

**立法會**  
**Legislative Council**

LC Paper No. CB(1)1035/11-12  
(These minutes have been seen  
by the Administration)

Ref : CB1/BC/8/10

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

**Minutes of the sixth meeting held on  
Thursday, 17 November 2011, at 2:30 pm  
in Conference Room 1 of the Legislative Council Complex**

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

**Member absent** : Hon CHAN Hak-kan

**Public Officers attending** : **Agenda item I**  
Mr Patrick CHAN, JP  
Deputy Secretary for Transport and Housing  
(Transport)<sup>3</sup>

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

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

Mr Michael NG  
Chief Transport Officer/Driving Services  
Transport Department

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

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

Ms Macy NG  
Senior Council Secretary (1)2

Ms Emily LIU  
Legislative Assistant (1)2

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**I Meeting with the Administration**

(LC Paper No. CB(1)348/11-12(01) - Administration's response to issues raised at the last meeting on 2 November 2011)

The Bills Committee deliberated (index of proceedings attached at **Annex**).

2. The Administration briefed members on its paper setting out the Administration's response to the issues raised by members at the meeting on 2 November 2011.

Clause-by-clause examination of the Bill

(LC Paper No. CB(3)746/10-11 - The Bill

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)253/11-12(01) - Committee Stage amendments (Revised) (CSAs) proposed by the

	Administration
LC Paper No. CB(1)253/11-12(02) (Revised)	- Marked-up copy of the relevant provisions to be amended by the proposed CSAs
LC Papers Nos. CB(1)253/11-12(03) and CB(1)378/11-12(01)	- Amendments proposed by Hon KAM Nai-wai and the Administration's response to Hon KAM Nai-wai's proposal
LC Papers Nos. CB(1)78/11-12(02) and CB(1)134/11-12(01)	- Letter dated 11 October 2011 from legal adviser to the Bills Committee to the Administration and the Administration's reply letter dated 18 October 2011
LC Papers Nos. CB(1)348/11-12(02) and CB(1)354/11-12(01)	- Letter dated 7 November 2011 from legal adviser to the Bills Committee to the Administration and the Administration's reply letter dated 16 November 2011)

3. The Bills Committee completed scrutiny of clauses 6 and 15 to 26 of the Bill.

Examination of the proposed CSAs

4. The Bills Committee completed scrutiny of the draft CSAs proposed by the Administration (LC Paper No. CB(1)253/11-12(02) (Revised)).

Mr KAM Nai-wai's proposed amendments

Admin

5. The Administration briefed members on its written response (LC Paper No. CB(1)378/11-12(01)) to Mr KAM Nai-wai's proposal of raising the penalties for the offence of driving under the influence of a specified illicit drug (DUISID) and the Administration's considerations. While the Administration did not accept Mr KAM's proposal to raise the penalties for the offence of DUISID, the Administration advised that it would review the effectiveness of the drug driving provisions after implementation and consider further enhancement or changes as necessary. Dr Philip WONG said that he agreed to the Administration's explanation. No other members commented on Mr KAM's proposed amendments.

Action

Follow-up actions required of the Administration

Admin 6. The Administration was requested to take the following actions to address concerns raised by members at the meeting –

- (a) to review the rendition of the term "serve" as "服" in the Chinese text of the proposed amendment to section 69A(2) in clause 14A;
- (b) to review the use of expression "he or she" (instead of "the person") in the proposed section 39C(11A) in clause 12;
- (c) to provide information on the penalty terms for drug driving offences in overseas countries and in Hong Kong; and
- (d) to provide relevant statistics related to drug driving and drink driving offences in the past few years.

*(Post-meeting note: Papers on the Administration's responses to members' request for information were issued vide LC Papers Nos. CB(1)497/11-12 and CB(1)504/11-12 dated 1 December 2011.)*

Legislative timetable

Clerk 7. The Bills Committee completed scrutiny of the Bill. The Bills Committee agreed to resume the Second Reading debate on the Bill at the Council meeting on 14 December 2011, and to report its deliberations to the House Committee at its meeting on 2 December 2011. The Chairman reminded members that the deadline for giving notice of CSAs was 5 December 2011.

8. As no issues merited further deliberation by the Bills Committee, members agreed that no further meeting should be scheduled.

