

Letterhead of LAW SOCIETY OF HONG KONG
香港律師會的信頭

Our Ref : Criminal
Your Ref :
Direct Line :

18 December 1998

BY FAX (28684643) AND BY POST

Mr. Nicholas Ng
Secretary for Transport,
Transport Bureau,
2-3/F., East Wing,
Central Government Office.

Dear Mr. Ng,

ROAD TRAFFIC (AMENDMENT) BILL 1998

It has come to the notice of the Society's Criminal Law & Procedure Committee that the captioned Bill has been gazetted and is proposed to be passed as legislation. While it is understood that the proposed reduction in the statutory limits for alcohol concentration aims to protect potential victims of traffic accident, as the proposal would also have the effect of intruding on the liberties of the ordinary citizens, it is felt that a balance has to be struck between the two rights. In this respect, we would wish to be enlightened on whether there exists any statistical support for the correlation between the proposal to reduce alcoholic intake with a reduction in the rate of accidents and if so, the Committee would be pleased to be supplied with such information.

Yours sincerely,

Christine W. S. Chu
Assistant Director of Practitioners Affairs

c.c. Mr. Andy Lau, Clerks to Bills Committee, LegCo.
(Fax No.21210420)

政府總部運輸局的信頭

本局檔號 **Our Ref.:**

(2) in L/M to TRAN 1/12/126(98) VI

來函檔號 **Your Ref.:**

24 December 1998

Ms Christine W S Chu
Assistant Director of Practitioners Affairs
The Law Society of Hong Kong
3/F Wing On house
71 Des Voeux Road Central
Central
Hong Kong

Dear Ms Chu,

Road Traffic (Amendment) Bill 1998

Thank you for your letter of 18 December 1998 inquiring if there is statistical support for the correlation between the proposal to reduce alcoholic intake and reduction in the rate of accidents.

The correlation between alcohol intake and accident rate has been established by the following overseas researches -

- (i) According to a report published by the US National Institute on Alcohol Abuse and Alcoholism in 1996, the risk of a motor vehicle crash increases as Blood Alcohol Content (BAC) rises. The report reveals that compared with drivers who have not consumed alcohol, the risk of fatal crash for drivers with BAC between 20mg and

40mg (per 100ml of blood) is estimated to be

1.4 times higher; for those with BAC between 50mg and 90mg, 11.1 times higher; for drivers between 100mg and 140mg, 48 times higher and for those with BAC at or above 150mg, the risk is estimated to be 380 times higher [*“Drink and Driving”, Alcohol Alert No. 31, 1/96, Page 1*].

- (ii) The London based Institute of Alcohol Studies conducted a survey of the impact of reduction in BAC and traffic accident rates in a number of European countries. The survey suggests that tightening the BAC limit from 80mg to 50mg in France reduced fatal accidents by 4% in 1995. In Belgium, tightening of BAC limit from 80mg to 50mg reduced fatal accidents by 10% in 1995 and 11% in 1996. In Germany, a similar decrease in BAC limit resulted in a 50% reduction in alcohol related accidents in Cologne in 1998 [*Institute of Alcohol Studies, 1998*].

Drink driving has been a major contributory factor in night time traffic accidents in Hong Kong. The introduction of the BAC limit of 80mg of alcohol in 100ml of blood in December 1995 has been very effective in reducing the number of traffic accidents. According to the Police statistics, the number of night time traffic accidents declined by 5.2% in 1996 and 1.9% in 1997.

In the last two and a half years since the introduction of the 80mg limit, of the 3,500 drivers found to have consumed alcohol during screening tests administered by the Police after traffic accidents, more than half were found to have alcohol in their blood exceeding the prevailing legal limit of 80mg. If the limit were to be tightened to 50mg, an additional 14% would have been covered.

In introducing the Road Traffic (Amendment) Bill 1998, the main message we wish to put across is this: if one drinks, he should not drive. Not only is there clear evidence to suggest that a tightening of the drink driving standard will lower the chances of occurrence of traffic accidents, this approach is in line with the general international trend. The World Medical Association and European Commission strongly recommend a BAC limit of 50mg. Overseas countries including Germany, France, Belgium, Netherland, Australia, Japan and Korea have all adopted the 50mg limit.

We have considered the question of whether the tightened standard will cause undue hardship to the affected drivers and have concluded that this should not be the case. Hong Kong is well served by public transport. There is no reason why drivers who have drunk more than the legally permissible limit would have difficulty in finding an alternative mode of transport.

Thank you for your interest in our proposed legislative amendment. Please let me know if you need further information.

Yours sincerely,

(Alex FONG)

for Secretary for Transport