

ETWB(T) 3/9/39 Pt.2

Tel : 2189 2182
Fax : 2104 7274

27 February 2006

Mr Andy Lau
Clerk to Transport Panel
Legislative Council Secretariat
3/F, Citibank Tower
Central
Hong Kong

Dear

Measures to Combat Inappropriate Driving Behaviour

At an earlier meeting of the Panel on Transport when the captioned item was discussed, Members asked for information related to the legislation about tailgating and drink driving. It is set out below.

Overseas legislation and prosecution statistics concerning tailgating

Our research indicates that overseas countries adopt different approaches to combat tailgating. From the information that we are able to gather, Italy, Japan, Malaysia, Russia, Singapore and United Kingdom, as well as five states of the USA, viz. California, Columbia, Maryland, Virginia and Washington DC, do not make tailgating a specific offence.

Other countries like Australia, Canada, Germany, and two states of the USA, viz. Massachusetts and Minnesota, have made tailgating a specific offence under their legislation. They adopt different safe distance and enforcement tools. The details are shown in **Annex A**.

Most countries where tailgating is an offence have not been able to provide us their prosecution statistics. Only Australia has provided us the number of fixed penalty tickets issued as shown in **Annex A**.

Overseas sanction for drink-driving

We have obtained information about seven countries/states, viz. New South Wales of Australia, Singapore, Quebec of Canada, the United Kingdom, New Zealand, Arizona of USA and Japan. The details are set out in **Annex B**. Briefly, the maximum fines for this offence in overseas countries range from HK\$2 000 to HK\$75 000 and the years of imprisonment range from zero to 3. The demerit points for the offence vary from 3 to 25 on first conviction. Some countries would suspend the driving licences of offenders for 3 months, while others would cancel the licences. There are heavier penalties for the second or repeated convictions.

Yours sincerely,

(Elizabeth Tai)
for Secretary for Environment,
Transport and Works

Information of Countries / Cities with specific offence of tailgating

Countries with specific offence of tailgating

Country	Legislation	Definition of safe distance	Penalties	Equipment used	Prosecution statistics
Australia (Victoria)	A driver must drive a sufficient distance behind a vehicle traveling in front of the driver so that the driver can, if necessary, stop safely to avoid a collision with the vehicle.	<ul style="list-style-type: none"> • Not specified under law • Time distance (2-second rule) applied for enforcement 	<ul style="list-style-type: none"> • 1 demerit point • AUD\$138 (fixed penalty) 	Nil	Year 2002 : 2 368 fixed penalty tickets issued Year 2003 : 3 444 fixed penalty tickets issued
Australia (South Australia)	A driver must drive a sufficient distance behind a vehicle traveling in front of the driver so that the driver can, if necessary, stop safely to avoid a collision with the vehicle.	<ul style="list-style-type: none"> • Not specified under law • Time distance (2-second rule) applied for enforcement 	<ul style="list-style-type: none"> • 1 demerit point • AUD\$182 (fixed penalty) 	Laser gun with digital video camera	Year 2002 : 449 fixed penalty tickets issued Year 2003 : 493 fixed penalty tickets issued
Australia (Sydney)	A driver must drive a sufficient distance behind a vehicle traveling in front of the driver so the driver can, if necessary, stop safely to avoid a collision with the vehicle.	<ul style="list-style-type: none"> • Not specified under law 	<ul style="list-style-type: none"> • 3-4 demerit points • AUD\$110 per penalty unit/ maximum 20 penalty units 	Nil	Not available

Country	Legislation	Definition of safe distance	Penalties	Equipment used	Prosecution statistics
USA (Massachusetts)	The driver of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of such vehicle and the traffic upon and condition of the highway.	<ul style="list-style-type: none"> • Not specified under law • Time distance (2-second rule) applied for enforcement 	Not available	Nil	Not available
USA (Minnesota)	The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle and the traffic upon and the conditions of the highway.	<ul style="list-style-type: none"> • 500 ft for long vehicle (Not for other vehicles) 	Not available	Nil	Not available

