

立法會

Legislative Council

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Panel on Security

Minutes of special meeting held on Wednesday, 25 November 2009, at 8:30 am in Conference Room A of the Legislative Council Building

- Members present** : Hon LAU Kong-wah, JP (Chairman)
Hon James TO Kun-sun (Deputy Chairman)
Dr Hon Margaret NG
Hon CHEUNG Man-kwong
Dr Hon Philip WONG Yu-hong, GBS
Hon Emily LAU Wai-hing, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon CHIM Pui-chung
Hon Cyd HO Sau-lan
Hon CHAN Hak-kan
Hon WONG Kwok-kin, BBS
Hon IP Kwok-him, GBS, JP
- Members attending** : Dr Hon LAM Tai-fai, BBS, JP
Hon IP Wai-ming, MH
- Members absent** : Hon Albert HO Chun-yan
Hon WONG Yung-kan, SBS, JP
Hon LAU Wong-fat, GBM, GBS, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon LEUNG Kwok-hung
Hon WONG Yuk-man
Hon Paul TSE Wai-chun
- Public Officers attending** : Item I
Mr LAI Tung-kwok, SBS, IDSM, JP
Under Secretary for Security

Ms Sally WONG, JP
Commissioner for Narcotics
Security Bureau

Mr Steve LEE
Principal Assistant Secretary for Education (School
Development)

Miss Gloria LO
Principal Assistant Secretary for Food and Health
(Health) 2

Mr John LEE
Head of Customs Drug Investigation Bureau
Customs and Excise Department

Dr Tina MOK
Principal Medical & Health Officer (5)
Department of Health

Mr TSUI Pui
Assistant Government Chemist (Forensic Science
Division) (Acting)
Government Laboratory

Mr Kesson LEE, JP
Assistant Director (1)
Home Affairs Department

Mr J P RIBEIRO
Chief Superintendent of Police (Narcotics Bureau)
Hong Kong Police Force

Mr FUNG Man-lok
Assistant Director (Youth and Corrections)
Social Welfare Department

Ms Margaret TAY
Chief Manager (Integrated Care Programs)
Hospital Authority

**Clerk in
attendance** : Mr Raymond LAM
Chief Council Secretary (2) 1

**Staff in
attendance** : Ms Connie FUNG
Senior Assistant Legal Adviser 1

Mr Bonny LOO
Assistant Legal Adviser 3

Miss Josephine SO
Senior Council Secretary (2) 1

Ms Camy YOONG
Clerical Assistant (2) 1

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I. Overall progress of anti-drug efforts and the trial scheme on school drug testing in Tai Po District

(LC Paper Nos. CB(2)320/09-10(01) to (03), CB(2)196/09-10(01), CB(2)287/09-10(01) and CB(2)359/09-10(01))

Under Secretary for Security (US for S) introduced the trial scheme on school drug testing in Tai Po District (the Scheme) which would be launched in December 2009. He also briefed Members on the overall progress of the Administration's anti-drug efforts in implementing the recommendations in the Report of the Task Force on Youth Drug Abuse, as detailed in the Administration's paper.

Support services for identified students

2. Mr CHAN Hak-kan said that to his knowledge, the number of students approaching and seeking professional assistance from the counselling centre for psychotropic substance abusers (CCPSA) servicing Tai Po District, i.e. the Hong Kong Lutheran Social Service Cheer Lutheran Centre, had been on the rise in recent months. He expressed concern about the potential pressure on downstream support services, in particular the case management and counselling service, provided by CCPSA servicing Tai Po District, upon the implementation of the Scheme in December 2009. He considered that in finalizing the estimation of the additional resources required for implementing the Scheme, the Administration should critically assess the number of drug abuse cases uncovered by the Scheme and the need for case management and counselling service for both students and parents or guardians.

3. In response, US for S assured Members that in implementing the Scheme, the Administration maintained close liaison with the designated CCPSA servicing Tai Po. To provide professional testing and support services to students and parents participating in the Scheme, resources had already been allocated for the Hong Kong Lutheran Social Service Cheer Lutheran Centre to strengthen its case management and counselling service. The Administration would closely monitor the situation and consider, if necessary, injection of additional resources so as to cope with the increased demand for service.

