



中華人民共和國香港特別行政區
Hong Kong Special Administrative Region of the People's Republic of China



立法會秘書處 法律事務部
LEGISLATIVE COUNCIL SECRETARIAT
LEGAL SERVICE DIVISION

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11th October 2011

Miss Erica NG
Principal Assistant Secretary for Transport and
Housing (Transp) 2
Transport Branch
Transport and Housing Bureau
14/F, Murray Building
Garden Road, Central
Hong Kong

Dear Miss NG,

Road Traffic (Amendment) Bill 2011

I am scrutinizing the above Bill with a view to advising Members on its legal and drafting aspects.

It is observed that the Chinese rendition of section 39J(11)(c) reads "如在根據第 39O 條進行化驗後，除合法藥物或該等藥物的組合以外，在該人的 (如化驗了血液樣本及尿液樣本) 血液及尿液，並無發現含有其他藥物，則第(12)款的免責辯護適用。" whereas the English text of section 39J(11)(c) provides that the defence under subsection 12 applies if, after a laboratory test was carried out on a specimen of blood and a specimen of urine, no drug other than a lawfully obtained drug or a combination of such drugs is found present in neither the person's blood or urine. In other words, it seems that the defence under subsection 12 will only apply if a lawfully obtained drug or a combination of such drugs is NOT found to be present in the person's blood or urine. In the circumstances, please clarify the above position.

As the Bills Committee will consider the above Bill at its meeting on 19th October 2011, I look forward to receiving your reply in both Chinese and English languages by 14th October 2011.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Evelyn Lee', written in a cursive style.

(Evelyn LEE)
Assistant Legal Adviser

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