

Alcohol tests may be used

Traffic police could be issued breathalysers

TRAFFIC police may be given alcohol detecting breathalysers as the official Road Safety Council pushes for changes to existing drink driving laws.

The Police Traffic Wing has already made enquires into the cost of purchasing the breathalysers, law revision staff officer Simon Timms said.

But current laws would have to change before officers could use them.

Costs for outfitting and training were not yet known.

"That's not to say they will be introduced, but a number of options are being looked at by the Traffic Wing," Mr Timms said.

The hand-held alcohol reading devices are used by traffic forces in other countries, including the UK, USA and Australia, during road blocks, random stops and licence checks.

In each of these countries legal blood alcohol limits are enforced and determined by a police breathalyser or medical blood test.

But Hongkong has no legal limit on the amount of alcohol a person can consume before he or she is charged for driving under the influence.

An officer could arrest a driver on suspicion of driving under the influence, take him back to the station for a medical examination where a doctor could ask for a urine or blood sample.

"But, technically speaking, with the power of human rights in Hongkong and no legislature to counter it, the suspect can refuse to give any sample.

"In which case we have to rely on the external evidence of the doctor and the arresting officer."

Most local drink driving prosecutions resulted from accidents or other serious traffic offences where there was supporting evidence.

The \$6,000 fine and two-year driving ban handed down to former Narcotics Commissioner David Weeks for reckless driving is a prime example – he originally faced charges of driving under the influence, criminal damage, failing to stop and failing to report an accident within 21 days. These charges were dropped by the Crown in lieu of his guilty plea.

Acting Deputy Director of Traffic, Ted Taylor, said cases were decided on whatever evidence supported the fact the suspect was driving under the influence and whether or not he was in control of the vehicle.

Also there was no limit on the amount of alcohol someone could drink before being found drunk.

"We would like to see this part of the law tied down – it would make our life a lot easier," Taylor said.

The Road Safety Council has looked at beefing up current legislation and has formed a sub-committee, headed by Deputy Commissioner of Police Operations John Sheppard.

The Council's Automobile Association representative George Humble said the legislation was very loose and seldom applied.

STORY: CORTLAN BENNETT