

# 立法會

## *Legislative Council*

LC Paper No. CB(1)3055/10-11  
(These minutes have been seen  
by the Administration)

Ref : CB1/BC/8/10

### **Bills Committee on Road Traffic (Amendment) Bill 2011**

**Minutes of the third meeting held on  
Tuesday, 12 July 2011, at 8:30 am  
in the Chamber of the Legislative Council Building**

**Members present** : Hon Miriam LAU Kin-yee, GBS, JP (Chairman)  
Dr Hon Philip WONG Yu-hong, GBS  
Hon Andrew CHENG Kar-foo  
Hon LI Fung-ying, SBS, JP  
Hon CHEUNG Hok-ming, GBS, JP  
Hon KAM Nai-wai, MH  
Hon WONG Sing-chi  
Hon IP Wai-ming, MH  
Hon Tanya CHAN

**Members absent** : Hon LAU Kong-wah, JP  
Hon CHAN Hak-kan  
Dr Hon LEUNG Ka-lau

**Public Officers attending** : **Agenda item I**  
  
Mr YAU Shing-mu, JP  
Under Secretary for Transport and Housing  
  
Mr Patrick CHAN, JP  
Deputy Secretary for Transport and Housing  
(Transport) 3

Miss Erica NG  
Principal Assistant Secretary for Transport and  
Housing (Transport) 2

Ms Irene HO  
Assistant Secretary for Transport and Housing  
(Transport) 2C

Ms Nilmini DISSANAYAKE  
Deputy Principal Government Counsel  
Department of Justice

Mr Peter SZE  
Government Counsel  
Department of Justice

Mr Stephen VERRALLS  
Chief Superintendent (Traffic)  
Hong Kong Police Force

Ms Angela NG  
Senior Superintendent (Administration)  
(Traffic Branch Headquarters)  
Hong Kong Police Force

Mr Shylock WONG  
Superintendent (Law Revision and Projects)  
(Traffic Branch Headquarters)  
Hong Kong Police Force

Dr Teresa LI  
Principal Medical Officer (5)  
Department of Health

Mr Lot CHAN  
Senior Pharmacist (Pharmaceutical Service) 5  
Department of Health

Dr CHENG Wing-chi  
Senior Chemist  
(Forensic Toxicology A Section)  
Government Laboratory

Mr Harry CHAN  
Chief Engineer/Road Safety & Standards  
Transport Department

**Attendance by  
Invitation**

**: Agenda item I**

Tai Wo Motors Limited

Mr Aaron NG Hoi-shan  
Vice-Chairman

Association of New Territories Radio Taxicabs  
Limited

Mr TSANG Wai-hung  
Vice-Chairman

China Hong Kong and Macau Boundary Crossing  
Bus Association Limited

Mr Alan CHAN  
Vice-Chairman

The Chartered Institute of Logistics & Transport in  
Hong Kong

Mr LEUNG Kong-yui  
Council Member

Hong Kong Kowloon Taxi & Lorry Owners'  
Association Limited

Mr WONG Po-keung  
Chairman

Public Omnibus Operators Association

Mr Louis KUNG  
Secretary General

Traffic Services Employees Association

Mr NG Kar-ling  
Representative

Motor Transport Workers General Union (Public  
Light Bus Branch)

Mr CHAN Fung-yuen  
Public Light Bus Branch Director

United Friendship Taxi Owners & Drivers  
Association Limited

Mr LEUNG Chak-sang  
Chairman

Motor Transport Workers General Union

Mr TANG Ka-piu  
Representative

Transport Industry Committee of the Federation of  
Hong Kong and Kowloon Labour Unions

Miss CHEUNG Mung-ying  
Officer

Hong Kong Motor Car Driving Instructors'  
Association Limited

Mr LAM Muk-bing  
President

Hong Kong Waste Disposal Industry Association

Mr Thomas TAM  
Chairman

Taxi & P.L.B. Concern Group

Mr LAI Ming-hung  
Chairman

Action

Motor Transport Workers General Union (Taxi Driver Branch)