4. Mr IP Kwok-him noted from media reports that the designated CCPSA servicing Tai Po had encountered problems in the recruitment of social workers and registered nurses. He asked about the measures taken by the

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Administration to ensure the timely formation of the Student Drug Testing (SDT) teams and provision of adequate counselling and support services to identified students and their parents/guardians, in implementing the Scheme.

5. Assistant Director (Youth and Corrections), Social Welfare Department responded that the Government was very concerned about the manpower situation at the seven CCPSAs. To meet the anticipated increase in service demand arising from the Scheme, the CCPSAs concerned had been advised to explore alternatives such as reviewing the demand for services and work priorities, and redeployment of existing staff where necessary. Regarding the recruitment of registered nurses, only two CCPSAs had successfully recruited Registered Nurses (Psychiatric) (RN(Psy)) and five others had not, including the Hong Kong Lutheran Social Service Cheer Lutheran Centre in Tai Po. As a temporary measure, the Administration would actively consider allowing CCPSAs to engage Registered Nurses (General) to hold against the RN(Psy) posts.

6. Mr CHAN Hak-kan noted with concern that for a confirmed case of drug abuse, a multi-disciplinary case conference which purported to formulate a support programme for the identified student would be conducted in 10 working days after notification of the screening test result. He considered the lead time required for convening the case conference relatively long and enquired whether it could be expedited.

7. The Deputy Chairman sought details of the support services for identified students, in particular the provision of on-the-spot counselling by the SDT team and the conduct of a multi-disciplinary case conference for formulation of support programme.

8. US for S responded that once drug testing returned a positive result, the SDT team would provide on-the-spot counselling to the identified student. The SDT team would also make immediate arrangements with the designated CCPSA for assignment of a registered social worker as case manager to assess the identified student's needs, provide timely counselling, and coordinate suitable treatment and rehabilitation services including the conduct of a multi-disciplinary case conference to formulate an effective support programme for the identified student. Before the case conference, where appropriate, the student and his parent or guardian might be requested to give further consent to the participation of other parties, such as medical practitioners or professionals specialized in drug rehabilitation, in the case conference and the disclosure of information relating to the student's drug use, treatment and rehabilitation to such other parties. The case manager would discuss with the student and his parent or guardian details of the support programme for agreement before implementation.

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9. The Deputy Chairman asked whether a participating student who had been tested positive under the Scheme could resort to other drug treatment organizations than the Hong Kong Lutheran Social Service Cheer Lutheran Centre and make use of their drug treatment and rehabilitation services. He further asked whether the Administration would consider providing additional resources to other drug treatment organizations should there be a sharp increase in services demand of these organizations.

10. Commissioner for Narcotics (C for N) responded that if a student or his parent/guardian did not wish to participate in the support programme under the Scheme, he could approach any other drug treatment organizations for support service or medical practitioners for medical support. She however emphasized the comprehensive and multi-disciplinary nature of the support programme under the Scheme, including case conference and case management, to help the student drug abuser.

Reliability of screening test

11. Ms Audrey EU considered that the Administration should enrich the content of the video and leaflet to highlight the course of action to be taken by the SDT team if a student had a positive screening test result, with emphasis on the support services available to him. She also expressed concern about the reliability and accuracy of the screening test.

12. Sharing Ms Audrey EU's concern about the reliability of the screening test, Mr IP Wai-ming expressed particular concern about the possible harm of false-positive results to participating students. He held the view that the Administration should put in place adequate safeguards to minimize false-positive results, and make sure that the on-the-spot counselling services were effective in alleviating the pressure and worries of students who participated in the Scheme and were selected for the drug tests.

