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Panel on Education

**Background brief prepared by the Legislative Council Secretariat
for the special meeting on 8 September 2009**

Drug abuse in schools

Purpose

This paper summarizes the concerns raised by the Panel on Education (the Panel) on the subject of drug abuse in schools.

Background

2. In the past few years, Hong Kong had seen a significant rise in the number of young people under the age of 21 abusing psychotropic substances. The increase reversed the trend of overall decline in the total population of drug abusers in the past decade. The total number of reported young drug abusers increased from 2 578 in 2006 to 3 430 in 2008, representing an increase of 33%, and the mean age of first-time abusers under the age of 21 was 15.

3. In his 2007-2008 Policy Address, the Chief Executive announced the appointment of the Secretary for Justice to lead a high level inter-departmental Task Force on Youth Drug Abuse (the Task Force) to tackle the youth drug abuse problem. The Task Force, set up in October 2007, released its Report on 11 November 2008. The Report contained some 70 recommendations spanning the five prongs of the anti-drug policy, namely, preventive education and publicity, treatment and rehabilitation, law enforcement and legislation, external co-operation and research. The Task Force proposed a strategy along the following directions for the school sector -

- (a) institutionalising a healthy school policy with an anti-drug element;
- (b) strengthening drug education;

- (c) identifying at-risk students who might need help; and
- (d) enhancing support for schools.

4. The Task Force noted that there was currently no legal authority for the law enforcement agencies to carry out compulsory drug tests, without the need for the consent of the suspect, for ascertaining whether a person had consumed dangerous drugs. The Task Force recommended, as a matter of principle, the introduction of new legislation to empower law enforcement officers to require a person reasonably suspected of having consumed dangerous drugs to be subjected to a drug test, although important issues including the extent of coverage, human rights concerns, read-across implications on law and enforcement, resources as well as implementation details had to be carefully considered. A proposal for a compulsory drug testing scheme should be set out in a detailed consultation paper, and public views should be invited before the proposal was taken forward. The Task Force also recommended that a research project should be commissioned to devise possible school-based drug testing schemes for voluntary adoption by schools, having regard to the practices in local international schools and overseas jurisdictions.

5. A list of the recommendations in the Report which are relevant to the school sector and young people is in **Appendix I**.

Deliberations of the Panel

6. In the 2008-2009 session, the Panel had held three meetings to discuss issues relevant to the subject of drug abuse in schools. The Panel received views from 32 deputations on the subject. The major concerns of members are summarized below.

Compulsory drug testing

7. Members noted that the Narcotics Division (ND) of the Security Bureau and relevant bureaux and departments were preparing for a public consultation exercise on compulsory drug testing tentatively scheduled for launch in end 2009.

8. According to the Administration, the primary purpose of compulsory drug testing was to enable early intervention for treatment and rehabilitation, instead of facilitating prosecution. The compulsory drug testing scheme for youngsters as proposed in the Report would comprise a tiered intervention structure offering a warning and/or treatment and rehabilitation option for those who tested positive, diverting them from possible prosecution which should be the last resort. In considering the need to introduce new legislation to empower law enforcement agencies to carry out compulsory drug testing, ND was aware of the concern about possible violation of rights such as privacy and human rights. Human rights concern could be addressed properly and should not prevail over the need for

introducing new legislation to tackle youth drug abuse. A consultation paper would be issued to seek public views on how these concerns could be addressed if compulsory drug testing was considered necessary. The new legislation, if introduced, would also be proportionate to the problem of youth drug abuse.

School-based voluntary drug testing

9. Diverse views were expressed by the deputations on school-based voluntary drug testing. Some deputations considered drug testing an effective tool for identifying student drug abusers early so that they might be motivated and guided towards counselling or treatment. Many deputations, however, expressed reservations about school-based voluntary drug testing. These deputations expressed grave concern about the issues of confidentiality, privacy and human rights. In the view of some members, school-based voluntary drug testing would eventually become compulsory drug testing because under an unbalanced power hierarchy in schools, students could not object to drug testing. Drug testing would also create mistrust and stigmatization as well as hamper teacher-student and parent-child relationships.

10. The Administration advised that on 12 June 2009, ND invited interested parties to participate in a research project to devise the scheme of school-based voluntary drug testing. A pilot scheme in a number of representative schools would be launched. Having regard to operational experiences, ND would refine and promote the scheme for general adoption by local schools. The Administration would take into account the views of different stakeholders before launching the school-based drug testing scheme.

11. Members stressed that after a student had been tested positive for taking drugs, his identity must be kept confidential and he must not be expelled from school. Members were deeply concerned that many schools would readily resort to isolation or dismissal to handle drug abuse students. They were given to understand that students found to have drug abuse problem were assigned to the same class and arrangements were made to minimize their interaction with other students. These students would eventually lose interest in study and leave schools.