Mr LOW Shih-cheng  
Taxi Driver Branch Vice-Director

Motor Transport Workers General Union (Kowloon Bus Branch)

Mr CHUNG Kin-wah  
Kowloon Bus Branch Auditor

Urban Taxi Drivers Association Joint Committee Company Limited

Mr KWAN Yuk-wah  
Chairman

**Clerk in attendance :** Ms Joanne MAK  
Chief Council Secretary (1)2

**Staff in attendance :** Miss Evelyn LEE  
Assistant Legal Adviser 10

Ms Sarah YUEN  
Senior Council Secretary (1)2

Ms Emily LIU  
Legislative Assistant (1)2

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Action

**I Meeting with deputations and the Administration**

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|----------------------------------|--|
| LC Paper No. CB(3)746/10-11      | - The Bill   |
| File Ref: THB(T)CR4/14/3231/00   | - The Legislative Council Brief issued by the Transport and Housing Bureau |
| LC Paper No. CB(1)2512/10-11(02) | - Marked-up copy of the Bill prepared by the Legal Service Division        |
| LC Paper No. CB(1)2667/10-11(01) | - Submission from The Society of Hospital Pharmacists of                   |

- |                                  |   |  |
|----------------------------------|---|--|
| LC Paper No. CB(1)2667/10-11(02) | - | Hong Kong<br>Submission from Hong<br>Kong Waste Disposal<br>Industry Association                               |
| LC Paper No. CB(1)2667/10-11(03) | - | Submission from Mr<br>YEUNG Wai-sing, MH,<br>Eastern District Council<br>Member                                |
| LC Paper No. CB(1)2667/10-11(04) | - | Submission from H.K.<br>Vehicle Transportation<br>Association  |
| LC Paper No. CB(1)2667/10-11(05) | - | Submission from Hong<br>Kong Doctors Union   |
| LC Paper No. CB(1)2667/10-11(06) | - | Submission from Hong Kong<br>Kowloon Taxi & Lorry<br>Owners' Association Limited                               |
| LC Paper No. CB(1)2667/10-11(07) | - | Submission from The Hong<br>Kong Medical Association   |
| LC Paper No. CB(1)2667/10-11(08) | - | Submission from Federation<br>of Hong Kong Industries  |
| LC Paper No. CB(1)2706/10-11(01) | - | Submission from Traffic<br>Services Employees<br>Association   |
| LC Paper No. CB(1)2706/10-11(02) | - | Submission from Transport<br>Industry Committee of the<br>Federation of Hong Kong<br>and Kowloon Labour Unions |
| LC Paper No. CB(1)2706/10-11(03) | - | Submission from Taxi &<br>P.L.B. Concern Group   |
| LC Paper No. CB(1)2717/10-11(01) | - | Submission from Motor<br>Transport Workers General<br>Union  |
| LC Paper No. CB(1)2717/10-11(02) | - | Submission from Federation<br>of Hong Kong Transport<br>Worker Organizations                                   |

The Bills Committee received views from the 17 deputations attending the meeting (index of proceedings attached at **Annex**).

2. The Bills Committee noted the following major views expressed by deputations –

- (a) Deputations from the transport trade in general supported the

enactment of legislative proposals to combat drug driving and introduction of the proposed "zero-tolerance offence". They, however, stressed the importance of distinctly differentiating between the traffic offences involving the specified illicit drugs and the offence involving any other drugs. They also expressed concern about the adequacy of the defence proposed to be provided for a person who consumed or used the drug in accordance with the advice given by a healthcare professional or on the drug label, and who did not know and could not reasonably have known that the drug would render him or her incapable of having proper control of a motor vehicle if consumed or used in accordance with the advice (the proposed defence), and called upon the Administration to make greater public education and publicity efforts to explain the different aspects of the Bill to the public and to the transport trade, such as by issuing guidelines for the trade;