13. C for N responded that the Administration would give consideration to Ms Audrey EU's suggestion of enriching the content of the video and leaflet which had been uploaded onto the webpage of the Narcotics Division (ND). To let teachers, students and parents further understand the details of the Scheme, the Administration had, in the first few months of the 2009-2010 school year, organized some 50 briefing sessions for all 23 public sector secondary schools in Tai Po District which would implement drug testing in December 2009.

14. US for S and C for N further said that the Administration noted the general concern about the reliability of the screening test. They explained that the screening test kit was sensitive to the consumption of drugs or medicine in the past few days. In order to minimize false-positive results, a second screening test on the same urine specimen using a urine test kit of different

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model would be conducted if the first screening test returned a positive result. If the second test result was negative, the student would be treated as a negative case. If the results of the two screening tests were positive, the student would be treated as a screened positive case. The concerned specimen would then be sent to the Government Laboratory for confirmatory testing. The test conducted by the Government Laboratory was of a very high standard. It used sophisticated instruments to identify the presence of illicit drugs in order to ensure reliability and accuracy. However, if the identified student and/or his parent/guardian insisted on obtaining a second test by another competent laboratory to refute the positive screening test result, they might do so at their own expense and should inform the school principal within three working days from the screening test. Arrangements would be made to facilitate the parents in obtaining a second test. If the second test returned a negative result, then for the purposes of the Scheme, the case would be treated as false-positive irrespective of the positive result of the confirmatory test.

15. US for S and C for N stressed that the Scheme would be run on a voluntary basis and aimed to help students with their best interests in mind. The primary objective of this voluntary scheme was to help students resist the temptation of drugs, and it was only a part of the escalated campaign on anti-drug abuse. The Government would continue with its sustained efforts to tackle the youth drug abuse problem along five directions, namely community awareness and mobilization, community support, drug testing, treatment and rehabilitation, and law enforcement.

Confidentiality and personal data privacy

16. Ms Audrey EU and the Deputy Chairman expressed concern about the measures adopted by the Administration to ensure confidentiality of personal data obtained under the Scheme. Ms EU asked whether a participating student was required to admit that he had participated in the voluntary drug testing scheme, if such question was raised in future by any other parties such as a prospective employer. The Deputy Chairman enquired whether confidential information and personal data of students obtained under the Scheme would be reported to the Central Registry of Drug Abuse (CRDA) maintained by ND.

17. In response, C for N made the following points -

- (a) CRDA, which was a database on drug abuse statistics maintained by SB, aimed at monitoring changes in drug abuse trends and characteristics of drug abusers with a view to facilitating the planning of anti-drug strategies and drug abuse programmes in Hong Kong. It collated information regularly on drug abuse cases reported by law enforcement departments, treatment and welfare agencies, hospitals and clinics, and tertiary institutions. Information on individual drug abuse cases was provided to

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CRDA by these reporting agencies on a voluntary basis;

- (b) the Administration attached great importance to the privacy of students joining the scheme. Personal data, including drug testing records, obtained under the Scheme were protected under the Personal Data (Privacy) Ordinance (Cap. 486) and Part VIIA (sections 49A to 49I) of the Dangerous Drugs Ordinance (Cap. 134). Information on who had participated and who had refused to participate in the Scheme would be kept strictly confidential. Personal data collected under the Scheme in respect of participating students could only be released to the concerned parties who were mentioned in the Consent to Participation on a confidential basis and only for the purposes of the Scheme;
- (c) the consent given by the student and his parent/guardian was valid for the duration of the Scheme, until the end of December 2010. After the completion of the Scheme or upon receipt of a withdrawal notice by the participating student, all personal data and drug testing results would be erased as soon as they were no longer required for the purposes of the Scheme; and
- (d) it would be a matter for individual student to decide whether or not to disclose to any other parties of his participation in the Scheme.

18. Noting that the Government Laboratory was taking the lead in introducing hair drug testing services, with a view to transferring the technology to the industry, Dr LAM Tai-fai and Mr IP Wai-ming expressed concern whether the Administration had any plan to outsource the drug tests to private laboratories and if so, the measures adopted by the Administration to safeguard the privacy and confidentiality of students' personal data.

