

**Comparison between Reckless Driving and Dangerous Driving**  
**8 Selected Hong Kong Cases Involving Fatalities**

<u>Facts of Case</u>	<u>Charge</u>	<u>Result of Prosecution/Sentence</u>	<u>Remarks</u>	<u>Applying the proposed definition of Dangerous Driving</u>
<p>Defendant, driving a light goods vehicle, hit a pedestrian who was illegally crossing a four lane carriageway.                      Ref. (29.6.95 T HKI ARB 95-7892)</p>	<p>Reckless Driving                      Causing Death</p>	<p>Convicted of Careless Driving                      Fine: \$750</p>	<ul style="list-style-type: none"> <li>● Speed 70 kph in 50 kph limit</li> <li>● Driver not paying attention</li> <li>● Saw victim at distance of 6-7 feet ahead of vehicle.</li> </ul>	<p>Dangerous driving causing death:                      Charge NOT recommended.</p>
<p>Defendant's private car drove through cones marking an area of road works, killing one worker and injuring another. The Defendant also failed to stop after the accident.                      Ref.: (19.8.95 T HKI ARB 95-10152)</p>	<p>Reckless Driving                      Causing Death</p>	<p>Guilty of Careless Driving (alternative verdict)                      Fine: \$3,500</p>	<ul style="list-style-type: none"> <li>● Defendant claimed he was unaware he had collided with the deceased.</li> <li>● Forensic evidence of contact between Defendant's car and deceased.</li> <li>● No speeding</li> </ul> <p>Court not sure that the driving was reckless.</p>	<p>Dangerous driving causing death:                      Charge NOT recommended.</p>

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<p>Defendant, driving a light goods vehicle, hit a pedestrian illegally crossing a 4-lane carriageway.</p> <p>Ref.: (7.6.96 T HKI ARB 96-9838)</p>	<p>Reckless Driving Causing Death</p>	<p>Guilty of Careless Driving Fine: \$4,000</p>	<ul style="list-style-type: none"> <li>● Speeding 75 km/h in 50 limit</li> <li>● Saw victim 80-100 feet ahead of vehicle</li> </ul>	<p>Dangerous driving causing death: Charge recommended.</p>
<p>Defendant, driving a school bus with 48 children on board, lost control through excess speed on a slope and collided with a taxi and a private car killing two and injuring 16.</p> <p>Ref.: (23.9.96 T HKI ARB 96-12036)</p>	<p>Careless Driving</p>	<p>Fine: \$2,500 (+\$500 for using a Defective Vehicle)</p>	<ul style="list-style-type: none"> <li>● Speeding on a slope</li> <li>● Defective brakes</li> <li>● Failing to slow for 'Give Way' sign</li> <li>● Proof that Defendant's explanation for accident untrue</li> </ul>	<p>Dangerous driving causing death: Charge recommended.</p>

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<p>Defendant, driving a light goods vehicle, failed to accord precedence to an old lady who was crossing the road at a zebra pedestrian crossing. Ref.: (25.2.97 T HKI ARB 97-2309)</p>	Careless Driving	Fine: \$2,500	<ul style="list-style-type: none"> <li>● Accident reconstruction showed speed of vehicle to be 38 km/hr</li> <li>● No blocking of vision</li> <li>● Defendant admitted seeing the deceased but thought she would not cross</li> <li>● Defendant admitted seeing Deceased waving her arms indicating she was going to cross</li> </ul>	Dangerous driving causing death: Charge NOT recommended.
<p>Defendant, driving a taxi, failed to accord precedence to an old lady crossing <u>in front of him</u> on a zebra pedestrian crossing. Ref.: (25.6.97 T HKI ARB 97-7876)</p>	Reckless Driving Causing Death	<p>Guilty of Careless Driving (Alternative verdict) Fine: \$4, 000</p> <p>6 months Disqualification according to s.69(1)(a) RTO</p>	<ul style="list-style-type: none"> <li>● Failure to reduce speed</li> <li>● Pedestrian crossing</li> <li>● Pedestrian clearly exposed in front of driver</li> </ul>	Dangerous driving causing death: Charge recommended.

<u>Facts of Case</u>	<u>Charge</u>	<u>Result of Prosecution/Sentence</u>	<u>Remarks</u>	<u>Applying the proposed definition of Dangerous Driving</u>
<p>The defendant, a police officer, drove a police saloon car down Wyndam Street and through the junction with Q.R.C. killing 3 pedestrians and injuring 9 others. The pedestrians were crossing on a green pedestrian light. The defendant claimed the brakes of the vehicle had failed. Ref.: (28.8.97 T HKI ARB-10837)</p>	Reckless Driving Causing Death.	<p>Guilty of Careless Driving (Alternative verdict)</p> <p>Fine: \$2,500 on each count (Total \$7,500)</p>	<p>● No apparent causation other than driving manner</p> <p>Magistrate found mental element of recklessness lacking and that defendant had tried to avoid the accident.</p>	<p>Dangerous driving causing death: Charge NOT recommended.</p>
<p>D suddenly pulled out his vehicle into the 2<sup>nd</sup> lane of Tolo Highway causing another vehicles moving at 2<sup>nd</sup> lane (20m-30m behind D's vehicle) to brake. A chain collision then occurred involving 2 other vehicles. Ref.:(T NTN ARB97-10247)</p>	Careless Driving			<p>Dangerous driving causing death: Charge NOT recommended.</p>