- (b) Deputations from the non-franchised bus trade also expressed the following views:
  - (i) The Bill should ensure that professional drivers convicted of the drug driving offence would be personally held liable for damages by amending relevant legislation to exempt their employers from being held accountable. This was because the non-franchised bus operators had difficulty in ensuring that their drivers would not drive after taking drugs, and that as different from drivers of public light buses and taxis who might be self-employed, non-franchised bus drivers were invariably employees as required by the relevant licence conditions;
  - (ii) There was a need to identify a reliable device for conducting the Rapid Oral Fluid Test (ROFT) randomly to facilitate objective implementation of the Bill and to minimize the trouble and time loss incurred when required to undergo drug tests. This was because drivers of non-franchised buses were usually paid according to the number of trips run;
  - (iii) To address concerns about abuse of power by the Police, transparency and proper recording of drug tests should be ensured to facilitate monitoring, and follow-up where

necessary;

- (iv) The medical profession should be involved in determining whether a driver charged with drug driving could invoke the proposed defence; and
  - (v) Drivers of cross-boundary vehicles had to drive to and from the Mainland and might receive medical treatment there. They were therefore concerned about being inadvertently caught drug driving after taking medicines bought or prescribed in the Mainland, which were not subject to Hong Kong's drug labelling requirements and hence might not contain any or detailed warnings on their side-effects on driving capability. The proposed defence should therefore be expanded to cover advice given by doctors outside Hong Kong;
- (c) While also indicating support for the enactment of legislation to combat drug driving and the introduction of the proposed "zero-tolerance offence", the Motor Transport Workers General Union and its branches highlighted the plight of professional drivers, and made the following points:
- (i) The Administration should not seek to introduce legislative amendments to lengthen the disqualification periods for dangerous driving offences because, as different from drivers who knowingly drove after taking illicit drugs, drivers charged with dangerous driving offences might not be personally responsible for the traffic accidents concerned, which could be attributed to many factors beyond the driver's control, such as road design, the pedestrian factor, weather, mechanical factors, etc. Moreover, the consequence of the above amendments would be serious to professional drivers;
  - (ii) Drug driving offences and dangerous driving offences in Hong Kong should be separately handled as in the Mainland, and the Administration should separately introduce and consult the public on legislative proposals to adjust the penalties for dangerous driving causing death offences, instead of seeking to increase the penalties under cover of the Bill; and

- (iii) It was too stringent for the Bill to propose to prohibit a person who was convicted of any of the proposed drug driving offences, the existing drink driving offences or the existing causing grievous bodily harm by dangerous driving offence from applying for a full commercial vehicle driving licence; or from holding, applying for or renewing a driving instructor's licence; and
  - (d) The Taxi & PLB Concern Group, the Urban Taxi Drivers Association Joint Committee Company Limited and the Traffic Services Employees Association echoed the views of the Motor Transport Workers General Union and its branches in paragraph 2(c)(i) above.
- 3. In response, the Administration made the following points –
  - (a) The Bill had already clearly differentiated between the proposed offences on driving under the influence of specified illicit drugs and on driving under the influence of any other drugs by proposing different penalties for them;
  - (b) The existing section 39 of the Road Traffic Ordinance (RTO) (Cap. 374) had already provided that it would be an offence for a person to drive a motor vehicle under the influence of drugs to such an extent as to be incapable of having proper control of the motor vehicle. The Bill only sought to enhance the objectivity of this provision and facilitate evidence collection. It should also be noted that the penalties for driving under the influence of any other drugs proposed under the Bill were in fact lighter than those currently provided for in the existing section 39 of RTO. Moreover, most medicinal drugs, if taken in accordance with medical advice, would not cause impairment to the extent of being unable to properly control a vehicle;
  - (c) The Administration would gear up public education and publicity on operation of the Bill after its enactment, so as to remind professional drivers as well as the general public not to drive under the influence of drugs, and to explain how the different drug tests would be administered. Doctors and pharmacists would also be reminded of their duty to advise their patients / clients the side effects of the drugs they prescribed;

