

LCQ19: Traffic incidents involving animals

Following is a question by the Hon Chan Hak-kan and a written reply by the Secretary for Environment and Ecology, Mr Tse Chin-wan, in the Legislative Council today (May 28):

Question:

Under the Road Traffic Ordinance (Cap. 374), the driver of a vehicle shall stop if an accident involving that vehicle occurs whereby damage is caused to animals not in the vehicle, and the Government included cats and dogs in the definition of "animal" under the Ordinance in 2021. In this connection, will the Government inform this Council:

(1) of the following information in respect of traffic accidents involving vehicles hitting animals in each of the past five years: (i) the number of animals being hit (set out in the table below a breakdown by the type of animals (i.e. (a) horses, (b) cattle, (c) ass, (d) mules, (e) sheep, (f) pigs, (g) goats, (h) cats and (i) dogs)), (ii) the number of reports received by the Government on such accidents, and (iii) among these accidents, the number and percentage of cases involving hit-and-run drivers, (iv) the number of such accidents investigated by the Government under the Prevention of Cruelty to Animals Ordinance (Cap. 169), and (v) among them, the number of prosecutions instituted;

Year	(a)	(i)
2021			
.....			
2025 (This year to date)			

(2) of the current handling procedures adopted by the government departments concerned upon receipt of cases of animals being hit by vehicles; the number of such cases in which animal carcasses were handled directly by the Food and Environmental Hygiene Department in each of the past five years, and their percentage in the total number of cases involving animals being hit by vehicles;

(3) as there are views that the deterrent effect of the existing legislation on accidents involving vehicles hitting animals is inadequate, whether the authorities will introduce fixed penalty or incorporate a demerit point system; if so, of the details; if not, the reasons for that;

(4) whether the Government will allocate additional resources to assist in rescuing animals hit and injured by vehicles; and

(5) whether the Government will review the legislation to include more local wild animals (including but not limited to monkeys and wild pigs) in the definition of "animal" under Cap. 374; if so, of the details; if not, the reasons for that?

Reply:

President,

The Road Traffic Ordinance (Cap. 374) (the Ordinance) provides that the driver of a vehicle shall stop if an accident involving that vehicle occurs whereby damage is caused to specified animals not in the vehicle. Drivers are also required to provide particulars, including name and address, to any police officer or any person having reasonable grounds for requiring the information. Otherwise, the driver must report the accident to the Police as soon as possible and in any case no later than 24 hours after the accident. The Government amended the definition of specified animals under the Ordinance on November 7, 2021 to include cats and dogs. Currently, specified animals include horse, cattle, ass, mule, sheep, pig, goat, cat and dog.

Having consulted the Transport and Logistics Bureau and the Hong Kong Police Force (HKPF), the reply to the question from the Hon Chan Hak-kan is as follows:

(1) In the past five years, the HKPF has received a total of 933 reports of vehicle hitting the specified animals (details set out at the Table below), 147 of them involved driver failing to stop after hitting the animals. The HKPF does not maintain breakdown of statistics by the type of animals, cases investigated under the Prevention of Cruelty to Animals Ordinance (Cap. 169), and the prosecution number.

Year	Number of reports of vehicle hitting animals received
2021*	35
2022	144
2023	319
2024	314
2025 (as at April 30)	121

*The HKPF does not maintain the statistics prior to the amendment to the Ordinance.

(2) and (4) In general, upon receipt of reports of animals injured in traffic accidents, the Police will contact the Society for the Prevention of Cruelty to Animals (SPCA). The SPCA will inspect the animals at the scene and send the injured animals without keepers at the scene to the SPCA's clinics for

further treatment. If the injured animal is large in size and cannot be removed from the scene by the SPCA, the Agriculture, Fisheries and Conservation Department (AFCD) will provide rescue services at the scene, and send the injured animal to the AFCD's Animal Management Centres for further examination and observation as necessary. If the animal has been implanted with a microchip, the AFCD will also contact the animal owner based on the information of the microchip. The Government will, having regard to the implementation of the above mechanism, timely consider whether there is a need to allocate additional resources for the rescue of animals hit by vehicles.

For the drivers involved, if such person did not stop after the accident, or provide particulars to police officers or report to the Police in accordance with the requirements of the Ordinance, the HKPF will investigate and follow up according to the established mechanism; and will instigate prosecution if there is sufficient evidence.

As regards the disposal of animal carcasses, upon receipt of referrals from departments or reports from the public, the Food and Environmental Hygiene Department (FEHD) will arrange for contractors to collect animal carcasses at the scene and deliver them to the landfills of the Environmental Protection Department for disposal. The FEHD does not maintain a breakdown of animal carcasses collected in traffic accidents.

(3) Under the Ordinance, a driver failing to stop upon a relevant accident is liable to a fine at level 3 (\$10,000) and imprisonment for 12 months, whereas failing to provide particulars and report to the Police according to the requirements of the Ordinance is liable to a fine at level 4 (\$25,000) and imprisonment for six months. In general, enforcement by fixed penalty notices is targeted at cases which are simple, straightforward, clear-cut and capable of being easily established, but whether a driver has complied with the Ordinance requires further investigation of the Police, hence it is more appropriate to prosecute by issuing summonses. As regards demerit point system, considering the existing penalties have a certain deterrent effect, we do not intend to include the above offences in demerit point system at this stage, but will timely review them as necessary.

(5) The Ordinance requires drivers to stop if they hit a specified animal, with the intent of facilitating livestock owners to seek compensation from the drivers concerned for the loss incurred. The Government's inclusion of cats and dogs as specified animals under the Ordinance in 2021 aimed to enable cats and dogs injured in traffic accidents to receive timely treatment. As regards whether other wild animals will be included, making reference to the legislation in some overseas jurisdictions, similar stopping and reporting requirements generally only cover animals that are commonly kept by people but not wild animals. In fact, a number of stakeholders raised at the public consultation for amending the Ordinance in 2021 that if monkeys and wild pigs are to be included as specified animals, the drivers may suddenly stop their vehicles and lead to road traffic safety problems. The Government will closely monitor the implementation of the Ordinance and strive to strike a balance between safeguarding animal welfare and the safety

of road users, and will timely review whether there is room to further enhance the Ordinance.