

立法會
Legislative Council

LC Paper No. CB(3) 357/08-09

Ref : CB(3)/M/MM
Tel : 2869 9205
Date : 13 February 2009
From : Clerk to the Legislative Council
To : All Members of the Legislative Council

Council meeting of 18 February 2009

**Proposed amendments to motion on
“Measures for combating drink driving”**

Further to LC Paper No. CB(3) 331/08-09 issued on 5 February 2009, Hon CHEUNG Hok-ming and Hon LEUNG Kwok-hung have respectively given notice of their intention to move separate amendments to Hon LEE Wing-tat’s motion on “Measures for combating drink driving” scheduled for the Council meeting of 18 February 2009. As directed by the President, Hon CHEUNG Hok-ming’s and Hon LEUNG Kwok-hung’s amendments will be printed in the terms in which they were handed in on the Agenda of the Council.

2. To assist Members in debating the above motion and the two amendments, I set out below the procedure to be followed during the debate:

- (a) Hon LEE Wing-tat moves his motion;
- (b) the President proposes the question on Hon LEE Wing-tat’s motion, and orders a joint debate;
- (c) the President calls on the two Members, who intend to move amendments, to speak in the following order, but no amendment is to be moved at this stage:
 - (i) Hon CHEUNG Hok-ming; and
 - (ii) Hon LEUNG Kwok-hung;

- (d) the President calls upon the designated public officer(s) to speak;
- (e) joint debate on the motion and the two amendments follows thereafter;
- (f) the President gives leave to Hon LEE Wing-tat to speak for the second time on the two amendments;
- (g) the President calls upon the designated public officer(s) again to speak;
- (h) in accordance with Rule 34(5) of the Rules of Procedure, the President has decided that he will call upon the two Members to move their respective amendments in the order set out in paragraph (c) above. The President invites Hon CHEUNG Hok-ming to move his amendment to the motion, and forthwith proposes and puts to vote the question on the amendment;
- (i) after Hon CHEUNG Hok-ming's amendment has been voted upon, the President deals with Hon LEUNG Kwok-hung's amendment to the motion; and
- (j) after Hon LEUNG Kwok-hung's amendment has been dealt with, the President calls upon Hon LEE Wing-tat to reply. Thereafter, the President puts to vote the question on Hon LEE Wing-tat's motion, or his motion as amended, as the case may be.

3. For Members' ease of reference, the terms of the original motion and of the motion, if amended, are set out in the **Appendix**.

(Mrs Justina LAM)
for Clerk to the Legislative Council

Encl.

(Translation)

**Motion debate on
“Measures for combating drink driving”
to be held at the Legislative Council meeting
of Wednesday, 18 February 2009**

1. Hon LEE Wing-tat’s original motion

That, as several serious traffic accidents caused by drink driving have occurred recently, which resulted in a large number of casualties, reflecting that the awareness of the danger of drink driving among motorists is still weak, this Council urges the Government to:

- (a) review the penalties for the drink driving offence by increasing the disqualification period to a minimum of 12 months or above upon first conviction of this offence as well as raising the maximum imprisonment term and fine for such an offence;
- (b) consider further tightening the legal limit of blood alcohol concentration;
- (c) lodge appeals to the Court by the Department of Justice against drink driving cases with relatively lenient sentences so as to allow the Judiciary to formulate more stringent sentencing criteria;
- (d) consider raising the maximum imprisonment term for dangerous driving causing death to the same level as that for manslaughter; and
- (e) enhance public education and publicity to enable motorists to understand the perils of drink driving,

so as to safeguard public safety.

2. Motion as amended by Hon CHEUNG Hok-ming

That, as *according to government information, the number of prosecutions against drink driving has been on the rise in recent years; furthermore*, several serious traffic accidents caused by drink driving have occurred recently, which resulted in a large number of casualties, reflecting that the awareness of the danger of drink driving among motorists is still weak, this Council urges the Government to:

- (a) ~~review the penalties for the drink driving offence by~~ *allocate more resources for conducting random breath tests, and set up permanent breath test*

checkpoints at cross-boundary control points and the roads nearby, as well as major bar areas and restaurants, etc;

- (b) *expeditiously conduct a comprehensive review on the effectiveness of the newly implemented Road Traffic Legislation (Amendment) Ordinance 2008, including increasing the disqualification period to a minimum of 12 months or above upon first conviction of this offence as well as raising the maximum imprisonment term and fine for such an offence where necessary;*
- (b)(c) consider further tightening the legal limit of blood alcohol concentration, *and formulate a set of penalties whereby the greater the extent the alcohol limit is exceeded, the heavier the punishment;*
- (e)(d) lodge *reviews or* appeals to the Court by the Department of Justice against drink driving cases with relatively lenient sentences so as to allow the Judiciary to formulate more stringent sentencing criteria *and guidelines;*
- (d)(e) consider raising the maximum imprisonment term for dangerous driving causing death to the same level as that for manslaughter; and
- (e)(f) enhance public education and publicity, *and require that cautionary words such as “don’t drink and drive” must be printed on the packages of alcoholic beverages* to enable motorists to understand the perils of drink driving,

so as to safeguard public safety.

Note: Hon CHEUNG Hok-ming’s amendment is marked in *bold and italic type* or with deletion line.

3. Motion as amended by Hon LEUNG Kwok-hung

That, as several serious traffic accidents caused by drink driving have occurred recently, which resulted in a large number of casualties, reflecting that the awareness of the danger of drink driving among motorists is still weak, this Council urges the Government to:

- (a) review the penalties for the drink driving offence by increasing the disqualification period to a minimum of 12 months or above upon first conviction of this offence as well as raising the maximum imprisonment term and fine for such an offence;
- (b) consider further tightening the legal limit of blood alcohol concentration;

- (c) lodge appeals to the Court by the Department of Justice against drink driving cases with relatively lenient sentences so as to allow the Judiciary to formulate more stringent sentencing criteria;
- (d) consider raising the maximum imprisonment term for dangerous driving causing death to the same level as that for manslaughter; and
- (e) enhance public education and publicity to enable motorists to understand the perils of drink driving,

so as to safeguard public safety; *this Council also urges the Government to set up medical facilities for treating alcoholics and community counselling centres for such people to receive appropriate treatment and counselling, so as to enable them to understand the perils of drink driving, thereby reducing the occurrence of drink driving accidents.*

Note: Hon LEUNG Kwok-hung's amendment is marked in *bold and italic type*.