

For discussion on
8 September 2009

Legislative Council Panel on Education
Trial Scheme on School Drug Testing in Tai Po District

Purpose

This paper briefs Members on the progress of the preparation of the Trial Scheme on School Drug Testing in Tai Po District (Scheme).

Background and Progress

2. The Task Force on Youth Drug Abuse (Task Force) led by the Secretary for Justice released its Report on Youth Drug Abuse (Report) in November 2008. The Report contains some 70 recommendations spanning the five prongs of the anti-drug policy, namely,

- (a) preventive education and publicity;
- (b) treatment and rehabilitation;
- (c) law enforcement and legislation;
- (d) external cooperation; and
- (e) research.

3. In consideration of the degree of seriousness of the youth drug abuse problem, and recognizing that proper school-based drug testing scheme may serve as an effective tool to prevent and deter drug abuse and facilitate early intervention of drug abusers so that they would be motivated and guided towards counselling or treatment at an early stage, the Task Force recommended that a research project be commissioned to devise possible school-based drug testing schemes for voluntary adoption by schools in Hong Kong.

4. Following the recommendation of the Task Force, the Narcotics Division (ND) of the Security Bureau has originally planned to commission a research party to start the research project within 2009, and based on the

findings of the research study, take forward a pilot testing scheme in a few schools in the 2010/11 school year.

5. Nevertheless, in view of the falling age of first-time drug abusers and incidents of drug abuse among students in early 2009, there were voices in the community to expedite the implementation of school-based drug testing. Also, some schools expressed a clear intention to launch a pilot testing scheme as soon as possible. Having reviewed the developments, the Administration undertook to study how best to expedite the work on school-based drug testing through a trial scheme in the 2009/10 school year. Brainstorming sessions and exchanges of views were carried out from March to May 2009 with relevant stakeholders. In June a working group comprising representatives of the Secondary School Heads' Association of Tai Po District, representatives from ND, the Education Bureau (EDB), the Social Welfare Department (SWD) and other relevant Departments and parties concerned was subsequently formed to look into the details of the Scheme.

6. Though a number of schools have indicated their interests in undertaking a trial school-based drug testing scheme, secondary schools in the Tai Po District are invited because the district has a community-initiated multi-disciplinary support network for drug abusers comprising social workers, private medical practitioners and public hospitals. The network provides integrated downstream support services on counselling, medical consultation, and drug treatment and rehabilitation. Equally important is that school principals in Tai Po are very positive and supportive of the Scheme.

7. Following a series of meetings and focus group discussions with the key stakeholders of Tai Po District in July, ND and EDB came up with an initial framework together with a broad outline of the operational arrangements for the Scheme. Following that, more than 40 consultation and exchange sessions were held in August with different stakeholders including school sponsoring bodies, school heads, teachers, parents, students, non-governmental organizations (NGOs), school social workers, school councils, school heads' associations, social workers working in the anti-drug field, education bodies, teacher unions, federations of parent-teacher associations, and legal professional bodies to exchange views on the initial framework.

8. It is worth mentioning that the Scheme is ONLY one of the measures in the comprehensive strategy recommended by the Task Force in its Report released in November 2008. The Scheme will be carried out in parallel with a research project to be launched in the 2009/10 school year.

Objectives and Guiding Principles of the Scheme

9. The purposes and imperatives of the Scheme are -

- (a) for prevention - it will boost the determination of those students who have not taken any drugs to stay away from drugs. They will say no to their peers even when they are tempted to try drugs and this will help prevent the spread of drugs in schools; and
- (b) for rendering assistance to students - the scheme will trigger the motivation of those students abusing drugs to quit drugs and seek help, especially those who have tried drugs at an early stage. The scheme will also ensure appropriate support services are provided to those students who wish to pull themselves out of the drugs environment.

10. The Scheme could also shed light on the effective model of cross-sector and multi-disciplinary downstream support service for student drug abusers.

