

For information

**Road Traffic (Breath Analysing Instruments and Screening Devices)
(Amendment) Notice 2008 (L.N. 255 of 2008)**

Introduction

The Commissioner of Police has approved "Lion Alcolmeter 500" as an approved pre-screening device for indicating whether or not the proportion of alcohol in a person's breath reaches such a level that it would be reasonable to suspect that such proportion is likely to exceed the prescribed limit. In accordance with section 39F(1)(c) of Cap. 374 (and as amended under Ord. No. 23 of 2008), the Road Traffic (Breath Analysing Instruments and Screening Devices) (Amendment) Notice 2008 was gazetted on 5 December 2008 (L.N. 255 of 2008). A LegCo Brief setting out the background and information relating to the Notice (File Ref. LM (1/08) in CP/T 135/6) was also issued on the same day.

2. In response to the House Committee's request at its meeting on 12 December 2008, additional information is provided below.

Specifications of the new pre-screening device – Lion Alcolmeter 500

3. The key specifications of Lion Alcolmeter 500 (Hong Kong Police version) are as follows:-

- (a) Alcohol analysis is carried out by a fuel cell sensor, which is unaffected by acetone, hydrocarbons, non alcoholic food and drug vapours, and other likely breath contaminants;
- (b) the measuring range is between zero to no less than 220 micrograms of alcohol in 100 millilitres of breath;
- (c) the device automatically samples deep-lung air to ensure the breath sample provided accurately reflects the amount of alcohol in the subject's body;
- (d) analysis response time is about 4 to 10 seconds, depending on the alcohol level;
- (e) the device is programmed to display 'PASS' when the sample contains 19 micrograms of alcohol per 100 millilitres of breath or below and display 'FAIL' when the sample contains 20 micrograms of alcohol per 100 millilitres of breath or above;

- (f) disposable mouth pieces are used;
- (g) the device is 125mm x 654mm x 15mm in size and approximately 140g in weight, including batteries.

4. The pre-screening device is introduced to reduce inconvenience to the public during random breath test operations. If a driver fails a random breath test (i.e. his breath sample contains 20 micrograms of alcohol per 100 millilitres of breath or above), he will be required to conduct a screening breath test (SBT). If the SBT reading is above the prescribed limit of 22 micrograms, the driver will be required to take a specimen for analysis [Evidential Breath Test (EBT)] at a police station. The existing law (section 39C(3)(a) of Cap. 374) provides that the court shall use the result of the specimens for analysis (EBT) as evidence.

Ending of the Police's policy on the discretion to give warning to drivers

5. The Administration introduced the Road Traffic Legislation (Amendment) Bill 2008 into the Legislative Council in February 2008 for implementing a package of measures to enhance road safety. Among other proposals, the Police will be provided with the power to conduct breath tests at random and a pre-screening device will be introduced to facilitate the Police to conduct such breath tests. In anticipation of the passage of the Bill by the Legislative Council, the Police set up an internal Working Group to review drink driving policy and procedures in May 2008. As a result of the review, with effect from 21 September 2008, the Police scrapped the practice of giving warnings to those drivers who gave a breath specimen for analysis (Evidential Breath Test) under section 39C of the Road Traffic Ordinance Cap. 374, which produced a readings over 22 but less than 27 micrograms of alcohol per 100 millilitres of breath. The Police issued a press release on 17 September 2008 about the removal of the allowance and this has been well received by the public.