



中華人民共和國香港特別行政區政府總部食物及衛生局

Food and Health Bureau, Government Secretariat
The Government of the Hong Kong Special Administrative Region
The People's Republic of China

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[Translation]

29 March 2021

Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong
(Attn: Miss Josephine SO)
(Fax: 2509 9055)

Dear Miss SO,

Bills Committee on Road Traffic (Amendment) Bill 2021

**The Government's Response to Written Submission
From Taxi Dealers & Owners Association Limited**

Thank you for the Secretariat's letter dated 26 March 2021. Regarding the views of Taxi Dealers & Owners Association Limited (the Association), our response is set out as follows.

The Association suggested that the Government adopt simple follow-up arrangements, so that drivers can first report the incident to the Police by phone at the scene of the accident, providing details on date, time, location, what actually happened, or if circumstances permit, take photos for record, and report the accident at the police station nearby within 24 hours after the accident. In fact, the Association's suggestion is not in conflict with the requirements under the Road Traffic Ordinance (Cap. 374) (the Ordinance) and the Road Traffic (Amendment) Bill 2021 (the Bill).

The Bill includes "cat" and "dog" in the definition of "animal" in the Ordinance and does not amend other requirements related to handling of traffic

accidents in the Ordinance. Prevailing requirements in the legislation related to traffic accidents involving injury to specified animals, i.e. requiring drivers to stop the vehicle if they hit a specified animal and provide particulars to any police officer or any person having reasonable grounds for requiring them, have been in force for many years. If the driver for any reason does not give such particulars, he shall report the accident in person at the nearest police station or to any police officer (such as calling the Police) as soon as reasonably practicable, and in any case not later than 24 hours after the accident, unless he is incapable of doing so by reason of injuries sustained by him in the accident. These requirements are not in conflict with the Association's suggestion.

Regarding drivers' concerns that stopping the vehicle and waiting on an expressway or in remote locations may have safety issues for the driver, we wish to clarify that the Ordinance's requirement to stop the vehicle after hitting a specified animal is the same as the current requirements for traffic accidents involving other vehicles, properties of others and other persons etc. The driver should beware of his own safety in stopping the vehicle. According to Section 47(3) of the Road Traffic (Traffic Control) Regulations (Cap. 374G), if a vehicle is stationary on an expressway or a road with a speed limit exceeding 50km/h because of an emergency, a hazard warning light must be turned on to warn and notify other drivers. If the driver for any reason is unable to stop the vehicle immediately, such as that more traffic accidents may be caused if the driver stops immediately on an expressway after hitting an animal, then the driver should stop the vehicle as soon as possible in a safe place before contacting the Police.

If the driver is in a location with weak signal reception (such as rural locations) and cannot report to the Police immediately, the driver shall report to the Police as soon as reasonably practicable, and not later than 24 hours after the accident. Otherwise, the driver may need to provide evidence to the Police or the Court that he has already reported the incident as soon as reasonably practicable.

The Bill requires drivers to stop the vehicle if it hits cats or dogs and provide particulars to any police officer or any person having reasonable grounds for requiring them. Such requirements are intended to make it possible for the injured animals to receive appropriate medical treatment, without delineating responsibilities or providing for compensation arrangements for the accident concerned. Responsibilities for accidents and compensation issues are insurance matters and not related to the proposed amendments to the Ordinance. In fact, pet owners are responsible for taking proper care of their pets. If it can be proved that a traffic accident occurred because a dog owner did not control his dog properly, the Police may prosecute the dog owner concerned. According to the Rabies Ordinance, a dog keeper and any person who allows his dog to wander in a public place without exercising proper control commits an offence and is liable on conviction to a maximum fine of \$10,000.

We thank the Association for providing its views on the Bill. If the Bill is supported and passed by the Legislative Council, the Government will conduct publicity work on the legislative amendments, including reminding drivers of issues to note under the requirements, such as to stop the vehicle only when it is safe.

Yours sincerely,

[Signed]

(Amor WONG)
for Secretary for Food and Health

c.c.

Commissioner of Police

Director of Agriculture, Fisheries and Conservation