

立法會
Legislative Council

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**Report of the Bills Committee on
Road Traffic (Amendment) Bill 2021**

Purpose

This paper reports on the deliberations of the Bills Committee on Road Traffic (Amendment) Bill 2021 ("the Bills Committee").

Background

2. At present, section 56(1)(b)(ii) of the Road Traffic Ordinance (Cap. 374) ("RTO") provides that the driver of a vehicle shall stop if an accident involving that vehicle occurs whereby damage is caused to an animal other than an animal in or on that vehicle or a trailer drawn by it. Under section 56(4) of RTO, "animal" is defined to mean any horse, cattle, ass, mule, sheep, pig or goat.

3. Sections 56(2) and 56(2A) of RTO further provide that the driver shall, if required, give his particulars¹ to any police officer or any person having reasonable grounds for so requiring such information; otherwise, he shall report the accident in person at the nearest police station or to any police officer as soon as reasonably practicable and in any case not later than 24 hours after the accident. Any person who contravenes section 56(1), (2) or (2A) of RTO commits an offence and is liable to a fine and imprisonment.²

¹ The particulars include (a) the driver's name and address; (b) the name and address of the owner of the vehicle; and (c) the registration or identification mark or number of the vehicle.

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

4. According to the Administration, the number of cats and dogs kept as pets by the public has been increasing in recent years. Concomitant with the increase, the risk of these animals going astray/being abandoned and getting injured/killed after being hit by vehicles has gone up. There has been growing public concern that since drivers are not required under the current legislation to stop the vehicle in case of accidents involving damage to cats or dogs, the injured cats and dogs may not be able to receive timely attention and medical treatment.³ After conducting a public consultation exercise in 2018, the Administration proposes to amend RTO to expand the scope of animals protected under section 56 of RTO to include "cat" and "dog" so that the driver of a vehicle must stop and comply with certain requirements if a traffic accident occurs whereby damage is caused to a cat or a dog (other than one in or on the vehicle or a trailer drawn by the vehicle).

The Road Traffic (Amendment) Bill 2021

5. The Road Traffic (Amendment) Bill 2021 ("the Bill") was introduced into the Legislative Council on 24 February 2021. The Bill seeks to expand the scope of animals protected under section 56 of RTO; and to make minor textual amendments (including replacing the reference to "animal" by "specified animal") to section 56(1)(b)(ii).

The Bills Committee

6. At the House Committee meeting on 26 February 2021, Members formed a Bills Committee to study the Bill. The membership list of the Bills Committee is in the **Appendix**.

7. Under the chairmanship of Hon CHAN Hak-kan, the Bills Committee has held one meeting with the Administration. A written submission has been received from the Taxi Dealers & Owners Association Limited.

³ At present, if the Police receives any reports on injury to animals in traffic accidents, it will inform, and solicit assistance from, the Agriculture, Fisheries and Conservation Department and/or the Society for the Prevention of Cruelty to Animals.

Deliberations of the Bills Committee

Scope of the proposed new definition of "specified animal"

8. Members in general support the proposal to add "cat" and "dog" to the scope of section 56 of RTO, since cats and dogs are commonly owned pets and it is important for them to receive timely medical treatment if injured in a traffic accident. However, some members, including Mr CHAN Hak-kan, Miss Alice MAK and Ms Elizabeth QUAT, have enquired about the rationale why this legislative amendment exercise seeks 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. In some members' views, 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, disregarding whether the animals are stray or owned by somebody.

9. According to the Administration, it has studied the relevant practices and legislation in other places such as Singapore, the United Kingdom and New York State of the United States of America. The findings have revealed that the relevant legislative provisions in Singapore and the United Kingdom are similar to the current section 56 of RTO, except that theirs cover dogs as well. The relevant legislation in New York, on the other hand, cover both cats and dogs. Having regard to international practices, the Administration considers that there are merits to update RTO by bringing cats and dogs under the coverage of section 56 thereof. The Bill is 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 of adding "cat" and "dog" to the definition of "specified animal" already covers the most commonly owned pets in Hong Kong and will be a key step forward in the Administration's overall efforts to enhance animal welfare.