Action

- (d) On the issue of liability for damages, according to current legislation, the insurance company was required to settle bodily injury or fatal claims arising out of a traffic accident, though it might then seek indemnity from either the owner or the driver of the vehicle concerned as specified in the conditions of the relevant insurance policy. It was understood that to address concerns, the Hong Kong Federation of Insurers had already provided advice in this regard to the transport trade;
- (e) To avoid causing undue trouble to drivers, preliminary drug tests, such as the Impairment Test (IT), had been proposed to provide a scientific and objective basis for police officers to decide whether to require a driver to provide specimens of blood or/and urine for laboratory drug analysis, and only police officers who were properly trained to conduct the tests would be tasked to enforce drug driving duties;
- (f) Regarding the concern about abuse of power by the Police, the Drug Influence Recognition Observation (DIRO) would be used to ascertain whether there was reasonable suspicion of drug driving before the driver concerned was taken to the police station for conduct of the IT. Moreover, the IT was a scientific based and systematic assessment that had long been widely adopted in overseas countries. It would be suitably adapted to the local situation and objectively administered with established procedures. In the United Kingdom, where the IT had been performed for a long time, it had been found that in all cases which were assessed to be impaired by drug in ITs, drug was confirmed to have been taken by the drivers concerned in 94% of the cases;
- (g) As to drugs bought outside Hong Kong, it should be noted that the proposed defence was drafted with reference to existing laws in Hong Kong. The legal requirements on drug labelling were therefore only applicable to drugs sold in Hong Kong. Likewise, the codes of practice for doctors and dentists were only applicable to those who were legally practising the professions in Hong Kong. As such, drivers should take extra care when taking drugs obtained outside Hong Kong;
- (h) There was a need to suitably lengthen the disqualification periods for the dangerous driving causing death (DDCD) offence consequential to the introduction of the proposed new offence of

driving under the influence of a specified illicit drug. As proposed, the new offence would incur disqualification periods of five years for first conviction and ten years or even life disqualification upon subsequent conviction, while at present the disqualification periods that could be ordered for DDCD were only two years for first conviction and five years for subsequent conviction. Since in the Administration's view DDCD was similar to if not more serious than drug driving, there was a need to align the penalties for the above two offences. The Bill was not proposing to rigidly require the court to order life disqualification. It only proposed that parameters be set for the court to consider ordering life disqualification where appropriate; and

- (i) The Police would not invariably charge a driver involved in a traffic accident with the DDCD offence. Investigations would be conducted to collect evidence from various sources including forensic evidence. All evidences collected would be examined carefully. Furthermore, legal advice would be sought as necessary and, in all cases of DDCD the Department of Justice would in fact be consulted on the sufficiency of evidence.

Follow-up actions required of the Administration

Admin 4. The Administration was requested to provide the following information to address concerns raised by members at this meeting -

- (a) In recognition that professional drivers in Hong Kong frequently had to drive on the Mainland, the Administration should explain how it planned to address professional drivers' concern about being inadvertently caught drug driving after taking medicines bought in China, which were not subject to Hong Kong's drug labelling requirements and hence might not contain any or detailed warnings on their side-effects on driving capability, such as by providing the necessary defences in the Bill;
- (b) To provide a written response to the transport trade's call to separately introduce and consult the public on legislative amendments to adjust the penalties for DDCD offences;
- (c) To provide a breakdown by vehicle type of the drivers charged with dangerous driving offences and with careless driving

Action

offences in recent years;

- (d) To provide a written response to members' view that the proposed maximum fine and maximum term of imprisonment for the proposed traffic offences involving specified illicit drugs should be different from the traffic offence involving any other drugs, considering that the former offence was much more serious than the latter. In this regard, a member proposed that the penalties for the traffic offences involving specified illicit drugs should be increased to a maximum fine of \$50,000 and a maximum term of imprisonment of five years; and
- (e) In consultation with the Bills Committee's legal adviser, to study the feasibility and desirability of amending the proposed new section 39J of RTO to clearly differentiate the proposed driving under the influence of specified illicit drugs offence from the proposed driving under the influence of any other drug offence, and report the outcome to the Bills Committee.

