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Road
Safety
Bulletin

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道路安全通訊

打擊毒後駕駛的新措施 - 快速口腔液測試

New Measures to Combat Drug Driving - Rapid Oral Fluid Test



涉及貓或狗受傷意外時的停車責任

Duty to Stop in case of Accidents Involving Injuries to Cats or Dogs



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藥駕和毒駕是刑事罪行

根據《道路交通條例》(第374章)(簡稱《條例》)第39J、39K及39L條，任何人在任何道路上駕駛、企圖駕駛或掌管汽車時，如(甲)其血液或尿液含有任何濃度的指明毒品*；或(乙)該人正受指明毒品或指明毒品以外的藥物影響，程度達到沒有能力妥當地控制該汽車；均屬違法。一經定罪，最高可處第4級罰款(現時為25,000元)、監禁3年、以及取消駕駛資格至少5年。

*《條例》附表1A中六種指明毒品是海洛英、氯胺酮(「K仔」)、甲基安非他明(「冰」)、大麻(「草」)、可卡因及3,4-亞甲二氧基甲基安非他明(「搖頭丸」)。

Drug driving is a criminal offence

Pursuant to sections 39J, 39K and 39L of the Road Traffic Ordinance (Cap. 374) ("RTO"), a person who drives or attempts to drive, or is in charge of, a motor vehicle on any road while (a) any concentration of a specified illicit drug* is present in the person's blood or urine or (b) under the influence of a specified illicit drug or a drug (other than a specified illicit drug) to such an extent as to be incapable of having proper control of the motor vehicle commits an offence. On conviction, the offender is liable to a maximum fine at level 4 (\$25,000 at present), a maximum imprisonment for 3 years, as well as a maximum driving disqualification period of not less than 5 years.

* The specified six illicit drugs in Schedule 1A of RTO are heroin, ketamine ("k"), methamphetamine ("ice"), cannabis ("grass"), cocaine and 3,4-methylenedioxymethamphetamine ("MDMA").



最高
Maximum
➡

第4級罰款
A fine at level 4



最長監禁期
Maximum imprisonment for
3 年
years



最長取消駕駛資格期
Maximum driving
disqualification period of
至少 5 年
not less than 5 years



快速口腔液測試
Rapid Oral Fluid Test
(ROFT)

快速口腔液測試 Rapid Oral Fluid Test (ROFT)

為確保道路安全及提升打擊毒後駕駛的效率，警方於2021年2月19日開始，使用「DrugWipe®6S」進行快速口腔液測試，為懷疑毒駕的司機即場進行初步測試。

To enhance the efficiency of anti-drug driving enforcement and road safety, starting from 19 February 2021, the Police have adopted "DrugWipe®6S" for ROFT as a preliminary on-site test on persons suspected of driving under the influence of drugs.

快速口腔液測試 Rapid Oral Fluid Test (ROFT)



相關法例要求 Relevant Legal Requirements

- 《條例》第39M條列明，若警務人員有合理理由懷疑任何人藥後或毒後駕駛、涉及交通意外或在行車時違反交通規則，警務人員可要求該人接受快速口腔液測試，以偵測該人的口腔液是否含有任何指明毒品。
- 《條例》第39O條列明，任何人如無合理辯解而未能提供口腔液樣本以進行快速口腔液測試，即屬違法，可判處跟藥駕和毒駕一樣的最高刑罰。
- 《條例》第39P條列明，如測試結果顯示口腔液含有任何濃度的指明毒品，便須提供血液及 / 或尿液樣本作化驗。
- Pursuant to section 39M of RTO, a person may be required to undergo a ROFT to detect whether any specified illicit drug is present in his or her oral fluid, if the police officer has reasonable cause to suspect that the person has been driving while under the influence of drugs, involved in a traffic accident or committed a traffic offence.
- Pursuant to section 39O of RTO, if a person without reasonable excuse, fails to provide specimen(s) of oral fluid to carry out a ROFT. The maximum penalty is the same as that for drug driving.
- Pursuant to section 39P of RTO, if the test results indicate any concentration of a specified illicit drug in the oral fluid, that person must provide specimen of blood and / or urine for a laboratory test.



