and the substitution therefor of the words— Amendment of by-law 12A.

“meat, fish (including crustaceans and bivalve molluscs of the family Ostreidae) poultry, fruit or vegetable is”.

4. The following new by-law is inserted after by-law 44 of the principal by-laws— New by-law 44A.

“**44A.** In any case where the Council is satisfied that the requirements of public health will not be prejudiced thereby, the Council may in respect of any food shop or class of food shops grant exemption from or suspend (with or without imposing conditions) the application of all or any of the provisions of these by-laws. Any such exemption or suspension may be rescinded or varied at any time by the Council



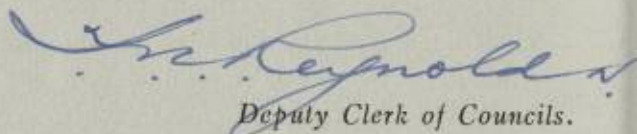
giving one month's notice in writing of intention to rescind or vary the same to the person for the time being managing or having control of such food shop."

Made by the Urban Council this 3rd day of July, 1956.



Secretary.

Approved by the Legislative Council this 25th day of July, 1956.



Deputy Clerk of Councils.

COUNCIL CHAMBER,
25th July, 1956.

Explanatory Note.

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

The purpose of By-law 2 is to make it clear that a licence is required for the sale of fresh or frozen foods of the categories listed. The proposed new By-law 44A gives the Council power to waive or suspend the application of all or any of the By-laws in their application to individual food shops or classes of food shops.

(Secretariat 15/3231/48)

IMMIGRANTS CONTROL ORDINANCE.

(Chapter 243).

**IMMIGRANTS CONTROL (AMENDMENT) (No. 3)
REGULATIONS, 1956.**

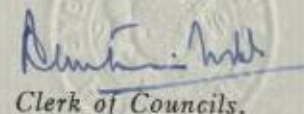
In exercise of the powers conferred by section 35 of the Immigrants Control Ordinance, the Governor in Council has made the following regulations—

1. These regulations may be cited as the Immigrants Citation. Control (Amendment) (No. 3) Regulations, 1956.

2. The Fourth Schedule to the Immigrants Control Regulations is amended by the deletion of the fee "15.00" in the sixth item and the substitution therefor of the following—

"25.00".

Amendment
of Fourth
Schedule.
(Vol. XI,
p. 166).



Clerk of Councils.

COUNCIL CHAMBER,
31st July, 1956.

Explanatory Note.

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

The above amendment brings the local fee for a new passport into line with that now charged in the United Kingdom.

(Secretariat 3953/45)

COLONIAL AIR NAVIGATION ORDER, 1955.

**HONG KONG AIR NAVIGATION (GENERAL) (AMENDMENT)
REGULATIONS, 1956.**

In exercise of the powers conferred by Article 68 of the Colonial Air Navigation Order, 1955, the Officer Administering the Government has made the following regulations—

1. These regulations may be cited as the Hong Kong Air Navigation (General) (Amendment) Regulations, 1956, and shall come into operation on the 1st day of September, 1956. Citation and commencement.

2. Regulation 3 of the Hong Kong Air Navigation (General) Regulations, 1955 (hereinafter referred to as the principal regulations) is amended— Amendment of regulation 3. (G.N.A. 117/55).

- (a) by the deletion from the definition of "night" of the words " , except as specified below, " ;
- (b) by the deletion from the definition of "night" of the third paragraph.

3. Regulation 12 of the principal regulations is amended— Amendment of regulation 12.

- (a) by the deletion of the words "the conditions subject to which an unregistered aircraft or an aircraft registered in the Colony may be permitted to fly within the Colony without a certificate of airworthiness being in force in respect thereof" and the substitution therefor of the following—

"which relate respectively to the flying within the Colony of unregistered aircraft and to the flying within the Colony of aircraft without a certificate of airworthiness being in force in respect thereof, the prescribed conditions";

- (b) by the deletion from sub-paragraph (iii) of the B Conditions of the words "if registered, be marked in accordance with the provisions of Article 9 of the Order, and,".



Amendment of regulation 24.

4. Regulation 24 of the principal regulations is amended by the addition after paragraph (11) of the following new paragraph—

“(12) *For flights on which passengers are carried on and after the 1st day of January, 1957.*

In the case of a flying machine of which, while the flying machine is at rest on the ground, any external door intended for the disembarkation of passengers whether normally or in an emergency has a sill which—

- (a) is more than six feet from the ground when the undercarriage of the machine is in the normal position for taxiing, or
- (b) would be more than six feet from the ground if the undercarriage or any part thereof should collapse, break or fail to function;

at each such door apparatus which—

- (i) will enable passengers to reach the ground safely in an emergency while the flying machine is on the ground, and
- (ii) can be readily fixed in position for use.”.

Amendment of regulation 26.

5. Regulation 26 of the principal regulations is amended by the deletion from paragraph (1)(a) of the figures “73” and the substitution therefor of the following—

“72”.

Addition of new regulation 41A.

6. The principal regulations are amended by the addition after regulation 41 of the following new regulation—

“Requirements as to flights over water by public transport flying machines.

41A. (1) With reference to paragraph (6) of Article 17 of the Colonial Air Navigation Order, 1955 a public transport flying machine when flying over water on or after the 1st day of September, 1956 shall fly, except as may be necessary for the purpose of take-off or landing, at such an altitude as would enable the aircraft—

- (a) if it has one engine only, in the event of the failure of that engine;

- (b) if it has more than one engine, in the event of the failure of one of those engines and with the remaining engine or engines operating within the maximum continuous power conditions specified in the certificate of airworthiness, performance schedule or flight manual relating to the aircraft;

to reach a place at which it can safely land at a height sufficient to enable it to do so.

(2) The assessment of the ability of a public transport flying machine to comply with paragraph (1) of this regulation shall be based on the information as to its performance contained in the certificate of airworthiness, performance schedule or flight manual relating to the aircraft. In the event of the information given therein being insufficient for that purpose or in the event of no such documents having been issued or rendered valid by the Governor, such assessment shall be based on the best information available to the pilot of the aircraft.”.

7. Regulations 55, 56 and 57 of the principal regulations are revoked.

Revocation of regulations 55, 56 and 57.

8. Regulation 61 of the principal regulations is amended by the deletion of the words “by referring to the entry thereof contained in the journey log book”.

Amendment of regulation 61.

9. Regulation 62 of the principal regulations is amended—

Amendment of regulation 62.

- (a) by the deletion of the words “the journey log book and”;
- (b) by the deletion of the words “the relevant particulars in the journey log book shall be entered”;
- (c) by the addition after the words “propeller log book” of the following—
“shall be made”.

10. Regulation 71 of the principal regulations is amended by the deletion from paragraph (2)(a) and (b) of the figures “35” wherever they occur and the substitution therefor of the following—

Amendment of regulation 71.

“40”.

Amendment
of regula-
tion 86.

11. Regulation 86 of the principal regulations is amended by the deletion from paragraph (ii) of the number and words "15 hours' flying" and the substitution therefor of the following—

"10 hours' flying".

Given at Hong Kong this 1st day of August, 1956.

By His Excellency's Command,


Acting Colonial Secretary.

Explanatory Note.

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

These regulations make amendments to the Hong Kong Air Navigation (General) Regulations, 1955, consequential upon provisions of the Colonial Air Navigation (Amendment) Order, 1956, dealing with journey log books. They also amend provisions of those regulations dealing with the requirements applicable to aircraft flown within the Colony on experimental or test flights, the duration of student pilots' licences, and the technical requirements for the grant of private pilots' licences; and contain new provisions requiring the carriage of additional safety apparatus by public transport flying machines on flights with passengers on and after 1st January, 1957, and regulating the altitude at which public transport flying machines must fly when engaged upon flights over water on and after 1st September, 1956.

(Secretariat 15/951/49II).

MAGISTRATES ORDINANCE.

(Chapter 227).

MAGISTRATES (ADMINISTRATIVE) (AMENDMENT) RULES, 1956.

In exercise of the powers conferred by section 131 of the Magistrates Ordinance, the Governor in Council has made the following rules—

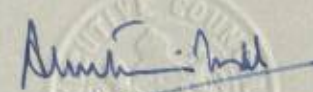
1. These rules may be cited as the Magistrates Citation. (Administrative) (Amendment) Rules, 1956.

2. The Magistrates (Administrative) Rules are amended by the addition, after rule 12, of the following new rule—

"Direction that money found on defaulter shall not be applied in satisfaction of fine.

12A. Where the defendant is committed to prison or other place of detention, any direction given under section 37 of the Ordinance shall be endorsed on the warrant of commitment."

Addition
of new
rule 12A.
(Vol XI,
p. 138).


Clerk of Councils.

COUNCIL CHAMBER,

8th August, 1956.

Explanatory Note.

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

The addition of a new rule 12A to the Magistrates (Administrative) Rules is consequential upon the enactment of the Magistrates (Amendment) Ordinance, 1956, and is complementary to rule 2 of the Prison (Amendment) Rules, 1956.

(Secretariat 48/2961/46II)

PRISONS ORDINANCE, 1954.

(No. 17 of 1954).

PRISON (AMENDMENT) RULES, 1956.

In exercise of the powers conferred by section 27 of the Prisons Ordinance, 1954, the Governor in Council has made the following rules—

1. These rules may be cited as the Prison (Amendment) Rules, 1956.

2. Rule 11 of the Prison Rules, 1954 (hereinafter referred to as the principal rules) is revoked and replaced by the following—

“Prisoner’s property.”

11. (1) Money found on a prisoner committed for non-payment of a fine shall, unless a magistrate otherwise directs in writing on the warrant of commitment, be applied towards the fine adjudged to be paid, provided that the prisoner shall be allowed to keep one dollar and any lesser sum which does not represent a day’s imprisonment.

(2) Subject to the provisions of paragraph (1), all money, clothing and other effects belonging to a prisoner which he is not allowed to retain, shall be placed in the custody of the Superintendent, who shall cause an inventory thereof to be kept. Such inventory shall be signed by the prisoner concerned certifying its correctness.”

3. The principal rules are amended by the addition, after rule 16, of the following new rule—

“Leave of absence.”

16A. (1) The Commissioner may grant leave of absence not exceeding five clear days at any one time to any prisoner who—

- (a) has been sentenced to not less than four years’ imprisonment; and
- (b) is within six months of the earliest date of release; and

Revocation and replacement of rule 11. (Schedule, Ordinance No. 17 of 1954).

Addition of new rule 16A.



(c) has no deportation order made against him.

(2) Any prisoner who without lawful excuse does not return to prison at or before the expiration of the period for which he has been granted leave shall be deemed to have escaped from legal custody and shall be punishable under section 19 of the Ordinance."

Amendment of rule 239.

4. Paragraph (m) of rule 239 of the principal rules is amended by the deletion of the semi-colon at the end thereof and the addition after the word "liquors" of the following—

"or through the influence of drugs;"

Amendment of rule 240.

5. Rule 240 of the principal rules is amended by the deletion of paragraph (2) and the substitution therefor of the following—

"(2) Upon consideration of the case of any such officer or any such person the Governor may, if he considers that some lesser punishment instead of instant dismissal is deserved, either—

(a) inflict one or more of the following punishments—

- (i) reduction in rank;
- (ii) forfeiture of seniority;
- (iii) forfeiture of pay;
- (iv) stoppage or deferment of increments;
- (v) reprimand;

or

(b) alternatively, if the proceedings disclose grounds for so doing, he may without further proceedings require the officer or such person to retire in accordance with the provisions of Colonial Regulations."

Amendment of rule 250.

6. Rule 250 of the principal rules is amended by the deletion of paragraph (b) and the substitution therefor of the following—

"(b) recommend to the Governor that the employment of the officer or person concerned be terminated in accordance with Colonial Regulations on the ground that, having regard to the conditions of the public service, the usefulness of the officer or person concerned thereto and all the other circumstances of the case, such termination is desirable in the public interest;"


7. The principal rules are amended by the addition, after rule 252, of the following new rule—

Addition of new rule 252A.

"Removal of doubt.

252A. For the avoidance of doubt, it is hereby declared that nothing in this Part shall be construed to preclude—

- (a) the dismissal in accordance with Colonial Regulations of a subordinate officer or other person employed in the prisons convicted of a criminal offence; or
- (b) the termination of the employment in accordance with Colonial Regulations of a subordinate officer or other person employed in the prisons on the ground that, having regard to the conditions of the public service, the usefulness of such officer or such person thereto and all the other circumstances of the case, such termination in accordance with Colonial Regulations is desirable in the public interest."


Clerk of Councils.

COUNCIL CHAMBER,
8th August, 1956.

Explanatory Note.

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

The revocation and replacement of rule 11 is consequential upon the enactment of the Magistrates (Amendment) Ordinance, 1956, which, *inter alia*, repeals and replaces section 37 of that Ordinance. The effect of the new rule 11 will be to reduce the number of short-term imprisonments. The reason for leaving the prisoner with the sum of \$1.00 and any small change is to ensure his conveyance to his home upon his release. It is considered that the sum of \$1.00 will be sufficient to meet his bus or ferry fare to most parts of the Colony.

2. After a long period of institutional life a prisoner has many difficult adjustments to make on his return to society. Most penal systems now have provision for the release of prisoners on parole for short periods of home leave during the penultimate months of their sentence. The system has been in use for some time in England, and has more recently been successfully introduced in Malaya. The object of the new rule 16A is, therefore, to allow the Commissioner of Prisons to grant leave of absence to prisoners in order to facilitate their return to society.