**II Any other business**

- 5. There being no other business, the meeting ended at 10:40 am.

Council Business Division 1  
Legislative Council Secretariat  
4 October 2011

**Proceedings of the third meeting of  
the Bills Committee on Road Traffic (Amendment) Bill 2011  
on Tuesday, 12 July 2011, at 8:30 am  
in the Chamber of the Legislative Council Building**

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
<b>Agenda Item I – Meeting with deputations and the Administration</b>			
000210 - 000419	Chairman	- Opening remarks	
<i>Presentation of views by deputations</i>			
000420 - 000613	Tai Wo Motors Limited	- Presentation of views	
000614 - 000722	Association of New Territories Radio Taxicabs Limited	- Presentation of views	
000723 - 001323	China Hong Kong and Macau Boundary Crossing Bus Association Limited	- Presentation of views	
001324 - 001646	The Chartered Institute of Logistics & Transport In Hong Kong	- Presentation of views - The Institute's specific proposal that an inter-departmental committee comprising non-official members be set up after enactment of the Bill to monitor its implementation, so as to ensure that it would be smooth and not rigid, and to propose further legislative amendments in response to new developments as necessary	
001647 - 001753	Hong Kong Kowloon Taxi & Lorry Owners' Association Limited	- Presentation of views (LC Paper No. CB(1)2667/10-11(06))	
001754 - 002116	Public Omnibus Operators Association	- Presentation of views	
002117 - 002432	Motor Transport Workers General Union (Public Light	- Presentation of views (LC Paper No. CB(1)2717/10-11(01))	

Action

Time marker	Speaker	Subject(s)	Action required
	Bus Branch)		
002433 - 002549	United Friendship Taxi Owners & Drivers Association Limited	- Presentation of views	
002550 - 003057	Motor Transport Workers General Union	- Presentation of views (LC Paper No. CB(1)2717/10-11(01))	
003058 - 003423	Transport Industry Committee of the Federation of Hong Kong and Kowloon Labour Unions	<ul style="list-style-type: none"> <li>- Presentation of views (LC Paper No. CB(1)2706/10-11(02))</li> <li>- The Committee's specific view that it was undesirable that the maximum penalties for the offences of (a) failing to undergo a ROFT or IT without reasonable excuse, and (b) failing to provide specimens of blood or urine for analysis without reasonable excuse were the same as the offence of driving under the influence of a specified illicit drug, which was contrary to the principle that different penalties were provided for traffic offences involving specified illicit drugs and any other drugs. The Committee proposed that the penalties for offences (a) and (b) should be aligned with the offence of driving under the influence of any other drugs, and that cases of (a) and (b) that related to specified illicit drugs should be subject to aggravated penalties.</li> </ul>	
003424 - 003505	Hong Kong Motor Car Driving Instructors' Association Limited	- Presentation of views	
003506 - 003700	Hong Kong Waste Disposal Industry Association	- Presentation of views (LC Paper No. CB(1)2667/10-11(02))	

