

**立法會**  
**Legislative Council**

LC Paper No. CB(2)1036/20-21  
(These minutes have been seen  
by the Administration)

Ref : CB2/BC/5/20

**Bills Committee on Road Traffic (Amendment) Bill 2021**

**Minutes of meeting**  
**held on Wednesday, 17 March 2021, at 9:00 am**  
**in Conference Room 3 of the Legislative Council Complex**

**Members present** : Hon CHAN Hak-kan, BBS, JP (Chairman)  
Hon Frankie YICK Chi-ming, SBS, JP  
Hon Alice MAK Mei-kuen, BBS, JP  
Hon Elizabeth QUAT, BBS, JP

**Members absent** : Hon CHAN Han-pan, BBS, JP  
Hon LUK Chung-hung, JP  
Hon Kenneth LAU Ip-keung, BBS, MH, JP  
Dr Hon CHENG Chung-tai

**Public Officers attending** : Item II

Miss Erica NG Lai-man, JP  
Deputy Secretary for Food and Health (Food) 1

Mr Amor WONG Yiu-tuen  
Principal Assistant Secretary for Food and Health (Food) 3

Dr Thomas SIT Hon-chung  
Assistant Director (Inspection and Quarantine)  
Agriculture, Fisheries and Conservation Department

Dr Esther TO Man-wai  
Senior Veterinary Officer (Animal Management) Development  
Agriculture, Fisheries and Conservation Department

Mr Damon AU Wing-leung  
Chief Superintendent (Traffic)  
Hong Kong Police Force

Mr Wilson NG Hoi-wai  
Superintendent (Law Revision and Projects)  
(Traffic Branch Headquarters)  
Hong Kong Police Force

Miss Celia HO Wai-kwan  
Government Counsel  
Department of Justice

**Clerk in attendance** : Miss Josephine SO  
Chief Council Secretary (2) 2

**Staff in attendance** : Miss Rachel DAI  
Assistant Legal Adviser 2

Ms Wendy LO  
Senior Council Secretary (2) 2

Miss Cally LAI  
Legislative Assistant (2) 2

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Action

**I. Election of Chairman**

Election of Chairman

Mr CHAN Hak-kan, the member who had the highest precedence in Council among members of the Bills Committee present, presided over the election of the Chairman. Mr CHAN invited nominations for the chairmanship of the Bills Committee.

2. Mr CHAN Hak-kan was nominated by Ms Elizabeth QUAT and the nomination was seconded by Mr Frankie YICK. Mr CHAN Hak-kan accepted the nomination. Mr Frankie YICK, the member of the highest precedence in Council among other members present, took over from Mr CHAN to preside over the election of the Chairman. As there was no other nomination, Mr YICK declared Mr CHAN Hak-kan elected as the Chairman of the Bills Committee. Mr CHAN then took the chair.

3. Members agreed that the election of Deputy Chairman was not necessary.

**II. Application for late membership**  
(LC Paper No. CB(2)889/20-21(01))

4. Members accepted the application for late membership from Ms Alice MAK.

**III. Meeting with the Administration**  
(File Ref: FH CR 2/3231/16, LC Paper Nos. CB(3)351/20-21, LS40/20-21 and CB(2)883/20-21(02) & (03))

5. The Bills Committee deliberated (index of proceedings attached at **Annex A**).

6. The Bills Committee completed the discussion of the policy aspect and clause-by-clause examination of the Road Traffic (Amendment) Bill 2021 ("the Bill"). Members noted that the Administration would not propose any amendments to the Bill.

Follow-up actions required of the Administration

7. The Administration was requested to provide a written response to issues raised by members at the meeting as set out in **Annex B**.

**IV. Any other business**

8. The Chairman said that if, after the meeting, any submission was referred from any members, the Secretariat would forward the submission received to the Administration for a written response.

*(Post-meeting note: One submission from the transport trade referred from the office of Hon Frankie YICK (LC Paper No. CB(2)919/20-21(03)) was subsequently received and forwarded to the Administration for a written response. The Administration's response to that written submission (LC Paper No. CB(2)928/20-21(01)) was circulated to members on 29 March 2021.)*

9. The Chairman further said that subject to any views members might have on the Administration's responses to the issues raised by

Action

members (see **Annex B**), he would decide whether to hold a further meeting.

*(Post-meeting note: Members were informed vide LC Paper Nos. CB(2)919/20-21 and CB(2)938/20-21 respectively issued on 26 and 31 March 2021 that the Secretariat had not received from members any proposed amendments to the Bill nor any requests for holding a meeting to discuss any outstanding issues. The Chairman thus directed that no further meeting needed to be held and accordingly, the Bills Committee had completed the scrutiny of the Bill.)*

10. There being no other business, the meeting ended at 9:47 am.

Council Business Division 2  
Legislative Council Secretariat  
28 April 2021

**Proceedings of the meeting of the  
Bills Committee on Road Traffic (Amendment) Bill 2021  
on Wednesday, 17 March 2021, at 9:00 am  
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)/Discussion	Action Required
000527 - 000646	Mr CHAN Hak-kan Ms Elizabeth QUAT Mr Frankie YICK	Election of Chairman	
000647 - 000737	Chairman	Consideration of Ms Alice MAK's application for late membership	
000738 - 001622	Chairman Mr Frankie YICK Admin	<p>Mr Frankie YICK's enquiry and the Administration's response regarding the public consultation exercise conducted between July and September 2018 on the legislative proposal to include "cat" and "dog" in the definition of "animal" in section 56 of the Road Traffic Ordinance (Cap. 374) ("RTO"), such that a driver would be required to stop and report to the Police if the vehicle he/she was driving was involved in an accident causing damage to a cat or a dog.</p> <p>Mr YICK expressed concern that the Administration had not brought clearly to the attention of stakeholders of the transport industry and professional drivers what additional legal responsibility they would have to shoulder if the new requirement was to be imposed. The Administration was requested to provide the following supplementary information:</p> <p>(a) during the public consultation exercise conducted between July and September 2018, relevant stakeholders which were invited to give views on the Administration's proposal that "cat" and "dog" be included in the definition of "animal" in section 56 of RTO; and</p> <p>(b) a list setting out the numbers and names of individual members of the transport trade or related associations (i) who/which were consulted on the above legislative proposal during the public consultation exercise in 2018 and (ii) who/which had submitted views on the proposal.</p>	<p><b>Admin</b> (Annex B refers)</p>

