

Chapter:	374	Title:	Road Traffic Ordinance	Gazette Number:	E.R. 2 of 2012
Section:	72A	Heading:	Power of court or magistrate to order persons to attend driving improvement courses*	Version Date:	02/08/2012

(1) Where a court or magistrate convicts a person of an offence specified in Schedule 11, the court or magistrate may do either or both of the following- (Amended 23 of 2008 s. 20)

- (a) impose any penalty that may be imposed for the offence;
- (b) order the person to attend and complete a driving improvement course.

(1A) Subject to subsection (1B), where a court or magistrate convicts a person of an offence under section 36, 36A, 37, 39, 39A, 39B, 39C, 39J, 39K, 39L, 39O(1), 39S or 55, or convicts an applicable person of an offence under section 41(1), the court or magistrate shall order the person to attend and complete a driving improvement course, unless the court or magistrate for special reasons decides not to make such an order. (Added 23 of 2008 s. 20. Amended 19 of 2010 s. 19; 24 of 2011 s. 17)

(1B) If a person, on being convicted of an offence in any proceedings, is ordered under subsection (1)(b) or (1A) to attend and complete a driving improvement course, the person is not to be ordered under that subsection to attend and complete a driving improvement course in respect of any other offence of which he is convicted in those proceedings. (Added 23 of 2008 s. 20)

(2) Where a court or magistrate makes an order under subsection (1)(b) in addition to imposing a penalty under subsection (1)(a), the penalty so imposed may be a penalty that is lighter than the court or magistrate might have imposed had the order not been made. (Amended 23 of 2008 s. 20)

(3) A person who is ordered to attend and complete a driving improvement course under subsection (1) or (1A) must, at the person's own cost, attend and complete that course in accordance with subsection (3A), (3B) or (3C) as may be applicable to the person. (Replaced 24 of 2011 s. 17)

(3A) The person must attend and complete the driving improvement course within 3 months beginning on the date the order is made to attend and complete it if the person-

- (a) has not been ordered to serve a term of imprisonment or detention and is not the subject of a disqualification order; or
- (b) has not been ordered to serve a term of imprisonment or detention, but is the subject of a disqualification order with a disqualification period of less than 3 months. (Replaced 24 of 2011 s. 17)

(3B) The person must attend and complete the driving improvement course within the last 3 months of the disqualification period if the person-

- (a) has not been ordered to serve a term of imprisonment or detention, but is the subject of a disqualification order with a disqualification period of 3 months or more; or
- (b) has been ordered to serve a term of imprisonment or detention and is also the subject of a disqualification order with a disqualification period that ends after a period of 3 months or more beginning on the date the person finishes serving that term. (Replaced 24 of 2011 s. 17)

(3C) The person must attend and complete the driving improvement course within 3 months beginning on the date the person finishes serving the term of imprisonment or detention if the person-

- (a) has been ordered to serve a term of imprisonment or detention, but is not the subject of a disqualification order; or
- (b) has been ordered to serve a term of imprisonment or detention and is also the subject of a disqualification order with a disqualification period that ends-
 - (i) before the person finishes serving that term; or
 - (ii) within a period of less than 3 months beginning on the date the person finishes serving that term. (Added 24 of 2011 s. 17)

(4) Where a judge or magistrate considers, on application made by a person in accordance with subsection (5), that the person is not able to or has failed to attend and complete a driving improvement course within the compliance period with reasonable excuse, the judge or magistrate may order that the compliance period be

extended for such period as the judge or magistrate considers appropriate. (Amended 23 of 2008 s. 20; 24 of 2011 s. 17)

(5) An application under subsection (4) shall be-

- (a) where the order referred to in subsection (1)(b) or (1A) is made by a judge of the Court of First Instance, made in writing to a judge of the Court of First Instance and sent to the Registrar;
- (b) where the order referred to in subsection (1)(b) or (1A) is made by a judge of the District Court, made in writing to a judge of the District Court and sent to the Registrar;
- (c) where the order referred to in subsection (1)(b) or (1A) is made by a magistrate, made in writing to a magistrate and sent to the magistrates' clerk. (Amended 23 of 2008 s. 20)

(6) Where-

- (a) a judge makes an order under subsection (4), the Registrar;
- (b) a magistrate makes an order under subsection (4), the magistrates' clerk,

shall give notice of the order to the person who made the application and the Commissioner.

