

**Transport Department’s handling of a media organisation’s enquiry about
application procedures
for Certificate of Particulars of Vehicle
(Related to Code on Access to Information)
Investigation Report**

On 24 June 2021, the complainant lodged a complaint against the Transport Department (“TD”) with this Office.

The Complaint

2. Allegedly, on 22 April 2021, the complainant sent an email enquiry to TD about the application procedures for a Certificate of Particulars of Vehicle (“Certificate”). On 23 April, TD’s Information and Public Relations Unit (“IPRU”) replied that enquiries about/requests for the particulars of a vehicle or its owner through means other than the prescribed form would be handled in accordance with the Code on Access to Information (“Code”) and relevant ordinances/guidelines. On the same day, the complainant made a request under the Code for the particulars of a bus involved in a traffic accident (including the bus’s first registration date, name of manufacturer, place of origin, engine size, model and year of manufacture).

3. On 15 June, TD replied to the complainant, stating that the Code does not affect the public’s statutory rights of access to information or the legal restrictions on access to information. The Code also provides clearly that it does not oblige departments to provide information available through a charged service. Since the information requested by the complainant are recorded in TD’s vehicle register (“Register”), the content of which can be obtained under the Road Traffic (Registration and Licensing of Vehicles) Regulations (“the Regulations”). As such, his application would be handled pursuant to the Regulations. If the vehicle particulars thus obtained were to be used for traffic and transport matters, the complainant could complete the application form and pay the fee prescribed for this charged service.

4. The complainant was dissatisfied that TD did not state explicitly at the very start that the Code is not applicable to vehicle particulars applications. If only applications using the prescribed form would be accepted, TD should not have suggested other channels of application. He was of the view that TD staff was not conversant with the Code and gave him a wrong reply (“**Allegation (1)**”), thus causing delay in handling his case (“**Allegation (2)**”).

Our Findings

Relevant Legislation and Procedures for Handling Certificate Applications

5. Section 4(1) of the Regulations stipulates that the Commissioner for Transport (“C for T”) shall maintain a register of vehicles containing particulars of vehicles and their owners. Section 4(2) provides that the C for T shall supply to any person making

application for any particulars in the register in respect of a vehicle a certificate stating such particulars upon payment of the prescribed application fee¹.

6. Any person intending to apply for a Certificate shall complete the TD318 Form and provide such information as the name of the applicant/company, identity document number/Certificate of Incorporation Number/Business Registration Number, address, purpose for obtaining the Certificate, and make a declaration for the application. The completed Form shall be submitted in person, by post or drop box, together with the identity document and application fee to a Licensing Office under TD. Besides, applicants who make an online application and electronic fee payment would also be issued a valid Certificate showing the current vehicle particulars or the particulars on a date and time specified by the applicant.

7. When processing Certificate applications, TD will verify whether applicants have completed all parts of Form TD318, including ticking one of the three boxes in Part B indicating the purpose of application,, namely (1) Legal proceedings; (2) Sale and purchase of vehicle and (3) Other traffic and transport related matters. Applicants are also required to tick a box to declare that “I understand that if I knowingly make any statement which is false in any material particular, I shall render myself liable under Section 111(3) of Road Traffic Ordinance to a fine of \$5,000 and imprisonment for 6 months” and their understanding of the offence against section 64 of the Personal Data (Privacy) Ordinance (disclosure of personal data without consent).

8. TD said that applicants must properly complete all items in Form TD318. After confirming that the applicant has completed the Form and paid the prescribed fee, TD would issue a valid Certificate showing the current vehicle particulars or the particulars on a date and time specified by the applicant.

TD’s Powers and Restrictions in Handling the Particulars of Vehicles

9. The Road Traffic Ordinance (“RTO”) provides for the regulation of road traffic and the use of vehicles and roads and for other related purposes. TD stated that, in accordance with the legislative purpose and intent of the RTO, members of the public can, on grounds related to “traffic and transport matters”, obtain the particulars of a vehicle for reasonable uses. The Department would review from time to time the application of the provisions under the RTO and other Certificate-related matters, so that the C for T can discharge his duty to provide the particulars of vehicles to the public and at the same time protect the personal data privacy of vehicle owners.