3. The amendment contained in the above rule 4 is considered desirable and rectifies an omission in the Prison Rules, 1954 (hereinafter referred to as the principal rules).

4. The provisions governing the discipline of prison officers which are contained in the principal rules are largely based on the general provisions applicable to public officers contained in Her Majesty's Regulations for the Colonial Service. Those regulations have been amended to provide for the removal from the service of any officer whose retention therein, having regard to the conditions of the service, the usefulness of the officer thereto, and all other relevant circumstances, is not desirable in the public interest.

5. Rules 5, 6 and 7 incorporate similar amendments in the principal rules.

(Secretariat 48/2961/46II)



PUBLIC HEALTH (ANIMALS AND BIRDS) ORDINANCE.
(Chapter 139).

PUBLIC HEALTH (ANIMALS AND BIRDS) (AMENDMENT) (NO. 2)
REGULATIONS, 1956.

In exercise of the powers conferred by section 3 of the Public Health (Animals and Birds) Ordinance, the Governor in Council has made the following regulations—

1. These regulations may be cited as the Public Health Citation, (Animals and Birds) (Amendment) (No. 2) Regulations, 1956.

2. Regulation 35 of the Public Health (Animals and Birds) Regulations is rescinded and replaced by the following regulation—

Rescission and replacement of regulation 35. (Vol. X, p. 105).

"Power of Director to order slaughter of cases or contacts.

35. (1) If in the opinion of the Senior Veterinary Officer any animal or bird is suffering from or has been in contact with an animal or bird suffering from an infectious or contagious disease, the Director may order such animal or bird to be slaughtered.

(2) Any animal or bird in respect of which any such order is given shall be slaughtered and the carcase thereof disposed of in such manner and within such time as the Director may direct.

(3) For the purpose of carrying out any such order the Director may give such directions as he may think fit to the owner or person having charge of the animal or bird in respect of which such order was given, and such animal or bird shall be dealt with in accordance with such directions."

Clerk of Councils.

COUNCIL CHAMBER,
14th August, 1956.

Explanatory Note.

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

Regulation 35 of the Public Health (Animals and Birds) Regulations empowers the Director of Agriculture, Fisheries and Forestry to cause any diseased animal or bird to be slaughtered. There is no provision obliging the owner or person having charge of the animal or bird concerned to co-operate in the slaughter and it is considered that such a provision is desirable. The new regulation 35 substituted by these regulations accordingly empowers the Director to give directions to the owner or person having charge and requires that the animal or bird to be slaughtered shall be dealt with in accordance with such directions. Failure to comply with such directions would render the animal or bird liable to forfeiture under section 9 of the Public Health (Animals and Birds) Ordinance, Chapter 139, and, if forfeited, no compensation for slaughter would be payable.

(Secretariat 1/3781/52)



VEHICLE AND ROAD TRAFFIC ORDINANCE.
(Chapter 220).

VEHICLE AND ROAD TRAFFIC (AMENDMENT)
(No. 2) 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 (Amendment) (No. 2) Regulations, 1956.

2. Regulation 27 of the regulations headed "Vehicles and Traffic Regulation" appearing on pages 723 to 816 of Volume II of the Regulations of Hong Kong (1937 Edition) (hereinafter referred to as the principal regulations) is amended by the addition at the end thereof of the following new paragraph—

Amendment
of
regulation
27.

"(2) In any proceedings under this regulation, a permanent sign or other device erected or fixed, in or near any road, shall be deemed to have been so erected or fixed by, or with the authority of, the Commissioner of Police in accordance with the provisions of paragraph (1), unless the contrary is proved."

3. Regulation 42 of the principal regulations is amended by the deletion of the full stop after the words "that purpose" and the substitution therefor of a colon and by the addition thereafter of the following—

Amendment
of
regulation
42.

"Provided that in any proceedings for the contravention of this provision, a traffic sign or traffic signals erected in or near any road shall be deemed to have been lawfully erected for that purpose, unless the contrary is proved."


Clerk of Councils.

COUNCIL CHAMBER,
28th August, 1956.

Explanatory Note.

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

These regulations amend regulations 27 and 42 to obviate the necessity, in any proceedings under these regulations, to prove that a traffic sign or traffic signals, the contravention of which is the subject of the prosecution, was lawfully erected by or with the authority of the Commissioner of Police within the meaning of those regulations. The regulations are modelled on section 36 of the Road Traffic Act, 1934, as amended by section 15 and the Second Schedule, Emergency Laws (Transitional Provisions) Act, 1946.

(Secretariat 3/2781/48)



**ADMINISTRATION OF JUSTICE (SUMMARY OFFENCES)
ORDINANCE, 1955.
(No. 52 of 1955).**

**ADMINISTRATION OF JUSTICE (SUMMARY OFFENCES)
(AMENDMENT OF FIRST SCHEDULE) ORDER, 1956.**

In exercise of the powers conferred by section 7 of the Administration of Justice (Summary Offences) Ordinance, 1955, the Governor in Council has made the following Order—

1. This Order may be cited as the Administration of Justice Citation. (Summary Offences) (Amendment of First Schedule) Order, 1956.

2. The First Schedule to the Administration of Justice Amendment of First Schedule. (Summary Offences) Ordinance, 1955, is amended by the addition of First Schedule. (52 of 1955). at the end thereof of the following—

“5. Driving a vehicle in contravention of instructions displayed or indicated on a permanent sign or other device, erected or fixed, in or near any road, and purporting to show that, at that place—

(a) vehicles, or any specified class or description of vehicles, are prohibited or restricted either generally, or during particular hours; or

(b) the driving of vehicle is prohibited otherwise than in a specified direction,

contrary to paragraph (1) of regulation 27 of the Vehicles and Traffic Regulations—

where the vehicle is a motor vehicle	\$15
where the vehicle is a bicycle	\$10.

6. Driving or using a vehicle on a road between sunset and sunrise not carrying a lamp or lamps showing to the front a white light visible for such distance as will afford adequate means of notifying the approach or position of the vehicle, contrary to regulation 159 of the Vehicles and Traffic Regulations as applied by paragraph (1) of regulation 190 of those regulations. \$15.

7. Driving or using a vehicle on a road between sunset and sunrise not carrying a red lamp to the rear, contrary to regulation 163 of the Vehicles and Traffic Regulations as applied by paragraph (1) of regulation 190 of those regulations. \$15.

- (Cap. 228).
8. Without lawful authority or excuse, setting out or leaving, or causing to be set out or left, any matter or thing which obstructs, incommodes or endangers, or may obstruct, incommode or endanger, any person or vehicle in any public place contrary to subsection (4) of section 3 of the Summary Offences Ordinance. \$10.
9. Between the hours of 11 p.m. and 6 a.m., making or causing or permitting to be made or caused any noise whatever calculated to disturb or interfere with the public tranquility or annoy any person, contrary to subsection (1) of section 12 of the Summary Offences Ordinance. \$10.
10. As a lessee of a market stall, placing or storing any goods outside the market stall or allowing them to project beyond it, contrary to by-law 27 of the Markets By-laws. \$10."
- (Vol. X, p. 147).


Clerk of Councils.

COUNCIL CHAMBER,
28th August, 1956.

Explanatory Note.

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

The Administration of Justice (Summary Offences) Ordinance, No. 52 of 1955, established a procedure whereby a plea of guilty could be forwarded by letter together with the prescribed fine in the case of certain minor offences listed in the First Schedule to that Ordinance. This Order adds to the offences in respect of which this procedure may be followed.

(Secretariat 5/2706/54)

MAGISTRATES ORDINANCE.
(Chapter 227).

MAGISTRATES (FORMS) (AMENDMENT) RULES, 1956.

In exercise of the powers conferred by section 131 of the Magistrates Ordinance, the Governor in Council has made the following rules—

1. These rules may be cited as the Magistrates (Forms) Citation. (Amendment) Rules, 1956.

2. Form 85 of the Magistrates (Forms) Rules is cancelled and replaced by the following form—

"FORM 85. [s. 109.]

Cancellation and replacement of Form 85. (Vol. XI, p. 86).

Magistrate's certificate of refusal to state case.

HONG KONG. IN THE MAGISTRATE'S COURT AT

Whereas on the _____ day of _____, 19____, an information [or complaint] preferred by A.B. against C.D. of

(hereinafter called the defendant) for that he [etc., as in the information, complaint or summons] was heard and determined by me, the undersigned, a magistrate of the said Colony, and thereon [here state the adjudication, order or determination together with any consequential order as to fine, imprisonment, costs or other matter] and whereas the defendant [or A.B.] being dissatisfied with the said determination and alleging that he is aggrieved thereby as being erroneous in point of law [or as being in excess of jurisdiction], has applied to me pursuant to section 103 of the Magistrates Ordinance (*Chapter 227 of the Revised Edition*), to state and sign a case setting forth the facts and grounds of such determination in order that he may appeal therefrom: Now I being of opinion that the application of the defendant [or A.B.] is merely frivolous have refused to state such case, of which refusal the defendant [or A.B.] has requested me to sign and deliver to him a certificate: Now therefore I, the said magistrate, pursuant to section 109 of the said Ordinance, do hereby certify that I am of opinion that the application of the defendant [or A.B.] as aforesaid is merely frivolous, and that I have refused to state such case accordingly.

Dated this _____ day of _____, 19____.

[L.S.] (Signed) _____
Magistrate."


Clerk of Councils.

COUNCIL CHAMBER,
28th August, 1956.

Explanatory Note.

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

Section 3 of the Magistrates (Amendment) Ordinance, 1956 (No. 41 of 1956) amended section 109 of the Magistrates Ordinance, Chapter 227, by the deletion therefrom of the words "or amend" wherever they occur. In consequence, Form 85 had to be amended in order to remove references to the amendment of a case. This is achieved by regulation 2 which, for convenience, cancels and replaces the said Form.

(Secretariat 9/3231/53)



WORKMEN'S COMPENSATION ORDINANCE, 1953.
(No. 28 of 1953).

WORKMEN'S COMPENSATION (RULES OF COURT)
(AMENDMENT) RULES, 1956.

In exercise of the powers conferred by section 33 of the Workmen's Compensation Ordinance, 1953, the Chief Justice has made the following rules—

1. These rules may be cited as the Workmen's Compensation Citation. Citation. (Rules of Court) (Amendment) Rules, 1956.
2. Rule 3 of the Workmen's Compensation (Rules of Court) Rules, 1953 (hereinafter referred to as the principal rules) is amended—
Amendment of rule 3. (G.N.A. 162/53).
 - (a) by the deletion, after the word "require", of the semi-colon and the substitution therefor of a full stop;
 - (b) by the deletion of the following words and full stop appearing thereafter—
"and the fees prescribed in the Second Schedule shall be payable in respect of matters or proceedings under the Ordinance.";
 - (c) by the deletion of the marginal reference "Second Schedule."
3. The principal rules are amended by the deletion of the Second Schedule. Amendment of principal rules.

7th September, 1956.

H. J. Hogan
Chief Justice.

Explanatory Note.

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

Under the Workmen's Compensation (Rules of Court) Rules, 1953, certain fees have been charged which are only nominal where the workmen or their dependants are applying to the Court under the Workmen's

Compensation Ordinance, 1953, but are more substantial where charged against employers. Even though the fees charged to workmen or dependants are nominal it has been found that in many cases it is a hardship for applicants to pay them and it has been necessary to arrange for the applicants concerned to be admitted as paupers under Order 21 of the Code of Civil Procedure to enable them to bring proceedings. Employers have contended that it is inequitable to require them to pay court fees in addition to the actual amount of compensation determined by the Court. The income actually raised by these fees is small compared with the work involved in collecting them and negligible in comparison with the cost of administering the payments received and disbursed in connexion with the Workmen's Compensation Ordinance, 1953.

2. In the circumstances and having regard to the measure of liability which Government has already accepted in providing this service for the benefit of the community, it has been decided to abolish all Court fees relating to workmen's compensation claims and awards and enforcement thereof. This abolition is effected by rules 2 and 3 of the above rules and such abolition will become effective on the date the rules are published in the *Gazette*.

(Secretariat 7569/45)

BIRTHS AND DEATHS REGISTRATION ORDINANCE.

(Chapter 174).

BIRTHS AND DEATHS REGISTRATION (AMENDMENT OF SCHEDULE) REGULATIONS, 1956.

In exercise of the powers conferred by subsection (2) of section 29 of the Births and Deaths Registration Ordinance, the Governor in Council has made the following regulations—

1. These regulations may be cited as the Births and Deaths Registration (Amendment of Schedule) Regulations, 1956.

2. The First Schedule to the Births and Deaths Registration Ordinance is amended by the deletion from item 7 under the heading "BIRTH REGISTER OFFICES" of the words "Shamshuipo Chinese Public Dispensary" and the substitution therefor of the following—

"Shamshuipo District Birth Registry".



Deputy Clerk of Councils.

COUNCIL CHAMBER,
29th August, 1956.

Explanatory Note.

Office space on the first floor of the Shamshuipo District Branch Office has been allotted for the accommodation of the Shamshuipo District Birth Register Office, hitherto accommodated in the Shamshuipo Public Dispensary.

(Secretariat 19/3231/48)

PENICILLIN ORDINANCE.
(Chapter 137).

PENICILLIN (AND OTHER SUBSTANCES) (AMENDMENT) (No. 2)
REGULATIONS, 1956.