(7)-(8) (Repealed 23 of 2008 s. 20)

(9) A person who, without reasonable excuse, fails to comply with subsection (3) commits an offence and is liable on conviction to a fine at level 2 and to imprisonment for 1 month. (Amended 23 of 2008 s. 20; 24 of 2011 s. 17)

(9A) If a court or magistrate convicts a person of an offence under subsection (9), the court or magistrate shall order the person to attend and complete a driving improvement course at his own cost within the period specified in the order, unless the court or magistrate for special reasons decides not to make such an order. (Added 23 of 2008 s. 20)

(9B) A person who, without reasonable excuse, fails to comply with the order made under subsection (9A) commits an offence and is liable on conviction to a fine at level 3 and to imprisonment for 2 months. (Added 23 of 2008 s. 20)

(9C) If a court or magistrate convicts a person of an offence under subsection (9B), and the person is not disqualified, the court or magistrate shall order that the person be disqualified for a period of not less than 3 months, or until the person has attended and completed a driving improvement course at his own cost, whichever is the later, unless the court or magistrate for special reasons orders that the person be disqualified for a shorter period or that the person not be disqualified. (Added 23 of 2008 s. 20)

(9D) If a person is ordered to attend and complete a driving improvement course under subsection (1)(b), (1A) or (9A), he may appeal against the order in like manner as if it were an order made against him for the payment of a fine. (Added 23 of 2008 s. 20)

(9E) If a person appeals against an order under subsection (9D), the compliance period, or that period as extended under subsection (4), or, in relation to an order made under subsection (9A), the period specified in the order does not commence or continue to run, as the case may be, until the appeal is withdrawn or dismissed. (Added 23 of 2008 s. 20. Amended 24 of 2011 s. 17)

(10) The Legislative Council may by resolution amend Schedule 11.

(11) In this section-

compliance period (遵從期間) means, in relation to a person who has been ordered under subsection (1) or (1A) to attend and complete a driving improvement course, the period specified in subsection (3A), (3B) or (3C) for attending and completing that course, as may be applicable to the person; (Replaced 24 of 2011 s. 17)

disqualification order (停牌令) means an order made under section 36(2), 36A(2), 37(2), 39(2), 39A(2), 39B(7), 39C(16), 39J(2), 39K(2), 39L(2), 39O(4), 39S(3), 41(3), 55(2) or 69(1)(a) that a person be disqualified; (Added 24 of 2011 s. 17)

disqualification period (停牌期) means, in relation to a disqualification order in which the court or magistrate has specified the period for which the convicted person is to be disqualified with reference to a fixed period and the completion of a driving improvement course, the fixed period; (Added 24 of 2011 s. 17)

judge (法官) means-

- (a) in relation to the Court of First Instance, a judge of the Court of First Instance, a recorder of the Court of First Instance and a deputy judge of the Court of First Instance;
- (b) in relation to the District Court, a District Judge and a deputy District Judge;

Registrar (司法常務官) means-

- (a) in relation to proceedings in the Court of First Instance, the Registrar of the High Court;
 (b) in relation to proceedings in the District Court, the Registrar of the District Court; (Amended 24 of 2011 s. 17)

term of imprisonment or detention (監禁或拘留刑期) means a period of deprivation of liberty a person is ordered to undergo or is undergoing-

- (a) on conviction for an offence for which a disqualification order is made; or
 (b) on conviction for any other offence. (Added 24 of 2011 s. 17)

(Amended 23 of 2008 s. 20)

(12) For the purposes of subsection (1A), a person is, in relation to an offence under section 41(1), an applicable person if it is proved or admitted that, at the time of the offence, the person was driving the vehicle at a speed exceeding the relevant speed limit as described in that section by more than 45 km an hour. (Added 23 of 2008 s. 20)