12. The Administration shared the view that isolation and segregation of drug abuse students were not the means of helping them, and it did not condone such practice in schools. The Administration pointed out that guidelines and protocols had been provided for schools to handle students with behavioural problems.

Downstream support services

13. Members considered that unless adequate support services were provided, the objective of early identification of student drug abusers by means of drug testing for early treatment could not be achieved. Some deputations claimed that young drug abusers who were willing to receive rehabilitation service had to wait

for as long as four months for treatment. The existing long waiting time dampened their motivation for rehabilitation. They requested the Administration to allocate more resources for enhancing treatment and rehabilitation services, and to monitor the demand for downstream services that catered to the changing needs of young drug abusers.

14. According to the Administration, additional resources had been allocated to increase the respective numbers of Counselling Centres for Psychotropic Substance Abusers (CCPSAs) and Substance Abuse Clinics (SACs) from five to seven to extend the coverage of service, strengthen the manpower of the existing 16 District Youth Outreaching Social Work Teams and 18 teams of Overnight Outreaching Service for Young Night Drifters, as well as subvent 101 additional places in residential drug treatment and rehabilitation centres and halfway houses (DTRCs). The Hospital Authority would increase the number of doctor session at the seven SACs offering assistance to psychotropic substance abusers. With the creation of 27 additional police school liaison officers on top of the previous establishment of 58, the Police had extended the coverage of anti-drug school talks and had enhanced collaboration with non-governmental organizations (NGOs) and schools. Preparation was underway for providing on-site basic medical support at the CCPSAs, including body check, motivational interviews and voluntary drug testing.

15. To enhance the effectiveness of support services for student drug abusers, some deputations considered it necessary to categorize student drug abusers according to the gravity of their problems so that appropriate follow-up could be taken. For students with mild drug abuse, school social workers (SSWs) and school personnel should be able to provide assistance on condition that sufficient resources and support were available. As regards students with moderate drug abuse, they should receive treatment at the treatment and rehabilitation centres operated by NGOs while continuing formal education in schools. Students with severe drug abuse should receive treatment at DTRCs, and they should resume school education after treatment and rehabilitation.

Rehabilitation centres-cum-schools

16. Members stressed the importance of providing education to young drug abusers while they were receiving rehabilitation treatment and after they had been rehabilitated. Like other youngsters, student drug abusers were entitled to 12-year free education under the new senior secondary academic structure. Members noted that Christian Zheng Sheng Association (CZSA) was currently the only rehabilitation centre-cum-school and had been successful in rehabilitating young drug abusers. They called on the Administration to formulate a subvention policy for rehabilitation centres-cum-schools. Members were given to understand that students after drug rehabilitation had difficulties in resuming school education. They sought information on the number of youngsters who had resumed school education after drug rehabilitation.

17. The Administration explained that since 1995, NGOs running DTRCs could apply for subvention from the Education Bureau (EDB) to operate educational programmes, i.e. Chinese, English and Mathematics plus other complementary educational activities, for young drug abusers aged 18 or below, preparing them for continuation of schooling or employment upon full rehabilitation. Students aged 14 or above who had committed drug-related offences received education at drug addiction treatment centres operated by the Correctional Services Department. Regional Education Offices and the Non-Attendance Team of EDB would follow up every case of student aged below 15 leaving school and ensure that the student concerned would return to normal schooling. In recent years, follow-up service to students aged 15 or above had been stepped up. Some cases did not require immediate follow-up if the students left school because of the commission of offences. Nevertheless, follow-up service would be provided to those who were ready for schooling after having served the penalties. EDB and DTRCs would provide appropriate support to students who wished to resume schooling in mainstream schools or pursue other programmes.

18. The Administration acknowledged the need to explore new or proven services to meet the special educational needs of student drug abusers. The Administration pointed out that the Fifth Three-Year Plan on Treatment and Rehabilitation Services in Hong Kong (2009-2011) had recommended development and advancement of new and proven service models that would better address the needs of the changing scene of youth drug abuse. One idea was to develop more complementary services comprising drug treatment and rehabilitation programmes as well as education programmes to school-aged youngsters, and CZSA was an example. Under the existing policies, rehabilitation centres-cum-schools did not fall within the category of special schools. Since rehabilitation centres-cum-schools were a new model, the Administration had to consider their role in anti-drug strategies in a holistic and integrated manner.

19. Some members suggested reinstating the operation of practical schools to cater for the needs of at-risk students who might not be suitable for the mainstream school curriculum. According to the Administration, although the curriculum and academic structure of practical schools had been aligned with those of the mainstream schools, their specific role of catering for at-risk students still remained. Practical schools maintained its referral mechanism and the related manpower of SSWs were also transferred to the respective NGO designated by the school concerned. Also, these schools continued to maintain a smaller class size and offer boarding service to needy students.