In exercise of the powers conferred by section 6 of the Penicillin Ordinance, the Governor in Council has made the following regulations—

1. These regulations may be cited as the Penicillin (and other Substances) (Amendment) (No. 2) Regulations, 1956. Citation.

2. The Schedule to the Penicillin (and other Substances) Regulations is amended by the substitution of a comma for the full stop at the end of item 2 thereof, and by the addition thereafter of the following—
Amendment to Schedule. (Vol. X, p. 53).

“and any derivative thereof.”.


Clerk of Councils.

COUNCIL CHAMBER,
18th September, 1956.

(Secretariat 52/3231/47)



**QUARANTINE AND PREVENTION OF
DISEASE ORDINANCE.
(Chapter 141).**

**QUARANTINE AND PREVENTION OF DISEASE (SCALE OF CHARGES)
(AMENDMENT) REGULATIONS, 1956.**

In exercise of the powers conferred by section 8 of the Quarantine and Prevention of Disease Ordinance, the Governor in Council has made the following regulations—

1. These regulations may be cited as the Quarantine and Prevention of Disease (Scale of Charges) (Amendment) Regulations, 1956. Citation.
2. The Schedule to the Quarantine and Prevention of Disease (Scale of Charges) Regulations, 1951, is amended— Amendment to Schedule. (G.N.A. 215/51).
 - (a) by the deletion in paragraphs 1 and 2 of the full stop after the word "ships" and the addition thereto of the following—
"and buildings."; and
 - (b) by the deletion of sub-paragraph (3) of paragraph 2 and the substitution therefor of the following—
"(3) For each extra dosage above normal dosage of 2 ozs. per 1,000 cubic feet, a 50% surcharge will be made for the first 500,000 cubic feet in spaces requiring such treatment and a 60% surcharge thereafter."; and
 - (c) by the deletion in paragraphs 5 and 6 of the word "deratisation" and the substitution therefor of the following—
"deratting".


Clerk of Councils.

COUNCIL CHAMBER,
18th September, 1956.

Explanatory Note.

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

These regulations amend the scale of charges for fumigation of ships to bring them into line with present costs of Sulphur Dioxide and of Hydrogen Cyanide, and to apply the scale to the fumigation of buildings as well as of ships. The opportunity has been taken to replace the word "deratisation" by the word "deratting" to correspond with the similar amendment made in the Quarantine and Prevention of Disease Ordinance, Cap. 141, by the Quarantine and Prevention of Disease (Amendment) Ordinance, 1955.

(Secretariat 3612/45)



**VEHICLE AND ROAD TRAFFIC (DRIVING LICENCES)
REGULATIONS, 1956.**

ARRANGEMENTS OF REGULATIONS.

<i>Regulation.</i>		<i>Page.</i>
PART I.		
<i>Citation, Commencement and Interpretation.</i>		
1.	Citation and commencement	3
2.	Interpretation	3
PART II.		
<i>Application for Driving Licences for Motor Vehicles.</i>		
3.	Classification of motor vehicles	4
4.	Application for driving licence	4
5.	Grant of licence	5
6.	Paid drivers	6
7.	Disqualifications	6
8.	Physical fitness of applicants and licence holders	6
9.	Driving tests of new applicants for driving licences	8
10.	Tests for learner drivers	9
11.	Age limits for issue of licences	9
12.	Application for instructor's licence	10
13.	Issue, renewal and revocation of instructor's licence	10
14.	Conditions of instructor's licence	11
15.	Competence to drive	11
16.	Retesting of licence holders	11
PART III.		
<i>Applications for driving licences for other vehicles.</i>		
17.	Driving licences for other vehicles	12

<i>Regulation.</i>		<i>Page.</i>
PART IV.		
<i>General.</i>		
18. Issue of duplicate licences		13
19. Production of driving licences		13
20. Withholding of licences		13
21. Commissioner to keep record of licences		13
22. Delegation of powers		13
23. Crown vehicles and exemptions		14
24. Transitional provisions		14
PART V.		
<i>Offences, Penalties and Repeal.</i>		
25. Offences and penalties		14
26. Rescission of parts of the "Vehicle and Traffic Regulation" ...		14
First Schedule — Excepted Diseases and Disabilities		15
Second Schedule — Conditions of Issue of a Provisional Licence		15
Third Schedule — Conditions of Issue of an Instructor's Licence		15
Fourth Schedule — Additional Requirements for a Candidate for a Driving Test		16
Fifth Schedule — Licence Fees		16

VEHICLE AND ROAD TRAFFIC ORDINANCE.
(Chapter 220).

VEHICLE AND ROAD TRAFFIC (DRIVING LICENCES)
REGULATIONS, 1956.

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

PART I.

Citation, Commencement and Interpretation.

1. These regulations may be cited as the Vehicle and Road Traffic (Driving Licences) Regulations, 1956, and shall come into operation on the 1st day of October, 1956. *Citation and commencement.*

2. In these regulations, unless the context otherwise requires— *Interpretation.*
 - “applicant” means a person who has applied for a driving licence;
 - “Commissioner” means the Commissioner of Police or any person authorized in writing by him;
 - “driving instructor” means a person who is the holder of a valid instructor’s licence issued in accordance with the provisions of regulation 13;
 - “driving test” means a test of competence to drive a motor vehicle conducted in accordance with the provisions of regulation 9 or regulation 15;
 - “instructor’s licence” means a licence issued to a driving instructor in accordance with the provisions of regulation 13;
 - “instructor’s test” means a test of competence to act as a driving instructor conducted in accordance with the provisions of regulation 12;
 - “learner driver” means a person to whom a provisional licence has been issued so long as such provisional licence remains in force;
 - “licence holder” means a person to whom a driving licence has been issued so long as such driving licence remains in force;

(Cap. 220). "Ordinance" means the Vehicle and Road Traffic Ordinance;

"provisional licence" means a licence issued in accordance with the provisions of regulation 9;

"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.

PART II.

Application for Driving Licences for Motor Vehicles.

Classifica-
tion of
motor
vehicles.

3. For the purpose of the issue of driving licences, motor vehicles shall be divided into the following classes—

- (a) public cars and taxis;
- (b) private cars and goods vehicles of a weight unladen not exceeding 35 cwt.;
- (c) public omnibuses and hire omnibuses;
- (d) private omnibuses;
- (e) all goods vehicles;
- (f) motor assisted pedal cycles;
- (g) motor tricycles and motor cycles, other than motor assisted pedal cycles;
- (h) invalid carriages.

Applica-
tion for
driving
licence.

4. (1) A person wishing to obtain the issue or renewal of a driving licence in respect of a motor vehicle shall deliver to the Commissioner an application therefor in such form as shall be prescribed by the Commissioner, duly completed and signed by the applicant, together with, in the case of an application for

the issue of a driving licence and, if required by the Commissioner, in the case of an application for the renewal of a driving licence, two copies of his photograph of a reasonable likeness to the satisfaction of the Commissioner and of a size not greater than 2 inches x 2 inches and not less than 1½ inches x 1½ inches.

(2) In the application the applicant shall state whether he has held a driver's certificate or licence in any other country, whether any such certificate or licence has been endorsed, suspended or cancelled and whether he is disqualified by reason of age, health or otherwise from obtaining the licence for which he is applying.

5. (1) Subject to the provisions of these regulations as to driving tests and as to physical fitness of applicants, the Commissioner, except in the case of an applicant who is disqualified hereinafter mentioned or of an applicant to whom in the opinion of the Commissioner it would not be in the public interest to issue a licence, shall issue to the applicant a driving licence—

Grant of
licence.

- (a) valid for a period of twelve months from the date of issue thereof on payment of a fee of ten dollars; or
- (b) valid for a period of three years from the date of issue thereof on payment of a fee of thirty dollars.

Provided that the Commissioner if he considers it necessary or expedient so to do, for the purpose of effecting renewal of any driving licence or class of driving licence may grant days of grace not exceeding fifteen in number.

(2) A driving licence may authorize the holder thereof to drive any class of motor vehicles or such type within any class as the Commissioner may specify therein.

(3) Where under the provisions of these regulations the applicant is subject to any restriction with respect to the driving of any class of motor vehicle the extent of the restriction shall be specified on the driving licence.

(4) Every person to whom a driving licence is issued shall forthwith sign it in ink with his usual signature.

(5) A licence holder shall notify the Commissioner of any change of the address of his place of residence within seventy-two hours of such change and shall produce to the Commissioner his driving licence.

Paid drivers.

6. An applicant or a licence holder who desires or intends to drive a motor vehicle in return for a salary or other remuneration shall notify the Commissioner of this fact and if required by the Commissioner shall permit impressions of his fingers to be taken in such manner as the Commissioner may direct and, in the case of a licence holder, if so required, shall produce his driving licence to the Commissioner for endorsement.

Disqualifications.

7. (1) A person shall be disqualified from obtaining a driving licence—

- (a) while another driving licence issued to him is in force, whether such licence is suspended or not;
- (b) if by conviction under the Ordinance or by an order of a court or magistrate in the Colony, he is disqualified from holding or obtaining a driving licence.

(2) In any proceedings the fact that a driving licence has been issued to a person shall be evidence that that person for the purpose of obtaining that licence made a declaration that he was not disqualified from holding or obtaining the licence.

(3) If any person is aggrieved by the refusal of the Commissioner to issue a driving licence he, after giving the Commissioner notice of his intention so to do, may appeal to the Governor in Council and on such appeal the Governor in Council may make such order as he thinks fit and any order so made shall be binding on the Commissioner.

Physical fitness of applicants and licence holders.

8. (1) On the application for the issue of a driving licence, the applicant shall make a declaration as to whether or not he is suffering from any such disease or physical disability as may be specified in the application form, or any other disease or physical disability which would be liable to cause the driving by him of a motor vehicle being a motor vehicle of such class or description as he would be authorized to drive by the licence for which he is applying, to be a source of danger to the public.

(2) If, from the declaration, it appears to the Commissioner that the applicant is suffering from any such disease or disability, the Commissioner shall refuse to issue the driving licence :

Provided that—

- (a) a driving licence limited to driving an invalid carriage may be granted to the applicant if the Commissioner is satisfied that the applicant is fit to drive an invalid carriage;
- (b) the applicant may, except in the case of such diseases and disabilities as are set forth in the First Schedule, on payment of a fee of twenty dollars, claim to be subjected to a test as to his fitness or ability to drive a motor vehicle of any such class or description as he would be authorized by the driving licence to drive, and if he passes the prescribed test and is not otherwise disqualified the driving licence shall not be refused by reason only of the provisions of this paragraph provided that if the test proves his fitness to drive only a motor vehicle of a particular construction or design, the driving licence shall be limited to the driving of a vehicle of such construction or design.

First Schedule.

(3) If it appears to the Commissioner that there is reason to believe that any person, who holds a driving licence, is suffering from a disease or physical disability liable to cause the driving by him of a motor vehicle, being a motor vehicle of any such class or description as he is authorized by the driving licence to drive, to be a source of danger to the public and, after making such inquiry as he considers necessary, the Commissioner is satisfied that the licence holder so suffering as aforesaid has previously passed a test under this regulation the Commissioner, after giving to the licence holder notice of such intention, may revoke the driving licence :

Provided that a licence holder except in the case of such diseases and disabilities as set forth in the First Schedule may claim to be subjected to a test as to his fitness or ability to drive a motor vehicle, and if he passes the prescribed test, the driving licence shall not be revoked or, if it has already been revoked, it shall be returned to the licence holder and the revocation thereof shall be rescinded.

(4) A licence holder who has received from the Commissioner the notice referred to in paragraph (3) of this regulation shall deliver his driving licence to the Commissioner for cancellation within seventy-two hours of receipt of such notice.

(5) A licence holder whose driving licence is endorsed "Holder must wear suitable glasses when driving" shall not drive without wearing such glasses.

Driving tests of new applicants for driving licences.

9. (1) A driving licence shall not be issued to any applicant unless he has satisfied the Commissioner that at some time he has passed a driving test:

Provided that the Commissioner notwithstanding the foregoing provision may issue a driving licence to—

- (a) an applicant who satisfies him that some time within three years before the date on which he made the application he had held a driver's certificate or licence issued by a competent authority in any country authorizing him to drive motor vehicles of the class or description which he would be authorized to drive by the licence for which he has applied; and
- (b) the driver of a motor vehicle, the property of a foreign government temporarily brought into the Colony for the use of an officer of Flag rank of the naval forces of such government who satisfies the Commissioner that he is competent to drive and who is a member of such forces.

(2) For the purpose of enabling the applicant to learn to drive a motor vehicle with a view to passing a driving test the Commissioner if so requested by the applicant and on payment of a fee of twenty dollars may issue to the applicant a provisional licence valid for six months from the date of issue.

Second Schedule.

(3) A provisional licence shall be issued under the conditions set forth in the Second Schedule and any further conditions which the Commissioner may impose in respect thereof.

(4) A person to whom a provisional licence is granted shall not drive a motor vehicle except in accordance with the conditions under which such provisional licence has been granted under paragraph (3).

(5) A court or magistrate, before whom a person is convicted of an offence under section 4 or 6 of the Ordinance, whether he has previously passed a driving test or not, and whether or not the court or magistrate makes an order under section 10 of the Ordinance disqualifying him from holding or obtaining a driving licence to drive motor vehicles, may order him to be disqualified

from holding or obtaining a driving licence other than a provisional licence, to drive motor vehicles of any class until, after the date of the order, he has passed a driving test in respect of vehicles of that class.