(13) For the purposes of subsection (9C), a person is disqualified for a shorter period if he is disqualified for a period of less than 3 months, or until the person has attended and completed a driving improvement course at his own cost, whichever is the later. (Added 23 of 2008 s. 20)

(14) The requirement in subsection (1A) to order a person to attend and complete a driving improvement course does not apply if the court or magistrate makes an order that the person be disqualified for life. (Added 24 of 2011 s. 17)

(Added 3 of 2002 s. 4)

Note:

* (Amended 23 of 2008 s. 20)

Chapter:	374	Title:	Road Traffic Ordinance	Gazette Number:	E.R. 2 of 2012
Schedule:	11	Heading:	Offences Specified for the Purposes of Section 72A	Version Date:	02/08/2012

[section 72A]

Any offence mentioned in the Schedule to the Road Traffic (Driving-offence Points) Ordinance (Cap 375) other than an offence mentioned in item 1, 1A, 2, 4, 4A, 4B, 4C, 5, 5B, 6, 8, 9, 10, 11, 13, 14, 15, 18, 19, 20, 28, 29, 32, 33, 34, 37, 38, 41, 42, 43, 46, 47, 50, 53, 54, 55, 58 or 59 of that Schedule.

(Schedule 11 added 3 of 2002 s. 6. Amended 23 of 2008 s. 22; 19 of 2010 s. 23)

Chapter:	375	Title:	ROAD TRAFFIC (DRIVING-OFFENCE POINTS) ORDINANCE	Gazette Number:	
Section:	4	Heading:	Recording of points	Version Date:	30/06/1997

(1) Subject to section 6(2), where a person-

- (a) is convicted of a scheduled offence; or
 (b) becomes liable to a fixed penalty in respect of a scheduled offence,

he shall incur the appropriate number of points in respect of that offence.

(2) The appropriate number of points in respect of each scheduled offence is that set out opposite that offence in the Schedule.

(3) The Legislative Council may, by resolution, amend the Schedule.

Chapter: 375 Title: **ROAD TRAFFIC
(DRIVING-OFFENCE
POINTS) ORDINANCE** Gazette Number: E.R. 2 of 2012
 Schedule: Heading: **SCHEDULE** Version Date: 02/08/2012

[sections 2 & 4]

Item	Section, Regulation or By-law	Offence Description of general nature of offence	Points
	Road Traffic Ordinance (Cap 374)		
1	Section 36(1)	Causing death by dangerous driving	10
1A	Section 36A(1)	Causing grievous bodily harm by dangerous driving	10
2	Section 37(1)	Dangerous driving	10
3	Section 38(1)	Careless driving	5
4	Section 39	Driving, attempting to drive or being in charge of a motor vehicle under the influence of drink	10
4A	Section 39A	Driving, attempting to drive or being in charge of a motor vehicle with alcohol concentration above prescribed limit	10
4B	Section 39B(6)	Failing to provide a specimen of breath for screening breath test without reasonable excuse	10
4C	Section 39C(15)	Failing to provide a specimen of breath for breath analysis or a specimen of blood or urine for laboratory test, or failing to give consent to laboratory test of a specimen of blood, without reasonable excuse	10
4D	Section 39J(1)	Driving, attempting to drive or being in charge of a motor vehicle under the influence of a specified illicit drug	10
4E	Section 39K(1)	Driving, attempting to drive or being in charge of a motor vehicle while any concentration of a specified illicit drug is present in the blood or urine	10
4F	Section 39L(1)	Driving, attempting to drive or being in charge of a motor vehicle under the influence of a drug other than a specified illicit drug	10
4G	Section 39O(1)	Failing to undergo an Impairment Test or provide a specimen of oral fluid without reasonable excuse	10
4H	Section 39S(1)	Failing to provide a specimen of blood or urine for laboratory test, or failing to give consent to the analysis of a specimen of blood, without reasonable excuse	10
5	Section 41	Driving in excess of speed limit by more than 15 kilometres an hour, other than where item 5A or 5B applies	3
5A	Section 41	Driving in excess of speed limit by more than 30 kilometres an hour, other than where item 5B applies	5
5B	Section 41	Driving in excess of speed limit by more than 45 kilometres an hour	10
6	Section 55(1)	Driving in a motor race or speed trial on a road	10
7	Section 56(1)	Failing to stop after an accident	5
8	Section 56(2)	Failing to give particulars after an accident	3
9	Section 56(3)	Failing to report an accident	3
10	Section 61	Failing to obey directions of police officer or traffic warden	3
	Road Traffic Regulations (Cap 374 sub. leg. G)		
11	Regulation 11(1)	Crossing double white lines	3
12	Regulation 18	Failing to comply with traffic signals	5
13	Regulation 31	Failing to give precedence to pedestrians on zebra crossing	3
14	Regulation 38(2)	Failing to stop for school crossing patrol	3
	Road Tunnels		

