



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

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By Fax (2200 4314)

10 January 2012

Mr WONG Yiu-ming, Shylock
Superintendent (Law Revision & Projects)
Hong Kong Police Force
Traffic Branch Headquarters
32/F, Arsenal House
Police Headquarters
No. 1 Arsenal Street
Wan Chai
Hong Kong

Dear Mr WONG,

**Road Traffic (Impairment Test) Notice
(L.N. 1 of 2012)**

I am scrutinizing the legal and drafting aspects of the above Notice. I would be most grateful if you may clarify the matter set out below.

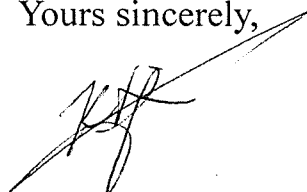
During the deliberation of the Bills Committee of the Road Traffic (Amendment) Bill 2011, the Administration explained to the Bills Committee that the Impairment Test has long been widely adopted in overseas countries. A video presentation as to how the five tests specified in the Notice are conducted was played to the Members of the Bills Committee. It appears that there are certain recognized overseas standards or practices in relation to the five tests.

In the circumstances, please consider whether such standards and practices should be identified in the Notice so that, for example, the defence counsel of a defendant charged with a drug driving offence may verify whether the tests were properly conducted. Further, please clarify if there is any change to those recognized standards and practices, as a result of which leads to

a need to change the local standards and practices, whether the approval of the Legislative Council is required. If no, how the change will be carried out and by what means members of the public will be informed of the change.

I shall be most grateful if you could provide your response to me in Chinese and English before the close of play on 11 January 2012.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'K. LEE', written over a diagonal line that extends from the bottom left towards the top right.

(Kelvin Ka-yun LEE)
Assistant Legal Adviser

c.c. Department of Justice (Attn.: Mr Peter SZE)