(6) A court or magistrate which makes an order under section 10 of the Ordinance disqualifying a person from holding or obtaining a driving licence to drive any motor vehicle or motor vehicles of any class may in addition order that, after the expiry of the period of disqualification, such person shall be disqualified from holding or obtaining a driving licence other than a provisional licence to drive motor vehicles of any class until he has passed a driving test in respect of vehicles of such class.

10. (1) A learner driver desiring to submit himself for a driving test shall make an application to the Commissioner and shall pay to the Commissioner a fee of twenty dollars. Tests for learner drivers.

(2) On receipt of such application and such fee the Commissioner shall notify the learner driver of the time and place of the driving test.

(3) A driving test shall be conducted by an examiner authorized in writing by the Commissioner.

(4) If a learner driver has been tested by a duly authorized examiner and has failed the driving test, the Commissioner may refuse to permit him to undergo a further driving test until the expiry of one month from the date of such failure.

(5) A learner driver who wishes to be tested shall provide at his own expense for the driving test a motor vehicle of the type for which he wishes to be tested and which in the opinion of the examiner is suitable for the purpose and in good mechanical condition.

11. (1) A driving licence shall not be issued to any person under the age of eighteen years. Age limits for issue of licences.

(2) A provisional licence shall not be issued to a person for the driving of a taxi, a public car or goods vehicle unless such person has attained the age of twenty-one years and unless exempted by the Commissioner, has held a driving licence, other than a provisional licence, to drive a motor vehicle, other than a motor cycle, a motor tricycle for at least three years.

(3) A driving licence for the driving of an omnibus or of a goods vehicle of a weight unladen exceeding 35 cwt. shall not be issued to a person who is less than five feet four inches in height.

Application for instructor's licence.

12. (1) No person shall act as a driving instructor unless he has passed an instructor's test and has been issued with an instructor's licence.

(2) Any person desiring to submit himself for an instructor's test shall deliver to the Commissioner an application therefor in such form as shall be prescribed by the Commissioner together with two copies of his photograph of a reasonable likeness to the satisfaction of the Commissioner and of a size not greater than 2 inches x 2 inches and not less than 1½ inches x 1½ inches and shall pay to the Commissioner a fee of twenty dollars.

(3) No person shall be eligible to submit himself for an instructor's test unless he is the holder of a valid driving licence in respect of the class of vehicle in which he intends to act as a driving instructor and has held such a driving licence for three years or such lesser period as the Commissioner may decide in any particular case.

(4) On receipt of such application and such fee the Commissioner shall notify such person of the time and place of the instructor's test.

(5) An instructor's test shall be conducted by an examiner authorized in writing by the Commissioner.

(6) Any person who submits himself for an instructor's test shall provide at his own expense for the instructor's test a motor vehicle of the class for which he wishes to be tested and which in the opinion of the examiner is suitable for the purpose and in good mechanical condition.

Issue, renewal and revocation of instructor's licence.

13. (1) The Commissioner may issue to any person who has passed an instructor's test, an instructor's licence in respect of the class of vehicle for which such person has been tested, valid for one year from the date of issue, on payment of a fee of fifty dollars :

Provided that the Commissioner, if he is satisfied that a person intends to act gratuitously as a driving instructor to one named person only, he may issue an instructor's licence, limited to the instruction of such named person, without payment of such fee.

(2) On application by a driving instructor and on payment of a fee of fifty dollars, the Commissioner may renew an instructor's licence for a further period of twelve months from the date of renewal :

Provided that the Commissioner may require the driving instructor to furnish two copies of his photograph of a reasonable likeness to the satisfaction of the Commissioner and of a size not greater than 2 inches x 2 inches and not less than 1½ inches x 1½ inches on any such application.

(3) An instructor's licence may be revoked by the Commissioner at any time whether the person to whom it was issued was in breach of any condition contained in such instructor's permit or otherwise :

Provided that any person who is aggrieved by the revocation by the Commissioner of an instructor's licence issued to him may appeal to the Governor in Council after giving notice to the Commissioner of his intention to do so, and on such appeal the Governor in Council may make such order as he thinks fit and any order so made shall be binding on the Commissioner.

14. (1) An instructor's licence shall be issued under the conditions set forth in the Third Schedule and any further conditions which the Commissioner may impose in respect thereof.

Conditions of instructor's licence. Third Schedule.

(2) No person shall act as a driving instructor in contravention of the conditions contained in an instructor's licence issued to him or while the person whom he is instructing is acting in contravention of the terms of the provisional licence issued to him.

15. A person shall be deemed for the purposes of these regulations to be competent to drive a motor vehicle if he satisfies an authorized examiner conducting a driving test that—

Competence to drive.

- (a) he is fully conversant with the contents of any highway code issued under the Ordinance ;
- (b) generally, he is competent to drive without danger to and with due consideration for other users of the road, a vehicle of the same class or type as that on which he is tested ; and
- (c) he is able to comply with the additional requirements specified in the Fourth Schedule.

Fourth Schedule.

16. (1) If it appears to the Commissioner at any time that any licence holder is not or may not be competent to drive motor vehicles of the class which he is licensed to drive, the Commissioner may serve notice on the licence holder requiring him to

Retesting of licence holders.

submit himself for a driving test at a place and on a date mentioned in such notice, such date to be not less than fourteen days from the date of service of such notice.

(2) If the licence holder fails to submit himself for the driving test or if he fails the driving test, the Commissioner may revoke the driving licence held by the licence holder.

(3) On revocation of a driving licence, the Commissioner shall serve notice of such revocation on the licence holder and within seventy-two hours of such service, the licence holder shall surrender his driving licence to the Commissioner for cancellation.

(4) Service of any notice under this regulation may be by registered post addressed to the licence holder at the address shown in the register.

(5) No fee shall be payable to the Commissioner for a driving test under this regulation.

(6) The powers vested in the Commissioner under this regulation to require a licence holder to submit himself for a driving test and to revoke a driving licence shall not be exercised by any person other than the Commissioner of Police, the Deputy Commissioner of Police and the Divisional Superintendent (Traffic).

PART III.

Applications for driving licences for other vehicles.

17. (1) No person shall drive a vehicle of the class listed in the Fifth Schedule unless he is in possession of a driving licence in respect of such class of vehicle.

(2) A person wishing to obtain the issue or renewal of a driving licence in respect of a vehicle listed in the Fifth Schedule shall deliver to the Commissioner an application for the issue or renewal thereof in such form as shall be prescribed by the Commissioner duly completed and signed by the applicant, together with the fee stipulated in the second column of the Fifth Schedule and, in the case of an application for a driving licence and, if required by the Commissioner in the case of an application for the renewal of a driving licence, two copies of his photograph of a size not greater than 2 inches x 2 inches and not less than 1½ inches x 1½ inches.

(3) Each licence issued under these regulations shall be valid from the date of issue to the next following date stipulated in the third column of the Fifth Schedule and shall be renewable on such latter date.

Driving licences for other vehicles. Fifth Schedule.

PART IV.

General.

18. (1) If the holder of a driving licence satisfies the Commissioner that such licence has been lost or defaced the Commissioner, on payment of a fee of five dollars in respect of a driving licence to drive a motor vehicle and 50 cents in respect of any other driving licence shall issue to him a duplicate licence and shall endorse thereon any particulars endorsed on the original licence and the duplicate so issued shall have the same effect as the original.

Issue of duplicate licences.

(2) If at any time after the issue of a duplicate licence and during the currency of such duplicate licence the original licence shall be found, the person to whom the original licence was issued shall take all reasonable steps to obtain possession of it and to return it as soon as possible to the Commissioner.

19. Any person driving on a road a vehicle for the driving of which a driving licence is required under the Ordinance or these regulations, on being so required by a police officer, shall produce his driving licence for examination by the police officer, or on being so required, if he has not got his driving licence in his possession, shall produce his driving licence to a police station within seventy-two hours.

Production of driving licences.

20. (1) If the Commissioner has reasonable cause to believe that a driving licence is in possession of a person other than the person to whom it was issued he may, by notice in writing served personally on the person in whose possession such a licence is alleged to be, require him forthwith to deliver the licence to the Commissioner and such person shall forthwith deliver the driving licence to the Commissioner.

With-holding of licences.

(2) The Commissioner shall retain a driving licence delivered to him in accordance with this regulation until it is claimed from him by the person to whom it was issued.

21. The Commissioner shall establish and keep a record of all driving licences issued by him and a record of all endorsements from time to time duly made on such driving licences.

Commissioner to keep record of licences.

22. The Commissioner by instrument in writing under his hand may delegate to any person any of the powers, duties and responsibilities given to him under these regulations.

Delegation of powers.

Crown vehicles and exemptions.

23. (1) The Commissioner may issue a driving licence under the provisions of these regulations without payment of the appropriate fee therefor to any government servant and to any member of the Royal Hong Kong Defence Force, the Special Constabulary, the Essential Services Corps, the Civil Aid Services, the Auxiliary Medical Services or the Auxiliary Fire Services if such driving licence is limited to enable such person to drive Crown vehicles in the course of his duties as such.

(2) The Colonial Secretary in his discretion may waive the payment of any fee under these regulations in respect of the driver of a motor vehicle, the property of a foreign government temporarily brought into the Colony for the use of an officer of Flag rank of the naval forces of such government if such driver is a member of such forces.

Transitional provisions. (Cap. 220).

24. A driving licence issued under any other regulations made under the Vehicle and Road Traffic Ordinance, shall be deemed to be a driving licence issued under the provisions of these regulations.

PART V.

Offences, Penalties and Repeal.

Offences and penalties.

25. Any person who contravenes any of the provisions of regulation 19, paragraph (4) or (5) of regulation 5, paragraph (3) of regulation 6, paragraph (4) or (5) of regulation 8, paragraph (4) of regulation 9, paragraph (1) of regulation 12, paragraph (2) of regulation 14, paragraph (3) of regulation 16, paragraph (1) of regulation 17, paragraph (2) of regulation 18 or paragraph (1) of regulation 20 shall be guilty of an offence and shall be liable, in the case of a first conviction for that offence, to a fine of one thousand dollars and imprisonment for three months and, in the case of a second or subsequent conviction for that offence, to a fine of one thousand dollars and imprisonment for six months.

Rescission of parts of the "Vehicle and Traffic Regulation".

26. Regulation 2, paragraphs (1), (2) and (3) of regulation 4, regulations 7, 9, 12, 15, 16, 43, 44, 56, 57, 58, 59, 60, 61, 64, 65, 66 and 78 of the regulations headed "Vehicle and Traffic Regulation" appearing on pages 723 to 816 of Volume II of the Regulations of Hong Kong (1937 Edition) are rescinded.

FIRST SCHEDULE.

[reg. 8.]

Excepted Diseases and Disabilities.

- (i) Epilepsy;
- (ii) mental disorder including idiocy and any mental disorder as a result of which under the Mental Hospitals Ordinance any Order is in force for the detention of the person affected in a mental hospital or for his discharge under the provisions of section 18 of that Ordinance; (Cap. 136).
- (iii) liability to sudden attacks of disabling giddiness or fainting;
- (iv) inability to read at a distance of 25 yards in good daylight (with the aid of glasses if worn) a series of six letters and figures in white on a black background of the same size and arrangement as those prescribed for the identification mark of a motor vehicle.

SECOND SCHEDULE.

[reg. 9.]

Conditions of Issue of a Provisional Licence.

1. The learner driver shall be accompanied by a driving instructor who is the holder of an instructor's licence in respect of the class of vehicle mentioned in this licence.
2. No person other than a driving instructor shall be carried as a passenger.
3. The vehicle driven shall have a handbrake and ignition switch readily accessible to the driving instructor.
4. The vehicle driven shall have securely fixed at the front and rear a white plate 10 inches by 10 inches on which shall appear in red the letter "L" with arms each 8 inches long and 1 inch in width and within the arms and occupying an area 5 inches by 5 inches shall appear also in red the Chinese character "學".
5. Conditions 1 and 3 above shall not apply to motor cycles and motor assisted pedal cycles.
6. The learner driver may drive only over such roads and at such times as are specified in the provisional licence issued to him.
7. No variation shall be made to any part of a provisional licence except by the Commissioner of Police.

THIRD SCHEDULE.

[reg. 14.]

Conditions of Issue of an Instructor's Licence.

1. An instructor's licence is valid only while the holder is in possession of a valid driving licence to drive the category of vehicle mentioned herein.
2. A driving instructor shall comply with all the conditions mentioned in the provisional licence of the person whom he is instructing.
3. A driving instructor shall carry the instructor's licence issued to him at all times when driving lessons are being given; and shall when called upon to do so, produce this permit for inspection by any police officer in uniform.
4. No variation shall be made to any part of an instructor's licence except by the Commissioner of Police.
5. The Commissioner of Police may, in the case of any breach of the Vehicle and Road Traffic Ordinance or of any regulations made thereunder or of the conditions of the permit cancel, endorse, or suspend an instructor's licence at any time. (Cap. 220).

FOURTH SCHEDULE. [reg. 15.]

Additional Requirements for a Candidate for a Driving Test.

