

道路安全

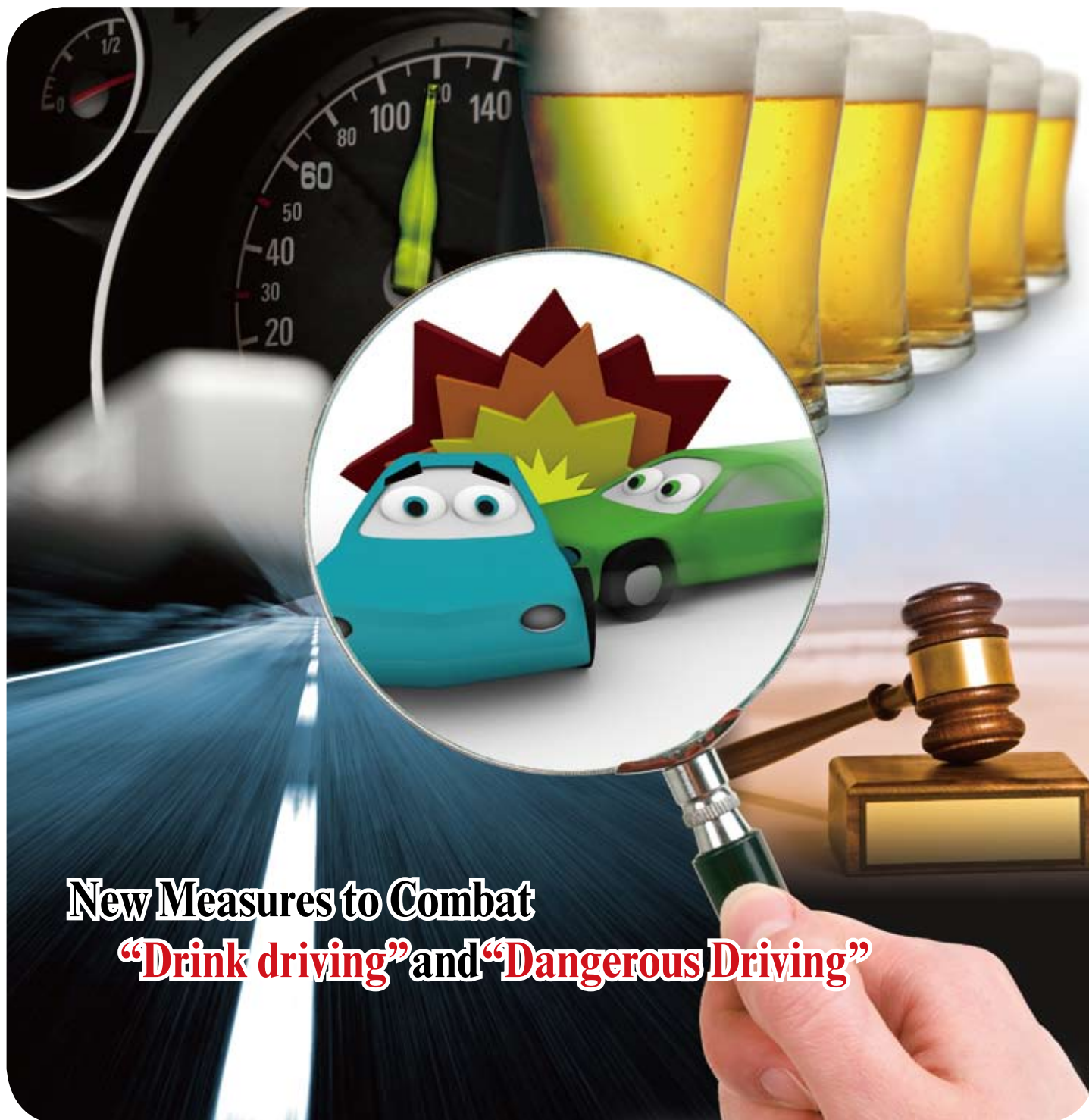
Road Safety Bulletin

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道路安全通訊

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New Measures to Combat “Drink driving” and “Dangerous Driving”

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To combat “drink driving” and “dangerous driving” for enhancing road safety, the “Road Traffic (Amendment) Ordinance 2010” has been enacted. The main points are as follows.

