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Panel on Security

**Information note prepared by the Legislative Council Secretariat
for the meeting on 13 April 2018**

Law enforcement against moving traffic offences

Issues relating to law enforcement against moving traffic offences had been raised in the context of discussions by the Panel on Security ("the Panel") on law enforcement against illegal car racing. According to the Administration at that time, it was not the Police's policy to use the vehicles of members of the public to form roadblocks, and the Police would endeavour not to put the public at risk during operations including operations on the roads and roadblocks. The Administration also advised that section 60 of the Road Traffic Ordinance (Cap. 374) provided that "A person driving a motor vehicle or rickshaw on a road and a person riding a bicycle or tricycle on a road shall stop the same on being so required by a police officer in uniform, or traffic warden in uniform, and any person who fails to do so commits an offence and is liable to a fine of \$2,000". The Administration further advised that the Force Procedures Manual ("FPM") Chapter 41 contained instructions on roadblocks including legal powers, command and control, manpower and supervision, siting and equipment. Under FPM 41-06, if a vehicle failed to stop at a roadblock, the roadblock duties should immediately pass the particulars of the wanted vehicle and its direction to the Regional Command and Control Centre to alert all other outdoor duties. Roadblocks formed subsequently aimed to provide a tail back of traffic, thus helping to impede the progress of the wanted vehicle. A police officer in uniform can direct a driver to stop a vehicle on a road regardless of whether a roadblock was formed. It was permissible for a Police officer to stop a vehicle for a purpose, and whether or not to do so would depend on the judgment of individual police officers. There was no definite rule in that regard and police officers were required to use their judgement, their experience and training to ensure that vehicles were stopped at appropriate time and manner.

2. Following the traffic accident on Fanling Highway on 11 February 2018, some members including Hon Alvin YEUNG, Dr Hon CHENG Chung-tai and Hon LAM Chuek-ting have raised concerns about the Police's use of civilian cars to act as roadblocks when taking enforcement actions and suggested that the Panel should discuss the practice and guidelines in respect of law enforcement against moving traffic offences. In its interim written response, the Administration has advised that the Police have promulgated guidelines regarding pursuit of vehicles. The concerned police officer would have regard to the actual circumstances, assess the risks posed by the subject vehicle remaining on the road and consider taking appropriate actions to arrest a person committing serious driving offences, including dangerous driving, driving under the influence of drink or drugs, or failing to stop after an accident. The Police would review traffic enforcement guidelines from time to time and take stringent enforcement actions against driving behaviours that endanger road safety so as to ensure public safety. The Police have established a review committee to conduct a comprehensive review of the existing guidelines related to high speed pursuit.

3. The Administration will brief the Panel on law enforcement against moving traffic offences at the meeting on 13 April 2018.

Council Business Division 2
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