The additional requirements as to which a candidate for a driving test shall satisfy the person conducting the test, shall be that he is able to—

1. read at a distance of 25 yards in good daylight (with the aid of glasses if worn) a motor vehicle registration mark containing six letters and figures;
2. start the engine of the vehicle;
3. move away straight ahead or at an angle;
4. overtake, meet or cross the path of other vehicles and take an appropriate course;
5. turn right and left-hand corners correctly;
6. stop the vehicle on a slope and restart;
7. stop the vehicle in an emergency and normally, and in the latter case to bring it to rest at an appropriate part of the road;
8. drive the vehicle backwards and whilst so doing enter a limited opening either to the right or to the left;
9. cause the vehicle to face in the opposite direction by the use of forward and reverse gears;
10. give, by hand and by mechanical means (if fitted to the vehicle) or, in the case of a disabled driver for whom it is impracticable or undesirable to give signals by hand, by mechanical means, in a clear and unmistakable manner appropriate signals at appropriate times to indicate his intended actions.
11. in the case of a candidate for a driving test to enable him to drive public vehicles, fulfill such other requirements as the Commissioner may add.

FIFTH SCHEDULE. [reg. 17.]

Licence Fees.

Vehicle	Annual fee	Date or time when licence renewable annually
1. Tricycle	\$0.50	1st January
2. Jinricksha		
(a) public vehicle	\$0.50	1st December
(b) private vehicle	\$0.50	1st January
3. Sedan chair public vehicle	\$0.50	1st December

G. M. S.
Clerk of Councils.

COUNCIL CHAMBER,
18th September, 1956.
(Secretariat 47/3231/55)

VEHICLE AND ROAD TRAFFIC (REGISTRATION AND LICENSING OF VEHICLES) REGULATIONS, 1956.

ARRANGEMENT OF REGULATIONS.

<i>Regulation.</i>	<i>Page.</i>
1. Citation and commencement	3
2. Interpretation	3

PART I.

Registration of Motor Vehicles.

3. Registration before licensing	3
4. Application for registration	4
5. Registration	4
6. Duplicate registration book	5
7. Register of motor vehicles	5
8. Registration marks	5
9. Display and illumination of registration marks	6
10. Alterations in a motor vehicle	7
11. Transfer of motor vehicles	7
12. Changes of address	8
13. Motor vehicle broken up, destroyed or exported	8
14. Registration cancelled for non-licensing	8
15. Power to refuse registration	8
16. Transfer of registration	9

PART II.

Motor Vehicle Licences—General.

17. Application for licensing	10
18. Licensing	10
19. Seating capacity	11
20. Cylinder capacity	11
21. Display of vehicle licence	12
22. Duplicate licence	13
23. Surrender of vehicle licence	13

<i>Regulation.</i>	<i>Page.</i>
24. Power to refuse licence	13
25. Waiving of fees	13
26. Restriction on use of vehicle	13

PART III.

Trade Licences.

27. Application	14
28. Issue	14
29. Form of trade licence and trade plates	14
30. Position of trade plates and licence	15
31. Trade licence not transferable	15
32. Limitations of use	15
33. Register of journeys	16
34. Application of regulations 22 and 23	16

PART IV.

Rickshaws, Sedan Chairs, Tricycles and Trailers.

35. Licences	16
36. Application for licences	17
37. Issue of licences	17
38. Refusal and revocation of licences	17
39. Display of licences and numbers	17

PART V.

*Transitional Provisions, Defence, Offences,
Penalties and Repeal.*

40. Transitional provisions	18
41. Defence	18
42. Offences and penalties	18
43. Rescission of parts of "Vehicles and Traffic Regulation"	19
First Schedule — Particulars to be set forth in the register	19
Second Schedule — Provisions as to display of registration mark	20
Third Schedule — Licence fees	22
Fourth Schedule — Percentage of annual licence fee for part-years which may be refunded	24

VEHICLE AND ROAD TRAFFIC ORDINANCE.
(Chapter 220).

VEHICLE AND ROAD TRAFFIC (REGISTRATION AND
LICENSING OF VEHICLES) REGULATIONS, 1956.

In exercise of the powers conferred by section 3A 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 (Registration and Licensing of Vehicles) Regulations, 1956, and shall come into operation on the 1st day of October, 1956. Citation and commencement.

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

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

"register" means the register of motor vehicles referred to in regulation 7;

"registered" means registered in accordance with the provisions of regulation 5;

"registered owner" means the owner of a motor vehicle registered in accordance with the provisions of regulation 5;

"registration book" means the registration book in respect of a motor vehicle issued to the registered owner thereof in accordance with the provisions of regulation 5;

"trade licence" means a trade licence issued in accordance with the provisions of regulation 28;

"trade plate" means a trade plate issued in accordance with regulation 28.

PART I.

Registration of Motor Vehicles.

3. A vehicle licence shall not be issued in respect of a motor vehicle until such motor vehicle has been registered: Registration before licensing.

(Cap. 220). Provided that any motor vehicle which has been licensed under any regulation made under the Vehicle and Road Traffic Ordinance at any time during the period of two years before the coming into operation of these regulations shall be deemed to have been registered, and the registration mark assigned to such motor vehicle and the registration book issued in respect of such vehicle on such licensing shall be deemed to have been assigned and issued in accordance with the provisions of regulation 5.

Application for registration.

4. (1) Any person who wishes to have registered a motor vehicle, of which he is the owner, shall deliver to the Commissioner an application for registration in such form as shall be prescribed by the Commissioner, and shall pay to the Commissioner a fee, in the case of a motor cycle or invalid carriage, of one dollar and, in the case of any other motor vehicle, of five dollars.

(2) An application for registration shall be duly completed and shall be signed by the owner of the motor vehicle or by some person duly authorized by him in writing.

Registration.

5. (1) Upon receipt of an application for registration of a motor vehicle the Commissioner, if he is satisfied with the particulars contained in such application, subject to the provisions of regulation 15, shall—

- (a) register the motor vehicle; and
- (b) assign to the motor vehicle a registration mark which, in the case of a public omnibus, a hire omnibus, a taxi and a public car shall consist of the words "Public Vehicle" and a number or those words and one or more letters and a number, and in the case of any other motor vehicle shall consist of a number or one or more letters and a number; and
- (c) register the person by whom or on whose behalf the application for registration was made as owner of the motor vehicle; and
- (d) issue to that person a registration book in respect of the motor vehicle, marked with the registration mark assigned to the motor vehicle.

(2) A registered owner shall produce his registration book for inspection upon the request of a police officer within seventy-two hours of such request.

6. (1) If a registration book has been lost, destroyed or accidentally defaced, the registered owner may apply to the Commissioner to issue to him a duplicate registration book and the Commissioner, upon being satisfied as to such loss, destruction or defacement, shall issue to him a duplicate registration book so marked on payment of a fee of five dollars and the duplicate so issued shall have the same effect as the original registration book.

Duplicate registration book.

(2) If at any time after the issue of a duplicate registration book under this regulation the original registration book shall be found, the registered owner shall forthwith report the finding thereof to the Commissioner and shall take all reasonable steps to obtain possession of the original registration book and to return it to the Commissioner.

7. (1) The Commissioner shall maintain a register of motor vehicles containing the several particulars specified in the First Schedule.

Register of motor vehicles. First Schedule.

(2) The Commissioner shall supply to every person making application to him in writing a certified copy of any entry in the register upon payment to him of a fee of five dollars for each entry.

8. Every motor vehicle which has been registered and to which a registration mark has been assigned, shall exhibit on a flat rectangular plate or on a flat unbroken rectangular surface forming part of the motor vehicle such registration mark, conforming as to lettering, numbering and otherwise with the provisions of the Second Schedule :

Registration marks.

Second. Schedule.

Provided that in the case of an invalid carriage not exceeding five cwt. in weight unladen and a motor cycle—

- (a) the alternative of exhibiting the registration mark on a surface forming part of the motor vehicle shall not apply ;
- (b) the flat plate upon which the registration mark aforesaid is exhibited on the front of the motor vehicle need not be rectangular but the letters and figures must comply with an arrangement shown in the Second Schedule ;
- (c) the flat plate upon which the registration mark aforesaid is exhibited on the back of the motor vehicle may have the corners rounded off and the letters forming the registration mark, if in the form shown in diagram No. 2 of the Second Schedule, may be placed to the left :

Provided that no part of the first letter is nearer to the left-hand edge of the plate than half an inch.

Display and illumination of registration marks.

9. (1) The registration mark shall be exhibited on the front and on the back of the motor vehicle in a vertical position so that every letter and figure of the registration mark is vertical and is easily distinguishable, in the case of letters and figures placed on the front of the motor vehicle, from in front of the motor vehicle, and in the case of letters and figures placed on the back of the motor vehicle, from behind the motor vehicle.

Second Schedule.

(2) In the case of an invalid carriage not exceeding five cwt. in weight unladen and a motor cycle the plate fixed on the front of the motor vehicle may be a plate having duplicate faces conforming with the Second Schedule fixed so that from whichever side the motor vehicle is viewed the letters and figures on one or other face of the plate are easily distinguishable although they are not distinguishable from the front of the motor vehicle.

(3) No other figures or letters and no design, advertisement or ornamentation shall be placed near to the registration mark in such a manner as to be liable to render it more difficult to read or distinguish the registration mark of the motor vehicle when in motion.

(4) When a vehicle of any kind is attached to a mechanically propelled motor vehicle either in front or behind, the registration mark required to be exhibited on the front or on the back of the mechanically propelled vehicle or a duplicate of such registration mark shall be exhibited on the front or on the back of the vehicle attached as the case may be in the same manner as the registration mark is required to be fixed upon the motor vehicle drawing or propelling the same.

(5) Whenever a motor vehicle is in motion upon a road between sunset and sunrise a lamp shall be kept burning upon the motor vehicle so contrived as to illuminate by means of reflection, transparency or otherwise and to render easily distinguishable from any point not more than fifty feet behind the motor vehicle every letter and figure of the registration mark exhibited on the back of the motor vehicle or on the vehicle attached to the back of the motor vehicle as the case may be.

(6) No person shall drive or use or permit to be driven or used any motor vehicle on which the registration mark assigned to such motor vehicle is not displayed and illuminated in accordance with the provisions of this regulation.

10. (1) The registered owner of a motor vehicle shall forthwith inform the Commissioner in writing of any circumstance or event which affects the accuracy of any entry in the form of application in respect of that vehicle delivered or sent to the Commissioner under the provisions of regulation 4.

Alterations in a motor vehicle.

(2) The registered owner of a motor vehicle shall whenever required by the Commissioner so to do—

- (a) forthwith furnish to the Commissioner all such information as he may require for the purpose of verifying the entries relating to that motor vehicle in the register of motor vehicles kept by him; and
- (b) forthwith forward or deliver to the Commissioner the registration book relating to that motor vehicle.

11. (1) On any transfer of ownership of a motor vehicle which is registered the person to whom the vehicle has been transferred shall within seventy-two hours after such transfer deliver to the Commissioner a notice of transfer in such form as shall be prescribed by the Commissioner and signed by the registered owner or some person authorized in writing by him and signed by the person to whom the vehicle has been transferred or by some person authorized in writing by him together with the registration book and a fee of two dollars in the case of a motor cycle and five dollars in the case of any other vehicle :

Transfer of motor vehicles.

Provided that no day which is a general holiday by virtue of the Holidays Ordinance shall be counted in computing any period of seventy-two hours in accordance with this regulation. (Cap. 149).

(2) On receipt of the form referred to in paragraph (1) duly completed, the Commissioner shall either—

- (a) make the necessary alterations in the register; or
- (b) cancel the registration of the motor vehicle, re-register the motor vehicle assigning to it a new registration mark and register the new owner of the motor vehicle,

and, in either case, return the registration book to the new registered owner.

Changes of address.

12. (1) Within seventy-two hours of the change of address of a registered owner, he shall forward to the Commissioner a notice of change of address in such form as shall be prescribed by the Commissioner together with the registration book.

(2) On receipt of such form and the registration book the Commissioner shall note such change of address in the register and in the registration book and shall return the registration book to the registered owner.

Motor vehicle broken up, destroyed or exported.

13. (1) When any motor vehicle is broken up, destroyed, or sent permanently out of the Colony, the registered owner, within seventy-two hours of such motor vehicle being so broken up, destroyed or sent, shall notify in writing the Commissioner of such breaking up, destruction or sending and shall at the same time deliver or send to him the registration book relating to the motor vehicle and any vehicle licence issued in respect of the use of the motor vehicle under the second part of these regulations.

(2) Upon receipt of the registration book the Commissioner shall cancel the registration and at any time thereafter, may assign to any other motor vehicle the registration mark previously assigned to such motor vehicle.

Registration cancelled for non-licensing. (Cap. 220).

14. (1) If a vehicle licence issued under the provisions of the second part of these regulations or under any other regulations made under the Vehicle and Road Traffic Ordinance has not been in force in respect of a motor vehicle for a period of two years, the Commissioner may send to the registered owner, by ordinary post and addressed to the address appearing on the register, a notice informing him that, if the motor vehicle is not licensed within fifteen days of the date of such notice, the registration of such motor vehicle may be cancelled.

(2) If the motor vehicle is not licensed within fifteen days of the date of the notice referred to in paragraph (1), the Commissioner may cancel the registration of the motor vehicle and, at any time thereafter, may assign to any other motor vehicle the registration mark previously assigned to such motor vehicle.

Power to refuse registration.

15. The Commissioner of Police, if it appears to him to be necessary or expedient so to do in the interests of public safety or in the interests of the regulation of vehicular traffic in the Colony, may refuse to register any motor vehicle and may revoke the registration of any motor vehicle :

Provided that any person who is aggrieved by such refusal or revocation may appeal to the Governor in Council against the same.