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)/Discussion</b>	<b>Action Required</b>
001623 - 001948	Chairman Admin	The Administration's briefing on the Road Traffic (Amendment) Bill 2021 ("the Bill").	
001949 - 002541	Chairman Mr Frankie YICK Admin	<p>Mr Frankie YICK said that he and the transport trade did not object to the Bill. He, however, pointed out that it was dangerous for a driver to stop the vehicle and to report the accident after having hit a "specified animal" when the traffic was heavy as this might cause traffic blockage and pose safety hazards to the driver himself as well as other road users. It was also not practicable for drivers to spend hours waiting for officers of the Agriculture, Fisheries and Conservation Department to arrive at the scene to handle the matter.</p> <p>The Administration responded that if the driver for any reason (e.g. safety issues or the possibility of causing more traffic accidents) was unable to stop the vehicle immediately on an expressway after hitting a "specified animal", the driver should stop the vehicle as soon as possible in a safe place before contacting the Police. The driver might leave the scene upon initial enquiry and after supplying his/her particulars to the police officer(s) who would normally arrive within a short time.</p>	
002542 - 003104	Chairman Ms Alice MAK Admin	Ms Alice MAK's enquiry and the Administration's response on the numbers of traffic accidents involving damage to animals (including cats or dogs) reported to the Police in recent years.	
003105 - 003220	Chairman Mr Frankie YICK Admin	Mr Frankie YICK's suggestion that a hotline or more convenient channels be made available for drivers to report traffic accidents involving damage to cats or dogs.	
003221 - 003653	Chairman Admin	<p>The Chairman's expression of support for the Bill. He, however, asked why this legislative amendment exercise sought to extend the protection to only cats and dogs, but not other common community animals such as rabbit, monkey, wild boar, barking deer and guinea pig.</p> <p>The Administration's advice that it had studied the relevant practices and legislation in other places. Having regard to international practices, the Administration saw merits to</p>	

Time marker	Speaker	Subject(s)/Discussion	Action Required
		<p>update RTO by bringing cats and dogs under the coverage of section 56 thereof. The Bill was intended to make it possible for the injured cats and dogs to receive more timely attention and to heighten drivers' alertness of animals on the roads, with a view to reducing such accidents. The proposal to include "cat" and "dog" in the definition of "specified animal" already covered the most commonly owned pets in Hong Kong and would be a key step forward in the Administration's overall efforts to enhance animal welfare.</p> <p>The Chairman's enquiry and the Administration's response on the Police's enforcement work after the new requirement had come into force.</p>	
003654 - 004249	Chairman Ms Elizabeth QUAT Admin	<p>Ms Elizabeth QUAT's views that the lives of all animals should be respected and protected; and the Administration should hence review and consider further expanding the scope of animals protected under section 56 of RTO, so as to benefit more or even all species of animals, regardless of whether the animals were stray or owned by somebody.</p> <p>The Administration's reiteration of the policy intent of the Bill.</p>	
<i>Clause-by-clause examination of the Bill</i>			
004250 - 004938	Chairman Ms Alice MAK Admin ALA2	<p>Clause-by-clause examination of the Bill, with the aid of the Chinese version of the marked-up copy of the relevant provisions of RTO to be amended by the Bill (The Blue Bill and LC Paper No. CB(2)883/20-21(02)).</p> <p><i>Clause 1 - Short title and commencement</i></p> <p><i>Clause 2 - Road Traffic Ordinance amended</i></p> <p><i>Clause 3 - Section 56 amended (duty to stop in case of accidents)</i></p> <p>Presentation and the numbering of the proposed new section 56(7) of RTO.</p>	
004939 - 005013	Chairman ALA2	The Legal Adviser to the Bills Committee advised that no difficulties relating to the legal and drafting aspects of the Bill had been identified.	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)/Discussion</b>	<b>Action Required</b>
005014 - 005131	Chairman	<p>The Chairman said that if any members intended to propose amendments to the Bill and wished their draft amendments to be considered by the Bills Committee, they might forward their draft amendments to the Secretariat after the meeting.</p> <p>The Chairman's closing remarks.</p>	

Council Business Division 2  
Legislative Council Secretariat  
28 April 2021



**Bills Committee on Road Traffic (Amendment) Bill 2021**

**List of follow-up actions arising from the discussion  
at the meeting on 17 March 2021**

The Administration was requested to provide the following supplementary information:

- (a) during the public consultation exercise conducted between July and September 2018, relevant stakeholders which were invited to give views on the Administration's proposal that "cat" and "dog" be included in the definition of "animal" in section 56 of the Road Traffic Ordinance (Cap. 374); and
- (b) a list setting out the numbers and names of individual members of the transport trade or related associations (i) who/which were consulted on the above legislative proposal during the public consultation exercise in 2018 and (ii) who/which had submitted views on the proposal.

Council Business Division 2  
Legislative Council Secretariat  
26 March 2021