



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

LC Paper No. CB(1)348/11-12(02)



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LEGAL SERVICE DIVISION  
LEGISLATIVE COUNCIL SECRETARIAT

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7 November 2011

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

Dear Miss NG,

### **Road Traffic (Amendment) Bill 2011**

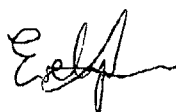
At the Bills Committee meeting held on 2 November 2011, a member commented and the Administration concurred that the penalties imposed under sections 39J(1) and 39N(1) should be on the same scale. Section 39J(4) of the Bill provides that a person who, upon a subsequent conviction of the same offence prescribed under section 39J(1) in relation to a specified illicit drug, may be disqualified from driving for life. Section 39N(1) of the Bill provides that a person who, without reasonable excuse, fails to undergo a preliminary drug test commits an offence and that person, under section 39N(5), may be disqualified for not less than 10 years should the conviction on the said offence be a conviction subsequent to a conviction under section 39J or 39N(1). It appears that a person who has a previous conviction under section 39J would be better off if he resists a drug test.

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Please clarify the Administration's policy intention regarding disqualification order to be imposed on a person who has been convicted on section 39N(1) and has a previous record of conviction under section 39J(1) in relation to a specified illicit drug.

As the Bills Committee will continue to consider the above Bill at its meeting on 10 November 2011, I look forward to receiving your reply in both Chinese and English languages by **9 November 2011**.

Yours sincerely,



(Evelyn LEE)  
Assistant Legal Adviser

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