16. (1) If the registered owner of a motor vehicle wishes to have the registration thereof transferred to another motor vehicle or held in abeyance for a period, not exceeding twelve months until such time as he has acquired another motor vehicle, he shall deliver to the Commissioner the registration book and an application for transfer of registration in such form as shall be prescribed by the Commissioner and a fee of one hundred dollars.

Transfer of registration.

(2) An application for transfer of registration shall be duly completed and shall be signed by the registered owner or by some person duly authorized by him in writing :

Provided that the registration of a motor vehicle may be transferred only to a motor vehicle owned by the person who owns or previously owned the motor vehicle from which the registration was transferred.

(3) Upon receipt of an application for transfer of registration of a motor vehicle, the Commissioner may—

- (a) cancel the registration of the motor vehicle, whereupon such motor vehicle shall cease to be registered; and
- (b) either assign the registration mark, formerly assigned to the motor vehicle, to such other motor vehicle as the registered owner may wish or hold the registration and the registration mark in abeyance for such period not exceeding twelve months until the registered owner shall apply for the registration and registration mark to be assigned to another motor vehicle.

(4) If the registration and the registration mark have been held in abeyance for a period of twelve months and no application has been made to the Commissioner to have such registration and registration mark assigned to a motor vehicle, the commissioner may cancel such registration without notice to the person named in the registration book and at any time thereafter may assign such registration mark to any other motor vehicle.

(5) The Financial Secretary may waive the payment of the said fee of one hundred dollars or any part thereof.

PART II.

Motor Vehicle Licences—General.

Applica-
tion for
licensing.

17. (1) Any registered owner who wishes to have licensed a motor vehicle of which he is registered as owner shall deliver to the Commissioner an application for licensing in such form as shall be prescribed by the Commissioner and the registration book in respect of such vehicle and shall pay to the Commissioner such fee as is set forth in the third column of the Third Schedule or the appropriate proportion of such fee calculated in accordance with the table set forth in the First Part of the Fourth Schedule from the first day of the calendar month in which the application for registration was delivered to the Commissioner to the date stipulated in the fourth column of the Third Schedule or such other date for the ending of the licence as shall be approved of by the Commissioner in accordance with regulation 18 :

Third
Schedule.

Fourth
Schedule.

Provided that such proportionate fee shall not in any case be less than one-quarter of the fee set forth in the third column of the Third Schedule.

(2) An application for licensing shall be duly completed and shall be signed by the registered owner or by some person authorized by him in writing and shall contain such particulars as may be required by the Commissioner.

(3) Before a motor vehicle is licensed, the Commissioner may require the registered owner thereof to produce the motor vehicle for inspection or weighing at any place within the Colony.

Licensing.

18. (1) Upon receipt of an application for licensing of a motor vehicle the Commissioner, if he is satisfied with the particulars contained in such application, subject to the provisions of regulation 24, shall license such motor vehicle for the period stipulated in such application which shall be for a period of not more than twelve months ending on the appropriate date set forth in the fourth column of the Third Schedule :

Third
Schedule.

Provided that the Commissioner in his absolute discretion may issue a vehicle licence for any shorter period not ending on any such date in any particular case if he considers such action necessary.

(2) On the licensing of a motor vehicle the Commissioner shall return to the registered owner his registration book marked with the payment of the licence fee and a vehicle licence in such form as he may prescribe.

19. (1) In determining the number of persons for which any motor vehicle has seating capacity—

Seating
capacity.

- (a) where separate seats for each person are provided, one person shall be counted for each separate seat provided ;
- (b) where the motor vehicle is fitted with continuous seats, one person shall be counted for each completed length of fifteen inches measured in a straight line lengthwise on the rear of such seat, and where any such continuous seat is fitted with arms for the purpose of separating the seating places 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 these regulations as if it had not been fitted with such arms :

Provided that in calculating the seating capacity of any motor vehicle the driver's seat shall be excluded.

(2) The Commissioner may license any omnibus to carry a number of passengers in excess of the seating capacity of such omnibus :

Provided that—

- (a) no omnibus shall be licensed to carry on the lower or only deck a number of passengers more than one third of the seating capacity of the lower deck in excess of such seating capacity ; and
- (b) no omnibus shall be licensed to carry passengers on the upper deck in excess of the seating capacity of such upper deck.

20. (1) For the purposes of these regulations, the cylinder capacity of any motor vehicle deriving its motive power wholly from an internal combustion engine worked by a cylinder or cylinders shall be taken to be—

Cylinder
capacity.

- (a) in the case of a single-cylinder engine, the cylinder capacity attributable to the cylinder of the engine ;

- (b) in the case of an engine having two or more cylinders, the sum of the cylinder capacities attributable to the separate cylinders.
- (2) The cylinder capacity attributable to any cylinder of an internal combustion engine shall be deemed to be equal to—
 - (a) in the case of a cylinder having a single piston, the product expressed in cubic centimetres of the square of the internal diameter of such cylinder measured in centimetres, and the distance through which the piston associated with that cylinder moves during one half of a revolution of the engine measured in centimetres multiplied by 0.7854; and
 - (b) in the case of a cylinder having more than one piston, the sum of the products expressed in cubic centimetres of the square of the internal diameter of each part of the cylinder in which a piston moves measured in centimetres, and the distance through which the piston associated with that diameter moves during one half of a revolution of the engine measured in centimetres multiplied by 0.7854.
- (3) In measuring cylinders for the purpose of calculating cylinder capacity, and in calculating cylinder capacity, fractions of centimetres are to be taken into account.

Display of vehicle licence.

21. (1) No person shall drive or, as registered owner, permit to be driven any motor vehicle unless such motor vehicle displays on the left-hand half of the windscreen thereof in a weather-proof holder in such a manner that it is clearly visible from the front, the vehicle licence in respect of such motor vehicle :

Provided that in the case of a motor cycle, a motor tricycle and an invalid carriage and of any other vehicle not provided with a fixed windscreen, the vehicle licence may be displayed in a conspicuous position on the left-hand side of the vehicle in front of the driving seat and not less than two feet six inches nor more than six feet six inches from the ground level so as to be clearly visible from in front at all times in daylight whether the motor vehicle is stationary or moving.

(2) No person shall exhibit in any motor vehicle any licence upon which the figures or particulars have become illegible.

22. (1) If a motor vehicle licence has been lost, destroyed or accidentally defaced, or the figures or the particulars thereof have become illegible, the registered owner of the motor vehicle may apply to the Commissioner for the grant of a duplicate licence, and the Commissioner, upon being satisfied as to such loss, destruction, defacement, illegibility or alteration as aforesaid and, where the motor vehicle licence has been accidentally defaced or the figures or the particulars thereon have become illegible, upon receipt of the licence, may issue a duplicate so marked on payment of a fee of two dollars, and the duplicate so issued shall have the same effect as the original licence.

Duplicate licence.

(2) If at any time after the issue of a duplicate licence under the provisions of this regulation, the original licence shall be found, then the registered owner shall forthwith report the finding thereof to the Commissioner and shall take all reasonable steps to obtain possession of such original and to return it to the Commissioner.

23. The Commissioner, upon the surrender to him of a valid vehicle licence, may make a refund of a portion of the fee paid therefor for the unexpired period of the valid licence in accordance with the table shown in the Second Part of the Fourth Schedule.

Surrender of vehicle licence.

Fourth Schedule.

24. The Commissioner, if it appears to him to be necessary or expedient so to do in the interests of public safety, or in the interests of the regulation of vehicular traffic in the Colony, may refuse to licence any motor vehicle and may revoke the licence of any motor vehicle :

Power to refuse licence.

Provided that any person who is aggrieved by such refusal or revocation may appeal to the Governor in Council against the same.

25. The Colonial Secretary in his absolute discretion may waive the payment of any fee payable under these regulations in respect of a motor vehicle, the property of a foreign government, temporarily brought into the Colony for the use of an officer of Flag rank of the naval forces of such government while it is so used.

Waiving of fees.

26. (1) No person shall drive or use or permit to be driven or used any motor vehicle while such motor vehicle is being used for a purpose for which it is not licensed.

Restriction on use of vehicle.

(2) No person shall use or permit to be used any private car or private omnibus for the purposes of hire.

- (3) In any proceedings under this regulation—
 - (a) production of a copy of the register certified by the officer entrusted with the custody thereof to be a true copy will be *prima facie* evidence of the purpose for which a vehicle has been licensed;
 - (b) the onus shall be upon the registered owner to satisfy the court or magistrate that he was not aware and had no reasonable grounds for believing that his vehicle was being used for a purpose for which it was not licensed;
 - (c) the onus shall be upon the driver and any other defendant to satisfy the court or magistrate that he was not aware and had no reasonable grounds for believing that the vehicle was not licensed for the purpose for which it was being used or was intended to be used.

PART III.

Trade Licences.

Applica-
tion.

27. If any person being a manufacturer or repairer of or dealer in motor vehicles wishes to obtain a trade licence in respect of all motor vehicles used by him he shall deliver to the Commissioner an application for a trade licence in such form as shall be prescribed by the Commissioner and shall pay to the Commissioner a fee of one hundred and eighty dollars and shall deposit with the Commissioner the sum of one hundred dollars.

Issue.

28. The Commissioner on being satisfied that the applicant is a *bona fide* manufacturer or repairer of or dealer in motor vehicles may issue to the applicant a trade licence in accordance with the application together with a set of trade plates with a weather-proof holder for the trade licence attached to one plate.

Form of
trade
licence
and trade
plates.

- 29.** (1) Each trade licence shall contain—
- (a) the name and address of the person to whom the licence was issued;
 - (b) the number of the trade plate allotted in respect of such trade licence;

- (c) the date of expiry of the licence which shall be one year from the date of granting of the licence;
- (d) the serial number of the licence.

(2) Each trade plate shall display the letter "T" together with such number or letters and number allocated in respect thereof in red on a white background in such form as shall be prescribed by the Commissioner. A set of trade plates shall remain the property of the Commissioner and shall not be altered in any way after issue and shall be returned forthwith to the Commissioner whenever the trade licence in respect of which it was issued is cancelled suspended or is not renewed, and upon return of a set of trade plates to him the Commissioner shall repay the deposit made in respect thereof less such amount as the Commissioner shall consider necessary to make good any damage to such plates.

30. The trade plate with the trade licence attached thereto shall be fixed in front and the other trade plate at the back of the motor vehicle upon which they may be in use in the manner prescribed by these regulations with respect to the registration mark assigned to motor vehicles under these regulations and shall be carried at all times when the motor vehicle is in use under a trade licence.

Position
of trade
plates and
licence.

31. A trade licence shall not be used by any person other than the person to whom the same is issued and the person to whom a trade licence is issued shall not allow or suffer the trade licence or the trade plates issued in connexion therewith to be used by any other person but no offence under this regulation shall be deemed to have been committed if the person to whom the trade licence is issued or a person *bona fide* in his employ and acting under his authority is present and in charge of the motor vehicle or if such motor vehicle is constructed for use by one person only and is being used by a prospective purchaser for the purpose of test or trial.

Trade
licence not
transfer-
able.

32. (1) A trade licence shall not be used upon any motor vehicle other than a motor vehicle which is in the possession of the holder of such trade licence in the course of his business as a manufacturer or repairer of or dealer in motor vehicles.

Limita-
tions of
use.

(2) A trade licence shall not at any time be used upon a motor vehicle which is being used for the conveyance of passengers for hire or reward or upon a motor vehicle which is being used for the conveyance of goods in the course of trade or for the delivery or removal of goods.

(3) No motor vehicle shall be used under a trade licence for any purpose other than a purpose for which such motor vehicle is authorized by these regulations to be used under such licence or, except in an emergency, between sunset and sunrise.

(4) When a motor vehicle is being used under a trade licence not more than two persons in addition to the driver shall be carried on such vehicle.

(5) Subject to the provisions of paragraphs (1) and (2), a motor vehicle may be used under a trade licence for any purpose connected with the business as a manufacturer or repairer of or dealer in motor vehicles of the holder of such trade licence.

(6) It shall not be necessary for a motor vehicle upon which the plates issued under this regulation and a trade licence are being properly carried used and displayed to carry any other registration mark or licence in respect of the motor vehicle.

Register of journeys.

33. (1) Every person to whom a trade licence has been issued shall maintain a register of all journeys made by motor vehicles in use under the trade licence.

(2) Such register shall show the date, time and place of each journey and the registration mark (if any) and all other relevant particulars of the motor vehicle.

(3) The person shall produce the register for inspection on request by any police officer.

Application of regulations 22 and 23.

34. Regulations 22 and 23 shall apply to trade licences.

PART IV.

Rickshaws, Sedan Chairs, Tricycles and Trailers.

Licences.

35. No person shall drive or as owner permit to be driven any rickshaw, sedan chair, tricycle or trailer unless there is in force in respect of such vehicle a vehicle licence.

36. (1) Any owner of a rickshaw, sedan chair, tricycle or trailer who wishes to have it licensed shall deliver to the Commissioner an application for licensing in such form as shall be prescribed by the Commissioner and shall pay to the Commissioner such annual fee as is set forth in the third column of the Third Schedule.

Application for licences.

Third Schedule.

(2) An application for licensing of a rickshaw, sedan chair, tricycle or trailer shall be duly completed and shall be signed by the owner thereof or by some person duly authorized by him in writing and shall contain such particulars as may be required by the Commissioner.

