

LEGISLATIVE COUNCIL BRIEF

Road Traffic Ordinance
(Chapter 374)

Road Traffic (Amendment) Bill 2021

INTRODUCTION

At the meeting of the Executive Council on 9 February 2021, the Council **ADVISED** and the Chief Executive **ORDERED** that the Road Traffic (Amendment) Bill 2021 (“Amendment Bill”), at **Annex A**, should be introduced into the Legislative Council.

JUSTIFICATIONS

The Existing Provisions of the Ordinance

2. At present, section 56(1)(b) of the Road Traffic Ordinance (Chapter 374) (“the Ordinance”) 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 one in or on that vehicle or a trailer drawn by it. Under section 56(4) of the Ordinance, “animal” is defined as any horse, cattle, ass, mule, sheep, pig or goat. This definition covers only livestock to facilitate the livestock owners to seek compensation from the drivers concerned for the loss incurred. Section 56(2) further stipulates that the driver of the vehicle shall, if required, give to any police officer or any person having reasonable grounds for so requiring the following particulars

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- (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.

3. Section 56(2A) provides that if the driver for any reason does not give the particulars mentioned above, the driver 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.

4. A person who contravenes section 56(1), (2) or (2A) of the Ordinance commits an offence and is liable to a fine and imprisonment, i.e. for a contravention of section 56(1): a fine of \$10,000 and imprisonment for 12 months, and for a contravention of section 56(2) or (2A): a fine of \$15,000 and imprisonment for six months.

Improving the Welfare of Animals Involved in Traffic Accidents

5. The number of cats and dogs kept by the public has been increasing in recent years. Concomitant with the increase, the risk of these animals going astray or being abandoned and getting injured or killed after being hit by vehicles has gone up.

6. There are public concerns that, since drivers are not legally required to stop if they hit cats or dogs under the current law, the injured cats and dogs may not be able to receive timely medical treatment.

THE PROPOSAL

7. We propose that “cat” and “dog” be included in the definition of “animal” in section 56(4) of the Ordinance.

8. At present, if the Police receives any report on injury to animals in traffic accidents, it will inform, and solicit assistance from, the Agriculture, Fisheries and Conservation Department (“AFCD”) and/or the Society for the Prevention of Cruelty to Animals. The Amendment 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 “animal” already covers the most commonly owned pets in Hong Kong, and will be a key step forward in our overall efforts to enhance animal welfare.

THE AMENDMENT BILL

9. The object of the Amendment Bill at **Annex A** is to amend section 56(4) of the Ordinance to expand the definition of “animal” to include “cat” and “dog”.

LEGISLATIVE TIMETABLE

10. The legislative timetable is as follows –

Publication in the Gazette 19 February 2021

Tabling at the Legislative Council 24 February 2021
 (“LegCo”)

IMPLICATIONS OF THE PROPOSALS

11. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. It will not affect the current binding effect of the existing provisions of the Ordinance. It has no financial, civil service, economic, environmental, productivity, family, gender, or sustainability implications.

PUBLIC CONSULTATION

12. The public was consulted before on whether to add “cat” and “dog” to section 56 of the Ordinance. A summary of the views collected is at **Annex B**.

PUBLICITY

13. A press release will be issued and a government spokesperson will be available to answer media and public enquiries. AFCD will launch a series of publicity activities including distributing posters and leaflets and publicising on the web through relevant departments.

BACKGROUND

14. Over the years, there have been public concerns about drivers failing to stop after road accidents that caused injuries to cats and dogs and leaving the scene without enabling the injured animals to receive medical attention. The Subcommittee to Study Issues relating to Animal Rights under the LegCo Panel on Food Safety and Environmental Hygiene (“FSEH Panel”) also suggested that the Government should review and amend the Ordinance to include “cat” and “dog” in the definition of “animal”. The FSEH Panel was consulted on 8 May 2018 on expanding

that definition to cover “cat” and “dog”. Members generally supported the proposal.

ENQUIRY

15. For enquiries about this brief, please contact Mr Amor WONG, Principal Assistant Secretary for Food and Health, at 3509 7927.

**Food and Health Bureau
Agriculture, Fisheries and Conservation Department
February 2021**

A BILL

To

Amend the Road Traffic Ordinance to expand the definition of *animal* in section 56 of that Ordinance; and to make minor textual amendments to that section.

Enacted by the Legislative Council.

1. Short title and commencement

- (1) This Ordinance may be cited as the Road Traffic (Amendment) Ordinance 2021.
- (2) This Ordinance comes into operation on the expiry of 6 months beginning on the day on which it is published in the Gazette.

2. Road Traffic Ordinance amended

The Road Traffic Ordinance (Cap. 374) is amended as set out in section 3.

3. Section 56 amended (duty to stop in case of accidents)

- (1) Section 56(1)(b)—
 - Repeal subparagraph (ii)**
 - Substitute**
 - “(ii) a specified animal (other than one in or on that vehicle or a trailer drawn by that vehicle); or”.
- (2) Section 56—
 - Repeal subsection (4).**
- (3) After section 56(6)—

Add

“(7) In this section—

specified animal (指明動物) means any horse, cattle, ass, mule, sheep, pig, goat, cat or dog.”.

Explanatory Memorandum

Under section 56 of the Road Traffic Ordinance (Cap. 374), the driver of a vehicle must stop and comply with certain requirements if, because of the vehicle, an accident occurs and causes damage to an animal as defined in that section (other than one in or on the vehicle or a trailer drawn by the vehicle).

2. The main purpose of this Bill is to add cat and dog to the definition.

**Summary of views received
during the public consultation**

A public consultation was conducted between July and September 2018 to seek views on the proposal that “cat” and “dog” be included in the definition of “animal” in section 56 of the Road Traffic Ordinance (Cap. 374), such that a driver would be required 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.

2. During the public consultation period, around 500 responses were received. Views from relevant stakeholders, such as animal welfare organisations, members of the Animal Welfare Advisory Group, the transport trade and associations and Rural Committees, were invited.

3. A vast majority of respondents supported the proposal to add “cat” and “dog” to the scope of section 56, since cats and dogs are commonly owned pets and should receive medical treatment if injured in an accident. Some of them were of the view that if a vehicle hits an animal of considerable size, the driver should be able to notice and stop to follow up. Only a few objected to the proposal.

4. A small number of respondents suggested including all animals and all wild animals in the definition. Some suggested adding various species such as barking deer, bat, rabbit, guinea pig and bird, etc. In addition, some respondents supported including wild pig and monkey in the definition, but opposing views were that this would further increase the liability on drivers. Regarding these suggestions, we note that similar laws in many overseas jurisdictions generally only cover animals kept domestically (including cats and dogs) but not wild animals.