Action

Time marker	Speaker	Subject(s)	Action required
		<ul style="list-style-type: none"> <li>- The Association's specific view that employers of professional drivers should not be held liable for damages in the event of traffic accidents caused by their drivers drug driving. Instead, the insurance company should pay the damages first, and then seek indemnity from the driver concerned</li> </ul>	
003701 - 004105	Taxi & P.L.B. Concern Group	<ul style="list-style-type: none"> <li>- Presentation of views (LC Paper No. CB(1)2706/10-11(03))</li> <li>- The Group's reservations about the Bill's proposals to enhance the penalties for dangerous driving offences and to empower the Police to conduct drug tests on grounds that the Police were, in its view, already abusing their powers</li> </ul>	
004106 - 004616	Motor Transport Workers General Union (Taxi Driver Branch)	<ul style="list-style-type: none"> <li>- Presentation of views (LC Paper No. CB(1)2717/10-11(01))</li> </ul>	
004617 - 005152	Motor Transport Workers General Union (Kowloon Bus Branch)	<ul style="list-style-type: none"> <li>- Presentation of views (LC Paper No. CB(1)2717/10-11(01))</li> </ul>	
005153 - 005318	Urban Taxi Drivers Association Joint Committee Company Limited	<ul style="list-style-type: none"> <li>- Presentation of views</li> <li>- The Joint Committee's specific view that drug-addicted professional drivers should be disqualified from driving until they quitted drug abuse</li> </ul>	
<b><i>Administration's response and discussion</i></b>			
005319 - 011446	Chairman Administration	<ul style="list-style-type: none"> <li>- Administration's response to the deputations' views</li> </ul>	

Action

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
011447 - 011723	Traffic Services Employees Association	- Presentation of views (LC Paper No. CB(1)2706/10-11(01))	
011724 - 012159	Chairman Taxi & P.L.B. Concern Group Administration	- Discussion on whether drivers taken to the police station to undergo the IT would be compensated for the time lost if the presence of drugs in the drivers concerned could not be confirmed, and the Administration's explanation that it was already actively searching for a reliable ROFT device to conduct preliminary tests at roadside before requiring a driver to undergo the IT. Meanwhile, the DIRO would be conducted to screen out drivers who would be required to undergo the IT	
012200 - 013107	Chairman Mr KAM Nai-wai Administration Motor Transport Workers General Union (Taxi Driver Branch) Motor Transport Workers General Union (Kowloon Bus Branch) Taxi & P.L.B. Concern Group	<ul style="list-style-type: none"> <li>- Administration's confirmation in response to Mr KAM that, the highest driving disqualification penalty for DDCD offences committed in 2010 so far handed down by the court was five years</li> <li>- Discussion on whether a driver should be disqualified from driving for life upon subsequent conviction of the DDCD offence, and the Union's clarification that they were only opposed to aligning the penalties for the DDCD offence, for which the driver might not be really at fault, with those for the drug driving offence, for which the driver was definitely responsible</li> <li>- Discussion on whether it was provided in law that a drug addict should be disqualified from driving until he quitted drug abuse</li> </ul>	

Action

Time marker	Speaker	Subject(s)	Action required
013108 - 014256	Chairman Mr WONG Sing-chi Administration Taxi & P.L.B. Concern Group Hong Kong Kowloon Taxi & Lorry Owners' Association Limited Urban Taxi Drivers Association Joint Committee Company Limited Motor Transport Workers General Union (Kowloon Bus Branch)	<ul style="list-style-type: none"> <li>- Discussion on professional drivers' concern about wrongful charges of DDCD, and on whether the court's role in determining whether the driver or other factors was/were to blame for a traffic accident could help address concerns that the Police would invariably charge a driver involved in a fatal traffic accident with the DDCD offence</li> <li>- Administration's explanation that of the 305 fatal traffic accidents that happened between January 2009 to April 2011, only 126 of the drivers concerned had been arrested for DDCD. While 17% of the cases were still being investigated, 57% and 26% had been charged with the DDCD offence and the careless driving offence respectively. 70% of the above drivers charged had subsequently been convicted</li> <li>- Discussion on whether efforts to introduce improvements to traffic black spots in consultation with professional drivers could address their concerns about the proposed enhancement of penalties for dangerous driving offences, and the Administration's confirmation that relevant departments would review and improve as necessary the design of the road section concerned after the occurrence of every traffic accident</li> <li>- The Association's emphasis on the need to order life disqualification upon subsequent conviction of the DDCD offence</li> <li>- The Joint Committee's explanation of the reasons why drug-addicted</li> </ul>	Administration to take follow-up action as requested in paragraph 4