**II Any other business**

9. There being no other business, the meeting ended at 3:45 pm.

**Proceedings of the sixth meeting of  
the Bills Committee on Road Traffic (Amendment) Bill 2011  
on Thursday, 17 November 2011, at 2:30 pm  
in Conference Room 1 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
<b>Agenda Item I – Meeting with the Administration</b>			
000105 - 000204	Chairman	- Opening remarks	
000205 - 001014	Chairman Administration	- Briefing by the Administration on its response to issues raised at the meeting on 2 November 2011 (LC Paper No. CB(1)348/11-12(01))	
<i>Clause-by-clause examination of the Bill</i>			
001015 - 001143	Chairman Administration	<u>Clause 15</u>	
001143 - 001424	Chairman Administration	<u>Clause 16</u>	
001425 - 001649	Chairman Administration	<u>Clauses 17 and 18</u>	
001650 - 001742	Chairman Administration	<u>Clause 19</u>	
001743 - 001955	Chairman Administration	<u>Clauses 20 to 26</u>	
001956 - 002235	Chairman Administration Dr Philip WONG	<u>Clause 6</u>  - The Administration's reply in response to Dr WONG that when considering whether an accused had been convicted of the same offence before, the court would only take into account offences committed by the accused and convicted in Hong Kong	

Action

Time marker	Speaker	Subject(s)	Action required
<b><i>Examination of the proposed Committee Stage amendments (CSAs) (LC Paper No. CB(1)253/11-12(02) (Revised))</i></b>			
002236 - 003300	Chairman Administration Dr Philip WONG	<u>Clauses 4 to 12</u>	
003301 - 003405	Chairman Dr Philip WONG Administration	- Administration's reply in response to Dr WONG's enquiry on the use of expression "he or she", instead of "the person" in the proposed section 39C(11A) in clause 12	
003406 - 005032	Chairman Administration Miss Tanya CHAN	<u>Clauses 14, 16 to 18, and 20 to 26</u>  - Administration's clarification in response to the Chairman that the provision of an alternate offence was laid down in subsection (11) of section 39KA in clause 14  - Administration's explanation in response to the Chairman's enquiry on the proposal to add a new clause 14A after clause 14  - Discussion on the rendition of the term "serve" as "服" in the Chinese text of the proposed amendment to section 69A(2) in clause 14A	Administration to provide information / response (paragraph 6 of minutes)
005033 - 005155	Chairman Dr Philip WONG Administration	<u>Clause 12</u>  - Administration's agreement in response to Dr WONG to review the use of expression "he or she", instead of "the person", in the proposed section 39C(11A) in clause 12	Administration to provide information / response (paragraph 6 of minutes)
<b><i>Amendments proposed by Hon KAM Nai-wai (LC Paper No. CB(1)253/11-12(03))</i></b>			
005156 - 010316	Chairman Administration Mr KAM Nai-wai	- The Chairman's briefing on Mr KAM Nai-wai's proposed CSAs  - Administration's briefing on its written response to Mr KAM's proposed amendments (LC Paper No. CB(1)378/11-12(01))	

Action

Time marker	Speaker	Subject(s)	Action required
		<ul style="list-style-type: none"> <li>- Administration's explanation of not accepting Mr KAM's proposal:               <ul style="list-style-type: none"> <li>(a) people might switch from taking a specified illicit drug to taking non-specified illicit drug(s) to avoid the harsher penalties, thus undermining the integrity and effect of the proposed measures to deter drug driving;</li> <li>(b) the proposal would affect the relativity and proportionality of the penalties amongst offences of drug driving, drink driving and dangerous driving; and</li> <li>(c) drivers who drove under the influence of specified illicit drug might be prosecuted for offences under the Dangerous Drugs Ordinance (Cap. 134), which should serve as a sufficient deterrent</li> </ul> </li> </ul>	
010317 - 010719	Chairman Miss Tanya CHAN Administration	<ul style="list-style-type: none"> <li>- Request for the Administration to review the effectiveness of the drug driving provisions after implementation and consider further enhancement or changes as necessary</li> <li>- Request for the Administration to provide information on the penalty terms for drug driving offences in overseas countries and in Hong Kong</li> </ul>	Administration to provide information / response (paragraph 6 of minutes)
010720 - 011009	Chairman Administration	<ul style="list-style-type: none"> <li>- Request for the Administration to provide relevant statistics related to drug driving and drink driving offences in the past few years</li> </ul>	Administration to provide information / response (paragraph 6 of minutes)



Action

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
		- The Chairman's view that conducting random drug tests would be an effective tool to deter drug driving	
011010 – 011101	Chairman Dr Philip WONG	- Dr WONG's expression of agreement with the Administration's view regarding the amendments proposed by Mr KAM and his support for early implementation of the Bill	
011102 – 011348	Chairman	- Discussion on the legislative timetable	The Clerk to prepare a report for submission to the House Committee