

**For discussion
on 8 May 2018**

**Legislative Council
Panel on Food Safety and Environmental Hygiene**

Proposed Amendments to the Road Traffic Ordinance (Cap. 374)

INTRODUCTION

This paper briefs Members on the legislative amendment proposal to enlarge the scope of ‘animal’ under section 56 of the Road Traffic Ordinance (Cap. 374) (Ordinance), with a view to requiring a driver to stop in case of a traffic incident involving damage to a dog or cat.

BACKGROUND

2. The number of dogs and cats kept by the public has been increasing in recent years. Concomitant with the increase, the risk of these pets going astray and getting injured in traffic incidents has also gone up. Reports have been found in the press and on social media regarding incidents where dogs and cats have been hit by a vehicle, causing their injuries or even deaths. Public concern about animal welfare has been raised for cases in which the vehicle driver did not stop after the incident and left the scene without letting the animals receive attention.

3. At present, subsection (1) of section 56 of the Ordinance provides that a driver of a vehicle shall stop if an incident involving that vehicle occurs whereby damage is caused to, amongst others, an animal. Subsections (2) and (2A) provide that the driver is required to give his particulars to a police officer or any person having reasonable grounds for so requiring such information, otherwise he has to report the incident to the nearest police station as soon as practicable, and no later than 24 hours after the incident. A person who contravenes the above provisions commits an offence and is liable to a fine and imprisonment¹. “Animal” is defined to mean any horse, cattle, ass, mule, sheep, pig or goat under subsection (4).

¹ Contravention of subsection (1) of section 56 is liable to a fine of \$10,000 and to imprisonment for 12 months whereas that of subsections (2) or (2A) is liable to a fine of \$15,000 and to imprisonment for 6 months.

JUSTIFICATIONS

4. Animal welfare organisations, animal lovers and some members of the public are getting increasingly concerned about dogs and cats being left out in the coverage of section 56 of the Ordinance. The Subcommittee to Study Issues Relating to Animal Rights formed under this Panel (Subcommittee) (during December 2016 – December 2017), among others, supported updating the law as early as possible.

5. We have researched into the practices and related legislation in other highly urbanised places as Hong Kong, and found that it is not uncommon for their relevant laws to cover dogs, while in some places cats are also included. Having regard to the international trend, we see merits to update the Ordinance by bringing dogs and cats under the coverage of section 56 thereof.

WAY FORWARD

6. We propose to amend section 56(4) of the Ordinance to include “dog” and “cat”. The Agriculture, Fisheries and Conservation Department (AFCD) will consult relevant stakeholders, such as the Animal Welfare Advisory Group and the Road Safety Council (RSC). Views from various sectors of the community are also welcome before we finalise the legislative proposal which we plan to introduce into the Legislative Council in the 2018-19 session.

7. Subject to the passage of the legislative amendment, we would launch a series of publicity activities including distributing posters and leaflets and publicising on the web through relevant departments such as AFCD, the Transport Department, the Hong Kong Police Force and the Home Affairs Department, and making announcement at the RSC Road Safety Bulletin for all road users’ information, before the amendment takes effect.

ADVICE SOUGHT

8. Members are invited to provide views on this proposed legislative amendment.

Food and Health Bureau
Agriculture, Fisheries and Conservation Department
April 2018