

LCQ5: Abandoned vehicles on roads

Following is a question by the Hon Chan Han-pan and a reply by the Secretary for Transport and Housing, Mr Frank Chan Fan, in the Legislative Council today (December 9):

Question:

Some residents in the New Territories have complained that a large number of abandoned vehicles are parked on the roads in the rural areas (particularly in the vicinity of Chuen Lung), which have not only caused obstruction to pedestrians and traffic but also affected environmental hygiene. In this connection, will the Government inform this Council:

(1) of the number of complaints received by the authorities in the past three years about abandoned vehicles on roads; the major districts involved, as well as the procedure and the time normally taken for the disposal of such vehicles;

(2) of the number of notices issued by the authorities in the past three years under section 107 (1) of the Road Traffic Ordinance to owners of those vehicles on roads, which appeared to have been abandoned, to require them to remove the vehicles; how many of such vehicles were eventually impounded and removed by the Police; how much manpower and other resources the Police use annually for the disposal of such vehicles; whether the vehicle owners concerned are charged any fees so as to recover the costs; if so, of the details; if not, the reasons for that; which government department is at present mainly responsible for handling abandoned vehicles on roads; and

(3) whether any legislation is currently in place to enable the authorities to prosecute owners who have abandoned their vehicles on roads; if so, of the number of prosecutions instituted in the past three years and the highest penalties imposed on the convicted persons; if not, whether the authorities will enact the relevant legislation; if so, of the details and timetable; if not, the reasons for that?

Reply:

President,

Generally speaking, an abandoned vehicle refers to a vehicle that remains stationary in such a position or in such conditions or circumstances that there is reasonable cause to believe that the vehicle has been abandoned. Such situations include no vehicle licence and no vehicle registration number being displayed on the vehicle, the vehicle licence having expired, or the vehicle not being roadworthy, for example, with tires leaking, dusty, severely rusted, or headlights damaged.

Relevant government departments have noted that individual vehicle

owners have, for their own convenience, left their abandoned vehicles at roadsides, parking spaces or pavements. This will not only obstruct the pedestrian and traffic flow, but also hinder other vehicle owners from using the parking spaces. Relevant government departments are making joint efforts to strengthen collaboration with a view to addressing properly the above-mentioned situation soonest possible.

After consulting the Hong Kong Police Force (the Police), the Lands Department (LandsD), the Home Affairs Department, the Highways Department (HyD) and the Transport Department (TD), my reply to the various parts of the Hon Chan Han-pan's question is as follows:

(1) and (3) In 2018, 2019 and the first three quarters of 2020, the Police and the LandsD received altogether a total of 1 597, 1 669 and 1 241 complaints in respect of abandoned vehicles respectively. While both the Police and the LandsD do not keep any statistical breakdown of the complaints by location, as indicated by the LandsD, in overall terms, the complaints involve various districts, with relatively more cases in Yuen Long and Kowloon West insofar as the New Territories and the urban areas are concerned respectively in the past three years.

In accordance with section 6 (4) of the Land (Miscellaneous Provisions) Ordinance (Cap. 28), any person occupying unleased land, otherwise than under a licence or a deed or memorandum of appropriation, who without reasonable excuse does not cease to occupy the same as required by a notice shall be guilty of an offence. Therefore, any person abandoning a vehicle on unleased land on purpose without reasonable excuse commits a criminal offence under section 6 (4) of the Land (Miscellaneous Provisions) Ordinance. In order to instigate prosecution against the person occupying government land unlawfully under the above Ordinance, there must be sufficient evidence to establish the identity of the person involved. Nevertheless, most of the abandoned vehicles do not display any vehicle licence and vehicle registration number, thus making it highly difficult to gather evidence. For this reason, the LandsD has not instigated any prosecutions against such cases since 2007.

(2) Concerning the arrangement for handling abandoned vehicles, on the basis of the recommendation in the Audit Report in 2000 made on cost-effectiveness consideration, since 2001, the Police has only handled vehicles that pose immediate danger to road users or that cause traffic obstruction pursuant to section 103 of the Road Traffic Ordinance (Cap. 374). As regards other abandoned vehicles, given that the relevant traffic legislation (including the aforesaid section 103 and section 107 which targets abandoned vehicles) only confers powers to remove abandoned vehicles but with no penalty provision, the TD requested the LandsD to provide assistance in 2001 by invoking the Land (Miscellaneous Provisions) Ordinance for taking enforcement action.

At present, the LandsD focuses its work on handling abandoned vehicles on unleased and unallocated government land other than public roads. If an abandoned vehicle is involved in unlawful occupation of unleased and unallocated government land, the relevant District Lands Office (DLO) will,

upon receipt of a complaint, arrange a site inspection and make enquiries with the Police and the TD to confirm whether the vehicle concerned is a missing vehicle and to obtain the record of the vehicle's registered owner. After confirming that the vehicle is not a missing one, the DLO staff will affix a notice on the abandoned vehicle in accordance with section 6 of the Land (Miscellaneous Provisions) Ordinance, requiring the occupier to cease occupation of the land in question before such date (the notice period normally ranges from two days to seven days) as specified in the notice. If the occupation of government land by the abandoned vehicle persists after the expiry of the notice period, the relevant DLO will take possession of and remove the vehicle. Depending on the complexity of individual cases and the progress of information checking by relevant departments, it normally takes about six to eight weeks to remove an abandoned vehicle following the above-mentioned procedures.

In order to handle abandoned vehicles on public roads more effectively, relevant government departments are working out the modus operandi of joint clearance operations so that such operations could be realised as soon as possible. Under the arrangements being contemplated, various District Offices will play an overall planning and co-ordinating role in respect of the joint clearance operations. The TD is considering accepting the LandsD's delegation of power under section 6 of the Land (Miscellaneous Provisions) Ordinance to affix notices on abandoned vehicles on public roads. If the vehicles concerned remain intact upon the expiry of the notice period, the HyD will be responsible for towing away the abandoned vehicles to the storage pounds managed by the LandsD for disposal. The Police will continue to deal with vehicles that pose immediate danger to road users or obstruct traffic, whereas the LandsD will continue to deal with abandoned vehicles on unleased and unallocated government land other than public roads.

Thank you, President.