

# 立法會

## *Legislative Council*

LC Paper No. LS11/10-11

### **Note for the Bills Committee of the Road Traffic (Amendment) Bill 2010**

#### **Discussion with the law draftsman on the Chinese text of the proposed section 69A**

Members may recall that at the meeting of the Bills Committee on 11 November 2010, Members requested the legal adviser to the Bills Committee to discuss with the law draftsman on the Chinese text of the proposed section 69A(3A) and (3C) in clause 18 of the Bill. This note informs Members of the outcome of the discussion.

2. The main concern over the proposed section 69A(3A) and (3C) is the term "經受". Extracts of the subsections in both their Chinese and English text are set out below –

#### Section 69A(3A)

"而任何該等日子須從該人將經受的駕駛資格取消期間扣除。"  
"...any such day must be deducted from the period of disqualification to be served by the person."

#### Section 69A(3C)

"...駕駛資格取消期間...須就所有目的而言視為已經受。"  
"...the disqualification...must be taken for all purposes to have been served."

3. In the subsequent discussion with the law draftsman, the Legal Service Division proposed the following for the law draftsman's consideration –

Section 69A(3A)

"而任何該等日子須從該人駕駛資格予以取消的期間扣除。"

Section 69A(3C)

"...駕駛資格取消期間...須就所有目的而言視為已**期**滿。".

4. However, the law draftsman is of the view that it is inappropriate to split the term "駕駛資格取消". Further, as "期滿" does not read well with "期間", the law draftsman instead suggests the following –

Section 69A(3A)

"而有待實施的該人的駕駛資格取消期間, 須扣除該等日子。".

Section 69A(3C)

"...駕駛資格取消期間...須就所有目的而言視為已**屆**滿。"

**Way forward**

5. We have no objection to the latest proposal of the law draftsman from the legal point of view and would defer to the law draftsman in matters of drafting style, subject to Members' view.

Prepared by

LEE Ka-yun, Kelvin  
Assistant Legal Adviser  
Legislative Council Secretariat  
24 November 2010