	(Government)		
	Regulations		
	(Cap 368 sub. leg. A)		
15	Regulation 4(2)	Driving in excess of temporary maximum speed limit by more than 15 kilometres an hour, other than where item 16 or 17 applies	3
16	Regulation 4(2)	Driving in excess of temporary maximum speed limit by more than 30 kilometres an hour, other than where item 17 applies	5
17	Regulation 4(2)	Driving in excess of temporary maximum speed limit by more than 45 kilometres an hour	10
18	Regulation 9(1)(g)	Crossing continuous double lines	3
19	Regulation 18(4)	Crossing a continuous white line with a broken white line of the type shown in Figure No. 502 in Schedule 2 to the Road Traffic (Traffic Control) Regulations (Cap 374 sub. leg. G)	3
20	Regulation 18(4)	Driving in excess of the speed limit indicated by a traffic sign of the type shown in Figure No. 136 in Schedule 1 to the Road Traffic (Traffic Control) Regulations (Cap 374 sub. leg. G) by more than 15 kilometres an hour, other than where item 21 or 22 applies	3
21	Regulation 18(4)	Driving in excess of the speed limit referred to in item 20 by more than 30 kilometres an hour, other than where item 22 applies	5
22	Regulation 18(4)	Driving in excess of the speed limit referred to in item 20 by more than 45 kilometres an hour	10
23 - 27	(Repealed L.N. 198 of 1999)		
	Eastern Harbour		
	Crossing Road Tunnel		
	By-laws		
	(Cap 215 sub. leg. E)		
28	By-law 8	Crossing continuous double lines inside road tunnel	3
29	By-law 10(a)	Driving in excess of the speed limit indicated by a traffic sign of the type shown in Figure No. 6 or 7 in the Schedule to the Eastern Harbour Crossing Road Tunnel By-laws (Cap 215 sub. leg. E) by more than 15 kilometres an hour, other than where item 30 or 31 applies	3
30	By-law 10(a)	Driving in excess of the speed limit referred to in item 29 by more than 30 kilometres an hour, other than where item 31 applies	5
31	By-law 10(a)	Driving in excess of the speed limit referred to in item 29 by more than 45 kilometres an hour	10
32	By-law 10(b)	Crossing continuous double white lines or a continuous white line with a broken white line of the type shown in Figure No. 501 or 502 in Schedule 2 to the Road Traffic (Traffic Control) Regulations (Cap 374 sub. leg. G)	3
	Tate's Cairn Tunnel By-		
	laws (Cap 393 sub. leg.		
	B)		
33	By-law 8	Crossing continuous double lines	3
34	By-law 10(1)	Driving in excess of the speed limit indicated by a traffic sign of the type shown in Figure No. 6 or 7 in the Schedule to the Tate's Cairn Tunnel By-laws (Cap 393 sub. leg. B) by more than 15 kilometres an hour, other than where item 35 or 36 applies	3
35	By-law 10(1)	Driving in excess of the speed limit referred to in item 34 by more than 30 kilometres an hour, other than where item 36 applies	5
36	By-law 10(1)	Driving in excess of the speed limit referred to in item 34 by more than 45 kilometres an hour	10
37	By-law 10(2)	Crossing a continuous white line with a broken white line of the type shown in Figure No. 502 in Schedule 2 to the Road Traffic (Traffic Control) Regulations (Cap 374 sub. leg. G)	3
	Western Harbour		
	Crossing Bylaw		
	(Cap 436 sub. leg. D)		
38	Section 7	Driving in excess of speed limit by more than 15 kilometres an hour, other than where item 39 or 40 applies	3

