

LCQ2: Health conditions of drivers and road safety

Following is a question by the Hon Cheung Hok-ming and a reply by the Secretary for Transport and Housing, Ms Eva Cheng, at the Legislative Council meeting today (March 17):

Question:

It has been reported that recently a runaway public light bus ran into a queue at a roadside bus stop, resulting in one death and five injuries, and the traffic accident was suspected to have been caused by a momentary blackout of the driver while driving. Regarding the health conditions of drivers and road safety, will the Government inform this Council:

(a) of the number of traffic accidents caused by professional drivers suffering from bouts of illness while driving, as well as the resultant casualties, in the past five years;

(b) as the Road Traffic (Driving Licences) Regulations (the Regulations) provide that the applicant for a driving licence shall make a declaration as to whether or not he is suffering from any disease specified in the First Schedule to the Regulations, or any other disease, but some applicants have never undergone any medical check-up, and therefore simply do not know whether or not they are suffering from such diseases, whether the authorities will explore appropriate measures to enable driving licence applicants and professional drivers to know more about their own health conditions; and

(c) given that at present the Road Traffic Ordinance has not prescribed the relevant standards on the offence of driving under the influence of drugs or stipulated any arrangement for differentiating a motorist who drives under the influence of drugs, whether the authorities will consider drawing up

guidelines to specify that drivers should not drive within a certain period of time after they have taken medicines which may influence their consciousness and judgement or cause drowsiness?

Reply:

President,

We appreciate the importance of motorists' health conditions to road safety. At present, the Road Traffic (Driving Licences) Regulations (Cap.374B) (the Regulations) already clearly provide that any person applying for or renewing his driving licence must declare if he is suffering from any disease or physical disability under the First Schedule to the Regulations, such as epilepsy, mental disorder, hypertension or any other cause that may lead to sudden attacks of fainting, etc. Section 111(3) of the Road Traffic Ordinance (Cap.374) provides that any person knowingly fails to report the disease or physical disability in question commits an offence and is liable to a fine of \$5,000 and to imprisonment for 6 months. The relevant statutory requirements are set out in detail on the driving licence application form and the Transport Department's website. The Commissioner for Transport (the Commissioner) would, upon receiving any declaration of the disease or physical disability in question, enquire about the situation with the doctor-in-charge of the applicant making such declaration. The Commissioner shall refuse to issue, reissue or renew the driving licence should the applicant suffer from any disease or physical disability under the First Schedule to the Regulations.

Besides, according to the Regulations, if any driving licence holder only becomes aware of the disease or physical disability under the First Schedule to the Regulations subsequent to the issue of such licence, he should forthwith give notice in writing of such fact to the Commissioner,

otherwise he would contravene regulation 46(1) of the Regulations and is liable to a fine of \$2,000. The Commissioner may cancel the driving licence of such person if he is satisfied that such person is not suitable for driving, after confirming with the doctor concerned or making such inquiry as he considers necessary, such that the person concerned can no longer drive any vehicle.

In case a person whose driving licence is cancelled for any of the above-mentioned reasons, he has to, in accordance with the existing requirements, submit a relevant medical report together with a fresh application, and pass the relevant driving tests and probationary driving period in order to obtain a driving licence again. The Regulations provide that only those who have held the driving licences for private car or light goods vehicle for at least 3 years are eligible for applying for driving licences for commercial vehicles such as taxi, light bus, bus, and medium or heavy goods vehicle.

Our replies to the specific questions are as follows:

(a) The numbers of traffic accidents involving professional drivers suspected to be suffering from bouts of illness while driving and the resultant casualties in the past five years are at Annex. In the past 5 years, there is no noticeable growth in the number of these cases. They represent a very small proportion when compared with the average of some 15,000 traffic accidents per year within the same period.

(b) Regarding the requirement governing the physical fitness of drivers, the existing Regulations mainly rely on the driving licence applicants to make honest declaration. The onus is on them to ascertain their physical conditions by way of health check. If they are suffering from any disease or physical disability under the First Schedule to the Regulations, they should notify the Transport Department in the declaration section of the driving licence application

form. In 2009, 78 persons so declared the disease they were suffering from to the Transport Department. As mentioned above, it is an offence to knowingly provide false information on the driving licence application form or fails to make the necessary declaration after being aware of the disease or physical disability under the First Schedule to the Regulations. We consider that the existing legislative provisions are adequate to encourage proper declaration of physical fitness by those applying for or renewing their driving licences.

Besides, employers and public transport operators concerned have a responsibility to ensure that public transport drivers are physically fit for the safe delivery of public transportation services. Should any driver be found to be feeling unwell or in an abnormal mental condition while reporting duty, they should not be allowed to drive and should be requested to consult a doctor or undergo health check.

To further increase the alertness of commercial vehicle drivers on their health conditions with a view to enhancing road safety, the Transport Department launched a "Safe Driving and Health Campaign for Professional Drivers" from December 2009 to early February 2010, which promoted the importance of health to commercial vehicle drivers. During the campaign, six "Health Check Days" were organised to provide free and simple health check for commercial vehicle drivers. Apart from free health check, the Transport Department also disseminated safe driving messages and health tips through radio Announcements in the Public Interests, celebrity sharing, its website, and distribution of pamphlets on health, etc. The Transport Department would consider launching similar campaigns to remind commercial vehicle drivers to pay attention to driving safety and health, when resources permit.

(c) Drivers have the responsibility to ensure that they would

drive only when they are apt to do so. The Transport Department would remind commercial vehicle drivers of such responsibility from time to time and provide the trade with the relevant information through trade conferences.

According to section 39 of the Road Traffic Ordinance (Cap.374), it is an offence for a person to drive, attempt to drive, or be in charge of, a motor vehicle on any road under the influence of drink or drugs, to such an extent as to be incapable of having proper control of the motor vehicle.

To allow more motorists, including drivers of commercial vehicles, to better understand the influence of illness or drugs on driving, the Transport Department has already provided guidelines in the "Road User Code" that health conditions affect driving performance, and motorists are reminded not to drive when they are tired, feeling unwell or emotionally upset. We will continue to step up publicity and education in this regard, e.g. to remind drivers not to neglect the effects of drugs, and to watch out for warning on drug labels, such as "this drug may cause drowsiness" or "do not drive after taking this drug" before taking any drugs. A person should not drive if they have to take drugs which may affect driving, and should use other transport modes instead for safety's sake.

Since a wide range of drugs are available in the market and reaction to drugs varies among individuals, it is difficult to ascertain the effect of each type of drug on driving behaviour. Therefore, the task of formulating guidelines on the drugs that a driver must not take while driving or before driving and setting the relevant standards for all of them is highly complex. We understand the public has grave concern about traffic accidents caused by motorists who drive under the influence of drugs, particularly narcotics. We therefore plan to accord priority to dangerous drugs. We will draw reference from overseas experiences, and study how the legislation should be amended. We hope to

formulate some initial proposals for public consultation
around mid-2010.

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