¹ **Section 4 of the Regulations: Register of Vehicles**

- (1) The Commissioner shall maintain a register of vehicles containing the particulars specified in Schedule 1.
- (2) The Commissioner shall, on payment of the fee prescribed in Schedule 2, supply to any person making application for any particulars in this register in respect of a vehicle a certificate stating such particulars.
- (3) The Commissioner may waive the fee payable in respect of any application under subregulation (2) where he is satisfied –
 - (a) That the applicant has good reason for requiring the particulars; and
 - (b) It is in the public interest that the particulars be disclosed.

Handling of this Case

10. On 22 April 2021, the complainant enquired of TD about how to apply for the Certificate for news reporting purpose, citing a court case relating to Certificate application and the Reasons for Verdict of the case. In the email, the complainant quoted part of the Reasons for Verdict, which read: “If the applicant considers that TD’s electronic application function offers too few options, or none of the options offered suit his/her need, he/she should consider obtaining the information through other channels, such as submitting written applications to TD. An applicant should not make a false statement even if none of the three options given by TD is applicable.” The complainant said that as far as he understood, TD had not put in place “other means of submitting written applications” as suggested in the Reasons for Verdict. So, he sought TD’s clarification in this regard.

11. In its reply to the complainant on 23 April, TD said that it accepts Certificate applications made by any person, with no restrictions on Certificate applications by persons of any particular occupation (including the media). TD also reminded applicants to be prudent in using the Certificate information and ensure that the actual use is related to traffic and transport matters. To comply with the RTO and the purpose of maintaining the Register, even if the information is to be used for news reporting purpose, such use must also be related to traffic and transport matters. If TD receives an enquiry about/application for the particulars of a vehicle or its owner submitted through means other than the prescribed form, it would handle the request in accordance with the Code and relevant ordinances/guidelines. On that same day, the complainant made a request under the Code to TD for the particulars of a bus involved in a traffic accident (see **paragraph 2**).

12. On 29 April, TD sent an interim reply to the complainant. On 7, 13, 21 May and 11 June, the Department responded to his follow-up email messages. Among these replies, TD stated that it was seeking legal advice in its reply dated 13 May. On 15 June, TD replied to the complainant, citing certain paragraphs of the Code: paragraph 1.7 states that the Code does not affect the public’s statutory rights of access to information or the legal restrictions on access to information; while paragraph 1.14 spells out clearly that the Code does not oblige departments to provide information available through an existing charged service. TD held that the information requested by the complainant was in the Register and available under the Regulations. His request would, therefore, be handled pursuant to the Regulations.

TD’s Overall Response and Comments on the Complainant’s Allegations

13. TD asserted that it has followed departmental guidelines and handled all information requests and enquiries received, including those not made under the Code, in accordance with the Code. TD also said that Certificate applications are processed in accordance with the statutory powers currently conferred on the C for T. Section 4(2) of the Regulations is applicable only to those applications made for traffic and transport related purposes. Furthermore, in processing requests for Certificate

information, TD would consider whether the information was originally provided to TD by the registered vehicle owner. TD would only accede to individual requests for the particulars of vehicle owner if the request is made by the registered vehicle owner or a person with a written authorisation from the registered owner.

14. TD further clarified that its reply on 23 April stated that “enquiries about/requests for the particulars of a vehicle or its owner through means other than the prescribed form would be handled pursuant to the Code and relevant ordinances/guidelines”, rather than “requests for vehicle particulars would be handled according to the Code,” as the complainant claimed.

15. TD had considered the relevant ordinances/guidelines and related provisions of the Code in processing the complainant’s application all along. As mentioned in **paragraph 12** above, the Department had pointed out clearly in its reply on 15 June 2021 that paragraphs 1.7 and 1.14 of the Code had been considered before the reply was issued. In this light, TD refuted the complainant’s allegation that its staff was not familiar with the Code and provided an incorrect reply to him on 23 April.

16. TD stressed that upon receipt of the complainant’s enquiry on 22 April 2021, it immediately started preparatory work, including seeking legal advice. The Department had observed the Code and sent a preliminary reply to the complainant within the specified time frame, and strived to provide a final reply within 51 days. As it took time to seek internal views and legal advice, TD issued the final reply eventually on 15 June 2021, the first working day after the 51-day reply deadline. In handling the application, TD had tried its best to follow the time frame specified in the Code. All TD staff members concerned were conversant with the Code and the handling process involved no delay.

