

For information

**Bills Committee on
Road Traffic Legislation (Amendment) Bill 2008**

Breath Test Using Pre-screening Device

Introduction

At the meeting of the Bills Committee on 20 May 2008, the Administration was requested to provide information on the procedures to be adopted before gazettal of the approved type of pre-screening device used for random breath test (RBT) operations, and the information on the accuracy and reliability of such a pre-screening device. Our response is set out below.

The pre-screening device

2. The Police have been exploring the use of different devices for pre-screening test for random breath test (RBT) operations with a view to reducing delay and inconvenience to motorists. The device we demonstrated to the Panel on Transport and the Bills Committee, “*Alcoscan AL-1100*”, is currently used by the Korean National Police Department. “*Alcoscan AL-1100*” is equipped with three colour signals which were calibrated to three different levels of alcohol proportion to suit the Korean specifications. The same model with different specifications and different models are produced by the same manufacturer to meet different requirements for different markets and countries.

3. According to the information gathered by the Police, an independent research institute conducted laboratory tests for the Korean National Police Department on the “*Alcoscan AL-1100*” in 2005, which confirmed that the equipment was capable of detecting alcohol concentration with an accuracy level of over 95%. The device has also acquired international certifications, including CE Marking of European Union¹.

¹ “CE Marking” is a marking which indicates a product has fulfilled the minimum requirements of all the related Directives of the European Union. It is a mandatory mark for many products to be sold on the European Union market.

4. The Bills Committee supports that the pre-screening device to be used by the Police for RBT should have two colour signals, and the calibration level for triggering the “positive” signal is to be set at 20 micrograms of alcohol in 100 millilitres of breath. The Police are now exploring with different manufacturers for types of devices that may be able to meet these basic specifications for trial and testing purposes. The Police have already approached the manufacturer of “*Alcoscan AL-1100*” to produce a sample that meets the specifications. The Police are also exploring whether other manufacturers in countries such as New Zealand and Australia will produce the required samples. When the suitable devices are available, HKP will arrange tests to be conducted on their accuracy and reliability by the Government Laboratory or an independent laboratory. The ultimate choice of the device to be used will be subject to test results and the outcome of a tender exercise.

Procedures for approving the type of pre-screening device

5. In line with the existing legislation for the approved devices for screening and evidential breath tests, the Commissioner of Police may by notice in the Gazette approve types of instruments as an approved pre-screening device. Once the Bill is passed by the Legislative Council, the Police will follow the following procedures to gazette the pre-screening device –

- (a) To arrange a tender exercise in which detailed specifications as well as performance and calibration requirements of the pre-screening device will be clearly set out in the tender document;
- (b) To require the tenderers to produce certification by an independent accredited laboratory or organisation that their devices can meet all specified requirements, as well as on the accuracy and reliability of the devices;
- (c) The Police will arrange to conduct tests on samples of the devices submitted by the tenderers that satisfy the requirements at (b) above, by the Government Laboratory or an independent laboratory or organisation; and

- (d) Subject to an affirmative report from the laboratory that the samples meet the specific requirements, the Police will select from the samples the most suitable device and proceed to the gazettal of the device to be an approved pre-screening device.

6. Each piece of the equipment will be subject to regular service and maintenance checks in accordance with the manufacturer's recommendations. Also, periodic checks will be conducted by an independent organization to ensure accuracy and reliability.

Transport and Housing Bureau
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