Country	Legislation	Definition of safe distance	Penalties	Equipment used	Prosecution statistics
Canada	No driver shall drive behind a vehicle more closely than is reasonable in the circumstances.	<ul style="list-style-type: none"> • Not specified under law 	<ul style="list-style-type: none"> • 4-6 demerit points • CAD\$100-\$300 	Nil	Not available
Germany	Tailgating is an offence but detailed provision is not available.	<ul style="list-style-type: none"> • Distance that can be covered in 1.5 seconds for minor offence • Distance which is less than five tenths of half of the speedometer value (4 km/h = 1 metre) for major offence 	<ul style="list-style-type: none"> • €25-35 for minor offence • €50-150 plus 4 driving points for major offence 	Proof video data system (in-car and mobile)	Not available

Summary of Penalties for Drink Driving Offences

Country/State /Province & Prescribed Limits	Penalties for first offence					Penalties for second offence				
	Fine		Imprisonment	Licence suspension	Demerit points	Fine		Imprisonment	Licence suspension	Demerit points
	Local Currency	HKD				Local Currency	HKD			
Hong Kong										
BAC: \geq 50 mg /100ml of blood	\leq \$25 000	\leq \$25 000	\leq 3 yrs	No	10	\leq \$25 000	\leq \$25 000	\leq 3 years	\geq 2 years	10
New South Wales (Australia)										
BAC : 50 to 80 mg /100ml of blood	\$1 100	\$6 600	N.A.	3 - 6 months	3	\$2 200	\$13 200	N.A	6 months to unlimited	3
BAC : 80 to 150 mg /100ml of blood	\$2 200	\$13 200	\leq 9 months	6 months to unlimited		\$3 300	\$19 800	\leq 1 year	1 year to unlimited	
BAC : \geq 150 mg /100ml of blood	\$3 500	\$21 000	\leq 18 months	1 year to unlimited		\$5 500	\$33 000	\leq 2 years	2 years to unlimited	
Singapore										
BAC : \geq 80 mg /100ml of blood	\$1 000 - \$5 000	\$4 700 - \$23 500	\leq 6 months	\geq 1 year	N.A	\$3 000 to \$10 000	\$14 100 - \$47 000	\leq 1 year	\geq 1 year	N.A.
Quebec (Canada)										
BAC : \geq 80 mg /100ml of blood	\geq \$600	\geq \$3 800	N.A.	1 year	4	N.A	N.A.	\geq 14 days (\geq 3 months for 3 rd or more offence)	3 years (5 years for 3 rd or more offence)	4
UK										
BAC : \geq 80 mg /100ml of blood	\leq £5 000	\leq \$75 000	\leq 6 months	\geq 1 year	3-11	\leq £5 000	\leq £75 000	\leq 6 months	\geq 3 years	3-11

Country/State /Province & Prescribed Limits	Penalties for first offence					Penalties for second offence				
	Fine		Imprisonment	Licence suspension	Demerit points	Fine		Imprisonment	Licence suspension	Demerit points
	Local Currency	HKD				Local Currency	HKD			
New Zealand										
BAC : ≥ 80 mg /100ml of blood	\leq \$4 500	\leq \$25 650	≤ 3 months	≥ 6 months	Note 1	\leq \$4 500 (\leq \$6 000 for 3 rd or more offence)	\leq \$25 650 (\$34 200 for 3 rd or more offence)	≤ 3 months (≤ 2 years for 3 rd or more offence)	≥ 6 months (≥ 1 year for 3 rd or more offence)	Note 1
Arizona (USA)										
BAC : 80 to 150 mg /100ml of blood	\geq \$250	\geq \$2 000	≥ 10 days	≥ 3 months	8	\$500-\$750	\$4 000 - \$6 000	3- 8 months	1 - 3 years	8
BAC : ≥ 150 mg /100ml of blood			≥ 1 month			≥ 500	$\geq 4 000$	≥ 4 months	≥ 1 year	
Japan										
BAC: 34 to 57 mg /100ml of blood (Driving under influence)	Max. of 1 year imprisonment or a fine of up to 0.3M yen (HK\$22 350)			≤ 2 years	6	Information not available				
BAC: ≥ 57 mg /100ml of blood (Driving under influence)					13					
Seriously Impaired (Driving drunk)					25					
	Max. of 3 years imprisonment or a fine of up to 0.5M yen (HK\$37 250)			2 years						

Note 1 : In New Zealand, 50 demerit points will be accrued for offenders who are under the age of 20 -

- who drive or attempt to drive with excess alcohol in breath or blood;
- who fail or refuse to wait for result of a breath screening test;
- who fail or refuse to take evidential breath test or blood test.

However, there is no demerit points accrued for offenders who are 20 years of age or above driving with excess alcohol in breath or blood.