(3) Before a rickshaw, sedan chair, tricycle or trailer is licensed the Commissioner may require the owner thereof to produce such vehicle for inspection at any place within the Colony.

37. Upon receipt of an application for licensing of a rickshaw, sedan chair, tricycle or trailer the Commissioner, if he is satisfied with the particulars contained in such application and if he has no reason to believe that such vehicle is mechanically unfit for licensing, subject to the provisions of regulation 36, shall license such vehicle for a period stipulated in such application which shall be for a period of not more than twelve months and ending on the appropriate date set forth in the fourth column of the Third Schedule, and shall issue to the owner a licence in such form as he may prescribe.

Issue of licences.

Third Schedule.

38. The Commissioner, if it appears to him to be necessarily expedient so to do in the interest of public safety, or in the interest of the regulation of vehicular traffic in the Colony, may refuse to license any rickshaw, sedan chair, tricycle or trailer and may revoke the licence of any such vehicle:

Refusal and revocation of licences.

Provided that any person who is aggrieved with such refusal or revocation may appeal to the Governor in Council against the same.

39. (1) No person shall drive or use or permit to be driven or used any rickshaw, sedan chair, tricycle or trailer unless such vehicle displays on the front thereof in such a manner as to be clearly visible and the writing thereon legible at all hours of daylight to a person either at the near side or at the front of the vehicle the licence in respect of such vehicle.

Display of licences and numbers.

(2) No person shall drive or use or permit to be driven or used any rickshaw, sedan chair, tricycle or trailer unless such vehicle bears on the rear thereof a number plate showing the number of the licence issued in respect of such vehicle.

PART V.

Transitional Provisions, Defence, Offences, Penalties and Repeal.

Transitional provisions.
(Cap. 220).

40. Any vehicle in respect of which a licence was issued in accordance with the provisions of any other regulations made under the Vehicle and Road Traffic Ordinance shall be deemed to be licensed under the provisions of these regulations so long as such licence is in force and the display on such vehicle of a licence disc and of a licence number in accordance with the provisions of such other regulations shall be deemed to constitute the display of a licence and of a registration mark or licence number in accordance with the provisions of these regulations.

Defence.
(Cap. 220).

41. When a person is prosecuted under any of the provisions of the Vehicle and Road Traffic Ordinance or of any regulations made thereunder relating to the driving or using or to the permitting to be driven or used any vehicle while a vehicle licence in respect of such vehicle was not in force, he shall not be convicted if he proves to the satisfaction of the court or magistrate that application for the renewal of the vehicle licence in respect of such vehicle was made to the Commissioner before or within fifteen days after the expiry of the vehicle licence previously in force in respect of such vehicle but before the date of such driving, using or permitting and the fee payable for such vehicle licence was paid but that the Commissioner had not issued or refused to issue the vehicle licence before such date.

Offences and penalties.

42. (1) Any person who contravenes any of the provisions of regulations 10, 11, 21, 26, 29, 31, 32, 33, 35, 39, paragraph (2) of regulation 5, paragraph (2) of regulation 6, paragraph (6) of regulation 9, paragraph (1) of regulation 12, paragraph (1) of regulation 13, paragraph (3) of regulation 19, or paragraph (2) of regulation 22 shall be guilty of an offence.

(2) If any vehicle is upon or used in any road in contravention of the terms of any of these regulations the owner, registered owner, driver and person in charge of the vehicle at the time of such contravention, shall be guilty of an offence.

(3) Any person who without lawful authority alters defaces or mutilates or adds anything to any registration book or any licence issued in accordance with the provisions of these regulations or exhibits on any vehicle any licence which has been so altered defaced mutilated or added to or has in his possession any registration book or licence which has been so altered defaced mutilated or added to shall be guilty of an offence.

(4) Any person who is guilty of an offence referred to in this regulation shall be liable, in the case of a first conviction for that offence, to a fine of one thousand dollars and imprisonment for three months, and in the case of a second or subsequent conviction for that offence to a fine of one thousand dollars and imprisonment for six months.

43. Regulations 8, 10, 11, 30, 88, 89, 91, 92, 95, 96, 100, 121, 125, 126, 127, 141, 143, 147 and 164 of the regulations headed "Vehicles and Traffic Regulation" appearing on pages 723 to 816 of Volume II of the Regulations of Hong Kong (1937 Edition) are rescinded.

Rescission of parts of "Vehicles and Traffic Regulation".

FIRST SCHEDULE.

[reg. 7(1).]

Particulars to be set forth in the register—

- (i) Date of registration.
- (ii) Registration mark.
- (iii) Full name of the registered owner (whether Mr., Mrs. or Miss).
- (iv) The full postal address of the registered owner.
- (v) Name of maker of the motor vehicle.
- (vi) Country of origin of the motor vehicle.
- (vii) Engine number.
- (viii) Cylinder capacity.
- (ix) Weight unladen and maximum permissible laden weight (if applicable).
- (x) Type of body (saloon, tourer, etc.).
- (xi) Colour of body.
- (xii) Number of seats.
- (xiii) Classification of vehicle.
- (xiv) Licence fee.
- (xv) Imperial Preference Tax and Receipt No.

SECOND SCHEDULE.

[reg. 8.]

Provisions as to display of registration mark.

Diagram No. 1.

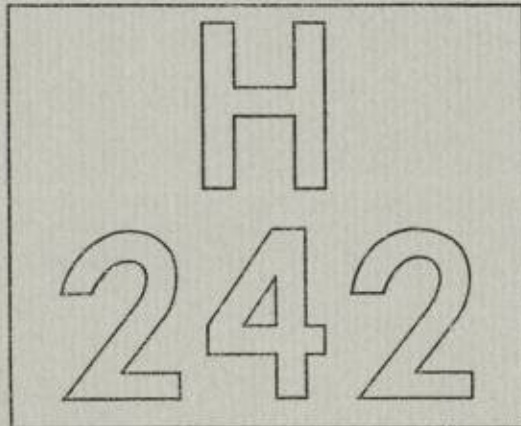


Diagram No. 2.

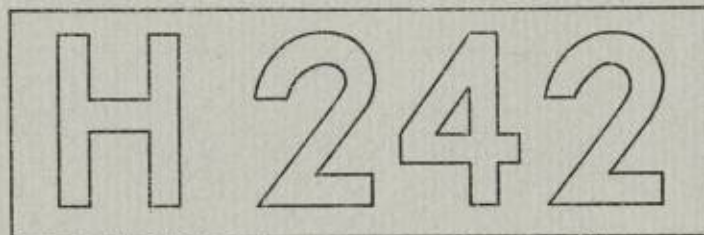


Diagram No. 3.



The alternative diagrams above are specimen identification marks drawn approximately to a scale of one-quarter.

Provisions to be complied with.

1. The registration mark of the vehicle must be arranged in conformity with the arrangement of letters and figures on one or other of the diagrams.

2. (1) The registration mark in respect of any motor vehicle other than a public omnibus, a taxi or a goods vehicle shall be indelibly inscribed in black upon a white surface.

(2) The registration mark in respect of a public omnibus shall be indelibly inscribed in white upon a red surface.

(3) The registration mark in respect of a taxi shall be indelibly inscribed in white upon a green surface.

(4) The registration mark in respect of a goods vehicle licensed for use only in accordance with item 2 of the Third Schedule shall be indelibly inscribed in black upon a yellow surface.

(5) The registration mark in respect of any goods vehicle licensed for general use shall be white upon a black surface.

(6) No letter or figure shall be capable of being detached from such surface, provided that it shall not be an infringement of these regulations if the letters or figures are made separately and either welded or firmly rivetted on to such surface. If the letters and figures are exhibited on a flat plate, the plate may be constructed of cast or pressed metal having raised letters.

3. (1) The registration mark in respect of any motor vehicle other than a public omnibus, hire omnibus, taxi or public car may, at the option of the owner, be displayed in either of the shapes shown in diagrams Nos. 1 and 2.

(2) In the case of a public omnibus, hire omnibus, taxi or public car the registration mark shall be displayed in the shape shown in diagram No. 3.

4. (1) All letters and figures except in the case of a public omnibus, hire omnibus, taxi or public car, must be three and a half inches high, every part of every letter and figure must be five eighths of an inch broad, and the total width of the space taken by every letter or figure, except in the case of the figure 1, must be two and a half inches.

(2) In the case of a public omnibus, hire omnibus, taxi or public car the letter forming the words "Public Vehicle" must be one inch high, every part of every letter must be one eighth of an inch broad and the total width of the space taken by every letter must be half an inch and all other letters and all figures must be three inches high, every part of every letter and figure must be three eighths of an inch broad and the total width of the space taken by every letter or figure, except in the case of the figure 1, must be one and a half inches.

5. The space between adjoining letters and between adjoining figures must be half an inch, and there must be a margin between the nearest part of any letter or figure and the top or bottom of the surface upon which the registration mark is inscribed of at least half an inch and between the nearest part of any letter or figure and the sides of the surface of at least one inch.

6. (1) Where the registration mark is arranged in accordance with diagram No. 1, the space between the upper and lower line must be three quarters of an inch.

(2) Where the registration mark is arranged in accordance with diagram No. 2, the space between the letter and the figures must be one and a half inches:

Provided that in the case of invalid carriages of a weight unladen not exceeding five cwt., and motor cycles, with or without a side car attached, as regards the plate bearing the registration mark fixed on the front of the motor vehicle, the dimension prescribed in paragraphs 4, 5 and 6 may be halved; and as regards the plate bearing the registration mark fixed at the rear of the vehicle, the following requirements may be completed with in substitution for those prescribed in paragraphs 4, 5 and 6—

- (i) All letters and figures must be two and a half inches high; every part of every letter and figure must be three eighths of an inch broad; and the total width of the space taken by every letter or figure, except in the case of the figure 1, must be one and three-quarter inches.
- (ii) The space between adjoining letters and between adjoining figures must be half an inch, and there must be a margin between the nearest part of any letter or figure and the top, bottom and sides of the black surface upon which the registration mark is inscribed of at least half an inch.
- (iii) Where the registration mark is arranged in accordance with diagram No. 1, the space between the upper and lower lines must be half an inch.
- (iv) Where the registration mark is arranged in accordance with diagram No. 2, the space between the letters and the figures must be an inch.

THIRD SCHEDULE. [regs. 17(1), 18(1),
Licence fees. 36(1) & 37.]

Vehicle	Annual fee in \$	Date when licence renewable annually
1. Private goods vehicle or public goods vehicle—		
(a) not exceeding 20 cwt., unladen weight; and	240	1st July
(b) an additional fee for each 5 cwt. or part thereof.	50	1st July
2. Private goods vehicle the user of which is restricted to construction sites and to public roads only at specified hours for the purpose of proceeding to and from such sites.	5	1st April
3. Public omnibus or hire omnibus—		
(a) for the driver; and	10	1st January
(b) an additional fee for each seat for a passenger in each vehicle.	30	1st January
4. Public omnibus to be used solely in connection with the maintaining of a service in accordance with the grant of the exclusive rights of maintaining such service under any enactment.	5	1st January

THIRD SCHEDULE,—Contd.

Vehicle	Annual fee in \$	Date when licence renewable annually
5. Private omnibus—		
(a) for the driver; and	10	1st January
(b) an additional fee for each seat for a passenger in such vehicle.	30	1st January
6. Taxi or public car—		
(a) for the driver; and	10	1st January
(b) an additional fee for each passenger permitted to be carried.	30	1st January
7. Private car of which the cylinder capacity of the engine—		
(a) does not exceed 1250 cubic centimetres;	100	1st July
(b) exceeds 1250 cubic centimetres but does not exceed 2500 cubic centimetres;	160	1st July
(c) exceeds 2500 cubic centimetres.	240	1st July
8. Motor cycle including motor scooter and motor assisted pedal-cycle—		
(a) solo;	50	1st July
(b) with sidecar.	75	1st July
9. Motor tricycle—		
(a) neither constructed nor adapted for use, nor used for the carriage of passengers;	50	1st July
(b) any other type.	100	1st July
10. Trailer—for each 5 cwt. or part thereof unladen weight.	50	1st July
11. Rickshaw—		
(a) to be used as a public vehicle—		
(i) in the Island of Hong Kong, Kowloon and New Kowloon;	36	1st December
(ii) in the New Territories (other than New Kowloon);	12	1st December
(iii) owner-drawn in New Territories (other than New Kowloon);	1	1st December
(b) to be used as a private vehicle.	20	1st January
12. Sedan chair.	4	1st December
13. Tricycle.	6	1st January
14. Invalid carriage.	10	1st January

FOURTH SCHEDULE.

Percentage of annual licence fee for part-years which may be refunded.

FIRST PART. [reg. 17(1).]


Table of licence fees for licences for less than 12 months.

Duration of licence in months	Proportion of fee
11	95%
10	85%
9	75%
8	70%
7	60%
6	50%
5	45%
4	35%
3	25%

SECOND PART. [reg. 23.]

Table of refunds for surrendered licences.

Number of complete months of unexpired period of valid licence	Percentage of annual fee which may be refunded
11	80%
10	80%
9	70%
8	60%
7	50%
6	40%
5	30%
4	20%
3	10%


Clerk of Councils.