Upstream support services

20. Members were of the view that prevention of drug abuse was as important as rehabilitation and treatment. It was necessary to enhance preventive education and anti-drug publicity. Members considered it important to provide professional training to teachers to reinforce their competence and knowledge in delivering drug education and handling at-risk students. They called on the Administration to

draw up guidelines and protocols for teachers to handle drug abuse cases with a view to building a good network of support and referral for students, and taking timely and effective follow-up actions.

21. Members noted that a resource kit for schools in modular form would be available in the 2009-2010 school year to implement the Healthy School Policy. A resource kit to equip parents with anti-drug knowledge, attitude and skills to identify and handle youth drug problem had been developed and delivered to Parent-Teacher Associations (PTAs). To facilitate PTAs to effectively use the resource kit, the Administration had commissioned a number of NGOs to arrange training programmes for PTAs.

22. Some deputations opined that with the proposed introduction of school-based voluntary drug testing, the manpower of SSWs had to be increased to provide complementary services. Instead of providing one SSW for each school under the existing policy, each school should have two SSWs. Members considered that to better keep track of the severity of drug abuse among students, the frequency of conducting surveys on drug abuse among secondary school students should increase. They noted that the Administration had been commissioning a survey once every four years on drug abuse among secondary school students. The last survey was done in 2008 and its result would be released in late 2009. The coverage of the survey had been extended to upper-level primary as well as university students to gauge whether the problem of youth drug abuse was prevalent in other age groups. From 2008 onwards, the survey would be conducted once every three years.

Latest development

23. At the Chief Executive's Question and Answer Session on 7 July 2009, the Chief Executive said that he would supervise the work of anti-drug campaign. The Government would escalate its work on combating drug abuse and would provide the resources needed to tackle the issue. Experts would be commissioned to train secondary school teachers and volunteers to identify students with drug problems. Secondary schools in Tai Po would be invited to join a pilot scheme on school-based voluntary drug testing.

24. At a briefing session jointly organized by ND and EDB on 6 August 2009, the Secretary for Education said that the Government would fully consider opinions of different sectors and take care of the needs of various stakeholders when implementing the "Trial Scheme on School Drug Testing" in Tai Po. The Government would adhere to four important principles – "voluntary nature", "confidentiality", "professional handling" and "students' interests" – in soliciting support from every sector for smooth and effective implementation of the scheme. It would consider implementing the scheme in other districts after the trial scheme had gained ground.

Relevant papers

25 A list of the relevant papers on the Legislative Council website is in **Appendix II.**

Council Business Division 2
Legislative Council Secretariat
2 September 2009

**Recommendations in the Report of the Task Force on Youth Drug Abuse
relevant to the school sector and young people**

Healthy school policy with an anti-drug element (Recommendation 5.1)

All schools should devise a healthy school policy to build up positive values and attitudes among students from an early stage, thereby enhancing their ability to resist taking drugs. A school may, having regard to its own circumstances, devise a school-based policy to address its students' specific needs.

Strengthening Drug Education

School curriculum and beyond (Recommendation 5.2)

2. The Education Bureau should review and strengthen the anti-drug elements in various Key Learning Areas and subjects, notably in the new senior secondary curriculum to be implemented in the 2009-2010 school year, and encourage and provide more opportunities for students to engage meaningfully in Other Learning Experiences for positive peer influence and life values cultivation.

Drug education programmes for students (Recommendation 5.3)

3. Drug education programmes for students should be strengthened by all departments and non-governmental organizations (NGOs) concerned. The format and content of such programmes should be improved to make them both informative and relevant to schools and students. Where appropriate, different speakers such as doctors, Police officers, lawyers, and ex-drug abusers may be invited to create a strong impact on students. Appropriate measures should be taken to ensure the quality of programmes organized by NGOs and departments.

4. Subject to arrangements with schools, the Administration should further enhance and coordinate the various programmes, to extend the coverage to all primary (upper primary students) and secondary schools as far as possible in three years' time.

Identification of at-risk students who may need help (Recommendation 5.4)

5. Schools should play a proactive role in identifying and assisting at-risk students early and handle suspected drug abuse cases jointly with professionals from relevant sectors. Clear guidelines and protocols should be drawn up for all personnel in the school setting to handle cases involving at-risk students and those with drug abuse problems in a collaborative manner, to ensure appropriate

assistance and timely referral and follow-up.

Enhancing support for schools

Resource kits for schools (Recommendation 5.5)

6. A set of resource kits should be developed for –
 - (a) the school management to help them formulate a school-based healthy school policy with an anti-drug element;
 - (b) guidance and discipline teachers and school social workers to help them handle cases involving at-risk and drug-abusing students, providing useful guidelines and checklists as well as case studies and pointers; and
 - (c) class and subject teachers to help them deliver drug education and identify at-risk students.