39	Section 7	Driving in excess of speed limit by more than 30 kilometres an hour, other than where item 40 applies	5
40	Section 7	Driving in excess of speed limit by more than 45 kilometres an hour	10
41	Section 8	Crossing continuous double white lines	3
42	Section 10(b)	Crossing a continuous white line with a broken white line of the type shown in Figure No. 502 in Schedule 2 to the Road Traffic (Traffic Control) Regulations (Cap 374 sub. leg. G)	3
Tsing Ma Control Area (General) Regulation (Cap 498 sub. leg. B)			
43	Section 9	Driving in excess of the speed limit indicated by a traffic sign of the type shown in Figure No. 22 in Schedule 1 to the Tsing Ma Control Area (General) Regulation (Cap 498 sub. leg. B) by more than 15 kilometres an hour, other than where item 44 or 45 applies	3
44	Section 9	Driving in excess of the speed limit referred to in item 43 by more than 30 kilometres an hour, other than where item 45 applies	5
45	Section 9	Driving in excess of the speed limit referred to in item 43 by more than 45 kilometres an hour	10
46	Section 9	Crossing continuous double white lines or a continuous white line with a broken white line of the type shown in Figure No. 501, 502 or 503 in Schedule 2 to the Road Traffic (Traffic Control) Regulations (Cap 374 sub. leg. G)	3
47	Section 10(2)	Driving in excess of temporary speed limit by more than 15 kilometres an hour, other than where item 48 or 49 applies	3
48	Section 10(2)	Driving in excess of temporary speed limit by more than 30 kilometres an hour, other than where item 49 applies	5
49	Section 10(2)	Driving in excess of temporary speed limit by more than 45 kilometres an hour	10
Tai Lam Tunnel and Yuen Long Approach Road Bylaw (Cap 474 sub. leg. C)			
50	Section 7	Driving in excess of speed limit indicated by a speed limit sign of the type shown in Figure No. 6, 7, 8 or 9 in the Schedule to the Tai Lam Tunnel and Yuen Long Approach Road Bylaw (Cap 474 sub. leg. C) by more than 15 kilometres an hour, other than where item 51 or 52 applies	3
51	Section 7	Driving in excess of speed limit referred to in item 50 by more than 30 kilometres an hour, other than where item 52 applies	5
52	Section 7	Driving in excess of speed limit referred to in item 50 by more than 45 kilometres an hour	10
53	Section 8	Crossing continuous double white lines	3
54	Section 10(b)	Crossing a continuous white line with a broken white line of the type shown in Figure No. 502 in Schedule 2 to the Road Traffic (Traffic Control) Regulations (Cap 374 sub. leg. G)	3
Discovery Bay Tunnel Link Bylaw (Cap 520 sub. leg. B)			
55	Section 7	Driving in excess of speed limit indicated by a speed limit sign of the type shown in Figure No. 6 or 7 in the Schedule to the Discovery Bay Tunnel Link Bylaw (Cap 520 sub. leg. B) by more than 15 kilometres an hour, other than where item 56 or 57 applies	3
56	Section 7	Driving in excess of speed limit referred to in item 55 by more than 30 kilometres an hour, other than where item 57 applies	5
57	Section 7	Driving in excess of speed limit referred to in item 55 by more than 45 kilometres an hour	10
58	Section 8	Crossing continuous double white lines	3
59	Section 10(b)	Crossing a continuous white line with a broken white line of the type shown in Figure No. 502 in Schedule 2 to the Road Traffic	3

(Traffic Control) Regulations (Cap 374 sub. leg. G)

(Amended 44 of 1986 s. 3; 39 of 1995 s. 14; L.N. 47 of 1998; 33 of 2000 s. 5; 50 of 2000 s. 4; 3 of 2002 s. 14; L.N. 116 of 2005; 19 of 2010 s. 24; 24 of 2011 s. 27)

(Format changes—E.R. 2 of 2012)
