

**Requests for information
on use of laser guns for detection of speeding
made at the meeting of the Panel on Transport on 28 January 2008**

Differences between the manufacturer's user manual and the internal training notes

- (a) The Administration was requested to provide a copy of the internal training notes (TN) and a comparison table highlighting the differences between the manufacturer's user manual (MM) of the laser gun (LG) and the TNTN of the Traffic formation which, as stipulated in the press release on Police statement on the accuracy of LGs tabled at the captioned meeting (the Statement), differed in some respects from the MM (the Chairman and Mr James TO).
- (b) As reported in the Statement, the Police Force was examining the discrepancies between the MM and the TN in depth and would seek expert opinion to ensure the best advice was provided to LG operators. The Administration was requested to advise on the time required for providing the advice and, pending its availability, the standards which the Force would adopt when taking enforcement actions in the interim. The Administration was also requested to explain how it would prepare for the likely increase in litigations challenging the accuracy of the LG so arising (Mr WONG Kwok-hing).

The recent court case

- (c) In a recent court case (the recent case), the driver concerned had pleaded not guilty to the charge by engaging an expert from the United Kingdom to challenge the prosecution's case on the accuracy of the LG. In this connection –
 - (i) the Administration was requested to provide a copy of the above expert report to the Panel (Mr James TO);
 - (ii) Dr TAM Wing-yim of the Hong Kong University of Science and Technology was invited to provide written comments on the above report, and to advise whether and why the

deviation in accuracy allegedly resulting from not following the MM in the recent case could justify a significant revision of the speed detected from 119 km/h to 79 km/h (Mr James TO); and

- (iii) the Administration was requested to advise whether before making the above revision decision it had consulted Dr TAM, and considered the implications thereof on other cases (Mr James TO).

- (d) It was reported in the Administration's paper for this agenda item that in the recent case, the evidence given by the prosecution during cross-examination had failed to meet pre-trial expectations. The Administration was requested to provide further details in this regard, and on whether the relevant challenges were directed at the accuracy of the LG or at the enforcement procedures followed. The Administration was also requested to provide information on the speeding cases detected under the same circumstances including the number of such cases, whether similar enforcement procedures had been followed by other Traffic formations and if so, the irregularities, if any, so identified after reviewing the cases detected in this manner (Mr James TO).

- (e) To clear up any confusion that might arise from the seeming contradiction between the Administration's claim that the accuracy of the LG was not in dispute, and the fact that the prosecuting counsel of the recent case subsequently amended the charge from travelling at 119 km/h to the lesser charge of travelling at 79 km/h, the Administration was requested to provide information on how it planned to revive public confidence in the LGs, and how it intended to handle the 139 written requests received for review of speeding cases in the wake of the recent case (Ms Miriam LAU).

Operation of lazer guns

- (f) Mr LEUNG Kwok-hung was concerned about the operation of lazer guns and the resultant situations that a driver was mistakenly prosecuted as a result of the speeding offence committed by another driver. He therefore sought more details on operation of the LG including –
- (i) whether the LG could at the same time detect the speed of more than one vehicle and if so, the time taken for detection of each vehicle and the relevant conditions required;
 - (ii) whether the LG had to be directed at the licence plate to ensure that the speed of the vehicle concerned could be accurately detected and hence the reading considered valid; and
 - (iii) whether to ensure accuracy the LG had to be operated at grade instead of at angles to the target. If measurement could be taken at angles to the target, what was the minimum requirement.
- (g) According to the Statement, when checking against a fixed object, a distance of 50 to 60 metres was considered acceptable when using the LG. Mr Albert CHAN however took the view that LG was often used to target vehicles 60 metres or more down the road. The Administration was requested to conduct a check of the some 200 000 speeding cases detected with the use of the LG in 2007, and report on the number of cases where the speed check was conducted at 60 metres or more down the road. Since cases so detected might be invalid, the Administration was also requested to advise whether it would consider dismissing the charge for such cases and for the equally dubious cases highlighted in (d) above, deducting the driving-offence points so incurred by the motorists concerned, and reimbursing these motorists of the fines which they were so required to pay (Mr Albert CHAN).

- (h) The hand-held operation of the LG could lead to deviations in measurement and hence complaints and grievances. Having regard that in many overseas places LGs were operated with tripods instead of hand-held, the Administration was requested to explain why Hong Kong was still sticking to hand-held operation of the LG (Mr Albert CHAN).

Others

- (i) The Administration was requested to provide details on the justifications which speeding offenders had used to overturn charges against them in the past three years, in particular cases where justifications were related to the accuracy of the LG or the enforcement procedures (Ms LI Fung-ying).
- (j) It was noted that Police officers were given two-day training on the use of the LG before they became qualified LG operators. The Administration was requested to provide information on how soon on average would a qualified LG operator be deployed after training to conduct anti-speeding operations, and whether such qualified LG operators would need to go through reassessment after a certain period of time (Ms LI Fung-ying).

Council Business Division 1

Legislative Council Secretariat

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