COUNCIL CHAMBER,
18th September, 1956.
(Secretariat 47/3231/55)

In exercise of the power conferred upon me as a competent authority under Regulation 50 of the Defence Regulations, 1940, I, JOHN JAMES COWPERTHWAITTE, Acting Director of Commerce and Industry, hereby make the following Order:—

ORDER

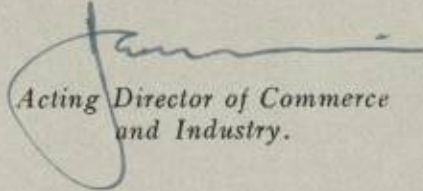
1. This Order may be cited as the Prohibited Exports Citation. (Amendment) Order, 1956 and shall be read as one with the Prohibited Exports Order, 1946.

2. The Schedule to the principal Order is hereby rescinded and the following substituted therefor.

Amendment of Schedule (G.N.A. 6/55).

SCHEDULE.

Borax, raw or granulated.


Acting Director of Commerce and Industry.

10th September, 1956.

Explanatory Note.

The Prohibited Exports Order, 1946 (G.N. 238 dated 9th July, 1946) is designed to safeguard the needs of the Colony for goods in respect of which there are supply difficulties, and forbids the export of any article contained in the schedule thereto except in accordance with a permit issued by the Director of Commerce and Industry.

2. The new schedule replaces that published as G.N. A6 of 1955, and omits "Brass, all forms including scrap and products manufactured thereof, Butter, Gunny bags and Sulphur." These can no longer be considered in short supply in the Colony.

3. The export of Brass and Sulphur remains restricted under the Exportation (Prohibition) (Specified Articles) Regulations, 1952.

(Secretariat 41/3571/49)

PUBLIC SERVICES COMMISSION ORDINANCE.
(Chapter 93).

PUBLIC SERVICES COMMISSION (AMENDMENT) REGULATIONS, 1956.

In exercise of the powers conferred by section 14 of the Public Services Commission Ordinance, the Governor in Council has made the following regulations—

1. These regulations may be cited as the Public Services Citation. Commission (Amendment) Regulations, 1956.

2. Regulation 3 of the Public Services Commission Regulations is amended by the deletion in paragraph (1) of the words "the Governor proposes" and the substitution therefor of the following—

Amendment
of regula-
tion 3.
(Vol. IX,
p. 31).

"it is proposed".



Clerk of Councils.

COUNCIL CHAMBER,
25th September, 1956.

Explanatory Note.

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

These regulations amend paragraph (1) of regulation 3 of the Public Services Commission Regulations to put beyond doubt the necessity for reference to the Public Services Commission of any appointment to be made under statutory authority by any officer other than the Governor.

(Secretariat 4196/46II)

**PUBLIC HEALTH (SANITATION) ORDINANCE, 1935.
(No. 15 of 1935).**

BASEMENTS (AMENDMENT) BY-LAWS, 1956.

In exercise of the powers conferred by section 4 of the Public Health (Sanitation) Ordinance, 1935, the Urban Council has made the following by-laws—

1. These by-laws may be cited as the Basements (Amendment) By-laws, 1956.

2. The by-laws contained in Schedule A to the Public Health (Sanitation) Ordinance, 1935, under the heading "Basements" are cancelled.

Cancellation of the Basements By-laws of 1935. (15 of 1935).

Made by the Urban Council this 4th day of September, 1956.

Secretary.

Approved by the Legislative Council this 26th day of September, 1956.

Deputy Clerk of Councils.

COUNCIL CHAMBER,
26th September, 1956.

(Secretariat 25/3231/56)



TRAMWAY ORDINANCE.

(Chapter 107).

PREVENTION OF NUISANCES AND REGULATION OF
TRAVELLING (AMENDMENT) RULES, 1956.

NOTICE is hereby given that in exercise of the powers conferred by section 32 of the Tramway Ordinance, Hongkong Tramways, Ltd. have made the following rules—

1. These rules may be cited as the Prevention of Nuisances and Regulation of Travelling (Amendment) Rules, 1956. Citation.

2. Rule 2 of the Prevention of Nuisances and Regulation of Travelling Rules (hereinafter referred to as the principal rules) is rescinded and replaced by the following rule— Rescission and replacement of rule 2. (Vol. IX, p. 265).

“**2.** (1) All tickets issued by the Company are issued on the conditions that these rules are to be observed.

(2) Monthly tickets issued by the Company may be issued upon such terms, consistent with the Tramway Ordinance and any rules made thereunder, as the Company may from time to time impose. (Cap. 107).

(3) Every person to whom a monthly ticket is issued shall sign the monthly ticket in ink before using it.

(4) Every person using a monthly ticket shall, at the request of an uniformed inspector of the Company, furnish such inspector with a specimen of his signature to enable the inspector to compare the same with the signature appearing on the monthly ticket produced by such person”.

3. Rule 16 of the principal rules is rescinded and replaced by the following rule— Rescission and replacement of rule 16.

“**16.** (1) No person shall use or attempt to use a monthly ticket which does not bear his signature in ink.

(2) No person to whom a monthly ticket has been issued shall sell or transfer or attempt to sell or transfer the monthly ticket issued to him, to any other person.

(3) No person to whom a monthly ticket has been issued shall knowingly permit any other person to use such monthly ticket”.

Rescission
and re-
placement
of rule 17.

4. Rule 17 of the principal rules is rescinded and replaced by the following rule—

“17. If a person to whom a monthly ticket has been issued is convicted of any offence against these rules, the monthly ticket issued to him shall be forfeited, and no compensation shall be payable to him or to any other person in respect of such forfeiture”.

Addition of
new rule
17A.

5. The principal rules are amended by the addition after rule 17 of the following new rule—

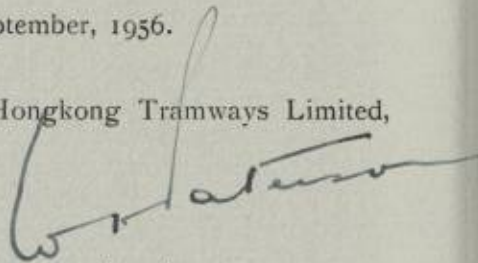
“17A. The Company, in its absolute discretion, may decline to issue a monthly ticket to any person or to renew a monthly ticket already issued to any person”.

FURTHER TAKE NOTICE that a true copy of these rules was furnished to the Governor in Council not less than one month before the date hereof.

AND FURTHER TAKE NOTICE that these rules shall come into operation one month after the date of their publication in the *Gazette*.

Dated this 24th day of September, 1956.

For Hongkong Tramways Limited,




Secretary.

(Secretariat 49/2961/46)

PROCLAMATION

No. 6 of 1956.



Officer Administering the Government.

By HIS EXCELLENCY MR. EDGEWORTH BERESFORD DAVID, Companion of the Most Distinguished Order of Saint Michael and Saint George, Officer Administering the Government of the Colony of Hong Kong and its dependencies and Vice-Admiral of the same.

WHEREAS by section 1 of the Adoption Ordinance, 1956 (No. 22 of 1956), it is provided that the said Ordinance shall come into operation on a day to be appointed by the Governor by proclamation in the *Gazette* :

NOW THEREFORE I, EDGEWORTH BERESFORD DAVID, do hereby PROCLAIM that the said Ordinance shall come into operation on the 12th day of October, 1956.

GIVEN under my hand and the Public Seal of the Colony of Hong Kong, this 10th day of October, 1956.

Published by His Excellency's Command.

Claude Burgess
Acting Colonial Secretary.

10th October, 1956.

(Secretariat 5/3221/48)

GOD SAVE THE QUEEN.

CREMATION ORDINANCE.

(Chapter 133).

CREMATION (FEES) REGULATIONS, 1956.

In exercise of the powers conferred by section 7 of the Cremation Ordinance, the Governor in Council has made the following regulations—

1. These regulations may be cited as the Cremation (Fees) Citation. Regulations, 1956.

2. The fee for the cremation of human remains in any Government crematorium shall be thirty dollars for every body cremated. Fees for cremation.

G. M. L. S.
Clerk of Councils.

COUNCIL CHAMBER,

9th October, 1956.

(Secretariat 1/4041/47)

**DISTRIBUTION OF GERMAN ENEMY PROPERTY
ORDINANCE, 1956.
(No. 34 of 1956).**

**DISTRIBUTION OF GERMAN ENEMY PROPERTY
(AMENDMENT) REGULATIONS, 1956.**

In exercise of the powers conferred by section 4 of the Distribution of German Enemy Property Ordinance, 1956, the Governor in Council has made the following regulations—

1. These regulations may be cited as the Distribution of German Enemy Property (Amendment) Regulations, 1956.

2. Regulation 16 of the Distribution of German Enemy Property Regulations, 1956, is amended by the deletion in paragraph (1) of the word "identify" and the substitution thereof of the following—

"certify".

Amendment of regulation 16.
(G.N.A. 73/56).



Clerk of Councils.

COUNCIL CHAMBER,
9th October, 1956.

Explanatory Note.

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

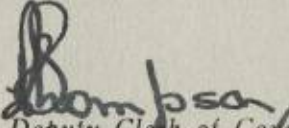
These regulations correct a typographical error which occurred in the principal regulations.

(Secretariat 97/812/46II)

**ADMINISTRATION OF JUSTICE (SUMMARY OFFENCES)
ORDINANCE, 1955.
(No. 52 of 1955).**

Resolution made and passed by the Legislative Council under section 11 of the Administration of Justice (Summary Offences) Ordinance, 1955, on the 10th day of October, 1956.

Resolved, pursuant to section 11 of the Administration of Justice (Summary Offences) Ordinance, 1955, that the duration of the said Ordinance be extended for the term of one year with effect from the 28th October, 1956.


Deputy Clerk of Councils.

COUNCIL CHAMBER,
10th October, 1956.
(Secretariat 5/2706/54)



SUPREME COURT (ADOPTION) RULES, 1956.

ARRANGEMENT OF RULES.

<i>Rule.</i>		<i>Page.</i>
1.	Citation	3
2.	Interpretation	3
<i>Commencement of proceedings.</i>		
3.	Proceedings to be disposed of in chambers	3
4.	Form of application	3
5.	Identity of applicant may be kept confidential	3
6.	Previous applications	3
<i>Appointment of guardian ad litem.</i>		
7.	Social Welfare Officer to be guardian <i>ad litem</i> subject to rule 8	4
8.	Appointment of some other person as guardian <i>ad litem</i>	4
<i>Evidence in support of application.</i>		
9.	Form of statement and consent	4
10.	Time for filing evidence	4
<i>Notice of application.</i>		
11.	Form of notice	4
<i>Duties of guardian ad litem.</i>		
12.	Guardian <i>ad litem</i> to investigate all relevant circumstances ...	4
13.	Information to be confidential	5
<i>Hearing of application.</i>		
14.	Appointment for hearing	5
15.	Notice of hearing	5
16.	Appearance to show cause why order should not be made	5
17.	Conduct of proceedings	6

Rule.		Page.
	<i>Form and transmission of orders.</i>	
18.	Form of order	6
19.	Copy of the order to be sent to Registrar of Births and Deaths and applicant	6
20.	Copy of order not to be given to other persons	6
21.	Notification by guardian <i>ad litem</i> of making or refusal of order	6
	<i>Restoration of proceedings after interim order.</i>	
22.	Application for further hearing by applicant	6
23.	Application for further hearing by guardian <i>ad litem</i>	6
	<i>Amendment of adoption orders.</i>	
24.	Order may be amended <i>ex parte</i>	7
25.	Notice of amendment to be sent to Registrar of Births and Deaths	7
	<i>Social Welfare Officer acting as guardian ad litem.</i>	
26.	Delegation of powers and duties	7
	<i>Service of documents.</i>	
27.	Methods of service of documents	7
	<i>Attestation of consents, etc.</i>	
28.	Persons who may attest documents and declarations outside the Colony	7
	<i>Applications under section 5(4) of the Ordinance.</i>	
29.	Making and notice of application	8
30.	Dismissal of application for adoption order	8
	<i>Application of practice of the Supreme Court.</i>	
31.	Practice and procedure of Supreme Court in its original jurisdiction to apply	8
First Schedule.	Forms	9
Second Schedule.	Additional matters subject to investigation and report by guardian <i>ad litem</i>	19

SUPREME COURT (ADOPTION) RULES, 1956.

In exercise of the powers conferred by section 37 of the Supreme Court Ordinance and section 11 of the Adoption Ordinance, 1956, We, the Rules Committee, hereby make the following rules—

1. These rules may be cited as the Supreme Court (Adoption) Rules, 1956. Citation.
2. (1) In these rules— Inter-pretation.
 "the applicant" includes either, as well as both, of two joint applicants;
 "the Ordinance" means the Adoption Ordinance, 1956. (22 of 1956).
 (2) A form referred to by number means the form so numbered in the First Schedule. First Schedule.
3. All proceedings under the Ordinance shall be disposed of in chambers. Proceedings to be disposed of in chambers.
4. An application for an adoption order shall be made by originating summons in form 1. The proposed adopter shall be the applicant and the infant shall be the respondent. Form of application. Form 1.
5. If any person proposing to apply to the Court for an adoption order desires that his identity shall be kept confidential, he may, before taking out an originating summons, apply to the Registrar of the Supreme Court for a serial number to be assigned to him for the purposes of the proposed application and such a number shall be assigned to him accordingly. Identity of applicant may be kept confidential.
6. If it appears that the applicant has previously made an application for an adoption order in respect of the same infant, the application shall not be proceeded with unless the judge is satisfied that there has been a substantial change in the circumstances since the previous application. Previous applica-tions.