A. New Penalties for Drink Driving

- a maximum fine of \$25,000 and up to 3 years’ imprisonment
- mandatory driving improvement course
- incur 10 driving-offence points
- **New penalties on minimum driving disqualification period:**

Proportion of alcohol in a person’s breath, blood or urine	Current Minimum Driving Disqualification Period		Amended Minimum Driving Disqualification Period	
	First Conviction	Second/Subsequent Conviction	First Conviction	Second/Subsequent Conviction <small>(Note 1)</small>
Tier 1 (if it exceeds the “prescribed limit” but is less than 35µg / 80mg / 107mg of alcohol in 100ml of breath / blood / urine respectively) 	3 months	2 years	6 months	2 years
Tier 2 (if it exceeds Tier 1 but is less than 66µg / 150mg / 201mg of alcohol in 100ml of breath / blood / urine respectively) 	3 months	2 years	1 year	3 years
Tier 3 (if it exceeds Tier 2) 	3 months	2 years	2 years	5 years

Note 1: A person is regarded as having a second/subsequent conviction in drink driving if he has been convicted of any drink driving related offences previously regardless of the alcohol level on the previous conviction. The penalty for the second/subsequent conviction will be pitched at the alcohol level in the second/subsequent conviction.

Note 2: “prescribed limit” means- (a) 22 micrograms of alcohol in 100 millilitres of breath; (b) 50 milligrams of alcohol in 100 millilitres of blood; or (c) 67 milligrams of alcohol in 100 millilitres of urine,

The **BLACK** parts above are the existing penalties before the legislative amendment, while the **RED** parts are the newly amended penalties under the legislative amendment.

The minimum disqualification periods for the following drink-driving related offences are set at “**Tier 3**”:

- Driving a motor vehicle under the influence of drink or drugs to such an extent as to be incapable of having proper control of the motor vehicle;
- Failure to provide specimens of breath for screening breath tests without reasonable excuse; and
- Failure to provide specimens of breath, blood or urine for analysis without reasonable excuse.

The option for a driver whose breath analysis result no more than 37µg of alcohol per 100ml of breath to replace his breath specimen by a specimen of blood or urine is removed.



B. New Offence and Penalties on Dangerous Driving

Introduction of a New Offence on “Causing Grievous Bodily Harm by Dangerous Driving”

The penalties for the new offence “Causing Grievous Bodily Harm by Dangerous Driving” are as follows :

- (a) Maximum fine : \$50,000;
- (b) Maximum imprisonment : 7 years;
- (c) Minimum driving disqualification period on first conviction: two years; on second or subsequent conviction: five years; and
- (d) 10 Driving-Offence Points, and mandatory Driving Improvement Course.

New Penalties on Other Dangerous Driving Offences

“Lengthen” the minimum disqualification period for a second or subsequent conviction of the following dangerous driving offences:

- (a) for ‘dangerous driving’ offence, the minimum driving disqualification period is increased from 18 months to **2 years**; and
- (b) for ‘causing death by dangerous driving’ offence, the minimum driving disqualification period is increased from 3 years to **5 years**.

Summary Table for Penalties on All Dangerous Driving Offences

		Dangerous Driving	Causing Grievous Bodily Harm by Dangerous Driving	Causing Death by Dangerous Driving
Maximum Fine		\$25,000	\$50,000	\$50,000
Maximum Imprisonment Period		3 years	7 years	10 years
Minimum Driving Disqualification Period	First conviction	6 months	2 years	2 years
	Second/Subsequent conviction	2 years	5 years	5 years
Driving-Offence Points		10	10	10
Driving Improvement Course		mandatory attendance	mandatory attendance	mandatory attendance

The **BLACK** parts above are the existing penalties before the legislative amendment, while the **RED** parts are the newly amended penalties under the legislative amendment.

C. Introducing “Circumstances of Aggravation” in all Dangerous Driving Offences

If at the time of committing a dangerous driving offence, the driver’s alcohol level is **Tier 3** or any amount of the specified illicit drugs (viz. heroin, ketamine, “ice”, cannabis, cocaine or “MDMA”) is present in his body, he falls in the **circumstances of aggravation**. The penalty in terms of maximum fine, maximum imprisonment and minimum disqualification period for the offence concerned will be increased by 50%.

D. Consecutive Implementation of Imprisonment and Driving Disqualification

This provision applies to the following conditions:

- The driver is convicted of a 10 driving-offence point scheduled offence under Road Traffic (Driving-Offence Points) Ordinance Cap 375 (including all dangerous driving offences, drink or drug driving offences, motor racing, and speeding by over 45 km per hour);
- The conviction is the driver’s second or subsequent conviction of the relevant scheduled offence, regardless of whether that conviction is for the same or for a different scheduled offence.
- The court must direct that the disqualification period is not to start to run until the driver is released from custody, unless the court decides not to make such direction for special reasons.
- The conviction of a relevant scheduled offence may be considered as a first conviction if, as at the date on which the offence was committed, at least 5 years have passed since the driver’s last conviction of a relevant scheduled offence.

