

LEGISLATIVE COUNCIL BRIEF

Road Traffic Ordinance (Cap. 374)

Road Traffic (Breath Analysing Instruments, Screening Devices and Pre-screening Devices) (Amendment) Notice 2012

INTRODUCTION

By virtue of section 39F(1) of the Road Traffic Ordinance, Cap. 374, the Commissioner of Police (CP) may by notice in the Gazette approve types of instruments as-

- (a) an approved breath analysing instrument to analyse the proportion of alcohol in a specimen of a person's breath;
- (b) an approved screening device for the purpose of indicating whether the proportion of alcohol in a person's breath is likely to exceed the prescribed limit;
- (c) 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.

The approved breath analysing instruments, approved screening devices and approved pre-screening devices are currently specified in Schedule 1, Schedule 2 and Schedule 3 to the Road Traffic (Breath Analysing Instruments, Screening Devices and Pre-screening Devices) Notice, Cap. 374S respectively. The CP will publish the Road Traffic (Breath Analysing Instruments, Screening Devices and Pre-screening Devices) (Amendment) Notice 2012 in Gazette (at Annex) to approve a new screening device and pre-screening device.

BACKGROUND

Breath Analysing Instrument and Screening Device

2. Since the introduction of the drink driving legislation in 1995, the CP had approved Alcotest 7110 and Alcotest 7410 manufactured by Drager, Lubeck, Germany as an approved breath analysing instrument and a screening device respectively.

Pre-Screening Test and Pre-Screening Device

3. The Road Traffic (Amendment) Ordinance 2008 began to take effect on 9 February 2009. It empowers police officers in uniform to conduct Pre-Screening Test (PST) to deter drink driving which is an irresponsible behaviour. With a view to reducing delay and inconvenience to motorists during PST operations, the CP approved Lion Alcolmeter 500 manufactured by Lion Laboratories Limited, United Kingdom as an approved pre-screening device to conduct PST swiftly.

Current Situation

4. The Police currently uses Lion Alcolmeter 500 as the approved pre-screening device to perform PST while Drager Alcotest 7410 is used as the approved screening device to perform the screening tests.

5. To suit the different operational needs, police officers normally carry both the approved screening device and approved pre-screening device when they perform their duties.

6. With a view to enhancing the efficiency in conducting breath tests and the avail of advanced technology, it is the intention of the Police to deploy a new device that can perform both the screening and pre-screening tests.

7. After extensive market research, the Drager Alcotest 6810 is identified as an accurate and reliable device in performing both the screening and pre-screening tests on simply a shift of mode by the operator.

ACCURACY AND RELIABILITY TEST ON THE DEVICE

8. The Technology and Consultancy Company Limited of the Hong Kong Polytechnic University (PTeC) was engaged in conducting the accuracy and reliability test on the Drager Alcotest 6810.

9. The result of PTeC's test confirmed that all the Drager Alcotest 6810 sent for examination complied with the accuracy requirement ($\pm 5\%$) at various concentrations of breath alcohol concentrations under both "Screening" and "Pre-Screening" modes.

10. The Police are satisfied that Drager Alcotest 6810 is an accurate and reliable device suitable to perform both screening and pre-screening tests. The CP has approved Drager Alcotest 6810 as an approved screening device and an approved pre-screening device.

PROPOSAL

11. The Police proposes to amend Schedule 2 and Schedule 3 of Cap. 374S with effect from 22 July 2012 by adding Drager Alcotest 6810 to be an approved screening device and an approved pre-screening device respectively.

ENQUIRIES

12. For enquiries, please contact Mr. CHAN Hoi-lun, Superintendent of Police (Law Revision & Projects) (Traffic), at 2860 6229.

Hong Kong Police
May 2012

Road Traffic (Breath Analysing Instruments, Screening Devices and Pre-screening Devices) (Amendment) Notice 2012

(Made by the Commissioner of Police under section 39F(1) of the Road Traffic Ordinance (Cap. 374))

Commissioner of Police

1. Commencement

This Notice comes into operation on 22 July 2012.

2012

2. Road Traffic (Breath Analysing Instruments, Screening Devices and Pre-screening Devices) Notice amended

The Road Traffic (Breath Analysing Instruments, Screening Devices and Pre-screening Devices) Notice (Cap. 374 sub. leg. S) is amended as set out in sections 3 and 4.

3. Schedule 2 amended (approved screening devices)

At the end of Schedule 2—

Add

“3. Alcotest 6810 manufactured by Drager, Lubeck, Germany.”.

4. Schedule 3 amended (approved pre-screening devices)

Schedule 3, after item 1—

Add

“2. Alcotest 6810 manufactured by Drager, Lubeck, Germany.”.

Explanatory Note

This Notice amends Schedules 2 and 3 to the Road Traffic (Breath Analysing Instruments, Screening Devices and Pre-screening Devices) Notice (Cap. 374 sub. leg. S) by adding Alcotest 6810 manufactured by Dräger, Lubeck, Germany as—

- (a) an approved screening device for the purpose of indicating whether the proportion of alcohol in a person's breath is likely to exceed the prescribed limit; and
- (b) 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 the proportion is likely to exceed the prescribed limit.