

TAC briefed on proposals on serving driving offence summonses  
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Members of the Transport Advisory Committee (TAC) were today (November 26) briefed on the legislative proposals to improve the mechanism for the service of summonses under the Driving-offence Points (DOP) system.

"It is not acceptable for repeat traffic offenders who should have been disqualified from driving to hold on to their driving licence. We welcome the Administration's legislative proposals to improve the mechanism for the service of summonses under the DOP system, which is the crux of the existing problem," TAC Chairman Ms Teresa Cheng said.

"With the proposed 'deemed service' provision, drivers can no longer circumvent the system by avoiding receiving summonses, and hence avoiding the disqualification order by not appearing in court. If a driver fails to appear in court at the date and time required, the magistrate may issue an arrest warrant to bring the person to the court for the disqualification proceedings," she said.

"The Commissioner for Transport will also be empowered not to issue or renew the driving licence to a driver who fails to appear in court to answer a summons issued under the DOP system. We agree that this would rectify the existing anomaly that the Commissioner has to issue or renew a person's driving licence, even though he should be brought to the court for a disqualification order to be made against him."

Under the DOP system, a driver convicted of or who becomes liable to a fixed penalty in respect of a scheduled offence will incur driving-offence points as specified. When a total of 15 or more points are incurred within a period of two years, the driver will be summoned to appear before a magistrate for proceedings in which he is liable to be disqualified from driving.

Two major legislative proposals are being put forward by the Administration to improve the operation of the DOP system. Firstly, it is proposed that the Road Traffic (Driving-offence Points) Ordinance (Cap. 375) be amended to the effect that a summons is deemed to have been served if it is served on a person by registered post at the person's address shown in the record of driving licences kept by the Commissioner, even if it is returned undelivered to the person. Secondly, it is proposed that the Road Traffic (Driving Licences) Regulations (Cap. 374B) be amended to empower the Commissioner not to issue or renew a driving licence to a person if he fails to appear in court to answer a summons served on him under the DOP system, including a summons deemed to have been served.

Ends/Wednesday, November 26, 2008