Our Comments

Allegation (1)

17. In its 23 April reply to the complainant, TD reiterated that no restrictions on Certificate applications had been imposed on applicants of any occupation (including journalists), and enquiries about/requests for the particulars of a vehicle or its owner through means other than the prescribed form would be handled pursuant to the Code and relevant ordinances/guidelines (see **paragraph 11**). We accept TD’s explanation that it actually meant that public information requests by ways other than the TD318 Form would be handled in accordance with the Code and other relevant ordinances/guidelines. The reply by itself was actually in order. TD did not say that requests for vehicle particulars should be made under the Code, nor did it advise members of the public to do so. However, in the complainant’s email dated 22 April 2021, he had clearly pointed out that in view of a court case on that same day relating to Certificate application and the Reasons for Verdict, he asked TD how to make a written request for the Certificate through other means for news reporting purpose. Given the circumstance, we opine that TD’s reply did give the complainant a false hope that he could apply for, and then obtain, the Certificate or the information thereon by making

an information request under the Code. We think that TD should be more prudent in answering public enquiries.

18. In view of the elaborations above, The Ombudsman considered **Allegation 1 unsubstantiated**.

Allegation (2)

19. Paragraph 1.16 of the Code provides that “where possible, information will be made available within ten days of receipt of a written request. If that is not possible, the applicant will be so advised by an interim reply within ten days of receipt of the request. The target response time will then be twenty-one days from receipt of the request.” Paragraph 1.18 reads, “response may be deferred beyond twenty-one days only in exceptional circumstances, which should be explained to the applicant. Any deferral should not normally exceed a further thirty days.” This Office agreed that this case was exceptional and believed that TD had tried its best to provide a final response within 51 days. The Department did send out a preliminary reply to the complainant within the specified time frame and indicate in the interim reply on 13 May that it was seeking legal advice on his request. Our view is that purely from the perspective of compliance to the Code’s time frame in providing a response, TD had not violated the relevant requirement.

20. However, the Code requires that a response made within the specified time frame would include provision of the information requested; if a department intends to decline an information request, it should inform the applicant of the reason(s) for refusal and cite the relevant paragraph(s) in Part 2 of the Code. In this case, TD did not confirm in its final reply whether the complainant’s request had been accepted. It neither provided the information requested, nor rejected the complainant’s application for the information. Instead, it just cited paragraphs 1.7 and 1.14 of the Code and reiterated that “if the information you requested would be used for traffic and transport related matters, you could obtain the information through our charged service (i.e. apply for the Certificate).” Such an ambiguous reply to the complainant’s information request was very undesirable.

21. We understand that TD could not, and should not, indicate whether to accept or reject the application before receiving the TD318 Form submitted by the complainant. Nevertheless, the complainant in this case had cited the judgement of a new court case in his email dated 22 April 2021 to the Department. He was obviously worried about breaking the law inadvertently by misinterpreting “traffic and transport related matters” in completing the TD318 Form. So, he followed the Principal Magistrate’s advice to seek TD’s clarification on written application for the Certificate by ways other than completing the TD318 Form (see **paragraph 10**). Actually, the complainant had already explained in the email dated 23 April the intended use of the vehicle particulars requested. We are of the opinion that TD, as the department responsible for traffic and transport related matters and executing the RTO, should be conversant with the aims, legislative intent and purpose of the Ordinance, as well as the meaning and scope of

traffic and transport related matters. Besides, it should have an accurate interpretation of its powers and restrictions under the RTO. In other words, when an applicant of an information request specifies the intended use of the information, TD should have both the responsibility and capability to determine whether such use is a traffic and transport related matter within its purview. In exercising its powers under the RTO, TD has a duty to provide clear and precise guidance for public reference so that people would have a proper understanding of the law, avoid ill-informed mistakes and breaching the law unintentionally. While the court can make final interpretation of the law in each case, individual departments should have a clear stance on the prevailing application of the legislative provisions pertinent to its jurisdiction and explain its stance to enquirers in detail. In this case, TD, having sought legal advice and after a 51-day assessment, should have been able to give the complainant a definite reply on whether using the vehicle's particulars in a news report about a traffic accident was "other traffic and transport related matter" as specified in the TD318 Form. Its failure to do so was not in line with good administrative standards.