11. Experience gained and feedback collected in the implementation of the Scheme would provide empirical data to facilitate a project research to be conducted in parallel and strategic planning of anti-drug activities.

12. The Scheme is designed in accordance with the following four guiding principles -

- (a) to help **students** in their best interest;
- (b) **voluntary** participation;
- (c) personal information is to be kept strictly **confidential**; and
- (d) **professional** testing and support services are to be put in place.

13. In line with the objectives of the Scheme, students merely found to have abused drugs under the Scheme will –

- (a) not be prosecuted for the offence of drug consumption; and
- (b) not be expelled from school.

14. Apart from participating in the Scheme, a student and his / her parent or guardian can also directly approach any counselling centre for psychotropic substance abusers (CCPSA) for professional assistance. Apart from counselling services, CCPSAs will, starting from October 2009, provide elementary medical support including voluntary drug testing services. Again, the whole process is kept confidential.

Arrangements of the Scheme

15. An NGO will be commissioned to set up a student drug testing (SDT) team comprising two nurses (one male and one female), two social workers and one information administrator. The SDT team will provide one-week advance notice to the school principal before the school visit. Test dates and frequencies will not be made known to the students. The SDT team will visit the secondary schools in Tai Po District at irregular time intervals over the school year. Students are randomly selected for the screening test. On average, each school will be visited twice a month and about 5% of the participating students will be randomly selected and tested over the two visits. The broad outline of the testing arrangement is set out at Annex.

Voluntary Participation

16. The Scheme is entirely voluntary. Our original intention is that the parents or guardians of students will be invited to give consent to the students' voluntary participation in the Scheme. The consent covers participation in drug testing and the release of test results to relevant parties who will be required to give professional support to the students in case of positive results. Parties to be informed include the case manager assigned by the CCPSA, parent, school principal, class teacher, school social worker, and any other school teacher suggested by the student. The involvement of the Police will be discussed in paragraph 22.

17. Consent will be invited before testing starts and it will remain valid for the school year unless subsequently withdrawn. School-based briefing will be organised for all parents and students to explain to them the details of the Scheme to them again before signing up for the Scheme. They will also be informed that they are always welcome to join the Scheme on a voluntary basis at anytime during the school year 2009/10.

18. On the day of testing, students randomly selected will be requested to provide the urine specimen voluntarily. Before the specimen is collected, the student will be reminded that it is voluntary for him/her to supply the specimen.

19. We are glad to have received comments which support the Scheme in principle, with suggestions or issues which have to be addressed. Some legal professional bodies and others have commented that consideration should be given to obtaining prior written consent from students, irrespective of whether he/she is below 18 or not. In this connection, it is worth noting that the Administration's proposal has all along been based on voluntary consent of both students and parents and that the students' consent is to be obtained by conduct, i.e., through discussion with their parents. We acknowledge that written consent by students may encourage a better sense of participation on the part of the students and will therefore make arrangement for obtaining the prior written consent of both the students and parents at the same time regardless of the students' age.

Confidentiality

20. We wish to point out that besides voluntary participation, another cornerstone of the Scheme is the protection of personal data as confidential information. The Scheme will observe the Personal Data (Privacy) Ordinance, Cap. 486, which is relevant to protecting the privacy of individuals in relation to personal data (e.g. drug testing records). It is of prime importance that a student found to have used drugs should be kept confidential, and extreme care will be taken to avoid leakage of test results to anyone other than those who have been given consent to access the information. Precautionary measures will also be employed to avoid stigmatization of the student concerned.

21. The Administration has been working closely with the Department of Justice to ensure compliance with confidentiality and personal data privacy requirements. We have noted and welcome the comments of the Privacy Commissioner. We are refining the operational arrangements of our proposal having regard to the comments received and will consult the Commissioner on the details.

