

## Drink Driving

1. Drink driving is a serious offence in Hong Kong. With effect from 9 February 2009, police will conduct random breath tests (“RBT”) without the requirement of reasonable suspicion. In the past, Police must be satisfied that the driver was involved in a car accident in the first place. The driver, upon conviction of drink driving with consumption of alcohol for more than 50mg per 100ml blood, will be liable for:
  - (i) a fine of not more than HK\$25,000;
  - (ii) a maximum of 3 years of imprisonment;
  - (iii) deduction of 10 penalty points.
  
2. It is almost certain that a driver will be disqualified for at least 3 months even on first conviction of drink driving. In case of a repeated offender for the second and subsequent conviction, the driver may be liable for disqualification for not less than 2 years.
  
3. Moreover, the driver may also be charged for dangerous driving causing death where fatal accident is involved. Driver being found convicted of the charge would face with a maximum imprisonment term of 10 years (as opposed to 5 years prior to 4 July 2008). In that case, disqualification for driving licence would be for 2 years on the first conviction and 3 years for subsequent conviction.
  
4. The chance of getting a RBT at road blocks in H.K. is high nowadays. Statistics shows that during the period from 9 to 23 February alone, 64 operations were carried out by the police to conduct RBT on 1506 drivers. Ten drivers out of those were found failing the RBT which in turn led to 4 prosecutions eventually. The hit rate at Hong Kong Island is comparatively higher as 11 out of 64 road blocks were set up to conduct altogether 546 tests during that period of time.
  
5. So, it is prudent to give up drinking if you are driving. But if you cannot avoid drinking, then quit driving! Otherwise, you should get yourself a good chauffeur or a good lawyer instead.

Junius Ho  
K. C. HO & FONG  
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