

香港特別行政區政府
The Government of the Hong Kong Special Administrative Region

政府總部
運輸及房屋局
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Transport and
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18 October 2011

Ms Evelyn Lee
Legislative Council Secretariat
Legal Service Division
Legislative Council Complex
1 Legislative Council Road
Central
Hong Kong

Dear Ms Lee,

Road Traffic (Amendment) Bill 2011

Thank you for your letter dated 11 October 2011 on the captioned Bill.

We would like to clarify that the intention under the proposed new section 39J(11)(c) of the Bill is that if the laboratory test is carried out on a sample of blood and a sample of urine, for the defence¹ to apply, no drug other than a lawfully obtained drug should be found in those samples.

When the Bill is restructured to separate the offences of driving under the influence of a specified illicit drug and driving under the influence of any other drug (it is suggested in the Administration's paper issued to the Bills Committee for discussion on 19 October 2011 that these two behaviors shall be treated as two offences, and be presented in two different sections of the Road

¹ The proposed new section 39J provides for the offence of driving under the influence of a drug, which may be a specified illicit drug or any other drug, and the defence that applies to the offence.

Traffic Ordinance (Cap. 374)), the defence provisions may need to be consequentially reorganized. Your observations on current section 39J(11)(c) are noted and will be taken into account when drafting the committee stage amendments to restructure the offence provisions and the defence provisions.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Erica Ng', with a stylized flourish at the end.

(Erica Ng)

for Secretary for Transport and Housing