

立法會
Legislative Council

LC Paper No. LS40/20-21

**Paper for the House Committee Meeting
on 26 February 2021**

**Legal Service Division Report on
Road Traffic (Amendment) Bill 2021**

I. SUMMARY

- 1. The Bill**

The Bill seeks to amend the Road Traffic Ordinance (Cap. 374) to expand the scope of animals protected under section 56 of Cap. 374 to include cat and dog so that the driver of a vehicle must stop and comply with certain requirements if an accident occurs whereby damage is caused to a cat or a dog (other than one in or on that vehicle or a trailer drawn by it); and to make minor textual amendments to that section.
- 2. Public Consultation**

According to the Administration, the public was consulted between July and September 2018. A vast majority of the respondents supported the proposal to include "cat" and "dog" among the animals to be protected under section 56 of Cap. 374.
- 3. Consultation with LegCo Panel**

The Panel on Food Safety and Environmental Hygiene was consulted on 8 May 2018. The majority of members welcomed and supported the legislative proposal. Members also raised other concerns including the conservation of migratory species of wild animals (such as monkey and non-domesticated wild boar).
- 4. Conclusion**

No difficulties relating to the legal and drafting aspects of the Bill have been identified. Subject to Members' views, the Bill is ready for resumption of Second Reading debate.

II. REPORT

The date of First Reading of the Bill is 24 February 2021. Members may refer to the Legislative Council ("LegCo") Brief (File Ref.: FH CR 2/3231/16) issued by the Food and Health Bureau and the Agriculture, Fisheries and Conservation Department in February 2021 for further details.

Object of the Bill

2. The Bill seeks to amend the Road Traffic Ordinance (Cap. 374) to expand the scope of animals protected under section 56 of Cap. 374 to include cat and dog so that the driver of a vehicle must stop and comply with certain requirements if an accident occurs whereby damage is caused to a cat or a dog (other than one in or on that vehicle or a trailer drawn by it); and to make minor textual amendments to that section.

Provisions of the Bill

Amendments to expand the scope of animals protected under section 56

3. Currently, under section 56(1)(b) of Cap. 374, the driver of a vehicle must stop if, owing to the presence of the vehicle on a road, an accident occurs whereby damage is caused to, among others, an animal other than an animal in or on that vehicle or a trailer drawn by it. Under section 56(4), "animal" is defined to mean any horse, cattle, ass, mule, sheep, pig or goat. Under section 56(2) and (2A), the driver must, if required, give his particulars to any police officer or any person having reasonable grounds for so requiring such information, and if the driver does not give the particulars required, he must 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. A person who contravenes the above provisions commits an offence and is liable to a fine and to imprisonment.¹

4. Clause 3 of the Bill proposes to expand the scope of animals protected by section 56 of Cap. 374 by repealing section 56(4) and adding a new section 56(7) under which "specified animal" would mean any horse, cattle, ass, mule, sheep, pig, goat, cat or dog. It also proposes to make textual amendments (including replacing the reference to "animal" by "specified animal") to section 56(1)(b)(ii).

5. According to paragraph 8 of the LegCo Brief, the Bill is intended to make it possible for the injured cats and dogs to receive more timely attention, and to

¹ Under section 56(5) of Cap. 374, a person who contravenes section 56(1) commits an offence and is liable to a fine of \$10,000 and to imprisonment for 12 months. Under section 56(6) of Cap. 374, a person who contravenes section 56(2) or (2A) or who knowingly makes a false statement in supplying particulars under section 56(2) commits an offence and is liable to a fine of \$15,000 and to imprisonment for six months.

heighten drivers' alertness of animals on the roads, with a view to reducing such accidents, and would be a key step forward in the Government's overall efforts to enhance animal welfare.

Commencement

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. Upon LSD's enquiry, the Administration has explained that the reason for delaying commencement for six months 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.

Public Consultation

7. According to paragraph 12 of and Annex B to the LegCo Brief, the public was consulted between July and September 2018 on the proposal that "cat" and "dog" be included in the definition of "animal" under section 56 of Cap. 374. A vast majority of the respondents supported the proposal.

Consultation with LegCo Panel

8. As advised by the Clerk to the Panel on Food Safety and Environmental Hygiene, the Administration consulted the Panel on the legislative proposal at its meeting on 8 May 2018. While members supported in principle the proposal to expand the scope of animals protected under section 56 of Cap. 374 so that a driver would have to stop and comply with certain requirements in case of any traffic accident whereby damage is caused to a cat or a dog, some members expressed concern about the conservation of migratory species of wild animals (such as monkey and non-domesticated wild boar) and requested the Administration to further review the need to enhance the protection for common community animals. A motion to that effect was passed by the Panel.

Conclusion

9. No difficulties relating to the legal and drafting aspects of the Bill have been identified. Subject to Members' views, the Bill is ready for resumption of Second Reading debate.

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