

LCQ7: Drug driving

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Following is a question by the Hon Mrs Sophie Leung Lau Yau-fun and a written reply by the Secretary for Transport and Housing, Ms Eva Cheng, at the Legislative Council meeting today (June 2):

Question:

It has been reported that between April and May this year, there were two incidents in Hong Kong in which truck drivers were suspected of drug driving. Moreover, in early January this year, a taxi driver who drove after taking ketamine on two separate occasions within 20 days was eventually sentenced to imprisonment for 18 months with his driving licence suspended for two years. In this connection, will the Government inform this Council:

(a) whether the law enforcement departments have conducted regular stop-and-search actions on drivers against drug driving; if they have, what criteria were used to stop and search drivers, as well as the actual operation of the stop-and-search actions;

(b) after the aforesaid drug driving incidents have come to light, whether the authorities have assessed the existing practice for conducting stop-and-search actions in view of such a situation and have made improvements immediately in view of the review outcome, so as to avoid similar incidents from happening again;

(c) given that it has been reported that the authorities have already set up a working group to study introducing legislation to regulate drug driving behaviour, of the work progress of the working group;

(d) of the number of prosecutions instituted in the past five

years against the offence of driving under the influence of medicines and, among them, the respective number of cases involving medicines which were not drugs and those which were drugs; the major types of medicines involved which were not drugs; whether an upward trend in the number of drug driving cases has been recorded;

(e) given that it has been reported that quite a number of drivers, who took a small amount of cannabis or ketamine when working, mistakenly thought that this might freshen them up and ease their stress, of the Government's solution in view of such a trend; and

(f) apart from studying introducing legislation for regulation, whether the authorities have other complementary plans and measures to prevent such an undesirable trend of drug driving from spreading in the community, posing hazard to public safety?

Reply:

President,

My reply to the various parts of the question is as follows:

(a) We are very concerned about the recent traffic accidents caused by driving under the influence of drugs, in particular drugs of abuse. At present, if a police officer conducting regular stop-and-search or taking other enforcement actions suspects that a driver is under the influence of alcohol or drugs, he will require the driver to stop the vehicle and take a screening breath test to ascertain whether the driver is under the influence of alcohol. The police officer will also observe closely and record his behaviour. If the test result indicates that the driver has not consumed alcohol or the alcohol level in his body does not exceed the prescribed limit, and the police officer has reasonable cause to suspect that

the driver is under the influence of drugs, the police officer will ask the driver whether he has taken drugs. The police officer will also search the driver and the vehicle concerned to ascertain whether the driver is in possession of dangerous drugs. If the driver admits that he has taken drugs, or the police officer finds dangerous drugs when searching the vehicle or the driver, the police officer will arrest the driver. If necessary, the police officer will, with the driver's consent, take the driver to a doctor for detailed examination.

(b) The Police are closely monitoring incidents involving drug driving, and have given instructions to front-line police officers reminding them of relevant procedures. If drug driving is involved in an accident or an accident with personal injury or fatality, the relevant driver may be charged with dangerous driving or causing death by dangerous driving offences.

(c) We understand the public concern about drug driving. 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, having a regulation covering all drug types or setting standards or prescribed limits for all drugs involves highly complex issues. We have set up an inter-departmental Working Group to study and formulate preliminary proposals to combat drug driving.

The Working Group plans to deal with dangerous drugs and other drugs separately. It will study the feasibility of adopting a "zero-tolerance" approach to several specified dangerous drugs that are commonly abused. In other words, a driver will commit an offence if he is proved to have taken these specified dangerous drugs, no matter whether his control of the vehicle has obviously been affected. As for other drugs, the Working Group will examine whether the existing legislation can be revamped. Although the current

legislation stipulates that a person commits an offence if he drives under the influence of drugs to such an extent as to be incapable of having proper control of the vehicle, the current legislation does not require a driver to provide body fluid specimens for analysis. Hence, the police have to seek the consent of the driver concerned before taking his body fluid specimen. This has caused certain difficulties in collection of evidence. The Working Group will study how best to update the existing legislation and assess the feasibility of introducing preliminary tests to help frontline police officers determine whether a driver is driving under the influence of drugs (including dangerous drugs), so as to assess whether the driver should be required to provide blood or other body fluid specimen for further analysis.

The Working Group will draw reference from overseas experience and study how the legislation should be amended to better facilitate enforcement actions and evidence collection by the Police. We hope to formulate initial proposals for public consultation around mid-2010.

(d) The yearly figures of prosecutions instituted against drug driving for the years between 2006 and 2009 were 1, 3, 3 and 5 cases respectively. From January to April 2010, there were a total of 8 prosecution cases. All these cases involved dangerous drugs, mostly ketamine.

(e) and (f) We will step up publicity reminding drivers to watch out for drug label warnings, such as "This drug may cause drowsiness" or "Do not drive after taking this drug", before taking any drugs. A person must not drive if he has to take drugs which may affect driving, and should use other transport modes instead. We also plan to disseminate the anti-drug driving message through meetings with the transport trades.

The Administration is also taking forward territory-wide anti-drug campaigns actively to enhance public awareness of drugs of abuse, especially to correct

common misconceptions towards psychotropic substances. The message of "Say No to Drug" is widely disseminated through various channels of publicity and preventive education, to educate people from all walks of life the grievous harm of drug abuse.

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