22. As TD pointed out, it has to handle Certificate applications in accordance with the powers vested with the C for T under the current legislation (see **paragraph 5**). As such, while processing applications, it must act as a gatekeeper and consider both the use of the requested information and protection of privacy. Nevertheless, TD's current practice in handling applications (see **paragraph 7**) relies on the applicants' own judgement to tick and choose one of the three purposes given in the application form and their declaration of understanding the warning. Yet, members of the public may still have a lot of unanswered queries, especially so when a new court case causes worries about unintentional offences. For instance, what kind of legal proceedings would be considered traffic and transport related matters, is reporting news about traffic accidents a traffic and transport related matter, whether performing due diligence by certain sectors is related to traffic and transport (the complainant raised this query as well), and whether using Certificate information for news reporting would be exempted from the privacy legislation, etc. Besides, people may not know the procedures for requesting partial information of the Certificate, how to request fee exemption under section 4(2) of the Regulations (see **Note (1)**), and whether the public interest would be accepted as a reason for application.

23. While cases vary in circumstance, this Office considers that good administration should conform to the principle of equity, openness and transparency. We agree that TD should take into account the use of information in processing applications and duly consider the protection of personal data of vehicle owners. We also agree that TD should review from time to time the application of legislative provisions and Certificate-related matters (see **paragraph 9**). To facilitate applicants' submission of accurate and sufficient information and justification to TD and enhance their understanding of TD's assessment criteria, we recommend that TD take reference from real cases and provide more and clearer notes on Certificate applications to non-owner applicants, and use real examples to illustrate the acceptable uses or applicable scope under each of the three purposes given. Besides, TD should allow applicants to provide supplementary information to support that the purpose of their application is a

traffic and transport related matter under the purpose they have chosen on the TD318 Form.

24. Although TD had replied to the complainant after 51 days of receiving his request, it had not furnished him with the information requested, nor rejected his information request explicitly or provided any useful information for his reference. The Ombudsman considered **Allegation (2) partially substantiated**.

Other Observations

On Privacy and Fee Exemption

25. We notice that the TD318 Form can only be used for applications for the Certificate, which contains all the particulars of a vehicle as entered in the Register². As personal data of the vehicle owner (including his/her name and address) are also included, protection of personal data privacy, therefore, becomes a consideration factor (see **paragraph 9**) and the owner's authorisation may be needed (see **paragraph 13**). However, in his email dated 23 April, the complainant only requested information items on the Certificate that did not involve personal data (see **paragraph 2**), rather than all the information thereon. Protection of data privacy, therefore, should not have been a consideration factor. In fact, section 4(2) of the Regulations provides that the Commissioner shall supply to any person making application for **any particulars** a certificate stating **such particulars** (see **Note 1**). Yet, TD did not provide the relevant application procedures to applicants who request only partial information of the Certificate.

26. Section 4(3) of the Regulations allows the Commissioner to waive the fee payable in respect of any application (see **Note 1**) where the applicant has good reason for requiring the particulars and it is in the public interest that the particulars be disclosed. TD, however, seemed not to have formulated appropriate procedures for

² Particulars to be entered in the register—

- (i) Registration mark.
- (ii) Classification of vehicle.
- (iii) Date of first registration.
- (iv) Full name of registered owner.
- (v) Full residential address of the registered owner (or of the registered office of a corporate body).
- (vi) Identity document.
- (vii) Make.
- (viii) Year of manufacture.
- (ix) Engine number.
- (x) Chassis number.
- (xi) Cylinder capacity or rated power. (*L.N. 77 of 2012*)
- (xii) Permitted gross vehicle weight (goods vehicles and special purpose vehicles only).
- (xiii) Type of body.
- (xiv) Colour.
- (xv) Seating capacity and standing passenger capacity.
- (xvi) Any other particulars required by the Commissioner.
- (xvii) Country of origin.
- (xviii) Licence fee.

this purpose.

Conclusion

27. In sum, TD did not indicate to the complainant that his information request would be handled only pursuant to the Code. Nevertheless, given the complainant's clear indication of the purpose of his request, TD, after a 51-day assessment, only asked him to judge by himself whether requesting the Certificate information for news reporting about a traffic accident is a purpose related to traffic and transport matters. Such handling method failed to meet good administrative standards. In this light, regarding the complainant's complaint against TD, **Allegation (1) was unsubstantiated; and Allegation (2), partially substantiated.**

Recommendations

28. The Ombudsman recommends that TD:

- (1) provide more and clearer points to notes for Certificate applications on its website and the TD318 Form so that applicants would better understand TD's assessment criteria (see **paragraph 23**);
- (2) take reference from real cases and provide examples to illustrate to non-owner applicants the acceptable scope of use under each of the three purposes given in the TD318 Form (see **paragraph 23**);
- (3) consider further amend the TD318 Form so that applicants can choose to provide supplementary information to support the purpose they have chosen to facilitate TD's assessment of whether the intended use is a traffic and transport related matter specified in the Form (see **paragraph 23**); and
- (4) draw up relevant procedures and guidelines for handling applications involving request for partial information and fee exemption (see **paragraph 25 and 26**).

