

For Discussion
29 September 2009

Legislative Council Panel on Security

Law enforcement against illegal car racing

Purpose

This paper informs members of the Police policy to combat illegal road racing.

Anti-illegal Road Racing Policy

Guiding Principles

2. The Police policy is to prevent and detect illegal road racing through pro-active and re-active operations. The safety of both innocent members of the public and police officers are of paramount importance. It is not Police policy to put the public at risk nor to use vehicles belonging to members of the public to block the road during illegal road racing operations.

3. Regional Commanders have orders to combat illegal road racing which take into consideration the particular situation in their respective regions. The Force Procedures Manual (FPM) Chapter 41 contains instructions on roadblocks including legal powers; command and control; manpower and supervision; siting and equipment. Roadblocks are a key component of Police proactive operations to combat illegal road racing.

4. FPM 41-06 provides direction if a vehicle fails to stop at a roadblock. The roadblock duties should immediately pass the particulars of the vehicle and the direction of flight to the Regional Command and Control Centre to alert all other outdoor duties. Roadblocks formed subsequently aim to provide a tail back of traffic, thus helping to impede the progress of the wanted vehicle(s). The instruction prohibits unmarked vehicles, police or civilian, to be placed across a carriageway at an angle. Only marked police vehicles with reflective chevrons or police vehicles in full conspicuity livery and displaying flashing blue lights can be placed across the carriageway.

Review of Orders and Instructions

5. Prior to July 2009, a Working Group chaired by a Chief Superintendent was set up to review FPM Chapter 41 on the Police practice and procedures in setting up roadblocks and the equipment to be used. The Working Group intends to recommend that the roadblock location and the task to be carried out will be separately risk assessed, the identified risks must be managed before a roadblock operation can take place. The review is ongoing and will be completed in October 2009.

6. When Police are informed that cars are racing via 999 calls from the public or police officers on patrol who see cars travelling together at high speed, the Regional Command and Control Centres will direct reactive operations against illegal road racing.

7. All orders on proactive operations to deal with illegal road racing have been reviewed. Proactive operations can be based on information received or they can be routine to disrupt the possibility of illegal road racing. Proactive operations can be run by region or co-ordinated across Hong Kong. A Commissioner's Order on illegal road racing will be issued, to ensure standardization and best practice.

Illegal Road Racing

8. Illegal Road Racing is an offence under section 55 of the Road Traffic Ordinance, Cap. 374. A person who promotes or takes part in a race or trial of speed between vehicles on roads, to which the Commissioner of Police has not given consent in writing, commits an offence and is liable to a fine of \$10,000, 10 driving-offence points, disqualification from driving for a period of 12 months and 12 months' imprisonment.

9. Vehicles involved in illegal road racing travel at high speed, the drivers are reckless and have no regard for public safety, it is a wilful act which takes place as a continuous offence. Proving illegal road racing is difficult, because the prosecution must prove a race was taking place and the drivers must be identified.

10. Similar enforcement problems exist in overseas jurisdictions. The Police have commenced research to find out how overseas legislation has been developed to deal with the drivers and the vehicles involving in illegal road racing. It appears that combining action against the drivers and the vehicles sends a strong deterrent message.

Anti-Illegal Road Racing Statistics

11. In cases where a charge of illegal road racing is being considered, advice will be sought from the Department of Justice. Due to difficulties in proving illegal road racing, the charges in recent years have been dangerous driving or careless driving. These charges have been successful in court resulting in disqualification periods of between nine and 24 months and imprisonment for up to six months.

12. Please refer to the Annex on the number of illegal road racing complaints received, confirmed illegal road racing cases and number of operations conducted.

Conclusion

13. It is not the Police policy to put the public at risk nor to use vehicles belonging to members of the public to block a road in order to intercept illegal road racers. Police will clearly specify this policy in all relevant orders and instructions.

14. Police are taking the following review action :-

- (a) A Working Group reviewing Roadblocks will complete its work in October 2009;
- (b) A Commissioner's Order on illegal road racing will be issued in October 2009 to ensure standardization and best practice; and
- (c) Police will continue to take stringent enforcement action to combat illegal road racers.

Illegal Road Racing Related Statistics

	2006	2007	2008	2009 (Jan to Aug)
Complaints of Illegal Road Racing	351	497	226	187
Confirmed to be related to Illegal Road Racing	42	31	26	23
Anti-Illegal Road Racing Operations	411	369	372	278