

立法會
Legislative Council

LC Paper No. LS79/99-00

**Paper for the House Committee Meeting
of the Legislative Council
on 18 February 2000**

**Legal Service Division Report on
Road Traffic (Amendment) Bill 2000**

Object of the Bill

To improve the existing legislation in dealing with "reckless driving".

LegCo Brief Reference

2. TRAN 1/12/37/Pt.18 dated 2 February 2000, issued by the Transport Bureau.

Date of First Reading

3. 16 February 2000.

Comments

4. After reviewing the effectiveness of the existing legislation on "reckless driving", the Administration has found that improvements are necessary in the following areas -

- (a) "reckless driving" as an offence needs to be replaced with a new offence so as to avoid the difficulties in proving that the mental state of the driver is reckless;
- (b) if prosecution for "reckless driving" fails, the court should be able to

convict for other alternative offences than just "careless driving"; and

- (c) the penalties for the new offence as well as "careless driving" should be increased to strengthen the deterrent effect.

5. The Bill now proposes to -

- (a) replace the existing offences of "reckless driving causing death" and "reckless driving" with "dangerous driving causing death" and "dangerous driving" respectively and providing that "driving dangerously" shall mean driving in a way that falls far below what would be expected of, and would be obviously dangerous in the eyes of, a competent and careful driver;
- (b) impose heavier penalties for the new offences (but the same imprisonment terms to remain) -
 - (i) for "dangerous driving causing death", \$50,000 (\$25,000 for existing offence) in fine on conviction on indictment and \$25,000 (\$12,500 for existing offence) on summary conviction, plus a minimum disqualification period of 2 years (nil for existing offence) for a first offender and 3 years (2 years for existing offence) for a second or subsequent conviction;
 - (ii) for "dangerous driving", \$25,000 (\$20,000 for existing offence) in fine on conviction on indictment and \$10,000 (same for existing offence) on summary conviction, plus a minimum disqualification period of 6 months (nil for existing offence) for a first offender and 18 months (same for existing offence) for a second or subsequent conviction;
- (c) increase the fine on conviction for careless driving from \$4,000 to \$5,000; and
- (d) specify a wider range of alternative offences to the new offences.

6. It is also proposed that the Bill, if passed, shall come into operation on 1 July 2000.

Public Consultation

7. According to the LegCo Brief, the proposal to replace "reckless

driving" with "dangerous driving" was put to the Transport Advisory Committee in September 1999 and received general support.

Consultation with LegCo Panel

8. The proposals were discussed at the meetings of the Panel on Transport on 9 February and 26 October 1999.

Conclusion

9. Members may wish to consider the need to examine the proposals in more detail against the problems which are addressed.

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9 February 2000