19. In response, Acting Assistant Government Chemist (Forensic Science Division) (Atg AGC(FS)) advised that there was a suggestion for using hair specimen for drug testing. As this technology was currently not available in Hong Kong, the Government Laboratory had been tasked to commence a study on this particular drug testing method. At the current stage, the Administration had no plan to engage private laboratories to undertake drug tests.

20. Dr LAM Tai-fai expressed concern about the capability of the Government Laboratory in undertaking drug testing work, if the Scheme was to be extended to all schools in the territory at a later stage.

21. US for S and Atg AGC(FS) explained that the Government Laboratory would only be involved when the results of the two screening tests were positive and confirmatory test was required. It was difficult to estimate the

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number of confirmatory tests to be performed, as this depended on a number of factors. The Scheme to be implemented in December 2009 would help generate useful data to facilitate policy review and planning. The Administration would consolidate the experience gained as a reference for wider implementation of drug testing in schools.

Labelling effect

22. Mr IP Kwok-him noted that the SDT team would provide on-the-spot counselling service for students tested positive. He expressed concern about the labelling effect and projected negative image on the student, if he could only return to class after the counselling, which might take some time to complete. Mr IP asked about the measures taken by the Administration to avoid possible stigmatization of students.

23. US for S explained that the Scheme was guided by the principle to help students in their best interest. For this reason, once a student had a positive-test result in screening test, the SDT team would, apart from making immediate arrangement for convening a multi-disciplinary case conference, provide on-the-spot counselling to the identified student. Whether the counselling could be concluded within a short period of time would depend on the student's reaction to the test result.

24. Ms Cyd HO recalled that at the initial stage, the Administration informed Members that drug testing was a tool for "early intervention" with an ultimate intention to identify youth drug abusers early so that they might be motivated and guided towards counselling or treatment as soon as possible to prevent the problem from deteriorating. Noting that the Scheme had deviated from this objective, with emphasis now placed on "prevention" to boost the determination of those students who had not taken any drugs to stay away from drugs, Ms HO expressed deep concern about its possible adverse consequence on participating students. She said that it was highly possible that bullying of students who were selected for screening test would occur. She asked about the measures to be adopted by the Administration to protect the information of the selected students to avoid bullying in schools.

25. In response, C for N and Principal Assistant Secretary for Education (School Development) (PAS(SD)) made the following points -

- (a) the purposes and implementation details of the Scheme were worked out jointly by the Security Bureau (SB) and the Education Bureau (EDB) in consultation with various stakeholders;
- (b) there was no question of SB dominating the developments of the Scheme as it was finalized after a series of meetings and focus

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group discussions with the key stakeholders of Tai Po District, including school sponsoring bodies, District Secondary School Heads Association, teachers, parents, students, non-governmental organizations and social workers working in the anti-drug field, to exchange views on the initial framework;

- (c) participation in the Scheme was entirely voluntary and no adverse consequences would follow from participating or refusing to participate;
- (d) the purposes of the Scheme were to enhance the resolve of students who had not taken drugs to continue to stay away from drugs, and to motivate students abusing drugs to quit drugs and seek help. Appropriate professional support would be provided to help them rehabilitate early; and
- (e) cooperation and support from all sides was of paramount importance to the successful launching of the Scheme. The Scheme was conducive to reinforcing a drug-free campus culture which would help students grow in a healthy learning environment.

26. Ms Cyd HO and the Deputy Chairman expressed deep concern about the proposed arrangement under the Scheme to require the selected students to undergo drug testing during school hour. They held the view that to avoid disruption to class activities, to protect students' privacy and to minimize possible stigmatization of students, the screening test should be conducted after or outside the normal school hours.

27. C for N and PAS(SD) responded that the Administration had carefully considered the merits and drawbacks of arranging drug testing after or outside school hours. In view of the need to protect the privacy of the selected students and to minimize the inconvenience caused to them, the Administration considered it a more preferable approach for conducting drug testing during school hours.