Police Involvement in the Scheme

22. We have also noted the concern about the involvement of the Police in the Scheme. There are views that Police involvement may lead to the Scheme being used to facilitate criminal investigation, students being compelled to give evidence against others, and students being suspected by his peers of providing information to the Police. It should be emphasized that all along the primary objectives of the Scheme are prevention and provision of support for students, but not investigation of drug offences. As such, the Police will not be provided with the personal information of the students obtained under the Scheme for follow-up action. Nevertheless, the Police will continue with its law enforcement duties in accordance with its prevailing practice.

Professional Support Services (Downstream Services)

23. One of the primary objectives of the Scheme is to provide professional support services to students who have been identified to have drug problem. We fully understand that additional professional expertise in the drug testing and rehabilitation field will be required to implement the Scheme. The Administration is prepared to provide additional resources for the following services –

- formation of an SDT team for managing the drug testing arrangements, receiving testing results, providing on-the-spot counselling service for students tested positive and kick-start a support programme for identified students;
- the CCPSA serving the Tai Po District - for case management and counselling service (for both students and parents / guardians) to deal with confirmed drug abuse cases uncovered by the Scheme. A

registered social worker of the CCPSA specialised in drug counselling will be assigned as the case manager to evaluate the student's needs and effectively provide and co-ordinate counselling, treatment and rehabilitation services. The case manager will conduct a multi-disciplinary case conference to formulate an effective support programme for the identified student;

- NGOs providing subvented school social work service in the Tai Po district - to deal with cases generated by the Scheme (including timely and effective counselling and support services for participating students and their parents / guardians) ; and
- Medical consultation by general practitioners – several sessions for each confirmed drug abuse case.

Views collected during the brainstorming/consultation processes

24. During the consultation sessions, participants appreciated the Administration's determination to combat the youth drug abuse problem and were supportive of the direction of the Scheme.

25. Some suggested that compulsory drug testing should be introduced as the voluntary scheme may not be effective in identifying students who have drug abusing problems. However, currently, there is no legal basis for compulsory drug testing and it would take a long time to get public consensus for legislation. In the meantime, the voluntary scheme could serve the purposes as stated in paragraph 9 above.

Way Forward

26. We will refine the implementation details of the Scheme in the light of the views and suggestions received with a view to developing a protocol for the Scheme for reference by the schools and NGOs concerned by late September. In parallel, we will also finalise the estimation on the additional resources required for implementing the Scheme. We plan to conduct a series of school-based briefings for all secondary school teachers of Tai Po in late September and for all secondary school students and their parents in October 2009. Consent forms will be issued for signing up in November 2009 which will be followed by the commencement of the actual drug

testing.

27. We will consolidate the experience gained from the Scheme and make reference to the recommendations of the research study to be conducted in parallel as mentioned in paragraph 11 above when considering how school-based drug testing would be implemented in a wider context.

Advice Sought

28. Members are invited to give advice on the initial framework of the Trial Scheme on School Drug Testing in Tai Po District as detailed in paragraphs 9 to 23.

Security Bureau and Education Bureau
September 2009

Trial Scheme on School Drug Testing in Tai Po District

Preliminary Proposal for Discussion

1

Flow Chart

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    graph LR
      A[Briefing sessions for teachers, parents and students, and explain the details of the Trial Scheme (September and October)] --> B[Distribute consent forms (November)]
      B --> C[Drug tests to commence (December)]
  
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2

Random selection

- Reference to “The 2004 Survey of Drug Use among Students”
- Stratified random selection will be employed to sample the lower forms by a factor of 2
i.e. the chance of selecting
Secondary 1-5 : Secondary 6-7 = 2:1
- Students in the same stratum have an equal chance to be selected

3

Drug Testing Day

- SDT team will conduct the drug test, which last for about 15 minutes
 - Short briefing
 - Collection of urine specimen
 - Screening test
 - Debriefing after the drug test
- Specimens with positive results will be sent to a qualified laboratory for confirmatory test

4

How to collect urine specimen?

- SDT team will provide students with a specimen container
- Students will provide urine specimens in the cubicles of the restroom
- The process of collecting urine specimens will not be observed

5

Urine Test Kit

6