Professional development for teachers and school heads (Recommendations 5.6 and 5.7)

7. Starting from the 2008/2009 school year, structured professional training for teachers should be enhanced to reinforce their competence and knowledge in delivering drug education and handling at-risk students who may have drug abuse problems. The training programme aims to cover all local schools in five years time. Teaching relief grant should be provided to enable teachers to take part in the training.

8. A seminar by senior officials, medical experts and prominent figures from the anti-drug field should be organized for school heads to appeal for their support and to facilitate exchange of practical experiences in implementing anti-drug initiatives in schools. Subject to progress of the enhanced anti-drug efforts in the school sector in future, further programmes may be organized to reinvigorate support of school heads and to update them on the latest drug trends.

Reaching out to parents for mutual support (Recommendation 5.8)

9. More anti-drug talks and programmes should be co-organized with parent-teacher associations and their federation so as to outreach to more parents for enhanced home-school cooperation in the anti-drug cause.

Compulsory drug testing scheme (Recommendations 7.1 and 7.2)

10. As a matter of principle, the Task Force recommends the introduction of new

legislation to empower law enforcement officers to require a person reasonably suspected of having consumed dangerous drugs to be subjected to a drug test, although important issues including the extent of coverage, human rights concerns, read-across implications on law and enforcement, resources as well as implementation details have to be carefully considered. The primary purpose of the compulsory drug testing scheme is to enable early intervention for treatment and rehabilitation, instead of facilitating prosecution. A proposal for a compulsory drug testing scheme should be set out in a detailed consultation paper and public views should be invited before the proposal is taken forward.

11. The Administration should consult the public as to whether the proposed compulsory drug testing scheme should apply to young people only or to persons of all ages, and if the former, what the age limit should be.

Tiered intervention structure (Recommendation 7.3)

12. The proposed compulsory drug testing scheme for youngsters should comprise a tiered intervention structure offering a warning and/or treatment and rehabilitation option for those who test positive, diverting them away from possible prosecution which should be the last resort. The public should be consulted on the options of a two-tier or three-tier intervention structure.

Presence of parents/legal guardian or an independent person (Recommendation 7.4)

13. The proposed compulsory drug testing scheme should provide for the taking of body samples of a minor in the presence of his or her parent or legal guardian (or relatives), or an independent person in case the former is not available. The public should be consulted on the possible pool of independent persons.

Extra-territorial effect for the consumption offence (Recommendation 7.5)

14. The Task Force recommends consulting the public as to whether extra-territorial effect should be introduced to the offence of consumption of drugs (and the extent in terms of the degree of connection of the drug abusers to Hong Kong), or whether the status quo should be maintained (i.e. no extra-territorial effect).

Support services and other issues (Recommendation 7.6)

15. Alongside the formulation of a detailed proposal for a compulsory drug testing scheme, the Administration should conduct an assessment on the corresponding increase in the demand for downstream support services, including in particular the treatment and rehabilitation programmes, as well as the resource implications.

Possible options under a voluntary approach

School-based drug testing programmes (Recommendation 7.7)

16. A research project should be commissioned to devise possible school-based drug testing schemes for voluntary adoption by schools, having regard to the practices in local international schools and those in overseas jurisdictions.

Providing drug testing in the Student Health Service (Recommendation 7.8)

17. The provision of voluntary drug test service targeting students should be further explored by Department of Health in the context of its endeavour to promote student and adolescent health.

Drug testing in counselling centres for psychotropic substance abusers (CCPSAs) (Recommendation 7.9)

18. The provision of voluntary drug test service, as part of the enhanced medical support in CCPSAs to identify and motivate drug abusers to receive early medical and social intervention and rehabilitation treatment, should be pursued.

Note : Extract from Chapters V and VII of the Report of the Task Force on Youth Drug Abuse published in November 2008.

Relevant papers on drug abuse in schools

Meeting	Date of meeting	Paper
Panel on Security	2.12.2008 (Item IV)	Minutes Agenda
Legislative Council	29 & 30.4.2009	30.4.2009 - Official Record of Proceedings (Pages 28 - 80)
Panel on Security	5.5.2009 (Item VIII)	Minutes Agenda
Panel on Education	25.5.2009	Minutes Agenda
Panel on Education	17.6.2009 (Item II)	Minutes Agenda
Legislative Council	24 & 25.6.2009	Motion for the adjournment on the relocation of Christian Zheng Sheng College to the former Heung Yee Kuk Southern District Secondary School in Mui Wo Hansard (Floor) (Page 66)
Panel on Education	2.7.2009	Minutes Agenda
The Chief Executive's Question and Answer Session	7.7.2009	Hansard (Floor)