Action

Time marker	Speaker	Subject(s)	Action required
		<p>professional drivers should be disqualified from driving until they quitted drug abuse</p> <ul style="list-style-type: none"> <li>- The Union's emphasis on the need to distinctly differentiate between drug driving and dangerous driving, and to separately introduce and consult the public on legislative amendments to adjust the penalties for the latter</li> </ul>	
014257 - 014925	Chairman Ms LI Fung-ying Administration Mr IP Wai-ming	<ul style="list-style-type: none"> <li>- Ms LI's and Mr IP's call upon the Administration to positively address professional drivers' concern about being inadvertently caught drug driving after taking medicines bought in the Mainland, which were not subject to Hong Kong's drug labelling requirements and hence might not contain warnings on their side-effects on driving capability</li> <li>- Ms LI's call upon the Administration to state its stance regarding certain deputations' request to separately introduce and consult the public on legislative amendments to adjust the penalties for dangerous driving offences, and the Administration's explanation of the need to align penalties for dangerous driving offences with those proposed for drug driving offences</li> </ul>	Administration to take follow-up action as requested in paragraph 4
014926 - 015419	Chairman Mr IP Wai-ming Administration	<ul style="list-style-type: none"> <li>- Mr IP's emphasis that professional drivers unfairly charged with dangerous driving would suffer greatly even though they might be acquitted at the end</li> <li>- Discussion on the need to clearly differentiate between dangerous driving and drug driving, and</li> </ul>	

Action

Time marker	Speaker	Subject(s)	Action required
		<p>hence the need to separately introduce and consult the public on legislative amendments to adjust the penalties for the former</p>	
015420 - 020112	Chairman Mr KAM Nai-wai Administration	<ul style="list-style-type: none"> <li>- Mr KAM's call upon drug-addicted professional drivers to quit drug abuse and to immediately stop driving</li> <li>- Discussion on Mr KAM's view that the proposed maximum fine and maximum term of imprisonment for the proposed offences involving specified illicit drugs and any other drugs should be different considering that the former offence was much more serious than the latter, and his proposal to increase the maximum fine and maximum imprisonment term of the offences involving specified illicit drugs to \$50,000 and five years respectively</li> <li>- Administration's explanation that the proposed penalties for the drug driving offences had been worked out with reference to those for drink driving offences, and that consumption of dangerous drug was already an offence subject to the penalties imposed by the Dangerous Drugs Ordinance (Cap. 134)</li> <li>- Mr KAM's request for a breakdown by vehicle type of the drivers charged with dangerous driving offences and with careless driving offences in recent years</li> </ul>	<p>Administration to take follow-up action as requested in paragraph 4</p> <p>Administration to take follow-up action as requested in paragraph 4</p>
020113 - 020640	Chairman Ms LI Fung-ying Administration Mr IP Wai-ming	<ul style="list-style-type: none"> <li>- Discussion on the need to amend the proposed new section 39J of RTO to clearly differentiate between the offence of driving under the influence of a specified</li> </ul>	Administration and Assistant Legal Adviser 10 to take follow-up action as requested in

Action

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
		<p>illicit drug and the offence of driving under the influence of any other drugs in response to some professional drivers' views</p> <ul style="list-style-type: none"> <li>- Administration's explanation that as long as driving under the influence of "specified illicit drugs" would attract more severe penalties, the Bill could already make differentiation between the proposed offences of driving under the influence of a specified illicit drug and driving under the influence of any other drugs</li> </ul> <p>Moreover, the Department of Justice's advice was that, the factor that determined the penalties to be imposed should be the act per se and not the cause behind</p>	<p>paragraph 4</p>
<p>020641 - 020715</p>	<p>Chairman</p>	<ul style="list-style-type: none"> <li>- Closing remarks</li> </ul>	