TD's Feedbacks

29. TD had given its views on the draft investigation report and our comments therein. Some of the views have been incorporated into this report after consideration.

30. On our recommendation in **paragraph 28(1)** regarding points to note for applicants, TD would strive to provide further information and guidelines as far as practicable, explain in detail the points to note for Certificate applications, and remind applicants to consider carefully how to use the particulars on the Certificate and ensure that the actual use is related to traffic and transport matters.

31. In response to our recommendation in **28(2)** of giving specific examples, TD said that each application involves different facts, nature and circumstance. Giving examples showing the facts, nature and circumstance of individual cases might risk overgeneralisation and mislead the public, which is not in line with good administrative standards.

32. With respect to our recommendation in **paragraph 28(3)**, TD opined that providing space in the TD318 Form for applicants to furnish supplementary information as they wish might result in them indiscriminately filling in information regardless of the intended use of the information requested so as to raise the chance of successful application. As TD has to handle tens of thousands of Certificate applications each year and the circumstance of each application varies, assessing all the supplementary information in each and every application would add to the workload of its staff. For instance, they may need to contact the applicants for clarification or additional information, or even seek legal advice on an application. Given the current resources constraints, it might take weeks or even months for TD to handle each application. That may be at odds with good administrative standards.

33. Furthermore, TD reiterated that the actual situation varies in each case, and the applicants should know best the facts, nature and circumstance of their own cases. Any attempt by the Department to make legal interpretation and judgement on an application based on the applicant's simple description on the TD318 Form of the intended use of the requested information would risk overgeneralisation and mislead the public instead.

34. On the recommendation in **paragraph 28(4)**, TD stressed that C for T maintains the Register and releases the particulars of vehicles therein in accordance with sections 4(1) and 4(2) of the Regulations respectively. Since the establishment of the Register was authorised by the Regulations under the RTO, whose aim is to draw up provisions in relation to the regulation of road traffic, use of vehicles and roads, and other related purposes; so, under the Regulations, use of the Register information must be related to traffic and transport matters (see **paragraph 9**). C for T has the power to prescribe that applications for vehicle particulars must be based on traffic and transport related purposes and require applicants to specify how the vehicle particulars requested would be used so that TD can consider whether to confirm/accept an application and issue the Certificate. Consequently, even if an applicant just requests information on the Certificate that does not involve personal data, he/she must still submit the application in accordance with section 4(2) of the Regulations, including completing the TD318 Form (or the online application form) and pay the fee required. Regarding fee exemptions under section 4(3) of the Regulations, TD indicated that upon receipt of such request, it would consider all relevant information and seek legal advice, as well as balance the public interest in disclosure against the possible harm or prejudice that might result before deciding whether a fee exemption under section 4(3) of the Regulations should be granted.

Final Remarks

35. We are glad to note that TD has accepted our recommendation in **paragraph 30** above.

36. Regarding TD's difficulties in giving specific examples (see **paragraph 31**), we understand that TD can hardly compile a comprehensive and exhaustive list. But the public in general would understand that examples are for reference only. As long as TD reminds applicants that the examples given are only some situations and are for reference solely, we consider that it will not pose a risk of overgeneralisation and mislead the public. Although TD has undertaken to explain the points to note to applicants as far as practicable (see **paragraph 30**), it will not alleviate the confusion of the public and related sectors if the points to note only remind applicants to use the particulars on Certificate carefully and ensure that their actual purpose is related to traffic and transport matters, without any elaboration on what these matters are.