快速口腔液測試認可儀器 - 「DrugWipe®6S」 Approved ROFT Instrument - "DrugWipe®6S"



- 「DrugWipe®6S」由德國公司製造，已在其他司法體系（例如澳洲、比利時及英國）用作毒後及藥後駕駛執法。醫管局的評估結果顯示，該儀器在測試成功率方面表現最佳，而測試的明確性及準確度亦令人滿意。
- 「DrugWipe®6S」為棒狀（13厘米 X 2厘米）儀器。警務人員會使用其配件從懷疑受藥物影響下駕駛的司機提取少量口腔液作分析，約8至10分鐘便會得知結果。
- 相對於傳統的「識認藥物影響觀測」和「損害測試」，「DrugWipe®6S」大大縮短檢測所需時間，而且比較客觀及科學化，能可靠地偵測到沒有曾經吸毒表徵的司機。
- "DrugWipe®6S", which is manufactured by a German company, has been deployed in some other jurisdictions such as Australia, Belgium and the United Kingdom for drug driving enforcement. As revealed from the Hospital Authority's assessment, "DrugWipe®6S" has the best performance in terms of test success rate and its specificity and accuracy are satisfactory.
- "DrugWipe®6S" is a stick-shaped (13cm x 2cm) instrument. Police officers will use its accessories to extract and analyze a small amount of oral fluid from a person suspected of driving under the influence of drugs. The result will be available in about 8 to 10 minutes.
- Compared with the traditional methods of "Drug Influence Recognition Observation" and "Impairment Test", "DrugWipe®6S" shortens the time required for preliminary on-site testing. The detection method is comparatively objective and scientific, and it can reliably detect drivers who do not show any signs of having used drugs.



打擊毒後駕駛的成效 Effectiveness to Combat Drug Driving

截至2021年8月31日，警方於巡邏及執法行動期間共對206名司機執行快速口腔液測試，結果有77宗陽性個案、129宗陰性個案，另有4名司機拒絕進行快速口腔液測試。

Up to 31 August 2021, the police conducted ROFT on 206 drivers during patrols and law enforcement operations. There were 77 positive and 129 negative cases. Besides, 4 drivers refused to perform ROFT.



涉及貓或狗受傷意外時的停車責任

Duty to Stop in case of Accidents Involving Injuries to Cats or Dogs



新修訂意外時的停車責任

Newly Amended Duty to Stop in case of Accidents

- 為加強保障交通意外所涉及動物的福利，由2021年11月7日起，《道路交通條例》(第374章)(簡稱《條例》)第56條指明的動物由馬、牛、驢、騾、綿羊、豬及山羊擴闊至涵蓋貓和狗。
- To improve the welfare of animals involved in traffic accidents, with effect from 7 November 2021, the scope of animal specified in section 56 of the Road Traffic Ordinance (Cap. 374) ("RTO") will be expanded to include cat and dog in addition to horse, cattle, ass, mule, sheep, pig and goat.

馬 Horse

牛 Cattle

驢 Ass

騾 Mule

貓
Cat

狗
Dog

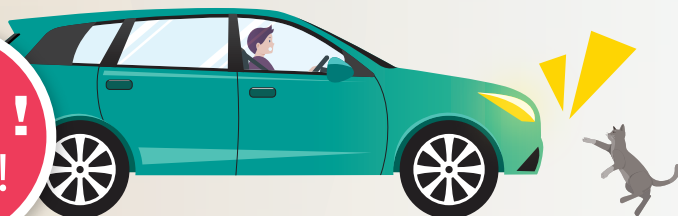
綿羊 Sheep

豬 Pig

山羊 Goat

- 如司機駕駛車輛時發生意外而涉及指明動物(包括貓或狗)受傷，司機須停車，及向在場的動物畜養人提供資料，或盡快向警方報告。此舉可讓受傷的動物得到及時的治療。
- A driver whose vehicle is involved in an accident, in which a specified animal (including cat or dog) is injured, must stop the vehicle and give his/her particulars to the keeper of the animal, if present, or report the accident to the Police as soon as possible. This will enable the injured animal to receive timely medical treatment.

停車!
STOP!



向動物畜養人提供
資料(如現場):
Give particulars to the keeper
of the animal (if present);
或 or
向警方報告事件
(致電 999)
Report to the Police
(Call 999)



- 意外發生後沒有停車，可處第3級罰款(現時為10,000元)及監禁12個月；而沒有按規定提供詳情或報告意外，可處第4級罰款(現時為25,000元)及監禁6個月。
- A person who fails to stop his/her vehicle in case of an accident is liable to a fine at level 3 (\$10,000 at present) and imprisonment for 12 months, whereas a person who fails to give his/her particulars or to report the accident as required is liable to a fine at level 4 (\$25,000 at present) and to imprisonment for 6 months.

不停車
Failing to
Stop

最高
Maximum

第3級罰款
A fine at level 3

監禁
Imprisonment
12個月
Months

不報案
Failing to
Report

最高
Maximum

第4級罰款
A fine at level 4

監禁
Imprisonment
6個月
Months



查詢更多資訊 - 道路使用者守則
More Information - Road Users' Code

聯絡我們 Contact us

如對本道路安全通訊有任何意見，可與運輸署聯絡(電郵: rssid@td.gov.hk)。

If you have any comments on this Road Safety Bulletin, please contact Transport Department (email: rssid@td.gov.hk).