

## Road Traffic (Amendment) Bill 2011 to be gazetted

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The Government will publish in the Gazette on Friday (May 13) the Road Traffic (Amendment) Bill 2011 with an aim to provide the necessary legislative framework for implementing measures to vigorously combat drug driving.

"The number of arrest cases involving drug driving in 2010 was more than seven times the number in 2009, of which about 90% involved ketamine. The rising trend of drug driving cases, especially those involving illicit drugs, and the serious potential road safety hazards they pose have caused grave concerns," a Government spokesman said today (May 11).

The Bill brings in a "zero-tolerance offence" against six specified illicit drugs, namely heroin, ketamine, methamphetamine (commonly called ice), cannabis, cocaine and MDMA (commonly called ecstasy), which are the most common and dangerous drugs of abuse in Hong Kong.

"Driving with any concentration of the six specified illicit drugs present in the blood or urine will constitute an offence, even if the driver does not show any signs of being under the influence of these drugs. A person who commits the 'zero-tolerance offence' will be liable to a fine of \$25,000 and to imprisonment for three years. He or she will also be subject to driving disqualification for not less than two years on a first conviction, and not less than five years on a subsequent conviction," the spokesman said.

In the case that a person who has taken a specified illicit drug drives under the influence of the drug to such an extent as to be incapable of having proper control of the motor vehicle, he or she will be liable to heavier penalties, viz, a minimum driving disqualification period of five years on a first conviction; and 10 years on a subsequent conviction, in addition to a fine of \$25,000 and an imprisonment term of three years.

Furthermore, the court may order life disqualification from driving if the person is a repeat offender of the same offence and having regard to the circumstances of the case.

"Heavy penalties are proposed for drug driving offences involving the six

specified illicit drugs so as to send a clear message to the community that our society does not tolerate driving with illicit drugs," the spokesman said.

"To address public feedback, lighter penalties for the offence of driving under the influence of a drug (to such an extent as to be incapable of having proper control of the motor vehicle) are proposed, if the drug involved is not a specified illicit drug. A person who commits this offence will be liable to a fine of \$25,000 and to an imprisonment term of three years. He or she will also be subject to driving disqualification for not less than six months on a first conviction, and not less than two years on a subsequent conviction. Also, a statutory defence will be provided to protect the drivers who have taken appropriate measures to avoid drug driving."

The Bill also proposes to increase the driving disqualification period for a person convicted of dangerous driving causing death to not less than five years on a first conviction, and not less than 10 years on a subsequent conviction (the court may, having considered the circumstances of the case, order life disqualification from driving on a second conviction), in order to maintain the relativity in penalties between the dangerous driving causing death offence and the new drug driving offences.

Separately, the Bill empowers the Police to require persons who are suspected of drug driving to undergo preliminary drug tests (the Drug Influence Recognition Observation, Impairment Test and/or Rapid Oral Fluid Test). A person who is assessed to have taken any of the six specified illicit drugs, or is assessed to be impaired, will be required to provide specimens of blood and/or urine for a laboratory test to ascertain the presence and concentration of the drug taken. The person will also be required to surrender their driving licence to the Police for 24 hours as they are unfit for driving immediately. It will be an offence for drivers to refuse to perform the preliminary drug tests or to refuse to provide blood and/or urine specimens for laboratory testing without a reasonable excuse.

The Bill will be introduced into the Legislative Council on May 25.

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