



The Society of Hospital Pharmacists of Hong Kong

香港醫院藥劑師學會

**《2011 年道路交通(修訂)條例草案》
諮詢之意見書**

**Comments for Consultation on
Road Traffic (Amendment) Bill 2011**

2011 年 7 月

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一、引言：

1. Introduction:

針對《2011 年道路交通(修訂)條例草案》，本學會會就草案中以下兩項議題提出藥劑學的相關專業意見：

- 一、訂定取得血液樣本及尿液樣本作化驗的程序
- 二、訂定測試某人受藥物的損害及其體液是否含有藥物的方法

For Road Traffic (Amendment) Bill 2011, our society will provide relevant expert opinion of pharmacy on the following two discussion topics:

- i. To provide procedures to obtain specimens of blood and urine for laboratory tests
- ii. To provide means to test for impairment by drugs and their presence in body fluids

二、訂定取得血液樣本及尿液樣本作化驗的程序：

- 2. To provide procedures to obtain specimens of blood and urine for laboratory tests:

本學會參照了外國交通部門的程序作建議。英國的交通部門會逮捕路邊測試顯示駕駛能力受損的司機到警署，再由法醫檢查及進行血液樣本的藥物化驗。^{1,2} 而美國的交通部門則可要求司機在合理懷疑或交通意外後等情況提供尿液樣本作藥物化驗。³

Our society makes recommendations based on references from the procedures of transport departments overseas. Transport department in the United Kingdom arrests drivers with impaired driving abilities, as shown by the Impairment Test at the roadside; and the drivers will be examined by the Forensic Medical Examiner and the blood specimen will be used for pharmaceutical analysis.^{1,2} Transport department in the United States can request drivers who are reasonably suspicion of drug driving or drivers who have traffic accidents to provide urine specimens for pharmaceutical analysis.³

因此，本學會贊同草案參考資料摘要中第七和第十段的建議：在執法初期以受損測試作為主要和詳細的初步藥物測試；如受損測試結果顯示司機當時的駕駛能力

¹ Can the police test for drugs? Department for Transport. United Kingdom. Available at: <http://www.dft.gov.uk/think/drugdrive/testfordrugs.shtml>. Accessed July 2, 2011.

² Monitoring the Effectiveness of UK Field Impairment Tests. Department for Transport: London. Available at: <http://www2.dft.gov.uk/pgr/roadsafety/research/rsrr/theme3/monitoringtheeffectiveness.pdf>. Accessed July 2, 2011.

³ Drug and Alcohol Testing. Federal Motor Carrier Safety Administration. U.S. Department of Transportation. Available at: <http://www.fmcsa.dot.gov/rules-regulations/topics/drug/engtesting.htm>. Accessed July 2, 2011.

受損，警員則可要求司機提供血液及尿液樣本作藥物化驗。⁴

Therefore, our society agrees with the recommendations in paragraphs 7 and 10 of the Legislative Council Brief for the Bill: the Impairment Test will be deployed as main, detailed preliminary drug test for drug driving offences initially during law enforcement; if the result of the Impairment Test indicates that the driver's driving ability is impaired for the time being, the Police can require the driver to provide specimens of blood and urine for pharmaceutical analysis.⁴

不過，進行受損測試十分花時間和只有一般的參考價值。⁵ 長遠而言，當局應研發或引入較客觀和準確的初步藥物測試，例如快速口腔液測試。因此，本學會贊同草案參考資料摘要中第十段的建議：如快速口腔液測試顯示司機口腔液含有指明毒品，特別是「零容忍」的毒品，警員則可要求司機提供血液及尿液樣本作化驗。⁴

However, conducting an Impairment Test is time-consuming and may be of limited reference value.⁵ In the long term, the transport department should develop or procure more objective and accurate preliminary drug tests, such as Rapid Oral Fluid Test.

Therefore, our society agrees with the recommendations in paragraph 10 of the

⁴ Legislative Council Brief: Road Traffic (Amendment) Bill 2011. Available at: http://www.legco.gov.hk/yr10-11/english/bills/brief/b31_brf.pdf. Accessed July 2, 2011.

