

**NO DRUG DRIVING!**



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### Drug driving offences

Taking drug can affect body and mind coordination that can significantly impair the ability to drive a motor vehicle. Road Traffic Ordinance (Cap 374) was amended in 2011 in order to combat drug driving more effectively. It is an offence if anyone:

- drives with any concentration of specified illicit drugs - heroin, cocaine, ketamine ('k'), methamphetamine ('ice'), cannabis ('grass') and MDMA ('ecstasy') present in his blood or urine, whether his driving ability is impaired or not;
- drives under the influence of any specified illicit drugs to such an extent of being incapable of proper control of the motor vehicle;
- drives under the influence of drugs other than specified illicit drugs to such an extent of being incapable of proper control of the motor vehicle;
- fails to undergo preliminary drug tests without reasonable excuse; or
- fails to provide specimens of blood and/or urine for analysis without reasonable excuse.

### Police Enforcement

If a driver:

- is involved in a traffic accident;
- has committed a traffic offence while the vehicle is in motion; or
- is suspected of driving under the influence of specified illicit drugs or other drugs or driving after use or consumption of specified illicit drugs.

A police officer may require the driver to undergo one or more of the following preliminary drug tests either at roadside or in a police station:

- Drug Influence Recognition Observation;
- Impairment Test.

### Penalties

Upon conviction of drug driving, offenders are liable to one or more of the following penalties:

- A maximum fine of \$25,000;
- A maximum imprisonment for 3 years;
- Driving disqualification up to a minimum period from 6 months to 5 years on first conviction, and for a minimum period from 2 years to 10 years on subsequent conviction. A repeated offender may be disqualified for life if the court or magistrate, having considered the circumstances of the offence and the behaviour of the offender, is of the opinion that he or she should not be allowed to drive a motor vehicle anymore.

### Defence Provision

A driver may use the following as defence:

- The drug taken is lawfully obtained;
- The drug is used in accordance with the advice given by healthcare professional or instructions of the drug manufacturer; and
- He or she did not know and could not reasonably have known that the drug taken would render him or her incapable of having proper control of a motor vehicle.

### Smart Tips for Drivers

- Drug may affect the central nervous system and may cause sleepiness, dizziness, fatigue, impairment of concentration and judgement, excitation, slowing of reaction or blurred vision. The effects of drugs on driving ability may vary among different people.
- Avoid taking drugs before driving. If taking drugs before driving cannot be avoided, make sure you know the effects of drugs on driving ability. Consult healthcare professionals including doctors, pharmacists or dentists if in doubt and ask for alternative medications when necessary.
- If the medication impairs your driving ability, do not drive.
- Always look out for warning message on drug label, such as "This drug may cause drowsiness. If affected, do not drive or operate machinery".
- Always follow the recommended dosage of the medications, and monitor the effects of drug on you while driving. Stop driving under safe condition if driving impairment is recognized.
- Never attempt to take medications from various sources on your own because the effects on driving ability are not predictable. Consult healthcare professionals if necessary.

### Disclaimer

The Government of the Hong Kong Special Administrative Region is not liable, directly or indirectly, for any form of claims, losses or damages special or consequential arising out of or in connection with the use of or reliance upon any of the information contained or implied in this leaflet. You should refer to the Road Traffic Ordinance (Cap 374) for the exact provisions of the offences and penalties mentioned and consult your legal advisor where necessary.

### Further Enquiry

Please contact 1823 Call Centre (Tel: 1823), and visit the website of the Transport Department at <http://www.td.gov.hk>. For more information on drugs, please consult healthcare professionals.

