

Dear Mrs. Fan,

I have recently renewed my Vehicle's third party insurance and am disturbed by the new inclusion of a Drink Driving Exclusion Clause which reads:

The company will not be liable under this policy in respect of any accident, loss, damage or liability caused, sustained or incurred whilst the motor is being driven by, in the charge or under the control of the insured or the insured driver when the proportion of alcohol in his/her breath, blood or urine exceeds the prescribed limit as stipulated in section 2 of the Road Traffic Ordinance (Cap. 374) as may be amended from time to time or any other legislation which replaces the same.

As you are aware that the Third Party Insurance is compulsory, required by the government with the sole purpose to protect the life and property of the innocent. With this clause, the innocents will have to seek compensation directly from the driver and or the car owner which may not be easily claimable, especially if the driver, the car owner is unfortunately killed in the accident.

The Government, the Commissioner of Insurance, has assured me in writing that irrespective of the above clause, the insurers are still required to settle bodily injury or fatal claims of innocent third party traffic victims under section 12 of the Motor Vehicles Insurance (Third Party Risks) Ordinance, but millions dollars of innocent Governmental and private properties are to seek compensation personally from the driver or the car owner.

I write to request your kind help to alert our government and legislators not to let the insurance exploit the traffic offence in order to escape their liabilities, failing which they can:

1. Ask the insurance company to reword the clause to reflect full compensation re bodily injury.
2. Prosecute drink drivers for driving without third party insurance.
3. Educate the general public that their properties are not protected against drink drivers.

As for governmental properties, who would care?...its only our money!

Thank you for your time and attention,

Yours truly,

Raymond Pao