⁵ Section 10.4. The Government's Response to the Reports by Sir Peter North CBE QC and the Transport Select Committee on Drink and Drug Driving. Available at: <http://www2.dft.gov.uk/pgr/roadsafety/drivinglaws/govtresponse/pdf/report.pdf>. Accessed July 2, 2011.

Legislative Council Brief for the Bill: if the result of Rapid Oral Fluid Test indicates a specified illicit drug is present in the driver's oral fluid, especially the drugs with 'zero tolerance' offence, the Police can require the driver to provide specimens of blood and urine for pharmaceutical analysis.⁴

三、訂定測試某人受藥物損害的方法：

3. To provide means to test for impairment by drugs:

英國有研究指出暫時還未有廣泛接納用來直接測試藥物對司機駕駛損害的指標。⁶ 另外，有很多因素影響藥物對司機駕駛能力的損害，例如司機的年齡、藥物劑量、藥物效力學、藥物動力學和藥物的服用時間。⁶ 因此，本學會贊同以受損測試、快速口腔液測試和體液樣本(例如血液和尿液)的藥物分析測試作為測試藥物對司機駕駛損害的指標。

A study in the United Kingdom indicates that there is currently no widely accepted benchmark of impairment by drugs on driving.⁶ In addition, the impairment of drugs on driving abilities is affected by many factors, such as the age of driver, the dose of drug, pharmacodynamics, pharmacokinetics and the time of administration of drug relative to driving.⁶ Therefore, our society agrees to use Impairment Test, Rapid Oral Fluid Test and pharmaceutical analysis of body fluid specimens (such as blood and

⁶ Medication and Road Safety: A Scoping Study. Department for Transport: London. Available at: <http://www2.dft.gov.uk/pgr/roadsafety/research/rsrr/theme3/report16review.pdf>. Accessed July 2, 2011.

urine) as surrogate markers for testing driver's driving impairment by drugs.

四、訂定測試某人體液是否含有藥物的方法：

4. To provide means to test for the presence of drugs in body fluids:

本學會贊同草案參照外國交通部門採用較客觀和準確的藥物測試方法。澳洲、西班牙和意大利的交通部門在路邊有使用口腔液測試工具為司機進行快速藥物測試。^{7,8} 美國則有法例訂明尿液樣本需由認可化驗室先進行篩選測試，再以氣相色層分析和質譜儀對藥物進行確認測試。³

Our society agrees with the Bill on referring to the more objective and accurate testing methods used by transport departments overseas. Transport Departments in Australia, Spain and Italy use the commercially available testing devices for oral fluids to conduct preliminary drug test for drivers at roadside.^{7,8} In the United States, the law specifies that screening test should be first performed on the urine specimens and confirmation drug test using gas chromatography/mass spectrometry analysis is performed afterwards; and all the analysis is performed at certified laboratories.³

五、總結：

⁷ Q&A: Tackling drug-driving. BBC News. Available at: <http://www.bbc.co.uk/news/uk-10890569>. Accessed July 2, 2011.

⁸ Oral Fluid Testing. Concateno. Available at: <http://www.concateno.com/products-and-services/drug-testing/oral-fluid-testing/>. Accessed July 2, 2011.

5. Conclusions:

本學會認同草案中有關取得體液樣本的化驗程序，測試藥物損害的方法和測試體液中藥物的方法。本學會建議當局應進一步參照外國交通部門的執法經驗和細節，特別是藥物測試的技術和儀器，來確保執法時的科學性和專業性。

Our society generally agrees with the Bill regarding the procedures to obtain specimens of body fluids for laboratory tests, testing methods for the impairment by drugs and testing methods for the presence of drugs in body fluids. Our society recommends the transport department to further refer to the experience and details of law enforcement of transport departments overseas, especially the techniques and instruments for pharmaceutical analysis, to ensure that the law is enforced scientifically and professionally.