28. The Deputy Chairman remained unconvinced of the justifications provided by the Administration for conducting drug testing during class. He requested the Administration to provide a paper setting out the merits and drawbacks of the two options, including arranging drug testing after school hour.

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29. Mr IP Wai-ming expressed concern about the precautionary measures adopted by the Administration to ensure that students found to have taken drugs would not be stigmatized by the schools concerned under the drug testing scheme. He asked whether EDB would instruct the schools concerned to

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ensure that such students would not be expelled from schools.

30. PAS(SD) responded that the Scheme was an innovative initiative which was primarily designed to enhance the resolve of those students who had not taken any drugs to continue to stay away from drugs, and trigger the motivation of those students abusing drugs to quit drugs and seek help. Accordingly, as had been agreed among SB, EDB and 23 public sector secondary schools in Tai Po District, students found to have abused drugs under the Scheme would not be expelled from school. In fact, EDB had issued a circular to remind schools of the importance of upholding students' right to education.

Assessing the effectiveness of the Scheme

31. Dr LAM Tai-fai asked about the yardsticks to be applied by the Administration in assessing the effectiveness of the Scheme.

32. US for S advised that the Government would appoint a research organization, in parallel with the implementation of the Scheme, to undertake a comprehensive assessment of the design, execution procedures and effectiveness of the Scheme. The research organization would study local and overseas experiences in school drug testing and suggest appropriate refinements and revisions to the Scheme, as well as a possible approach for the gradual and general roll-out of the Scheme to all public sector schools in the territory. At the initial stage, the Government had no definite plan or timetable to extend the Scheme to more schools. The Government would study the report by the research organization and determine the way forward.

Other issues

33. Mr IP Kwok-him asked whether schools in other districts could implement drug testing on their own initiatives and, if so, whether the Administration would provide these schools with the necessary support, in particular guidelines on the testing procedures, to ensure their smooth implementation of the voluntary drug testing scheme.

34. PAS(SD) replied that the Administration would, for the time being, focus its efforts on the implementation of the trial scheme in Tai Po District. Secondary schools in other districts might on their own initiatives put in place various drug testing schemes, but they would have to shoulder the expenses themselves. Where necessary, the Administration would provide advice on specific areas concerning the testing procedures, the requirements for the protection of confidential information and personal data, and the support services to be provided to students.

35. Dr LAM Tai-fai considered that the Administration should combat the youth drug abuse problem at source through rigorous enforcement. He sought

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information about the number of students arrested for drug offences in the past two years.

36. C for N and Chief Superintendent of Police (Narcotics Bureau) advised that the youth drug abuse problem was deteriorating in 2009, as evidenced by the following figures -

- (a) according to CRDA, the number of reported young abusers under 21 taking drugs in schools in the first half of 2009 had exceeded that for the whole year of 2008;
- (b) school as a locality of drug abuse by those aged below 21 saw a sharp increase of 135%; and
- (c) in the first nine months of 2009, 20 drug-related cases which occurred in schools involving 33 students had been received, representing a marked increase as compared with 12 reports received during the same period of 2008 which involved 19 students.

Way forward in respect of monitoring the implementation of drug testing in schools

37. The Chairman said that some members had suggested considering at this meeting the way forward in respect of monitoring the implementation of drug testing in schools.

38. Ms Cyd HO suggested that a joint subcommittee be formed under the Panel on Security and the Panel on Education to monitor the Administration's implementation of drug testing in schools.

39. Mr CHAN Hak-kan considered that special meetings of the Panel on Security or the Panel on Education should be held to discuss the subject concerned. If necessary, all other Members could be invited to join the discussion.

40. The Chairman pointed out that while anti-drug policies and efforts adopted by the Administration fell within the purview of the Panel on Security, drug problems and drug testing in schools fell within the policy areas of the Panel on Education. He considered it more appropriate for the two Panels to hold their own meetings and discuss the specific issues relevant to the purview of the respective Panels, since this would enable more focused discussion of the issues. Members agreed.

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41. There being no other business, the meeting ended at 10:10 am.

Council Business Division 2
Legislative Council Secretariat
10 February 2010