Enforcement and operation of the new requirement

10. Some members have pointed out that vehicles may run at very high speed on roads, particularly on expressways or trunk roads in the urban areas. From the road safety angle, it is dangerous for a driver to stop the vehicle and to report the accident after having hit a specified animal when the traffic is heavy as this may cause traffic blockage and pose safety hazards to the driver himself as well as other road users. Mr Frankie YICK has relayed the views and concerns of members of the transport trade that the requirements to stop and make report to the Police after an accident will affect drivers' work schedules. It is not practicable for drivers to spend hours waiting for officers of the Agriculture, Fisheries and Conservation Department ("AFCD") to arrive at the

scene to handle the matter. Mr YICK has suggested that a hotline or more convenient channels be made available for drivers to report traffic accidents involving damage to cats or dogs.

11. The Administration has advised that over the years, there have been public concerns about drivers failing to stop after traffic accidents causing injury to cats and dogs and leaving the scene. The Bill seeks to make it a legal requirement for a driver to stop and report to the Police if the vehicle he/she is driving is involved in an accident causing injury to a cat or a dog. According to the Administration, when such an accident occurs, the driver should, if traffic condition permits, stop the vehicle and dial 999 to report to the Police with details of the accident (such as the date, time, location and what actually happened) and the injured animal. The driver may leave the scene after supplying his/her particulars to the police officer(s) who will normally arrive within a short time. If the driver for any reason (e.g. safety issues or the possibility of causing more traffic accidents) is unable to stop the vehicle immediately on a highway after having hit a specified animal, the driver should stop the vehicle as soon as possible in a safe place before contacting the Police.

12. In response to members' questions on the Police's enforcement work, the Administration has advised that for cases in which the driver has not stopped after the accident and left the scene without reporting to the Police to let the injured animals receive attention, the Police will make investigation and follow up in accordance with the established mechanism. If there is sufficient evidence, drivers who do not report to the Police will face prosecution under RTO.

Publicity

13. Mr Frankie YICK has expressed concern that the Administration has not brought clearly to the attention of practitioners of the transport industry and professional drivers what additional legal responsibility they would have to shoulder if the new requirement is to be imposed. There are suggestions that the Administration should enhance publicity on the new requirement and AFCD should work closely with the Police to ensure effective/efficient handling of traffic accidents involving damage to the specified animals (including securing timely and appropriate veterinary treatment for the injured animals).

14. The Administration has advised that during the public consultation period⁴, views from relevant stakeholders including animal welfare organizations, relevant advisory and statutory bodies, Rural Committees, the Road Safety

⁴ The public consultation exercise was conducted between July and September 2018.

Council and the transport trade and relevant associations⁵ were invited. Around 500 responses were received, four of which came from the transport trade. The vast majority of all of the respondents supported the proposal. According to records of the Police, the numbers of traffic accidents involving damage to animals (including cats or dogs) reported to the Police in the past five years are small, ranging from 4 to 14. After the passage of the Bill, the Administration will, before the amendment takes effect,⁶ launch a series of publicity activities including (a) distributing posters and leaflets and publicizing relevant information on relevant government websites; and (b) making announcements at the Road Safety Council's Road Safety Bulletin for all road users' information.

Amendment to the Bill

15. The Administration and the Bills Committee will not propose any amendment to the Bill.

Resumption of Second Reading debate

16. The Bills Committee raises no objection to the resumption of the Second Reading debate on the Bill at the Council meeting of 28 April 2021.

Consultation with the House Committee

17. The Bills Committee reported its deliberations to the House Committee on 16 April 2021.

Council Business Division 2
Legislative Council Secretariat
21 April 2021

⁵ According to the Administration's paper (LC Paper No. CB(2)919/20-21(02)), AFCD wrote to 215 transport trade organizations and associations (including organizations representing taxis, franchised buses, public light buses, school buses, trucks, etc.) to invite views on the proposed legislative amendment under the Bill.

⁶ The Bill, if passed, would come into operation on the expiry of six months beginning on the day on which the enacted Ordinance is published in the Gazette. According to the Administration, this is to allow time for the Administration to conduct publicity so that members of the public, especially drivers, could be made aware of the new legal requirement.

Bills Committee on Road Traffic (Amendment) Bill 2021

Membership list

Chairman Hon CHAN Hak-kan, BBS, JP

Members Hon Frankie YICK Chi-ming, SBS, JP
Hon CHAN Han-pan, BBS, JP
Hon Alice MAK Mei-kuen, BBS, JP
Hon Elizabeth QUAT, BBS, JP
Hon LUK Chung-hung, JP
Hon Kenneth LAU Ip-keung, BBS, MH, JP
Dr Hon CHENG Chung-tai

(Total : 8 members)

Clerk Miss Josephine SO

Legal Adviser Miss Rachel DAI

Date 17 March 2021