37. TD pointed out in **paragraphs 32 and 33** that it should not attempt to make legal interpretation and judgement on an application based on the applicant's description on the TD318 Form of the intended purpose of the application. Under the current arrangement for processing Certificate applications, TD would automatically approve an application so long as the applicant makes his/her own judgement that the application complies with the three purposes listed in TD318 Form and consents to taking up the legal responsibility as declared. According to what TD said, this can be seen as putting the applicant in the position of C for T in making the judgement on interpretation of the relevant laws regarding his/her application. Actually, we are of the view that applicants and TD have their own respective responsibilities in submitting and handling applications. TD should, as it already pointed out, handle Certificate applications in accordance with the statutory powers currently vested with C for T, and properly protect the data privacy of vehicle owners (see **paragraph 9**). TD, therefore, must be the gatekeeper in handling and approving Certificate applications to ensure that they are handled pursuant to the relevant legislation and prevent abuse of the information in the Register. On the other hand, applicants have the duty to understand the conditions of applying for and using the Certificate, provide true information in the application form and make truthful declaration. Our recommendation to allow applicants to explain to TD the reasons for applying for the Register information aims at preventing unintentional breaches of the law by the applicants because they misunderstand the meaning of traffic and transport related matters or make the wrong choice on the TD318 Form. Since TD is responsible for traffic and transport matters and execution of the RTO, it should possess a more thorough understanding than the general public of the aim, legislative intent and purpose of the RTO as well as the definition of traffic and transport related matters. We could not stress enough that allowing applicants to provide supplementary information does not mean they are exonerated from the related liability. Should TD consider that an applicant has intentionally provided inaccurate information, it could take follow up action according to the RTO.

38. TD mentioned that it is already handling tens of thousands of Certificate applications each year, so its current manpower and resources do not allow assessment of the supplementary information on each and every application form (see **paragraph**

32). We opine that departments acting in accordance with their statutory powers and restrictions is of utmost importance. TD must first clarify whether its current practice of approving applications automatically by asking Certificate applicants to choose a purpose on the TD318 Form and bear the legal consequence while disallowing them to submit supplementary information can ensure that C for T is actually acting in accordance with his statutory powers and restrictions in issuing the Certificate to applicants. After all, putting administrative efficiency before reducing the public's risks of unintentional breaches of the law might not be desirable. TD's concern over efficiency in application handling can be addressed with such measures as augmenting manpower, streamlining workflow (e.g. all applications with incomplete or unclear supplementary information to be denied, applications without supplementary information to be processed separately), or informing the public that applications including supplementary information would take longer to process, etc. If TD worries that applicants would indiscriminately provide voluminous and disorganised supplementary information, it can consider giving elaborations on its website and the TD318 Form on the types of supplementary documents considered to be pertinent to each of the three purposes listed on the Form for applicants' reference and clearer understanding of the application procedures.

39. On **paragraph 34**, we consider that even if C for T has the authority to prescribe restrictions on applications for vehicle particulars (that they are made on grounds of traffic and transport related matters only) and require applicants to state the purpose of obtaining the vehicle particulars, it does not necessarily become a legal basis for TD to demand applicants requesting Certificate information not involving personal data to make a unrelated declaration when completing the TD318 Form. Besides, TD's explanation did not correspond to its stance of protecting the personal privacy of vehicle owners. Normally, the less personal information contained in the Certificate issued by C for T, the greater the protection of vehicle owners' privacy. In fact, section 4(2) of the Regulations stipulates that the Commissioner shall supply to any person applying for **any particulars** in the Register a certificate stating **such particulars**³. Nevertheless, TD has not put in place respective procedures for such applications, thereby failing to execute precisely the powers the RTO has conferred on the Department. Furthermore, in processing applications involving no personal data, TD took irrelevant factors into consideration and set unnecessary conditions, thereby exposing its decision to a greater risk of judicial review. As such, we recommend that if an applicant only requests partial information of the Certificate, TD may consider furnishing him/her with a Certificate with all un-requested information obliterated.

40. Having considered TD's feedback, we maintained our recommendations as set out in **paragraph 28(1) to (3)**, and amended **28(4)** as follows:

- (1) provide more and clearer points to notes for Certificate applications on its website and the TD318 Form so that applicants would better understand TD's assessment criteria (see **paragraph 23**);

³ Section 4 of the Regulations stipulates that the Commissioner shall supply to any person making application for any particulars in the register in respect of a vehicle a certificate stating such particulars.

- (2) take reference from real cases and provide example to illustrate to non-owner applicants the acceptable scope under each of the three purposes given in the TD318 Form (see **paragraph 23**);
- (3) consider further amend the TD318 Form so that applicants can choose to provide supplementary information to support the purpose they have chosen to facilitate TD's assessment of whether the intended use is a traffic and transport related matter specified in the Form (see **paragraph 23**); and
- (4) draw up procedures and guidelines for handling Certificate applications involving request for partial information and fee exemption. If an applicant only requests partial information of the Certificate, TD should consider providing a Certificate with all other un-requested information obliterated (see **paragraph 25 and 26**).

Office of The Ombudsman
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