

Bills Committee on Road Traffic (Amendment) Bill 2010

Dangerous Driving Enforcement

Introduction

Under section 37 of the Road Traffic Ordinance (RTO) (Cap. 374), the meaning of dangerous driving is clearly and objectively defined, i.e. a person is to be regarded as driving dangerously if the way he drives falls far below what would be expected of a competent and careful driver and it would be obvious to a competent and careful driver that driving in that way would be dangerous.

2. A person who commits the offence of Causing Death by Dangerous Driving (DDCD) under section 36 of the RTO is liable to a maximum fine of HK\$50,000 and to imprisonment for 10 years. A person who commits the offence of Dangerous Driving (DD) under section 37 of the RTO is liable to a maximum fine of HK\$25,000 and to imprisonment for 3 years. The driver is also liable on first conviction to be disqualified for not less than 2 years in case of DD or 6 months in case of DD (unless the court for special reasons orders that the person be disqualified for a shorter period or not be disqualified).

Police Handling of Dangerous Driving Offences

3. The primary aim of road traffic policing in Hong Kong is to reduce the toll of deaths, injuries and damage to property, caused by traffic accidents on the roads in accordance with the Police statutory duty to prevent injury to life and property. In support of this, the Commissioner of Police maintains a Selective Traffic Enforcement Policy, which, inter alia, identifies traffic offences that significantly contribute to the road traffic casualties for vigorous enforcement. CDDD and DD are included as such offences within this policy.

4. Dangerous driving is a serious traffic offence. Before contemplating a charge for any dangerous driving offences, the Police have to establish that the driver concerned did drive dangerously, i.e. that the driving

fell below the standard mentioned in paragraph 1 above. As in handling all serious cases, the Police will conduct thorough investigations into dangerous driving offences and collect evidence from various sources including drivers and other witnesses as well as forensic, motor vehicle and medical expert evidence. All evidence is carefully examined and considered by a supervisory officer before deciding to instigate any prosecution.

5. If legal input is required on the strength of the evidence, the appropriateness of the charge or venue of trial, advice of Department of Justice will be sought.

6. During the period from January to June 2010, there were 74 arrests relating to fatal traffic accident cases. Among the 74 drivers arrested, 43 were charged with DDCD, 23 were charged with careless driving while the rest is still under inquiry.

Traffic Branch Headquarters, Hong Kong Police Force
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